



FERNDALE HOUSING COMMISSION (FHC) CODE OF ETHICS AND STANDARDS OF CONDUCT

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Contact info@ferndalehousing.com or (248) 547-9500 if you need this information provided in an alternative format (different language, large font, verbally presented, etc.)

READING ACCESSIBILITY MEASURE: Executive Summary: Grade 9.2, Entire Code of Ethics: Grade 16

EXECUTIVE SUMMARY

The following “Code of Ethics and Standards of Conduct” is based on model policy language that helps us comply with HUD regulations and federal procurement requirements. It is detailed and contains a lot of legal jargon. Below is a summary to simplify and summarize the information.

WHAT is a Code of Ethics?

It is a detailed policy that lays out the standards that can be expected at the FHC.

WHO does this Code apply to?

- ✓ FHC Staff and Board of Commissioners
- ✓ FHC Contractors & Subcontractors
- ✓ FHC Volunteers

WHY is Code of Ethics important?

It represents our commitment to doing business with integrity.

WHERE and **WHEN** does this Code apply?

It applies at all times and governs our behavior as public employees entrusted to serve the public and safeguard public resources.

FHC CODE OF ETHICS

We will conduct business honestly, transparently, in compliance with laws and regulations, and in accordance with our organizational values. We will hold ourselves accountable to the highest standards and invite others to do as well.

That includes:

- ✓ How we treat people we are entrusted to serve
- ✓ How we behave as an employer
- ✓ How we interface with the public
- ✓ How we conduct ourselves as business partners with other organizations and vendors

You can expect FHC to treat everyone with dignity and respect.

That means we will:

- ✓ Be inclusive and welcoming to all
 - Actively protect against and strictly enforce discrimination and harassment policies
 - Provide equal access to employment and services and equitable outcomes for all
- ✓ Be fair, consistent, honest, and trustworthy in all our dealings
 - Ensure there is no preferential treatment, and everyone receives the same standard of customer care and consideration
- ✓ Be kind and compassionate
- ✓ Be patient, courteous, and responsive
- ✓ Communicate in a direct and professional manner
- ✓ Guard personal privacy and exercise discretion with sensitive or confidential information
- ✓ Act as good stewards of the public's trust and resources
 - We will only use FHC money, resources, property, and equipment for FHC business.
 - We won't use our public position for private gain.
 - We will disclose any actual or potential conflicts of interest (personal interests that may influence our decisions or cases where we could benefit directly or indirectly by a decision.)
 - A contractor bidding on work for the FHC must declare if they have an interest in or relationship to the organization.
 - Staff will follow adopted purchasing procedures when making purchases or entering into contracts.
 - Staff will not ask for or accept favors, gifts, or gratuities.
 - Contractors will not use gifts, favors, or other gestures to try an influence FHC Staff or Commission.

Questions about this Code of Ethics, or reports of violations, may be directed to the Executive Director or any FHC Commissioner.

CODE OF ETHICS AND STANDARDS OF CONDUCT

1.0 PURPOSE

The provisions contained herein shall apply to all employees, the Board of Commissioners of the Ferndale Housing Commission, volunteers, contractors, and subcontractors. These standards are designed to assure the utmost in public trust and confidence in the policies and practices of the Commission. Because of its status as an independent public entity, the Commission recognizes its responsibility to conduct all business in a manner above reproach or censure. This Code of Ethics will describe in detail the standards by which members of the Board of Commissioners and staff are to be held accountable.

This Code of Ethics is not intended, nor should it be construed as, an attempt to unreasonably intrude upon the individual employee's or Commissioner's right to privacy and the right to participate freely in a democratic society and economy.

With respect to contracted professional services of the Commission (legal, accounting, or otherwise), it is required that these professionals will also abide by the professional ethics of their profession.

2.0 CONSTRUCTION

This code recognizes and incorporates those sections of federal, state, and local law which govern the conduct of public employees, including state law regulating conflicts of interest pertaining to public contracts involving public servants under the Michigan Contracts of Public Servants with Public Entities Act, being MCL 15.310, et seq. and contributions to political campaign organizations under the Michigan Campaign Finance Act, being MCL 169.201 et seq. In cases where no statutory precedent exists, the policy of the Ferndale Housing Commission shall be applied, except that this policy shall in no way be taken to supersede the provisions of any contracts, labor agreements, or other external agreements affecting the rights and privileges of employees.

