

ETHICS AND LOBBYING POLICY

FILE: KCE

TITLE: Purpose

POLICY:

The purpose of this Ethics and Lobbying Policy is to create a culture that fosters public trust and confidence in government in general and more specifically in the elected officials, the employees and those that contract and provide goods and services to Orange County Public Schools.

The School Board is committed to conducting business in an ethical, open and transparent manner so that the citizens of Orange County can have the utmost confidence in an institution that educates and impacts the lives of each and every Orange County resident.

To that end, this Ethics and Lobbying Policy is being enacted to provide further guidance on the ethical standards expected of all OCPS Employees that are responsible for procuring, contracting and managing business and contractual relationships with outside parties on behalf of OCPS.

SPECIFIC AUTHORITY: Sections 1001.41; and 1001.42, Florida Statutes

ETHICS AND LOBBYING POLICY

FILE: KCE

TITLE: Definitions

POLICY:

(1) **“Board Member”** shall be defined as any one of eight (8) elected members of the School Board.

(2) **“Business Associate”** shall be defined as any person or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venture, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property.

In addition, the term includes any person or entity engaged in or carrying on a business enterprise, or otherwise engaging in common investment, with a public officer, public employee, or candidate as a partner, member, shareholder, owner, co-owner, joint venture partner, or other investor, whether directly or indirectly, whether through a Business Entity or through interlocking Parent Entities, Subsidiary Entities, or other business or investment scheme, structure, or venture of any nature.

(3) **“Business Entity”** shall be defined as any corporation, limited liability company, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not.

(4) **“Compensation”** shall be defined as consideration of any kind, that is either received or expected, including but not limited to, fees, retainer, payments, salary, commission, wages, forbearance, forgiveness or any combination thereof or any other consideration of any kind, either monetary or nonmonetary. Compensation does not include direct reimbursement of actual out-of-pocket expenses.

(5) **“Conflicts”** shall be defined as “situations in which regard for a private interest tend to lead to disregard of a public duty or interest.”

(6) **“Ethics Compliance Officer”** shall be designated by the School Board as the individual responsible for enforcing and interpreting the provisions of this Policy including but not limited to the authority of collecting Lobbying registrations and reports, issuing legal opinions and interpretations of the provisions of this policy, providing annual reporting to the School Board on the effectiveness of this policy and issuing letters of non-compliance.

(7) **“Expenditure”** shall be defined as a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a Lobbyist or Principal for the purpose of Lobbying. The term “expenditure” does not include contributions or expenditures reported pursuant to Chapter 106, Florida Statutes, or contributions or expenditures reported pursuant to federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party or an affiliated party committee, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).

(8) **“Familial Relationship”** shall be defined as a relationship between any two parties in which either party is the father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild or step great grandchild of the other or a person who is engaged to be married to the other or who otherwise holds himself or herself out as or is generally known as the person whom the other party intends to marry or with whom the other party intends to form a household, or any other natural person having the same legal residence as the other party.

(9) **“Gifts”** shall be defined as anything of value exceeding Five and No/100 Dollars (\$5.00), but does not include informational materials such as books, reports, pamphlets, calendars, periodicals or other unsolicited promotional materials. “Gratuitous Meals”, as defined herein, are specifically excluded from the definition of “Gifts.”

(10) **“Gratuitous Meals”** shall be defined as any food or beverage with a value in excess of Five and No/100 Dollars (\$5.00) which is provided at no cost or at a reduced cost to any Board Member, Procurement Official or Staff Member with Contracting Authority by a Vendor or Lobbyist.

(11) “**Indirect Interest**” shall be defined as an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.

(12) “**IFB**” shall be defined as an Invitation for Bid.

(13) “**ITN**” shall be defined as an Invitation to Negotiate.

(14) “**Lobbyist**” shall be defined as any person, partnership, corporation, Business Associate, Principal, Vendor or other Business Entity who shall engage in Lobbying, as defined herein, for compensation for: (1) an entity other than his or her employer; or (2) any entity including his or her employer.

The following individuals shall be excluded from the definition of a Lobbyist:

- (a) Any government official, elected official, government employee or any other person affiliated with a governmental agency while acting on his or her official capacity on behalf of that governmental agency;
- (b) An attorney representing a client in a judicial or formal administrative proceeding conducted pursuant to Chapter 120, Florida Statutes (or any other formal hearing) before the School Board;
- (c) Any person representing “registered school-based, public interest groups” (e.g., PTA, school advisory council, band booster associations, etc.);
- (d) Any person in his or her individual capacity for the purpose of self-representation but not for the representation of a commercial or business interest: or,
- (e) Any person acting as a duly authorized or legal representative of an OCPS student.

(15) “**Lobbying**” shall be defined as communicating or the act of communicating directly or indirectly with either the Superintendent, any Board Member, any Procurement Official or any Staff Member with Contracting Authority, for the purpose of or seeking to encourage the approval, disapproval, adoption, repeal, rescission, passage, defeat or modification of any policy, resolution, agreement, procedure, bid, procurement contract, recommendation, decision or other foreseeable action of the School Board. Lobbying shall include, without limitation, all such communications, regardless of whether initiated by the Lobbyist or by the person being lobbied and regardless of whether oral, written or electronic (including, without limitation, any telephone or e-mail communication).

