



Code Of Conduct

Code of Conduct

The Florida Sterling Council and the Governor's Sterling Award program (the "Award"), including all assessments, products, and services, as well as matters relative to the Board of Directors and Council business were created to promote the highest standards of organizational performance excellence and service throughout the State of Florida. Accordingly, it is imperative that the staff and volunteers associated with the program uphold these principles and adhere to the highest possible standards of conduct. This Code of Conduct was developed to define basic principles and guidelines for conduct and should not be taken as a set of absolute rules. As the avoidance of perception of conflict is as important as the avoidance of actual conflict, the final interpretation of this Code of Conduct is reserved exclusively for the Board of Directors of the Florida Sterling Council, Inc. whose decisions shall be final.

The Florida Sterling Council has a zero tolerance policy regarding sexual harassment. Sexual harassment is any form of unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature which may interfere with an individual's work performance or create an intimidating, hostile or offensive work environment.

All Members of the Board of Directors, Officers, staff, and volunteers of the Florida Sterling Council shall:

- 1) Conduct themselves professionally, with the highest level of integrity, accuracy, fairness, and responsibility to the public.

Notes: This is common sense. It provides the overall context for interpretation of the Code. If any activity does not pass this test, it isn't right even if it seems OK by the other elements of the Code.

- 2) Not represent conflicting or competing interests in the performance of their responsibilities for the administration of the Award and other Council business. The following are especially important:

- Not place themselves in such a position where their interests may be in conflict, or appear to be in conflict, with the purpose and administration of the Award.

Notes: This defines the real essence of personal integrity. It sets the standard for personal conduct by making it clear that it is the responsibility of individuals to avoid the conflict themselves. The Code only works if it is self-policing. So this clause sets the standard for personal conduct.

- Notify the Sterling office of the existence of any real or potential conflict of interest, whether real or perceived, that may exist between the individual and any organization

with which the Florida Sterling Council has a relationship, including Applicants, Vendors, and other Customers and Suppliers. Though not limited to these examples, this would require the full disclosure of any employment, contract, or investment interest as well as any potential conflict created by any public or private position of authority in relation to the organization.

Notes: Disclosure is the surest way to avoid conflict. If there is even a hint of a problem, disclosure will often resolve it. This will allow changes to be made before problems exist and before people and organizations are harmed. Disclosure extends not just to oneself but also to one's peers. Disclosure should be seen as a positive act to prevent problems. Where one person may not see a problem, another may. If any reasonable person may see a potential problem, it should be evaluated. There cannot be any negative impact of over reporting!

- Not serve as an Examiner or Judge for any Applicant that is a primary or direct competitor, customer, or supplier of any company or business unit that he/she is employed with or of which a consulting arrangement is in effect or anticipated.

Notes: This should be self-explanatory. Don't serve as an examiner, and do excuse oneself from all information and discussions as a Judge, in such cases. The problem may be in the "or anticipated" clause, but the Code is intended to be self-policing so all individuals should look at their situations closely. Failure to report such problems could be construed as in conflict with the first two primary clauses of this Code. All Sterling Examiners, Judges, and Board of Directors must disclose these situations when they exist.

- Not serve as an Examiner, or Judge for any organization, company, or other business entity that is in competition with and is not an official representative of the Florida Sterling Council, the national Baldrige Performance Excellence Program, or an award program operated by or sponsored by an active member of the Alliance for Performance Excellence.
- Not serve as a member of a corporate Board of Directors for an organization that is in competition with the Florida Sterling Council, the national Baldrige Performance Excellence Program, or an award program operated by or sponsored by an active member of the Alliance for Performance Excellence. Further, a member of the Board of Directors shall not engage in any outside business, or professional and other activities that would directly or indirectly materially adversely affect the Council.

Notes: This should be self-explanatory. The Sterling Council's Governor's Sterling Award, the Malcolm Baldrige National Quality Award, and performance excellence and/or quality awards administered by Alliance members are conducted at the highest levels of ethics, examination, and judging standards. Failure to report such affiliation could be construed as in conflict with the first two primary clauses of this Code. All Sterling Examiners, Judges, and Board of Directors must disclose these situations when they exist. Directors will avoid conflicts of interest with the Council. Any situation that involves, or may reasonably be expected to involve, a conflict of interest with the Council will be disclosed immediately to the Executive Committee.

- 3) Safeguard all of the confidences, including the identities, of all present or former applicants and not use their knowledge of the identity of any Applicants gained in the performance of their duties for any purposes other than the administration of the Award and other

assessments, including, but not limited to, the solicitation of a business relationship for themselves or any third party.