3.0 DEFINITIONS

"Agent" shall mean any employee of the Commission (whether full or part time) acting in his or her official capacity is an agent of the Commission.

"Claim" shall mean any demand, written or oral, made upon the Commission to fulfill an obligation arising from law or equity.

"Commissioner" shall mean one of the persons serving on the Board of Commissioners of the Commission.

"Confidential information" shall mean information obtained by a Commissioner or Commission employee while acting as a Commissioner or Commission employee that is not available to members of the public pursuant to the Michigan Freedom of Information Act, being MCL 15.231 et seq., or pursuant to other law, regulation, policy, or procedure recognized by law, and that the Commissioner or Commission employee is unauthorized to disclose.

"Contract" shall mean any obligation to do something arising from an exchange of promises or consideration between persons, regardless of the form in which it is stated.

"Contractor" shall mean a party who, or which, seeks to enter, or enters into a contract with the Commission for the delivery of goods or services.

"Conventional" shall mean those housing programs operated by the Commission, which are broadly considered part of the "conventional public housing program." This shall include but not be limited to, such programs as public housing, the Capital Fund, HOPE VI, and the Public Housing Drug Elimination Program (PHDEP).

"Employee" shall mean any person appointed or hired, whether full or part time, seasonal, temporary, paid, or unpaid, on a fixed or unfixed term, provisional or permanent.

"Enrollee" shall broadly mean any applicant, resident, or program participant in any program operated by the Commission. Specifically, an "enrollee" shall be a person who expects to receive, or is receiving, some form of assistance from the Commission.

"Family" shall mean spouse, parent, child, sibling, grandparent, grandchild, aunt/uncle, niece/nephew, cousin, or any of these established through marriage or adoption, including "in-law" and "step" relationships.

"Interest" shall mean a benefit or advantage of an economic or tangible nature that a person or a member of his or her family would gain or lose because of any extra, or action or omission to decide or act, on the part of the Commission, its Board, or employees.

"Leasing program" shall mean those programs operated by the Ferndale Housing Commission that are broadly included within the Section 8 Program or the tenant-based program, whether it be for certificates or vouchers. Unless otherwise noted, the provisions contained herein shall apply equally to both the "Leasing" and the "Conventional" programs of the Commission.

"Official Action" shall mean any act, omission, decision, recommendation, practice, or procedure of the Commission.

"Person" shall mean any individual, corporation, partnership, business entity, association, organization, and may include a Commission employee.

"Public Information" shall mean information obtainable pursuant to the Freedom of Information Act and Commission guidelines adopted pursuant thereto.

4.0 DISCLOSURE REQUIREMENTS

4.1 EMPLOYEES

No Commission employee shall be directly or indirectly a party to, or have a personal interest in, any contract (except employment contract) with the Commission, including as a lessor or lessor's agent.

Except as otherwise provided by applicable law, a Commission employee must disclose annually in writing any familial relationship with program participants, applicants, vendors, or others where even a potential perception of bias may arise. An employee must disclose:

1. Any financial interest, direct or indirect, that he or she or an immediate family member has in any contract or matter pending before the Ferndale Housing Commission.
2. Any interest that he or she, or an immediate family member has in real or personal property that is subject to a decision by the Ferndale Housing Commission.

All disclosures that are required under this section shall be made in writing, on a form that is provided by the Ferndale Housing Commission and sworn to in the presence of a notary public. After completion, the form shall be kept by the Executive Director, and a copy given to the President of the Board of Commissioners.

4.2 COMMISSIONERS

Commissioners are expected to outline voluntarily and fully his or her personal interests and potential conflicts of interest prior to assuming their seat on the board in writing. Such a statement shall be submitted to the Executive Director and Board Chairman within thirty (30) days of the Commissioner's appointment. For Commissioners currently serving, an updated statement shall be developed within thirty (30) days of their re-appointment for a new term. However, Commissioners are expected to update the Ferndale Housing Commission on an ongoing basis as new personal interests and potential conflicts of interest arise. Such a statement shall disclose the following:

1. The names of any business, organizational, or professional involvements that might reasonably be inferred as having business with the Commission and for which at some point a Commissioner might be expected to vote, legislate, or rule on a matter involving said party.
2. Any current or past contact in, or interest in, activities or programs of the Commission, including, but not limited to, any contracts previously bid and let, familial relationships with any staff or other board members, or any consultative or professional contracts.