(16) “**Material Interest**” shall be defined as direct or indirect ownership of more than five (5) percent of the total assets or capital stock of any Business Entity. For the purposes of this act, indirect ownership does not include ownership by a spouse or minor child.

(17) “**NIGP**” shall be defined as the abbreviation for the National Institute for Government Procurement.

(18) “**No-Contact Period**” shall be defined as the period of time from when an RFP, an RFB, an IFB, an RFQ or an ITN is issued or promulgated and until such time as the successful Vendor is awarded a contract by OCPS.

(19) “**OCPS**” shall be defined as Orange County Public Schools.

(20) “**OCPS Employee**” shall be defined as any employee of OCPS.

(21) “**Partners for Success Meetings**” shall be defined as any meeting organized by an OCPS Procurement Official to solicit from any potential Vendor information about certain products or services of new Vendors desiring to work with OCPS

(22) “**Principal**” shall be defined as the person, partnership, joint venture, trust, association, corporation, or other entity which has contracted for, employed, retained or otherwise engaged the services of a Lobbyist. “Principal” as defined herein shall not include a governmental entity. Nor shall the term “Principal” be construed to mean a “school principal” who is an administrative employee of OCPS.

(23) “**Principles of Professional Conduct**” shall be defined as the Principles of Professional Conduct for the Education Profession in Florida as set forth in Rule 6B-1.006, Florida Administrative Code.

(24) “**Procurement Official**” shall be defined as any OCPS Employee with procurement authority that is employed in the Contract Administration and Procurement Services Department, the OCPS Chief Operations Officer and any other OCPS Employee designated as a “Procurement Official” by the Superintendent or the OCPS Chief Operations Officer.

(25) “**RBELC**” shall be defined as The Ronald Blocker Educational Leadership Center located on Floors 2 through 9, 445 West Amelia Street, Orlando, Florida 32801.

(26) “**RFB**” shall be defined as a Request for Bid.

(27) “**RFP**” shall be defined as a Request for Proposal.

(28) “**RFQ**” shall be defined as a Request for Qualification.

(29) “**Staff Members with Contracting Authority**” shall be defined as all OCPS Employees with approval authority to select Vendors, including those that are responsible for the administration and oversight of a Vendor's performance. This includes participation in selection, oversight, evaluation and approval of deliverables. The Ethics Compliance Officer shall assist in determining which OCPS employees are deemed “Staff Members with Contracting Authority.” This definition does not include Board Members.

(30) **“School Board”** shall be defined as The School Board of Orange County, Florida, a political subdivision of the State of Florida.

(31) **“Specifications Meetings”** shall be defined as any meeting noticed by the OCPS Procurement Office and open to all potential Vendors for the purpose of soliciting specifications of a designated product or service.

(32) **“Superintendent”** shall be defined as the superintendent for OCPS.

(33) **“Vendor”** shall include any companies, consultants, contractors or other provider of services or products that are registered as a vendor with OCPS. “Vendor” shall not include any government official, elected official, government employee or any other person affiliated with a governmental agency while acting in his or her official capacity on behalf of that governmental agency. The term “Vendor” shall not include registered charitable, not-for-profit or voluntary organizations that provide free or gratuitous services or products to OCPS.

(34) **“Visitor”** shall mean any individual that meets with or otherwise conducts business, other than Lobbying, at the RBELC with any OCPS Employee, the Superintendent or Board Member. The term “Visitor” shall not include current OCPS Employees, individuals attending meetings open to the public pursuant to Florida’s Government-in-the-Sunshine provisions or any other member of the Visitor conducting public business on the first floor of the RBELC.

SPECIFIC AUTHORITY: Sections 112.312; 1001.41; and 1001.42, Florida Statutes

ETHICS AND LOBBYING POLICY

FILE: KCE

TITLE: Gratuitous Meals, Gifts and Certain Travel Restrictions

POLICY:

(1) **Gratuitous Meals**

A Board Member, Procurement Official, the Ethics Compliance Officer or any Staff Member with Contracting Authority may only accept “Gratuitous Meals” from a Lobbyist or Vendor, under the following stated exceptions:

- (a) “Gratuitous Meals” which are provided in conjunction with attendance at a conference or seminar for which attendance at the meal is available to any interested party or attendees of the conference;
- (b) “Gratuitous Meals” which are provided as part of any event, which is hosted, authorized, endorsed or otherwise sponsored, by OCPS. This may include an event in which a portion or all of the costs of the event is paid for or sponsored by Vendors. Examples of such events include, without limitation, annual dinners or

recognition events to honor outstanding support personnel, teachers or volunteers.