Notes: This starts with the basic rules. First and foremost is the confidentiality and trust of the Applicants. All of their confidences, including their identity as Applicants, must be maintained for the integrity of the Award. Specific mention is made to the solicitation of future relationships, as it is inappropriate to do so on the basis of knowledge of the Applicant's identity. It does not prohibit solicitation, but it does make it the responsibility of the individual to ensure that the contact was NOT made on the basis of their knowledge with the Sterling Council.

- 4) Not solicit or accept any financial remuneration, or non-financial remuneration from:
 - a. any Applicant during the Award process or other assessment processes if they serve in any capacity in which the identities of the Applicants are known to them; and
 - b. any Applicant for a period of three years after the date of the application if they serve in any capacity in which they have access to the confidential information of the Applicant as presented in the Application or materials provided in the course of a Site Visit.

Notes: This is the next most obvious rule. Soliciting or accepting unsolicited rewards of anything more than nominal value is clearly inappropriate. Nominal value might include items like lunch or dinner on site, but even nominal items cannot be solicited. The goal here is to not embarrass the Applicant if a small token is offered, but not to encourage or solicit such gifts. To be clear, knowledge of the Applicant's identity prohibits such contact during the Award process in which the Application is active, but no further. However, the previous rule may also prohibit future activities! The knowledge of any confidential information invokes the 3-year exclusion rule that is clearly in force for all Examiners (for their Applicant) and for Judges who have access to the same information.

- 5) Not use any confidential information received from any Applicant for any purposes other than the administration of the award and assessment processes. This specifically includes, but is not limited to, decisions to make any financial investments for their benefit or the benefit of others.

Notes: The purpose of this should also be clear. The information is provided for one purpose, and only for that purpose, and the integrity of the Award process is seriously compromised if the information is permitted to be used for ANY other purpose. Of special note, the possession of such knowledge may also create criminal or civil liability under the law if used for trading in public securities markets!

- 6) Not intentionally communicate false or misleading information which may compromise the integrity of the Award process or decisions therein or the Sterling Council and shall immediately disclose to the Sterling office the knowledge that any such information is being communicated by a third party.

Notes: This clause is intended to create a true and trustful environment in the public for all information coming from the Sterling Council and to ensure the integrity of all information disseminated by all parties. As the Code is self-policing, it is as much of a problem to ignore someone else's transgressions and permit such information to be disseminated as to do it oneself.

- 7) Not use the Sterling Council logo, or other identification material or slogans, without the express permission of the Board of Directors. To insure that such identification of the Sterling Council is not used in such a way as to imply or to further their or anyone else's personal interests or to represent any position, programs, or materials that are not approved by the Board of Directors or their designee.

Notes: This is necessary to protect the integrity of the logo and identification of the Sterling Council and the Award.

- 8) Accept only those duties and responsibilities that they feel they are fully prepared to complete, specifically including a position as a member of the Board of Examiners. Where such obligations cannot be fully met, to notify the Sterling office immediately upon knowledge of inability to meet such obligations and to cooperate in assisting others in the completion of their obligations.

Notes: Directly relating to personal integrity, the inter-relationships of the Sterling Council volunteer network relies upon everyone "pulling his or her own weight." No judgement is made as to what each person may be able to contribute, as all levels of participation are encouraged. The principle here is to NOT take on any responsibility that cannot be completely finished, and to help transition it to others if outside influences prohibit continuing (i.e.; changed employment). Reliance on personal contribution is critical, so failure to live up to such inhibits the work of others in this environment. This is a critical commitment.

- 9) Not represent any affiliation with the Sterling Council unless authorized by the Board of Directors.

Notes: This is a direct corollary of several earlier clauses. It is specifically stated here because the affiliation for marketing or resume purposes is a valuable asset to the individual, but the proper representation is critical to the Sterling Council. A typical example is that Examiners cannot identify themselves as such until approved to do so (accepted for training is not enough) and only for the year(s) in which they serve, and Judges can only identify as such for the years in which they serve. "Former" participants must identify themselves as such. Officers and Directors may use their titles, but only while in such office (or using the term "former" after leaving such office). And so forth.

- 10) Endeavor to aid the professional development and advancement of the Governor's Sterling Award and other Council products and services as they serve to stimulate any and all Florida organizations to improve quality and productivity through improved quality management.

Notes: Participation and support of the mission of the Sterling Council is critical. This is another "general principle" as many other things may happen, but if this is violated then the basic purposes of the Sterling Council have been violated. Participation is key.

FLORIDA STERLING COUNCIL CODE OF CONDUCT PROCEDURES

1. General.

- (a) These procedures establish the guidelines for the Florida Sterling Council's expectations regarding violation of the Code of Conduct.
- (b) The Florida Sterling Council requires all Council members, including members of the Board of Directors, Panel of Judges, Board of Examiners, Council staff, and volunteers to familiarize themselves with the Code of Conduct pertaining to their duties and that all abide by the Code.