4.3 CONTRACTORS

Except as otherwise provided by applicable law, all contractors doing business or seeking to do business with the Ferndale Housing Commission shall disclose:

1. Any financial interest, direct or indirect, that he or she or an immediate family member has in any contract or matter pending before the Ferndale Housing Commission.
2. Any interest that he or she, or an immediate family member has in real or personal property that is subject to a decision by the Ferndale Housing Commission.
3. Campaign contributions and expenditures in accordance with applicable law.

5.0 STANDARDS OF CONDUCT

DISCRIMINATION AND HARASSMENT

It is the policy of the Ferndale Housing Commission to provide equal opportunity and equitable outcomes to all qualified individuals in its recruitment, hiring, employment and procurement practices; and to prohibit discrimination against any person on the grounds of race, color, sex or gender, gender identity/expression, religion, height, weight, marital status, sexual orientation, familial status, pregnancy, veteran or military status, or national origin; or based on physical or mental disability, handicap, genetic information, HIV status, or other protected classes.

It is the policy of the Ferndale Housing Commission that harassment in the workplace will not be allowed or tolerated. All staff, Commissioners, program participants, volunteers, vendors, and the public have a right to an environment free from intimidation, harassment, or discrimination. This policy applies equally to all unlawful forms of harassment or discrimination based on race, color, sex or gender, gender identity/expression, religion, height, weight, marital status, sexual orientation, familial status, pregnancy, veteran or military status, or national origin; or based on physical or mental disability, handicap, genetic information, HIV status, or other protected classes.

Harassment may include but is not limited to joking remarks, stories, nicknames, abusive conduct or speech, epithets, slurs, negative stereotyping, threatening, intimidating or hostile acts, transphobia, homophobia, and written or graphic materials that denigrate or show hostility or aversion toward an individual or group. Intentionally mis-gendering a person or refusing to use their personal pronouns is an example of transphobia-based harassment. Repeated offensive statements or behaviors based on protected class status is harassment.

FHC will not tolerate or condone intimidation, harassment, or discrimination of or by its staff, Commissioners, program participants, volunteers, vendors or other third parties. Violations will be handled as follows:

- Employees: Subject to disciplinary action including termination as laid out in the Personnel Manual
- Residents/Program Participants: Subject to adverse action including termination from programs as laid out in the Resident Handbook, Admissions and Continued Occupancy Policy (ACOP), Administrative Plan, Lease, and other applicable documents
- Vendors/Third Parties: Subject to adverse action including termination of contract and debarment from future contracts
- Commissioners: Subject to disciplinary action by the Board including recommendation to the Mayor for removal
- Volunteers: Subject to disciplinary action including termination

5.1 EMPLOYEES

The Standards of Conduct contained within the Code of Ethics shall be generally applied to avoid the appearance, or actual occurrence of, any favoritism or special treatment towards any applicant, resident, vendor, or agent having business, or dealings of any kind, with the Commission. No Commissioner or employee shall use, cause, or allow to be used his or her position to secure any personal privileges for himself, herself, or others, or to influence the activities, actions, or proceeds of the Commission.

No employee shall have or enter into any contract with any person who has or enters into a contract with the Commission unless:

1. The contract between the person and the Commission is awarded pursuant to competitive bidding procedures and/or purchasing policies as outlined in regulations promulgated by the U.S. Department of Housing and Urban Development (HUD), state law, and the Ferndale Housing Commission Procurement Policy; or
2. The contract between the person and the Commission is one in which the Commission employee has no interest, has no duties or responsibilities, or if the contract with the person is one which the Commission employee entered into prior to becoming an employee.

There shall be no preferential treatment given by an employee of the Commission acting in performance of his or her official duties to any person, agency, or organization.

