

Comments about the Code of Conduct:

General Comments:

- Is it the intent of the university to print this glossy and slick document and then distribute it to faculty so that it can sit on our bookshelves? This seems like an imprudent expenditure of scarce university resources in an era of near-financial exigency. Faculty will look at this and wonder why its production is more important than professional travel, which we involuntarily gave up this year.
- This is a joke, right? In my department the administrative head violates all of this at least every week. Reports to this person's supervisors have been met with retaliation.
- It's written in the typical FGCU condescending fashion.
- Please remove that jingoistic reference to "bleeding blue and green"- appropriate perhaps for recruiting students or promoting basketball games but blatantly unprofessional tone for an official document.
- The intent of this document is not clear. Does it replace or update the current "Outside Employment/Activities" Regulation FGCU-PR5.012? The current regulation has different provisions for in unit and out of unit employees and indicates that the Collective Bargaining Agreement takes precedence over the regulation for in unit faculty employees. However, the Code of Conduct document is not in agreement with the CBA in several areas. The document should therefore be provided to the UFF-FGCU/Management bargaining committee for review and editing to ensure consistency with the CBA. Alternatively, it can be revised to pertain only to employees who are not covered by the CBA.
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IN reference to pp 12 Outside Activities:

- The language in particular is off-putting, –“you must remember that your primary loyalty and duty must be to your University position...” I take exception to that statement on a number of grounds. It is a condescending sentiment at best, Stalinist at worst. Faculty members have the right to determine where their primary loyalties and fidelities lie. It might be family, church, state, political identity and the conduct of their lives follows suit. We are free to exercise our loyalties and still be responsible employees. This sentiment is also not consistent with the closing statement in the subordinate section “FGCU encourages faculty to engage in activities beyond the regular University duties...”

- The word “loyalty” does not occur in the CBA and no use of the word duty can be found that expresses any such “primary...duty” as is described in the draft code of conduct document.
- note in Code of Conduct page- we do not have “managers”... To be a credible document in the eyes of faculty it should employ the titles and positions germane to higher education.
- We would like specific language here and not to be sent on a paper chase. In the subordinate section you write “in unit faculty should refer to the collective bargaining agreement...” please provide the exact language from the document you mean to invoke here and don’t send us on a scavenger hunt.-
- The code of conduct at the University of South Florida (which incidentally is distributed on a very attractive web site) has language concerning outside employment that carves out space for faculty in particular, stating, *“Activities involving compensation. For USF System Faculty (9& 12 month) this disclosure requirement is limited to professional compensated activities”* To my eye this means there is room to depart from the narrow read of the statutes to allow for the special role university faculty members play as state employees... I would like our code of conduct to make more overt allowances for faculty in the conduct of our jobs.
- CBA article 19 on conflict of interest and outside activities does not provide “criteria by which a faculty member can receive approval for an outside activity”, as stated in the draft code of conduct document. The word “approval” only occurs in article 19 regarding the use of university resources in an outside activity. No mention is made of “approval “ for any other activities and no criteria for receiving such is mentioned. Article 19 instead outlines the process for reporting certain types of outside activity and defines conflict of interest areas that are prohibited. Prohibited activities are defined as “conflicts of interest specified under Florida statutes”, an activity that “interferes with the full performance of the employee's professional or institutional responsibilities or obligations”, and certain areas concerning nepotism.
- A third difficulty is the code of conduct bullet point statement:
 “Ensure all outside activities are conducted on our own time using your own resources.” As mentioned above, the CBA discusses the need for approval before using university resources for outside activities, but does not specifically forbid it. What is included in resources- my desktop computer? The light and power in my office? Where do I run afoul of the ethics code if I am writing a manuscript not related to my job description?

In Reference to Code of Ethics:

This is a new comment on 1/22

- Again, it doesn't matter what is on the books if the administration only adheres to things selectively. My supervisor regularly makes purchases for their own financial benefit. I have brought this issue up before but no one cares.
- Parts of it are vague and are open to abuse by management. The post-employment restrictions are unreasonable and intrusive. Moreover, enforcement will be carried out by the very people who fail to notice the conflicts of interest including nepotism that exist right now (and actually commit most of them). And no one reports this stuff because retaliation is guaranteed to be swift and harsh.

This is a new comment on 1/19

Section B establishes to whom the document applies, and I am assuming, perhaps in error, that adjunct professors are considered faculty, if temporarily. Otherwise we would have a class of professors bound by the document and a class not bound by the document. If so, then part D(4)(d) is problematic. Adjuncts serve on semester contracts and by accepting same agree to terminate their employment at the end of the semester. The section in question seems to say that if they return for a following semester within a year, they must accept whatever rate of compensation they had previously. This would limit regular adjuncts from ever participating in a general increase in adjunct pay rates. They would have to sit out a year to be technically eligible. This doesn't seem realistic.

(ii) Section B doesn't distinguish temporary or short term employees from regular employees...they are all just employees. Is the intent to bind temporary student workers (TA's, tutors, or office help) to the terms of this document?

(iii) Section C(8) on its face would allow same sex couples with different legal addresses (easily gotten) to escape any restrictions imposed on "Relatives". Nor would it exclude a niece or nephew of the spouse of an FGCU employee if the normal rules of consanguinity apply.

(iv) Section C(6) should be expanded beyond direct or indirect ownership to direct or indirect control. I am a trustee of a family trust which owns 100% of a business that could potentially deal with FGCU. I do not technically own the assets or capital stock of the business, but I could lean on the management to do just about anything legitimate that I wanted to do. I would consider myself not having "material interest" in the business by the given definition. And

having a note convertible to stock would also segue around this definition. Did an attorney write this btw?

4. Post Employment Restrictions

c. Two Year Representational Ban. For two years after you leave FGCU, you are prohibited from having an employment or contractual relationship with any Business Entity (other than a public Agency) in connection with a contract for services that was within your responsibility while serving as an FGCU employee. However, if your position is eliminated and your duties are subsequently performed by the Business Entity, this subsection may be waived if the President provides a written determination that the best interests of FGCU will be served. [Section 112.3185(4), Fla. Stat.]

- This seems to run counter to the spirit of entrepreneurship that the university has recently embraced. How would this impact a spin- off business that I want to develop based on my professional skills and then engage as my full time job? How do you plan to enforce that anyway?
- I'm also concerned about 4c and the restrictions being placed on employees (of any category) who leave FGCU

D. CODE OF ETHICS FOR UNIVERSITY EMPLOYEES

c. Misuse of Public Position

You may not use or attempt to use your FGCU position, or the resources thereof, to obtain a special privilege or benefit for yourself or others. [Section 112.313(6), Fla. Stat.]

- That language is incredibly vague: "special privilege or benefit for yourself or others"
- So if I wanted to pursue a grant or fellowship I wouldn't be allowed to do that? ☹ that would be a special privilege or benefit to myself (and potentially a colleague and students – and in fact FGCU) where the sole reason I would be able to pursue it IS through my position at FGCU. What about if I write an op-ed on my office computer asking for donations for a charitable organization?

- We just received emails about excellence awards: would it be a misuse of a chair or other person to nominate a colleague (benefit to someone else) to do this? Would accepting said nomination be that because of my position at FGCU I am misusing that to accept an award of my excellence (which would be a special privilege since only one person can win it). I am positive none of the above will be flagged but legally this is a very fuzzy area especially since they seem to cite state legislation.