

Mercedes Toural, Deputy Superintendent
Curriculum and Instruction

SUBJECT: AMENDMENT TO COMMISSION ON ETHICS POLICY

**COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND
PERSONNEL SERVICES**

On June 21, 2001, The School Board of Miami-Dade County Florida, adopted the *Ethics Advisory Committee* Policy, establishing an Ethics Advisory Committee, and provided the by-laws for its operation. On July 14, 2004, the School Board reviewed proposed changes requested by the Ethics Committee and asked the Committee to consider certain revisions. Accordingly, the Ethics Committee at its July 30, 2004, meeting reviewed the Board's suggestions and modified the proposed changes. The proposed changes to Section 4, *Membership Qualifications, terms, vacancies (e) Additional Requirements*, would allow Ethics Committee members to participate in non-Board related political campaigns.

Copies of the revised policy are available for inspection by the public in the Office of Board Recording Secretary, Room 924, and the Citizen Information Center Room 158, 1450 NE Second Avenue, Miami, Florida 33132.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve amendment of the *Commission on Ethics Policy*.

COMMISSION ON ETHICS POLICY

Sec. 1. Creation of Commission

There is hereby created and established pursuant to the majority vote of the members of The School Board of Miami-Dade County, Florida a Commission on Ethics. The Commission on Ethics shall be an advisory body which may exercise those powers specifically granted herein.

Sec. 2. Legislative intent and purpose.

The School Board of Miami-Dade County, Florida (the Board finds that the integrity of the Board's decision-making process is essential to the continued functioning of an open government. In order to ensure the integrity of these processes and restore public confidence in our public schools, the Board finds it necessary to create the Commission on Ethics as an advisory body to the Board. The purpose of the Commission on Ethics is to serve as the guardian of the public trust by, among other things, educating the public, candidates for the election to the Board, members of the Board and employees of Miami-Dade County Public Schools as to the required standards of ethical conduct and interpreting and applying those standards of conduct. It is not the intent of the Board that the Commission on Ethics serve as a personnel board resolving personnel matters involving employees of Miami-Dade County Public Schools or that it have jurisdiction over claims for money damages against Miami-Dade County Public Schools or over members of the Board. The provisions of this article shall be deemed supplemental to any other applicable Miami-Dade County Public Schools rule, state, or federal law and are not intended to replace or repeal any provision of state or federal law or the rules of The School Board of Miami-Dade County, Florida.

Sec. 3. Jurisdiction and applicable law.

The Commission on Ethics shall advise on the application of the authorities listed below, and its jurisdiction shall extend to any person required to comply with those authorities:

- (a) The Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida
(State Board of Education Rules 6B-1.001 and 6B-1.006 FAC).
- (b) School Board Rule 6Gx13-8A-1.041 (Conflict of Interest).
- (c) All rules of Miami-Dade County Public Schools.

(d) The code of ethics for public officers and employees set forth in Florida statutes.

Sec. 4. Membership. Qualifications, terms, vacancies.

(a) Composition and appointment.

The Commission on Ethics shall be composed of seven (7) members. The members of the commission shall be appointed as follows:

(1) The Chief Judge of the Eleventh Judicial Circuit of Florida shall be requested to appoint one (1) former federal judge, or former United States magistrate or former court judge;

(2) The Chief Judge of the Eleventh Judicial Circuit of Florida shall be requested to appoint one (1) former U.S. Attorney or Assistant U.S. Attorney, former State Attorney or Assistant State Attorney;

(3) The dean of the school of education of the University of Miami, St Thomas University, Barry University, or Florida International University shall on a rotating basis be requested to appoint one (1) faculty member from his or her school who has taught a course in professional ethics for educators or has published or performed services in the field of professional ethics for educators. The dean of the school of education of the University of Miami shall be requested to appoint the first faculty member to sit on the Ethics Commission. Upon the expiration of said member's term, the dean of the school of education of St. Thomas University shall be requested to appoint a faculty member to sit on the Ethics Commission. Upon the expiration of said member's term, the dean of the school of education of Barry University shall be requested to appoint a faculty member to sit on the Ethics Commission. Upon the expiration of said member's term, the dean of the school of education of Florida international University shall be requested to appoint a faculty member to sit on the Ethics Commission. Thereafter, each dean shall on a rotating basis select a faculty member from his or her school of education.