- (c) “Gratuitous Meals” which are provided by a Vendor or Lobbyist where a Board Member or other duly authorized OCPS Employee is the featured speaker or a featured guest invited in his/her official capacity, and the meeting is either open to the public or other community leaders, or elected officials have been invited and are expected to attend in their respective official capacities regardless of whether an admission fee is charged to attend said function.
- (d) “Gratuitous Meals” which are provided by any current or prospective Vendor in conjunction with a training, seminar or meeting and in which the cost per meal is limited to Twenty-Five and No/100 Dollars (\$25.00) per person and such meal is provided to a minimum of ten (10) OCPS Employees in attendance. However, Vendors may not provide or sponsor any meal to any OCPS Employees pursuant to this paragraph if the current or prospective Vendor is bidding on work with OCPS and the meal is being offered during the No-Contact Period.
- (e) “Gratuitous Meals” which are provided in conjunction with attendance at charitable, community, chamber or non-profit organization events and in which the value of the meal served, including all food, beverages, gratuities and taxes, does not exceed Fifty and No/100 Dollars (\$50.00), exclusive of any portion of the cost of an event ticket which is designated as a charitable contribution;

With the exception of paragraphs (a), (b) and (c), above, Procurement Officials shall abide by the NIGP Ethics Code of Conduct to the extent that the NIGP Ethics Code imposes greater restrictions on the acceptance of meals.

(2) Prohibition on Gifts of Influence from Business Associates, Business Entities, Lobbyist, Principals or Vendors

OCPS Employees shall not accept gifts, gratuities or loans from any Business Associate, Business Entity, Lobbyist, Principal or Vendor, either directly or indirectly, regardless of value, which is offered based upon any understanding, or under circumstances that would reasonably indicate that the vote, official action or judgment of the OCPS Employee would be influenced thereby. Employees should also guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

(3) Prohibition on Gifts During the No-Contact Period

No Business Associate, Business Entity, Lobbyist, Principal or Vendor shall provide a Gift to an OCPS Employee or Board Member during the No Contact Period, except as provided below in Section (4) (a), (b), (d) and (h), respectively.

(4) Prohibition on Gifts to Procurement Officials, the Ethics Compliance Officer or Staff Members with Contracting Authority

In addition to the prohibited gifts identified in this section, a Procurement Official, the Ethics Compliance Officer or Staff Member with Contracting Authority shall not accept a Gift from a Lobbyist, Principal or Vendor unless the Gift is:

- (a) A Gift received from a person with a Familial Relationship with the Procurement Official, the Ethics Compliance Officer or the Staff Member with Contracting Authority, as the case may be.
- (b) A loan from a bank or other financial institution solicited or accepted on customary terms;
- (c) A campaign contribution otherwise disclosed on appropriate state forms;
- (d) A donation made or offered to OCPS and accepted by the Procurement Official or Staff Member with Contracting Authority on behalf of OCPS and not for the personal or private use of the Procurement Official or Staff Member with Contracting Authority;
- (e) An admission or ticket to an event, exclusive of a meal or dinner as identified under the Gratuitous Meals section of this Policy, at which the Procurement Official or Staff Member with Contracting Authority is invited to attend in their official capacity as a representative of OCPS. Any such admissions or tickets with a value exceeding Five and No/100 Dollars (\$5.00) shall be disclosed to the Ethics Compliance Officer within seven (7) calendar days of the date of the event including the date of the event, the price of the ticket and the purpose or role of the attendee at the event. If in the determination of the Ethics Compliance Officer, the Procurement Official or Staff Member with Contracting Authority did not attend in their official capacity as a representative of OCPS, the Ethics Compliance Officer may request that the attendee reimburse part or all of the cost of the admission or ticket to the Lobbyist, Principal or Vendor who provided the gift. The Ethics Compliance Officer may create such forms as may be necessary to provide standard disclosure information as required pursuant to this provision.
- (f) An admission or ticket to an event, exclusive of a meal or dinner as identified under the Gratuitous Meals section of this Policy, at which the Ethics Compliance Officer is invited to attend in their official capacity as a representative of OCPS. Any such admissions or tickets with a value exceeding Five and No/100 Dollars (\$5.00) shall be disclosed to the OCPS General Counsel within seven (7) calendar days of the date of the event including, the date of the event, the price of the ticket and the purpose or role of the attendee at the event. If in the determination of the OCPS General Counsel, the Ethics Compliance Officer did not attend in their official capacity as a representative of OCPS, the

OCPS General Counsel may request that the Ethics Compliance Officer reimburse part or all of the cost of the admission or ticket to the Lobbyist, Principal or Vendor who provided the gift.

- (g) An unsolicited Gift to the Procurement Official, Ethics Compliance Officer or Staff Member with Contracting Authority, provided such offer and acceptance do not violate the provisions of applicable law or otherwise violate this Policy; and provided that, for any accepted gift with a value of Twenty-Five and No/100 Dollars (\$25.00) or more, a written report describing the gratuity and stating its value and the identity of the donor shall be forwarded by the Procurement Official or Staff Member with Contracting Authority to the OCPS Ethics Compliance Officer for review within sixty (60) calendar days of receipt of the gratuity. If the Ethics Compliance Officer is the recipient of a gift with a value with a value of Twenty-Five and No/100 Dollars (\$25.00) or more, the written report describing the gratuity and stating its value and the identity of the donor shall be forwarded to the OCPS General Counsel within sixty (60) calendar days.
- (h) A perishable Gift tendered to a Procurement Official, Ethics Compliance Officer or Staff Member with Contracting Authority on a gift-giving occasion (e.g. religious holidays, birthdays, weddings, etc.) may be accepted without further disclosure if the perishable gift is distributed by the Procurement Official, Ethics Compliance Officer or Staff Member with Contracting Authority to individuals with non-contracting authority and the individual with contracting authority does not take ownership or exclusive control of the gift.