5.1.1 PROHIBITION OF GIFTS AND GRATUITIES

No Commission employee shall solicit any gift or consideration of any kind, nor shall any Commission employee accept or receive a gift regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before the Commission. No Commission employee shall accept cash or monetary gifts from any person who has an interest proposed or pending before the Commission. No Commission employee shall accept alcohol or other controlled substances from any person who has an interest proposed or pending before the Commission. No Commission employee shall solicit, encourage, or accept personal favors that warrant an appearance of impropriety from any person who has an interest proposed or pending before the Commission.

The prohibition listed above shall not apply to:

1. An award publicly presented to a Commission employee or Commissioner by an individual, governmental body or non-governmental entity or organization in recognition of public service.
2. Complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals, or other informational materials.
3. Admission or registration fee, travel expenses, entertainment, meals, or refreshments that are furnished to the Commission employee (i.) by the sponsor of an event, ceremony, or appearance related to official commission business in which one or

more of the public is invited or (ii.) in connection with a speaking engagement or assisting an organization or another governmental entity.

5.1.2 PROHIBITION ON SELF-INTERESTED REGULATION AND PARTICIPATION

No employee of the Commission shall discuss, vote upon, decide, or take part in (formally or informally) any matter before the Commission in which he or she has an interest. Exception shall be made in the case of an employee whose interest in the matter is minimal (e.g. an employee helping decide on a new telephone system owns 50 shares of AT&T stock), provided the employee shall fully and specifically describe his or her interest, in writing, and the underlying basis of it, whether it be ownership, investment, contract, claim, employment or family relationship, to his or her immediate supervisor prior to the employee's participation.

5.1.3 PROHIBITION ON INFLUENCING DECISIONS RELATED TO IMMEDIATE FAMILY MEMBERS

The Commission will not employ family members of any Commissioner or staff member. An exception may be made based solely on job-related merit and a clear determination that the decision services the best interest of the Commission. If an exception is to be made, it must be by formal action of the Board at a public meeting. In no event shall an employee serve under the direct supervision of a family member, and in no event shall a Commission member or employee participate in the decision-making process regarding employment or contract-for-services of any family member.

5.1.4 IMPROPER USE OF COMMISSION PROPERTY PROHIBITED

No Commission employee shall use or permit the use of Commission-owned vehicles, equipment, materials or property for the convenience or profit of himself, herself, or any other person. However this provision shall not apply in the case of usage for "diminutive" purposes, i.e., purposes which in and of themselves should not be construed as abuse of Commission property.

5.1.5 DISCLOSURE OR IMPROPER USE OF CONFIDENTIAL INFORMATION PROHIBITED

No Commission employee shall disclose without proper authorization non-public information or records concerning any aspects of the operation of the Commission, nor shall he or she use such information to the advantage or benefit of himself, herself, or any other person. This shall include records maintained on enrollees of the Commission, for whom a properly executed release of information form shall be obtained and kept in the client file. The release of any information relative to enrollees of the Commission shall be done pursuant to government regulations allowing the release of information among government agencies or agencies receiving government subsidy, shall be done following prescribed methods of requesting and transmitting such information, and shall be done with full knowledge of the enrollee except in those cases where through action of law the enrollee's knowledge is not required.

5.1.6 PROHIBITION ON ONE YEAR POST-EMPLOYMENT

No former employee of the Commission shall personally represent any person in a matter in

which the former employee personally participated while employed by the Commission for one year if such representation would be adverse to the interests of the Commission. This provision shall not, however, bar the timely filing by a current or former employee, of any claim, account, demand, or suit arising out of personal injury, property damage, or any benefit authorized or permitted by law.

5.1.7 INCOMPATIBLE EMPLOYMENT PROHIBITED

No employee of the Ferndale Housing Commission shall have any employment, or engage in any business or commercial transaction, or engage in any professional activity, or incur any obligation in which directly or indirectly he or she would have an interest that would impair his or her independence of judgment or action in the performance of his or her official duties or that would be in conflict with the performance of his or her official duties.

5.1.8 PROHIBITION ON PARTICIPATION IN LEASING PROGRAMS

No person employed by the Commission shall be permitted to participate as a lessor or lessor's agent in the leasing programs. These prohibitions, however, shall not apply where the employee or Commissioner is a principal in a not-for-profit or charitable, educational, or humanitarian agency or organization that may own or manage housing for rental purposes, or a Resident Commissioner as stipulated by the U. S. Department of Housing and Urban Development.