2. Purpose. This provides the procedures and standards by which the Florida Sterling Council may manage violations of the Code of Conduct for the Board of Directors, examiners, judges, staff, and volunteers. These guidelines manage the process to insure that the Sterling Council preserves the integrity of the Florida Sterling Council and its processes.

- (a) The Sterling Council shall make the Code of Conduct and this procedure available to every person associated with the Florida Sterling Council and its processes.
- (b) Acknowledgement of Receipt of the Code of Conduct and Procedures Statement. The signed acknowledgement of receipt of this Procedure and Code of Conduct shall be maintained in the files of the Sterling Council.

3. Reporting Violations. Any person(s) in possession of knowledge or information that may lead them to believe that a violation of the Code of Conduct has occurred shall report that potential violation to the Sterling Council in the following manner:

- (a) Potential violations involving members of the Board of Directors, the Sterling office, judges, and volunteers shall be reported to any member of the Executive Committee orally or in writing. The person(s) making the report shall provide information needed to investigate the complaint, including but not limited to identifying the standard(s) of conduct that the person violated, the person's act(s) or conduct that violated the standard(s), including date(s), time(s), and place(s), where applicable.
- (b) Potential violations involving members of the Board of Examiners or other volunteers shall be reported to any member of the Executive Committee or the Sterling office orally or in writing. The person(s) making the report shall provide information needed to investigate the complaint, including but not limited to identifying the standard(s) of conduct that the examiner violated, the examiner's act(s) or conduct that violated the standard(s), including date(s), time(s), and place(s), where applicable.

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4. An **Examiner Peer Review Panel**, comprised of the Examination Committee chair or designee, an Examiner appointed by the Sterling Office, and a Sterling Office representative, will review any potential violations of the Code of Conduct and/or performance issues related to the Board of Examiners. The Examiner Peer Review Panel will report findings and recommend proposed action to the Executive Committee.
 5. **Authority, Procedures, and Documentation.** The members of the Executive Committee have the ultimate responsibility for taking or requesting action be taken in accordance with the procedures established herein for violation of the Code of Conduct.
 6. **Extraordinary Action.** In extraordinary situations where the retention of an examiner would be detrimental to the best interest of the Florida Sterling Council and the State of Florida, or could result in injury to the examiner, a co-examiner, or some other person, the Chairman or Executive Director may immediately ask the examiner to dismiss himself or herself from the examination process.

In all other cases involving examiners, the Examiner Peer Review Panel will consider the examiner's ability to perform assigned examiner duties in addition to the issue of credibility, trust-worthiness, and integrity.

7. **Additional Guidelines.** Action administered for each occurrence of an offense shall normally be within a range for a specified occurrence according to the following guidelines:
 - (a) The nature and severity of the violation(s) (including concurrent and previous violations).
 - (b) The impact of the violation(s) upon the ability of the individual to perform assigned duties without harm to the integrity of the Sterling Council and its processes.
 - (c) Range of Action:
 1. First Occurrence: Counseling to Dismissal
 2. Second Occurrence: Suspension to Dismissal



FLORIDA STERLING COUNCIL

ACKNOWLEDGEMENT OF RECEIPT FOR CODE OF CONDUCT & PROCEDURES ACCEPTANCE

Acceptance for Code of Conduct: Having read and had the opportunity to discuss and ask questions regarding this Code of Conduct, I hereby accept this Code of Conduct and agree to be bound by its terms. If any questions are raised about the conduct of any individual, including myself, I agree to cooperate fully and completely with the investigation and evaluation of such conduct. If the Board of Directors should determine that this Code of Conduct has been violated, I agree to support and abide by any such determination of the Board of Directors as final and binding.

I further understand and agree that these terms remain in effect regardless of future affiliation with the Florida Sterling Council or the reason for departure and that any such determination may be enforced in any court of competent jurisdiction, including but not limited to injunctive relief.

Acceptance for Code of Conduct Procedures: Having read and had the opportunity to discuss and ask questions regarding this Code of Conduct and the accompanying Procedures, I hereby accept this Code of Conduct and agree to be bound by its terms. If any questions are raised about the conduct of any individual, including myself, I agree to cooperate fully and completely with the investigation and evaluation of such conduct. If the Board of Directors should determine that this Code of Conduct has been violated, I agree to support and abide by any such determination of the Board of Directors as final and binding.

I further understand and agree that these terms remain in effect regardless of future affiliation with the Florida Sterling Council or the reason for departure and that any such determination may be enforced in any court of competent jurisdiction, including but not limited to injunctive relief.

I acknowledge that this signed receipt will become a permanent part of the Florida Sterling Council's examiner files. I acknowledge and understand that if I violate the Code of Conduct that appropriate action may be taken by the Florida Sterling Council.

Name (please print)

Signature

For the Florida Sterling Council by:

Name/Title (please print)

Signature

Date