Procurement Officials shall abide by the NIGP Ethics Code of Conduct to the extent that the NIGP Ethics Code imposes greater restrictions on the acceptance of Gifts.

(5) Gifts to Board Members

Board Members shall comply with all applicable provisions of Florida law regarding the solicitation, acceptance and disclosure of any gifts.

(6) Prohibited Payment of Travel Costs to Conferences, Trainings or Meetings Sponsored by a Vendor

No OCPS Employee shall be provided free reimbursement to travel and/or attend conferences, training sessions or meetings located outside of Orange County unless such costs for travel are provided for in the Vendor's contract with OCPS or it is deemed to be a part of the OCPS Employee's duties and responsibilities in managing the deliverables under the contract. The determination as to whether the travel is consistent with the duties of the employee shall be made on a case-by-case basis by either the OCPS Chief Operations Officer or the Ethics Compliance Officer.

(7) Prohibited Discounts to OCPS Employees

No OCPS Employee shall use bid prices or school prices or receive any other preferential treatment in the making of personal purchases. Neither shall any OCPS Employee make purchases for personal use through the school or the school district. Nothing contained herein shall be deemed to prohibit an OCPS Employee from participating in any activity or purchasing program that is publicly offered to all OCPS Employees or a class of OCPS Employees. OCPS Employees may also participate in district surplus sales provided that there is no preferential treatment.

SPECIFIC AUTHORITY: Sections 112.3148; 1001.41; 1001.42; and 1006.32, Florida Statutes.

ETHICS AND LOBBYING POLICY

FILE: KCE

TITLE: Lobbying Activities

POLICY:

(1) Registration of Lobbyists

- (a) All Lobbyists shall register annually with the Ethics Compliance Officer at the times and on the forms prescribed from time to time by the School Board.
- (b) All Lobbyists shall, at the time of initial registration and each annual registration, pay a registration fee of Twenty-Five and No/100 Dollars (\$25.00). However, no Lobbyist shall be required in any year to pay more than Twenty-Five and No/100 Dollars (\$25.00) to register, regardless of the number of Principals represented.
- (c) The forms prescribed by the School Board for the annual registration, shall, at a minimum require the following information:
 - 1. The Lobbyist's name, business address, phone number and e-mail address;
 - 2. The name and business address of each Business Associate, Business Entity, Principal or Vendor represented;
 - 3. The specific areas of the Business Associate, Business Entity, Principal or Vendor's governmental interest;
 - 4. Where the Business Entity, Principal or Vendor is a corporation, limited liability corporation, or association, the name of the chief executive officer of the corporation or association;

5. Where the Business Entity, Principal or Vendor is a general partnership or joint venture, the names of all partners with a Material Interest;

6. Where the Business Entity, Principal or Vendor is a limited partnership the name of the general partner or partners with a Material Interest;

7. Where the Business Entity, Principal or Vendor is a trust, the names of all trustees and beneficiaries;

8. Where the Business Entity, Principal or Vendor is a partnership, joint venture, corporation, association, trust or non-government entity other than a natural person, the names of all natural persons holding, directly or indirectly, a Material Interest in the entity;

9. A signed statement from a duly authorized representative of the Business Associate, Business Entity, Principal or Vendor being represented that the Lobbyist is authorized to represent them; and,

10. Disclosure of any business or professional relationships that the Lobbyist or any employee of the Lobbyist may have with any OCPs Employee, the Superintendent, any Board Member or with any of the School Board's program managers or consultants.

11. Disclosure of any Familial Relationship that the Lobbyist or any employee of the Lobbyist may have with any OCPs Employee, the Superintendent, any Board Member or with any of the School Board's program managers or consultants.

- (d) All Lobbyists shall register prior to July 1 of each year and registration forms shall be filed with Ethics Compliance Officer.
- (e) If a Lobbyist commences representation subsequent to July 1 of any year of any Principal for which the Lobbyist has not registered pursuant to this Policy, such Lobbyist shall register with respect to that Business Associate, Business Entity, Principal or Vendor prior to Lobbying. Lobbying prior to registration is prohibited and may result in penalties to the Lobbyist and/or the Business Associate, Business Entity, Principal or Vendor being represented.
- (f) Each Lobbyist who ceases Lobbying for a particular Business Associate, Business Entity, Principal or Vendor shall file a written notice at the time of withdrawal with the Ethics Compliance Officer.