5.2 COMMISSIONERS

The Board of Commissioners of the Ferndale Housing Commission is the architect of policy governing the operations of the Commission and retains legal and fiscal responsibility for the Commission. Recognizing that the commissioners are chosen from a broad range of fields and professions and community interests renders difficult the circumscription of external interests and activities of the Commissioners. It is the intent that, as far as is possible, the members of the Board of Commissioners are generally enjoined to follow the standards of conduct which are outlined in the Code of Ethics for employees.

1. No Commissioner shall vote, decide on, or discuss any matter before the Board if that Commissioner has an interest in the matter, except that:
 - i. A Commissioner having interest through an unpaid volunteer position must disclose the relationship. The Board, at its discretion, may allow the Commissioner to discuss the matter.
 - ii. If the matter concerns a person or organization with which the Commissioner had former contact, and that former contact existed either prior to his or her selection or occurred at least two years prior to the current discussion of the matter, the Commissioner must disclose this relationship but may freely act.
2. No Commissioner may use his or her position on the Board to intimidate, coerce, persuade, or otherwise influence any of the activities or employees of the Commission.

No member of the Board of Commissioners in his or her individual capacity shall be a lessor

or lessor's agent. These prohibitions, however, shall not apply where the employee or Commissioner is a principal in a not-for-profit or charitable, educational, or humanitarian agency or organization that may own or manage housing for rental purposes, or a Resident Commissioner as stipulated by the U. S. Department of Housing and Urban Development.

5.3 CONTRACTORS

The Ferndale Housing Commission, in establishing standards of conduct for its employees and commissioners, recognizes the importance of establishing standards of conduct for contractors and suppliers of products and/or services to the Commission. The Commission requires that contractors and suppliers adhere to certain basic principles in conducting business with the Commission. Specifically, these principles include:

1. No direct or indirect personal inducement of Commission employees. This includes the giving of gifts, money, tickets or any item or service having value.

It is also expected that contractors or suppliers of professional services to the Commission will be governed by the Code of Ethics to which their profession prescribes. The Commission reserves the right to have contractors and suppliers sign a statement of compliance with the standards of conduct of the Commission.

Any contractor or supplier found in violation of Commission policy will be formally reprimanded in a public meeting and will not be considered eligible to do business with the Commission for a period determined by the board to be commensurate with the offense, up to permanent debarment.

6.0 ADVISORY OPINION

A Commission employee, or an applicant or candidate to be a Commission employee, may request an advisory opinion from the Board of Commissioners regarding the application of the disclosure requirements found in this policy or of the standards of conduct found in this policy regarding the commission employee's own conduct.

A request for an advisory opinion shall be addressed to the President of the Board of Commissioners. It shall be submitted in writing and set forth the facts and circumstances upon which the opinion is sought and shall be signed by the Commission employee making the request.

At its discretion, the Board may issue an opinion. The opinion, if undertaken, will be issued within thirty (30) days. The Board may extend the response time an additional thirty (30) days as needed.

7.0 VIOLATIONS

In the case of Commission employees, any violations must be reported to the Executive Director. Violations may result in termination of employment or other disciplinary action as stated in the Ferndale Housing Commission Personnel Policy. The Board of Commissioners shall be notified of all such violations.

In the case of the Executive Director, any violations must be reported to the Board of

Commissioners. Violations may result in contract termination or other disciplinary and precautionary action as deemed necessary.

In the case of an individual board member, any violations must be reported to the Board of Commissioners and the Mayor. Violations may result in recommendation of board removal, banishment from board activity, or other precautionary action as deemed necessary.

Violations that involve more than one board member and/or the Executive Director shall be reported to the FHC Attorney. Any violation may be reported to the attorney.

8.0 AUTHORITY

No Commission employee acting individually can bind the housing Commission by and action or verbal representation. Any matter decided on, contracted, adjudicated, or in any way acted upon by an employee, who does not disclose a personal interest either in the matter, or in any person or organization having an interest in the matter, may be considered null and void by the Commission.

If it is determined that a matter was performed; a contract entered into; or any matter was conducted, decided, or acted upon in a manner prohibited by the Code of Ethics; it may then propose, among other things, that the Board of Commissioners seek an injunction against the proscribed action.