



"Making a Positive Difference"

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Memorandum

TO: Dr. Alan Scott, Assistant Superintendent
Human Resource Services

FROM: David J. Bryant, Director
Office of Internal Auditing

DATE: October 24, 2008

SUBJECT: Follow up – Ethics Review 2007

We are conducting a follow up on the Ethics Review, report date April 27, 2007. The following is a list of the weaknesses noted and recommendations made:

- Violations of the “Personal Advertisements” section of the Code of Ethics may have occurred. This section prohibited employees to advertise business or professional activities on district property or use district hours, property, or services to perform or promote their personal or commercial enterprises.

We recommended that the language of this section of the Code be revised to allow for exceptions for activities the District supports, such as certain non-profit organizations, or the District should reiterate and enforce this section of the Code to employees through email or memo form.

- There may have been instances in which the Board was not made aware of conflicts of interest due to the language of the “Conflict of Interest Resolution” section of the Code of Ethics.

To keep the Board apprised of all instances, as stated in the Code, we recommended the language “where appropriate” be removed from the Code of Ethics.

- The phone number listed in the “Reporting Improper Conduct” section of the Code of Ethics was non-functioning. The number traditionally was directed to the Human Resources Department, which could have resulted in fear of retaliation or inaction.

We recommended the District re-establish a hotline for reporting violations. Ideally, the number should be independent of any District operating department, such as an outside service provider.

Note: At the time of the issuance of our report, the violation hotline had been changed to the Administrative Secretary in Human Resource Services.

- Although the Code of Ethics stated the term “employee” referred to the Board, Superintendent, and all employees, the Board members had not traditionally signed the notice.

Note: At the time of the issuance of our report, all current Board members had received a copy of the Code of Ethics.

- Per observation of Safe Schools system reports, there appeared to have been many employees that had not completed the on-line sexual harassment training.

We recommended additional follow-up from supervisors and penalties for non-compliance. With these implementations, the number of incomplete on-line training sessions should dramatically decrease.

- The District’s Code of Ethics was not provided to employees when they were hired throughout the year.

We recommended that the Code be given to each employee upon hire and that they sign for receipt of it. This process would ensure there would be no time frame in which employees were not aware of the Code of Ethics. The distribution of the Code should include all substitute teachers as well.

- The Code of Ethics was not located on the District’s website for the public’s access.

We recommended the Code of Ethics be included on the website and be easy to locate. Having the Code of Ethics presented to the public would display the District’s desire to uphold high standards. District management should also consider displaying the crucial elements of the Code in the workplace, much like the District’s Mission Statement, to increase the awareness of the Code.

- Exit interviews were only conducted with District teachers prior to their termination of employment, not other classes of employees, such as administrative, professional, and educational support personnel.

We recommended exit interviews be conducted with all employees that had been with the District for an established period of time (perhaps two years). This would give the District an opportunity to obtain feedback from a non-prejudiced source as to the strengths of the District and areas where improvement opportunities may exist for all categories of employees.

- It was noted in some instances that references were made to School Board Rules and Florida Statutes within the Code of Ethics were no longer valid.

Note: At the time of the issuance of our report, references in the Code of Ethics had been updated.

- In comparison with other industries' Code of Ethics, the Escambia County School District Employee Code of Ethics appeared to be lengthy and cumbersome.

We recommended the District consider restructuring the thirteen page Code of Ethics to be a more concise and compact document. Ideally, the Code should help guide the behavior of employees. It was not intended to be all-inclusive of every situation. Reducing the size of the code may create a more user-friendly reference material for employees.

Also, during our review we were informed there was contract language that prohibited the District from taking action based on anonymous complaints and the employee who the complaint is received on must be notified of the source of the complaint and the complainant must be present at the hearing. The Florida Whistleblower Act, specifically Section 112.3188 of the Statutes, protects the rights of complainants (public sector employees) and states the name of the complainant may not be released without the complainant's written permission. We questioned the legality of the contract language.

I am requesting an update: comments and/or processes/procedures implemented to strengthen or improve each individual item mentioned above. Our auditor, Michèle Kiker, would be available for a meeting to discuss or accept your response in writing.

If you have any questions, feel free to contact Ms. Kiker at 469-6123.

DJB/mak