(2) Visitor and Lobbying Registration

The Ethics Compliance Officer shall develop and maintain a Visitor and Lobbying registration process for recording Lobbying contacts within the RBELC. At a minimum, the registration process shall require that:

- (a) All Visitors and Lobbyists to the RBELC shall register their attendance in the RBELC's reception area prior to meeting with any OCPS officials.
- (b) The Visitor or Lobbyist provides his or her name; the name of each Business Associate, Business Entity, Principal or Vendor represented in the course of the particular contact; and the topic of the contact.
- (c) The Visitor logs shall be transmitted to the Ethics Compliance Officer on a periodic basis and retained for a minimum of four years for storage and public inspection subject to any public records exceptions in accordance with applicable law.
- (d) In the event that a Lobbyist, Business Associate, Business Entity, Principal or Vendor engages in Lobbying which is initiated outside of the RBELC, the Lobbyist, Business Associate, Business Entity, Principal or Vendor shall provide the information required above to the Ethics Compliance Officer within ten (10) calendar days of such Lobbying contact.

(3) Additional Lobbying Contact Registration

- (a) In addition to the requirements imposed of Lobbyists, each Board Member, Procurement Official, Staff Member with Contracting Authority and the Superintendent shall transmit, on a periodic basis, certain information regarding any meetings or contact with Lobbyists to the Ethics Compliance Officer. At a minimum, the information submitted shall contain:
 - i. the date and approximate time of the meeting;
 - ii. the location of the meeting;
 - iii. the name of the Lobbyist;
 - iv. the name of each Business Associate, Business Entity, Principal or Vendor represented in the course of the particular contact, and;
 - v. the topic of the contact or meeting.
- (b) This provision does not create an express or implied exemption to any other provisions of Florida law that may be applicable including, but not limited to, statutes pertaining to government-in-the-sunshine provisions, public records retention and any disclosure of voting conflicts.

(4) Registered Lobbyist Annual Expenditure Reports

- (a) On or before April 1 of each year, all registered Lobbyists shall submit, to the Ethics Compliance Officer, a Lobbyist Annual Expenditure Report for each Principal represented during the previous year, signed under oath, listing all expenditures incurred by the Lobbyist for that specific Principal during the preceding calendar year for the purpose of Lobbying. Such Annual Report shall be prepared and shall disclose such information as is prescribed in Section 112.3215, Florida Statutes, for executive branch Lobbyists, except that the Lobbyist Annual Expenditure Report shall be submitted only annually. Even if there are no expenditures, the Lobbyist Annual Expenditure Report shall be submitted at least annually.
- (b) All registered Lobbyists may also be requested to submit an interim expenditure report as requested by the Ethics Compliance Officer prior to the annual report. If requested, the registered Lobbyist shall have fourteen (14) calendar days, from the date of receipt of the request, to comply.

(5) Prohibition of Lobbying During the No Contact Period

During the No Contact Period, no Lobbyist, Principal, Business Associate, Business Entity, Vendor or other person may lobby a Board Member, the Superintendent, any Procurement Official or any Staff Member with Contracting Authority, except:

- (a) any designated Procurement Official or Officials who may be identified in the procurement documents for purposes of receiving questions or clarifications or for receiving bid protests; and
- (b) a Board Member, the Superintendent, any Procurement Official or any Staff Member with Contracting Authority who is lobbied on issues or matters unrelated to the procurement of goods and services which are subject to the No Contact Period.

(6) Prohibition on Campaign Contributions During Procurement Matters

During the No Contact Period, no Lobbyist, Principal, Business Associate, Business Entity, Vendor or other person may provide a contribution, as defined in Section 106.011, Florida Statutes, to either any Board Member or any candidate for the School Board.

(7) Prohibition on Lobbying By Former OCPS Employees

Absent the exceptions cited below, no OCPS Employee may lobby on behalf of a Principal, Business Associate, Business Entity, Vendor or any other person for compensation before the School Board for a period of two (2) years following the

termination of employment with OCPS, except for:

- (a) Purposes of collective bargaining or other organized labor representations of employees; and,
- (b) OCPS Employees granted a waiver by the School Board upon a submittal of a hardship application to the Ethics Compliance Officer.

(8) Specific Exemptions

The following meetings shall be exempt from the definition of “Lobbyist meeting(s)” hereunder and shall not be subject to the requirements of such Lobbyist meeting(s):

- (a) Partners for Success Meetings; and
- (b) Specifications Meetings.

SPECIFIC AUTHORITY: Sections 112.3215; 1001.41; and 1001.42, Florida Statutes

ETHICS AND LOBBYING POLICY

FILE: KCE

TITLE: Conflicts of Interest

POLICY:

- (1) Disclosure of Potential Conflicts in Procurement Matters by Vendors or Business Entities

In an effort to provide transparency, any Business Entity or Vendor that participates in the procurement process for the sale of services or products to OCPS, shall disclose, on a form prepared by OCPS, any potential conflicts.