(4) The presidents of the University of Miami, St. Thomas University and Florida International University shall on a rotating basis be requested to appoint one (1) faculty member from either the school of law or the school of business administration or management who has taught a course in professional ethics or has published or performed services in the field of professional ethics. The president of Florida International University shall be requested to appoint the first faculty member to sit on the Ethics Commission. Upon the expiration of said member's term, the president of St. Thomas University shall be requested to appoint a faculty member to sit on the

Ethics Commission. Upon the expiration of said member's term, the president of the University of Miami shall be requested to appoint a faculty member to sit on the Ethics Commission.

(5) The Dade County Council PTA/PTSA shall be requested to appoint one (1) parent who has or has had a child in a Miami-Dade County public school.

(6) The chairperson of the Greater Miami Chamber of Commerce shall be requested to appoint one (1) person from the business community.

(7) The director of the Center for Labor Studies at Florida International University shall be requested to appoint (1) retired public school employee.

(b) Additional qualifications.

Each member of the Commission on Ethics shall be a United States citizen, resident of Miami-Dade County and shall be of outstanding reputation for integrity, responsibility and commitment to serving the community. The membership of the Commission on Ethics should be representative of the community-at-large and should reflect the diversity, gender and makeup of the community. Prior to final selection of each member of the Commission on Ethics, those persons empowered herein to appoint members shall meet and evaluate the qualifications of each person under consideration to ensure (a) that said person is qualified to serve on the Commission on Ethics and (b) that the membership of the Commission on Ethics will be representative of the community-at-large and reflect the diversity, gender and makeup of the community. Before entering upon the duties of office, each appointee to the Commission on Ethics shall take an oath of office. Members of the Commission on Ethics shall serve without compensation.

(c) Term.

The members of the Commission on Ethics shall serve staggered terms of four (4) years each, provided that of the original members, three (3) members shall be appointed for a term of two (2) years and four (4) shall be appointed for a term of four (4) years.

(d) Vacancies.

A vacancy occurring during, or at, the expiration of a member's term on the Commission on Ethics shall be filled as provided in subsections (a) and (b).

(e) Additional Requirements.

No individual, while a member of the Commission on Ethics, shall:

- (1) ~~Seek or hold an appointed or elected political office or campaign for any elective political office~~ a position on The School Board of Miami-Dade County, Florida;
- (2) Actively participate in or contribute to any campaign for election to the Board or any political action committee which contributes to such a campaign;
- (3) Be employed by Miami-Dade County Public Schools or be an officer, director or owner of a one percent (1%) or greater interest in a business entity, whether or not for-profit, that has a contractual relationship with, or is regulated by, Miami-Dade County Public Schools;
- (4) Grant permission for his or her name to be used by a campaign in support of or against any candidate for ~~political office~~ a position on the School Board of Miami-Dade County, Florida or any referendum or other ballot question related to The School Board of Miami-Dade County, Florida, or its business;
- (5) Lobby a member of the Board or an employee of the Miami-Dade County Public Schools on any issue, subject to Section 6(c) hereof.

Nothing herein shall preclude a member of the Commission on Ethics from signing a petition in support of or against any referendum or other ballot question not related to The School Board of Miami-Dade County, Florida, or its business.

Sec. 5. Organization of the Commission on Ethics.

The Commission on Ethics shall elect one (1) of its voting members as chairperson who shall serve a term of two (2) years. No chairperson shall be permitted to serve two (2) consecutive terms.

The Commission on Ethics shall hold regular meetings in accordance with the by-laws of the Commission on Ethics, and the Commission on Ethics may hold such other meetings as it deems necessary. All meetings of the Commission shall be public and written minutes of the proceedings thereof shall be maintained by The School Board of Miami-Dade County, Florida. All actions taken at the meetings of the Commission on Ethics shall be promptly and properly recorded. Copies of all minutes, resolutions, decisions or advisory opinions of the Commission on Ethics shall be forwarded to The School Board of Miami-Dade County, Florida no later than thirty (30) days subsequent to any meeting of the Commission on Ethics.

The Commission on Ethics shall make, adopt and amend by-laws, rules of procedure which are consistent with the provisions of this resolution and rules and regulations for the

Commission on Ethics' governance.

The Commission on Ethics shall recommend to the Board and the Superintendent a person to be appointed as its Executive Director, and the Superintendent shall consider that recommendation in appointing the Executive Director of the Commission. The Commission may at any time recommend that the Executive Director be removed, and the Board and Superintendent shall consider that recommendation. The Commission on Ethics shall utilize a competitive selection process when formulating its recommendation on the appointment of the Executive Director. The Commission shall recommend a salary for the Executive Director, and the Superintendent shall consider the recommendation. The Executive Director is bound by the same requirements as the Commission members under Sec. 4 (e).

