



All University Faculty and Staff

SUBJECT (R*)	EFFECTIVE DATE (R*)	POLICY NUMBER (O*)
ETHICS IN PURCHASING	2/5/2018	140.105

POLICY STATEMENT (R*)

Ethics in Doing Business with the University – General Policy

All Florida International University employees who are engaged in doing business with, or on behalf of a business entity, with the University must conduct business dealings in an unbiased manner that is above reproach in all respects. When doing business with, or on behalf of a business entity, with the University, FIU employees have the responsibility and duty to conduct business in compliance with the highest ethical standards.

FIU employees are prohibited from corruptly using or attempting to use their positions in order to obtain special benefits or privileges for themselves or others.

Restrictions on Doing Business with the University

Employees may not rent, lease or sell any realty, goods or services to the University or act as an agent in the rental, lease or sale of realty, goods or services on behalf of another person or entity. This restriction also applies to a business entity in which the employee, his or her spouse, or child owns more than a 5% interest.

Employees may not purchase, rent, or lease any realty, goods, or services for the University from a business entity in which the employee, his or her spouse or child owns more than a 5% interest.

Employees are also prohibited from holding any employment or contractual relationship with any business entity doing business with the University.

Florida law also prohibits any University employee from having any employment or contractual relationship that would create a continuing or frequently recurring conflict between the University employee’s private interests and the performance of his/her duties at the University.

The foregoing restrictions do not apply in certain narrowly defined circumstances which are expressly set forth in the Florida Code of Ethics, including:

- The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.
- An emergency purchase or contract must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.
- The total amount of the transactions in the aggregate between the business entity and the University does not exceed \$500 per calendar year.
- Technology transfer agreements, including intellectual property licenses and research agreements, if specifically approved by the University president and the chair of the university board of trustees. Please refer to the Office of Research and Economic Development #2370.005(a), Ethics in Purchasing for Research and Intellectual Property Contracts under Florida Law for more information.

In accordance with FIU’s Conflict of Interest policy #1710.075, employees are required to file a Report of Outside Activity Form with the University. Outside activities which could implicate these restrictions on doing business with the University should be disclosed in

detail through the Report of Outside Activity Form, so that a determination may be made as to the permissibility or impermissibility of the activity.

In accordance with FIU's Conflict of Interest policy #320.020, faculty members are required to file a Report of Outside Activity Form with the University. Outside activities which could implicate these restrictions on doing business with the University should be disclosed in detail through the Report of Outside Activity Form, so that a determination may be made as to the permissibility or impermissibility of the activity.

REASON FOR POLICY (O*)

Florida International University employees are governed by the provisions of the Code of Ethics for Public Officers and Employees, Part III of Chapter 112, Florida Statutes (the "Code.") This policy has particular application to those employees who are involved in the purchase of goods and services for the University and to those employees who are deemed procurement employees and reporting individuals under Florida law. It is the intent of this policy to provide guidance to these University employees regarding their ability to solicit or receive gifts from any vendor doing business with the University, political committee, or lobbyists to the University, so that they may abide by the requirements of the Code.

RELATED INFORMATION (O*)

State of Florida Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes

Office of Research and Economic Development Procedure #2370.005(a), Ethics in Purchasing for Research and Intellectual Property Contracts under Florida Law

Florida International University Regulation, FIU-2201, Purchasing

University Gift Policy No. 140.105

DEFINITIONS (R*)

1. "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.
2. "Business entity" means any corporation, partnership, limited partnership, company, limited liability company, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

PROCEDURES (O*)

All University employees are urged to contact the University Compliance Officer, who has been designated as the University's Ethics Officer, for guidance regarding the Code's applicability to a specific situation.

RESPONSIBILITIES (O*)

Please note that under Florida law, violations of the Code, in addition to any criminal penalty or other civil penalty involved, constitutes grounds for, and may be punished by, one or more of the following:

- a. Impeachment (for public officers)
- b. Removal from office (for public officers)
- c. Dismissal from employment
- d. Demotion, suspension, reduction in salary level
- e. Civil penalty in an amount not to exceed \$10,000
- f. Restitution of any pecuniary benefits received

g. Public censure and reprimand

HISTORY (R*)

Effective Date: August 3, 2009. Revision Date(s): February 11, 2015; February 5, 2018;

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)

Office of University President
Florida International University

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)

Office of University Compliance and Integrity
11200 S.W. Eighth Street - PC 429
Miami, FL
305-348-2216

The University Policies and Procedures Library is updated regularly. In order to ensure a printed copy of this document is current, please access it online at <http://policies.fiu.edu/>.

For any questions or comments, the "Document Details" view for this policy online provides complete contact information.

FORMS/ONLINE PROCESSES (O*)

Links to the above referenced Form(s) available in the "Document Details" Section of the online version of this policy document.

***R = Required *O = Optional**