

Dr. Marta Pérez, Board Member

SUBJECT: PROPOSED AMENDMENT TO SCHOOL BOARD POLICY 0158, *ETHICS ADVISORY COMMITTEE*

COMMITTEE: ACADEMICS, INNOVATION, EVALUATION & TECHNOLOGY

LINK TO STRATEGIC

PLAN: INFORMED, ENGAGED, & EMPOWERED STAKEHOLDERS

In accordance with School Board Policy 0158, *Ethics Advisory Committee* ("EAC"), which authorizes the EAC "to review, interpret, render advisory opinions, and make recommendations to the Board," the EAC—through a very lengthy and deliberate process—reviewed several Board Policies related to the mission of the EAC in order to ascertain whether they should be updated and revised. This review process was undertaken in order to ascertain whether the policy pertaining to the EAC, which was first promulgated by the Board on August 3, 2011, and which has not been amended since its adoption, and other relevant policies, should be updated.

Based on its review, the EAC recommended that Policy 0158, *Ethics Advisory Committee*, be amended to increase the membership on the EAC by adding representatives from Miami-Dade College, one of the largest colleges in the nation with over 100,000 students and Florida Memorial University, the only Historically Black University in South Florida. The addition of these entities will serve to increase the diversity of the appointing entities to the EAC.

This will be the first time, since the inception of the EAC, that the membership is being expanded. New members to the EAC are appointed on a staggered and rotating basis among the appointing entities. It is also requested that the terms of the Chair and Vice-Chair of the EAC be extended beyond the current two-year term by majority vote of the members. When these changes were first proposed many years ago, the Superintendent at that time concurred with the recommended revisions to the policy. The current Chair of the EAC, Mr. Don Slesnick, and its members, continue to support the proposed amendment of the EAC policy.

This item is being presented for the Board to consider the proposed amendments to the EAC policy and to authorize the Superintendent to commence the process of revising the policy.

This item has been reviewed and approved by the School Board Attorney's office as to form and legal sufficiency.

**ACTION PROPOSED BY
DR. MARTA PÉREZ:**

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking, in accordance with the Administrative Procedure Act to amend Policy 0158, *Ethics Advisory Committee* as indicated herein.

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- c. The dean of the school of education of the University of Miami, St Thomas University, Barry University, or Florida International University, Miami-Dade College, or Florida Memorial University shall on a rotating basis be requested to appoint one (1) faculty member from his/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 Advisory Committee. 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 Advisory Committee. 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 Advisory Committee. 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 Advisory Committee. Thereafter, each dean shall on a rotating basis select a faculty member from his or her school of education.~~

The use of the word "dean" in this provision shall mean "the dean or her or his designee."

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- d. The presidents of the University of Miami, St. Thomas University, Barry University, ~~and Florida International University, Miami-Dade College, and Florida Memorial 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 Advisory Committee. 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 Advisory Committee. 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 Advisory Committee. Upon the expiration of said member's term, the president of Barry University shall be requested to appoint a faculty member to sit on the Ethics Advisory Committee. Thereafter, each president shall on a rotating basis select a faculty member from his/her school of law, business administration or management. Members appointed by a university or college may not have two members of their college or university serving on the Committee at the same time.~~

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

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

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

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2. Additional Qualifications

Each member of the Ethics Advisory Committee 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 Ethics Advisory Committee 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 Ethics Advisory Committee 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 Ethics Advisory Committee and (b) that the membership of the Ethics Advisory Committee will be representative of the community-at-large and reflect the diversity, gender, and makeup of the community.

Members of the Ethics Advisory Committee shall serve without compensation.

3. Terms

The members of the Ethics Advisory Committee shall serve terms of four (4) years each. Upon expiration of said term, any member may be re-appointed to additional four (4) year terms. Members of the Ethics Advisory Committee may be removed, upon majority vote of the Committee's voting members, if they fail to attend three (3) consecutive regular meetings without good cause.

4. Vacancies

A vacancy occurring during, or at, the expiration of a member's term on the Ethics Advisory Committee shall be filled in accordance with the provisions above. Appointing entities must appoint a new member within sixty (60) days from the date a member completes his or her term or otherwise vacates his or her position on the Ethics Advisory Committee. If the appointment is not made within the period of time prescribed herein, the entity entitled to make the succeeding appointment in accordance with this policy, will be asked to fill the vacancy.