The form shall, at a minimum, require that the Principal for the Vendor or Business Entity, disclose the existence of any professional, business or familial relationships between any OCPS Employee or Board Member and those employees of the Vendor or Business Entity

that are:

- (a) Principals of the Vendor or Business Entity;

- (b) Shareholders, partners, Business Associates, joint venture partners or otherwise hold a Material Interest in the Vendor or Business Entity;
- (c) Preparing, submitting or presenting the Vendor or Business Entity procurement documents; or,
- (d) Working or expecting to work in any administrative capacity or will have contract management responsibilities for the Vendor or Business Entity.

The form shall be completed and submitted along with any other procurement documents. Failure to disclose a known relationship may result in the bid being rejected as non-responsive.

In the event the relationship is discovered by the Principal after the bid documents are submitted, the relationship shall still be disclosed and submitted to the Ethics Compliance Officer for further determination.

(2) Disclosure of Potential Conflicts in Procurement Matters by OCPS Staff

In an effort to avoid the appearance of impropriety, any Procurement Official, Staff Member with Contracting Authority or the Superintendent that has a professional relationship, business relationship, or Familial Relationship with any Vendor or Business Entity participating in the procurement process shall disclose that relationship in writing to the Ethics Compliance Officer. An OCPS Employee that fails to disclose a known relationship or conflict may be subject to disciplinary action including, but not limited to, dismissal from employment.

(3) Disclosure of Potential Conflicts by Board Members

Chapter 112, Florida Statutes shall govern the disclosure of Conflicts with respect to any Board Member.

(4) Non-Employment by Vendors of Current OCPS Employees

No current OCPS Employee shall have or hold any employment or contractual relationship with any Vendor or Business Entity which is doing business with OCPS, absent express written consent from the Superintendent or the Ethics Compliance Officer. Nor shall any OCPS Employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring Conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

Failure to disclose such employment or contractual relationship may subject the OCPS Employee to disciplinary action including, but not limited to, dismissal from employment and may result in penalties to the Vendor as provided for herein.

(5) Non-Employment by Vendors of Certain Former OCPS Employees

(a) For a period of one (1) year following the date an individual leaves employment with OCPS, an OCPS Employee who substantially contributed to any procurement of services or goods, including the bid or proposal package, the associated contract, and the evaluation of any such bid or proposal may not engage in employment activities for the selected contractor when the employment activity is directly related to the resulting contract or contractual services.

(b) Upon consultation with the Ethics Compliance Officer, the Superintendent may grant a waiver of this restriction as to any affected OCPS Employee for good cause shown provided that the employee's termination of employment is not involuntary (except that a waiver shall be granted in cases of involuntary unemployment through no fault of the employee) and in those cases where granting the waiver is in the public interest.

(c) If a waiver is not granted by the Superintendent, the OCPS Employee or the Vendor may petition the School Board for a waiver of the conditions of this provision.

(6) Product Testimonials

(a) Absent the explicitly, contracted authority to solicit or use testimonials, no Vendor shall use the testimonial of an OCPS Employee without the written consent of the Ethics Compliance Officer. This includes testimonials in any forum including written, oral or electronic including, but not limited to, websites or e-mails.

(b) Any OCPS Employee who provides a testimonial to a Vendor without the written consent of the Ethics Compliance Officer is subject to disciplinary action including, but not limited to, dismissal from employment.

(7) Intellectual Property, Goods and Services Sold Back to OCPS

No OCPS Employee shall sell to OCPS any intellectual property, goods or services he or she developed at any time while the OCPS Employee is employed by OCPS, except as may be approved on a case by case basis by the Superintendent or his or her designee, in such party's sole discretion. This prohibition includes any such sale to OCPS by an OCPS Employee, whether directly or indirectly, through any third party or Vendor, for the development or sale of textbooks, technology, computer software or applications, management materials, consulting services, intellectual property or other similar goods or services developed by the OCPS Employee while at any time in the course of his or her employment duties with OCPS.

SPECIFIC AUTHORITY: Sections 1001.41; and 1001.42, Florida Statutes

ETHICS AND LOBBYING POLICY

FILE: KCE

TITLE: Duties of the Ethics Compliance Officer

Ethics Compliance Officer shall be responsible for:

- (a) Preparing, disseminating and collecting Lobbyist registration forms;
- (b) Collecting and maintaining information regarding Lobbying contacts, including any Visitor's logs;
- (c) Preparing, collecting and maintaining Lobbyist expenditures forms;
- (d) Issuing legal opinions and interpretations of this Policy;
- (e) Providing annual reporting to the School Board on the effectiveness of this Policy;
- (f) Coordinating with OCPS staff to review compliance by OCPS Vendors, consultants and contractors with the provisions of this Policy;
- (g) Issuing letters of non-compliance;
- (h) Conducting investigations and issuing recommended sanctions for violations;
- (i) Providing determination letters on applications for dual employment with Vendors;
- (j) Providing informational materials and training for OCPS Employees, Board Members, Lobbyist and Vendors on compliance with the provisions this Policy;
- (k) Providing consent for the use of testimonials solicited by Vendors, when appropriate and in the best interest of OCPS;
- (l) Providing assistance in the resolution of conflicts;
- (m) Issuing reports of meetings conducted between OCPS Employees and outside parties identified in this Policy; and,
- (n) Carrying out such other duties and responsibilities as may be necessary for the enforcement of this Policy, including the

implementation and development of any necessary forms.