The position of Executive Director of the Commission on Ethics should be a contracted position.

In the event that there shall be created a position of Inspector General for the Miami-Dade County Public Schools, the Commission on Ethics shall recommend to the Board and Superintendent a person to be appointed to that position, and the Superintendent shall consider that recommendation in appointing the Inspector General. The Commission may at any time recommend that the inspector General be removed, and the Superintendent shall consider that recommendation.

Sec. 6. Powers and duties of the Commission on Ethics.

(a) The Commission on Ethics shall be authorized to exercise such powers and shall be required to perform such duties as are set forth in this proposal.

(b) The Commission on Ethics shall be empowered to review, interpret and render advisory opinions regarding its advice to the Board on the applicability of the matters contained in Section 3, subsections (a), (b), and (c) of this resolution.

(c) The Commission on Ethics shall be empowered to recommend changes to the rules it is charged with reviewing to The School Board of Miami-Dade County, Florida and the Legislature of the State of Florida. (d) The Commission on Ethics shall prepare and make available to any person a copy of rules within the Commission on Ethics' jurisdiction.

(e) The Commission on Ethics shall be permitted, through the Chair of the School Board, to recommend the placement of items on the Board agenda and to speak on those items.

Sec. 7. Financial support for the Commission on Ethics.

The Commission on Ethics shall establish a fiscal year which coincides with that of Miami-Dade County Public Schools, and the School Board shall provide the Commission on Ethics with financial support pursuant to the official budget. The Commission on Ethics shall timely submit to the School Board of Miami-Dade County, Florida a Commission on Ethics budget request pertaining to operating and capital expenditures, which request shall not be implemented until approved by the School Board of Miami- Dade County, Florida.

The Commission on Ethics budget request shall be prepared on official budget forms in a format prescribed by Miami- Dade County Public Schools, shall be reviewed in a manner similar to that in which requests of other Miami-Dade County Public Schools departments are reviewed, and shall be incorporated in the proposed budget and timely submitted to The School Board of Miami-Dade County, Florida each year. Nothing contained therein shall be construed to prohibit the Commission on Ethics from recommending to the Superintendent (which recommendation the Superintendent shall consider) submission to The School Board of Miami-Dade County, Florida of supplemental budget requests which, if approved by the Board, shall be constitute amendments to the official budget. In addition to budgetary appropriations made by The School Board of Miami-Dade County, Florida, The School Board of Miami-Dade County, Florida may accept as fiscal agent for the Commission on Ethics grants, contributions or appropriations from the federal government, or state government. No other grants, contributions or appropriations may be accepted by the Commission on Ethics.

Sec. 8. Procedure on complaint of violation or request for advisory opinion within Commission on Ethics' jurisdiction.

The Commission on Ethics shall make, adopt and amend by-laws and rules of procedure subject to the following provisions:

(a) Counsel.

(1) Counsel to Commission on Ethics. The Commission on Ethics should select counsel to advise the Commission on Ethics. The Commission may request the School Board Attorney to render opinions relating to its duties, jurisdiction or power.

(b) Public meetings and public records.

All proceedings conducted pursuant to this subsection shall be public meetings within the

meaning of Chapter 286, Florida Statutes, and all other documents made or received by the Commission on Ethics shall be public records within the meaning of Chapter 119, Florida Statutes.

(c) Finding and report

Upon completion of any investigation initiated under the subsection, the Commission on Ethics shall make a report and recommendation to the School Board as to whether any provision in its jurisdiction has been violated.

(d) Prospective jurisdiction.

The Commission on Ethics shall be empowered to consider alleged violations within its jurisdiction committed on or after the effective date the Commission commences operation.

(e) Personnel proceedings.

Where an employee of Miami-Dade County Public Schools is alleged to have violated a rule within the jurisdiction of the Commission on Ethics and, based upon the same set of facts, is subject to an ongoing disciplinary action initiated by Miami- Dade County Public School, the Commission on Ethics shall stay consideration of a complaint until the conclusion of the personnel proceedings.

Sec. 9. Severability.

If any provision of this resolution, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the resolution and applicability of such provision to other persons and circumstances shall not be affected thereby.

Sec. 10. Effective date.

This resolution shall become effective on November 1, 2001.