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5. Additional Requirements

No individual, while a member of the Ethics Advisory Committee, shall:

- a. seek or hold an appointed or elected political office or campaign for any elective political office a position on the Board;
- b. actively participate in or contribute to any campaign for election to the Board or any political action committee which contributes to such a campaign;
- c. be employed by the District 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, the District;
- d. grant permission for his/her name to be used by a campaign in support of or against any candidate for political office a position on the Board or any referendum or other ballot question related to the Board, or its business;
- e. lobby a member of the Board or an employee of the District on any issue.

Nothing herein shall preclude a member of the Ethics Advisory Committee from signing a petition in support of or against any referendum or other ballot question not related to the Board, or its business.

6. Selection of Chair and Vice-Chair

The Ethics Advisory Committee 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.~~ A vice-chair shall also be selected in the same manner and with the same length of term as the chair. The terms of the Chair and Vice-Chair may be extended beyond the two year term by a majority vote of the Committee.

7. Emeritus Members

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

BYLAWS

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Whenever a member's term on the Ethics Advisory Committee shall expire or end through voluntary resignation or retirement, the remaining members may vote to offer the departing member the honorary title of "Emeritus" member of the Ethics Advisory Committee. Should such an offer be approved by majority vote of the existing membership of the Ethics Advisory Committee and accepted by the departing member, the individual bestowed the title of Emeritus Ethics Advisory Committee member may hold such title perpetually unless rescinded or unless its duration is limited by the bylaws. An Emeritus Ethics Advisory Committee member shall have the right to attend and speak at all Ethics Advisory Committee meetings, but shall not make motions or vote on any measure appearing before the Ethics Advisory Committee. The Ethics Advisory Committee may also request that a member holding the distinction of Emeritus Ethics Advisory Committee member appear at specified meetings of the Ethics Advisory Committee or sub-committee meeting to speak and provide his/her opinion on matters deliberated upon by the Ethics Advisory Committee. All Emeritus members will be provided with advance notice of upcoming or future meetings of the Ethics Advisory Committee.

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C. Meetings

The Ethics Advisory Committee shall hold regular meetings in accordance with this policy, and the Ethics Advisory Committee may hold such other meetings as it deems necessary. All meetings of the Ethics Advisory Committee shall be public and written minutes of the proceedings thereof shall be maintained by the Board.

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The Ethics Advisory Committee shall make, adopt and amend bylaws, rules of procedure which are consistent with the provisions of this rule and regulations for the Ethics Advisory Committee's governance.

1 D. Authority

2 The Ethics Advisory Committee was created as a result of the
3 Board's adoption on October 24, 2001 of a Commission on
4 Ethics Policy. This rule incorporates and includes pertinent
5 provisions of those policy guidelines.

6 The provisions of this policy shall be deemed supplemental to
7 any other applicable District rule, State, or Federal law and
8 are not intended to replace or repeal any provision of State or
9 Federal law or any other rules of the Board.

10 The Ethics Advisory Committee shall advise on the
11 application of the authorities listed below, and its jurisdiction
12 shall extend to any person required to comply with those
13 authorities:

- 14 1. The Code of Ethics and the Principles of Professional
15 Conduct of the Education Profession in Florida (State
16 Board of Education Rules F.A.C. 6B-1.001 and
17 6B-1.006);
- 18 2. Board Policy 1129, Policy 3129, and Policy 4129
19 (Conflict of Interest);
- 20 3. All rules of the District; and
- 21 4. The Code of Ethics for Public Officers and Employees
22 set forth in F.S. Chapter 112.

23 E. Powers and Duties of the Ethics Advisory Committee

- 24 1. The Ethics Advisory Committee shall be authorized to
25 exercise such powers and shall be required to perform
26 such duties as are set forth in this policy.
- 27 2. The Ethics Advisory Committee shall be empowered to
28 review, interpret, render advisory opinions, and make
29 recommendations to the Board regarding the
30 applicability of the matters contained above.
- 31 3. The Ethics Advisory Committee shall be empowered to
32 recommend changes to the rules it is charged with
33 reviewing to the Board.