SPECIFIC AUTHORITY: Sections 1001.41; and 1001.42, Florida Statutes

ETHICS AND LOBBYING POLICY

FILE: KCE

TITLE: Investigations and Penalties

(1) Reporting Violations to the Ethics Compliance Officer

The Ethics Compliance Officer shall be informed of any violations of this Policy and shall be tasked with conducting such investigation as he or she shall deem necessary under the circumstances. Any Business Associate, Business Entity, Principal, Vendor or Lobbyist shall fully cooperate with the investigation and provide any documentation requested in a timely manner and failure to cooperate may also be deemed a violation of this Policy. The results of each investigation shall be summarized and reported to Board Members and the Superintendent along with any recommended actions.

(2) Penalties for Violations by Business Associates, Business Entities, Principals or Vendors

- (a) Upon the completion of the investigation, if the Ethics Compliance Officer finds probable cause, he or she may recommend to the School Board that it warn, reprimand, censure, sanction or otherwise suspend a Business Associate, Business Entity, Principal or Vendor from being considered for any new contracts.
- (b) The length of any suspension shall not exceed a period of three (3) years.
- (c) The recommended penalty or sanctions shall be in writing and delivered via certified mail to the last known or registered address of the Business Associate, Business Entity, Principal or Vendor.
- (d) The penalty may be imposed immediately, even while the matter is under appeal.

(3) Penalties for Violations of the Lobbying Provisions

- (a) Any person engaged in Lobbying that fails to report, register or is otherwise not in compliance with this Policy, regardless of whether the individual is registered as a Lobbyist or not, may be subject to the penalties provided herein.
- (b) If upon the completion of an investigation, the Ethics Compliance

Officer finds probable cause, he or she may recommend to the School Board that it warn, reprimand, censure, sanction or otherwise penalize a person or Lobbyist in violation of this Policy.

- (c) The penalty issued may include the suspension or prohibition of the violator from appearing on behalf of any Principal before the School Board or any school advisory body or from otherwise Lobbying for any Principal in any fashion for a period of time.
- (d) The length of any suspension shall not exceed a period of three (3) years.
- (e) The recommended penalty or sanctions shall be in writing and delivered via certified mail to the last known or registered address of the violator.
- (f) The penalty may be imposed immediately, even while the matter is under appeal.
- (g) The penalties provided in this subsection shall be the exclusive penalties imposed for violations of the registration and reporting requirements of this Policy.

(4) Appeal of the Recommended Penalty

- (a) Within fourteen (14) calendar days of receiving the written notification of a recommended penalty, the aggrieved Business Associate, Business Entity, Principal, Vendor or Lobbyist may provide a written response including any additional documentation or information that may be relevant and may appeal the recommendation by the Ethics Compliance Officer.
- (b) Failure to file a written appeal within the required fourteen (14) day period shall constitute a waiver of the aggrieved party's right to appeal the recommendation and said recommendation shall become effective immediately without further Board action.
- (c) The appeal and any additional information shall be submitted to the Ethics Compliance Officer and reviewed by a three person appellate review committee which shall include the Superintendent, or his or her designee, the General Counsel for OCPS, or his or her designee and the Ethics Compliance Officer.
- (d) Within thirty (30) calendar days of receipt of the response, the Business Associate, Business Entity, Principal, Vendor or Lobbyist shall be provided with a final, written recommendation issued by the appellate review committee.

(5) Appeal of the Final Recommendation to the School Board

- (a) Within fourteen (14) calendar days of receiving the final, written recommendation from the appellate review committee, the aggrieved party may request a final hearing before the School

Board.

- (b) Failure to file a written appeal within the required fourteen (14) day period shall constitute a waiver of the aggrieved party's right to further appeal the recommendation and said recommendation shall become effective immediately without further School Board action.
- (c) The timely appeal of a recommended penalty or sanction to the School Board shall result in a scheduled hearing within sixty (60) days at either a regularly scheduled meeting of the School Board or at a properly noticed, special meeting held for purposes of issuing a final order. If mutually agreeable, and confirmation is provided in writing, the aggrieved party and the Superintendent may schedule a hearing date before the School Board beyond the sixty (60) day period.
- (d) The aggrieved party is not entitled to a de novo review of the matter, however, the aggrieved party may submit additional documents, statements or evidence as may be necessary and relevant to the School Board for consideration before the hearing. An electronic copy of the submissions along with twelve (12) "hard" copies must be received no less than five (5) working days in advance of the hearing date.
- (e) Upon concluding the hearing before the School Board, a final recommended order will be issued within thirty (30) days to the aggrieved party.

(6) Violations by OCPS Employees

Any OCPS Employee in violation of the provisions of this Policy is subject to disciplinary action including, but not limited to, dismissal from employment.

(7) Voiding or Terminating a Contract for Lobbying During the No-Contact Period

The School Board may void or terminate a contract entered into in connection with a procurement matter where any Board Member, the Superintendent, any Procurement Official or any Staff Member with Contracting Authority has been lobbied during the No-Contact Period.

(8) Voiding or Terminating a Contract for Campaign Contributions during the No-Contact Period

The School Board may void or terminate a contract entered into in connection with a procurement matter where any OCPS Employee, Board Member or any other candidate for the School Board has received a campaign contribution during the No-Contact Period.

SPECIFIC AUTHORITY: Sections 1001.41; and 1001.42, Florida Statutes

TITLE: Outside Employment of OCPS Employees

(1) Outside Employment May Not Interfere with Assigned Duties

No OCPS Employee shall permit outside employment to interfere with his or her duties, responsibilities or efficiency, including the assignment of additional duties relating to the position.

(2) Outside Employment May Not Violate Moral Standards of the Community

Outside employment on the part of an OCPS Employee shall not violate the moral standards of the community or the Code of Ethics of the Educational Profession in Florida. If the propriety of an OCPS Employee's outside employment is questioned, the matter shall be referred to the OCPS Director of Personnel Services for resolution. If the OCPS Employee is not in agreement with the resolution, the decision may be appealed to the Superintendent and to the School Board.

(3) Prohibitions on the Sale of Instructional Materials

- (a) No OCPS principal or instructional employee shall be permitted to sell instructional materials to the parents or guardians of a student who is enrolled in the school in which the OCPS principal or instructional employee, as the case may be, is employed.
- (b) No district administrative staff member of the School Board shall be permitted to sell instructional materials to the parents or guardians of a student enrolled in the OCPS system.

(4) Adherence to the Code of Ethics of the Educational Profession in Florida

The Superintendent shall provide to each principal, instructional supervisor and other member of the instructional staff a copy of The Code of Ethics of the Educational Profession in Florida. Violations of the Code of Ethics may result in disciplinary action including, but not limited to, dismissal from employment.

(5) Personal Business Prohibited While On-Duty

No OCPS Employee shall be permitted to participate in the operation of a personal business during the time such employee is scheduled to be on duty. School Board equipment or supplies shall not be used in the conduct of a personal business or any other activity not related to the school system. Nothing contained herein shall be construed to prohibit an OCPS Employee from working on a personal business after hours or while on annual or personal leave.

(6) Proprietary Interest in Work Performed for OCPS

No OCPS Employee may sell, lease, market or otherwise transfer ownership of any work product or other ideas for their own benefit and compensation while employed by OCPS without a review of the materials by the Ethics Compliance Officer and without the express written approval of the Superintendent.

(7) Gifts or Compensation for Service to Private/Public Agencies

No OCPS Employee shall accept any gifts or compensation, including any honoraria or remuneration, other than for reimbursable expenses, for any services rendered to a public or private agency or entity during the time such employee is responsible for performing district-assigned duties.

SPECIFIC AUTHORITY: Sections 1001.41; 1001.42, 1001.51; 1001.54; 1006.32; 1012.22; and 1012.27, Florida Statutes

ETHICS AND LOBBYING POLICY

FILE: KCE

TITLE: Application of the Ethics and Lobbying Policy to Outside Vendors, Contractors and Consultants

POLICY:

Procurement Officials, in conjunction with the Ethics Compliance Officer, shall provide express written language for future OCPS contracts that shall require the application of this Policy to any and all work or product performed by outside Vendors, contractors or consultants, including the provisions requiring disclosure of relationships and the provisions regarding employment of current and former OCPS Employees.

To the extent possible, addendums shall be issued and executed requiring the application of the standards set forth in this Policy to any existing contracts with Vendors, contractors or consultants.

SPECIFIC AUTHORITY: Sections 1001.41; and 1001.42, Florida Statutes

ETHICS AND LOBBYING POLICY

FILE: KCE

TITLE: **Incorporation of the Principles of Professional Conduct for the Education Profession in Florida**

POLICY:

(1) All OCPS Employees shall adhere to and comply with the Principles of Professional Conduct. Violation of any of the principles set forth therein may subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law. In addition, the OCPS Employee may be subject to disciplinary action including, but not limited to, dismissal from employment.

(2) The School Board specifically finds and determines that in incorporating the Principles of Professional Conduct by reference that no legal rights are established for any party other than for the School Board. More specifically, any violation of the Principles of Professional Conduct shall not create or provide any person a legal cause of action, right, claim or grievance right against the School Board.

(3) The only remedy available for a violation of the Principles of Professional Conduct shall be solely within the direction and authority of the School Board and/or its Superintendent. Further, any decision of the School Board or Superintendent involving a violation of the Principles of Professional Conduct shall not be reviewable by any Court or Administrative body. However, nothing herein shall prohibit an OCPS Employee from exercising any rights they may have to challenge any discipline issued as a result of a violation of the Principles of Professional Conduct.

SPECIFIC AUTHORITY: Sections 1001.41; 1001.42; 1001.51; 1012.27; 1012.28; and 1012.53, Florida Statutes.

6B-1.001; 6B-1.006 State Board of Education Rules

ADOPTED: 04/24/2012

REVISED: 06/26/2012