

# Western Washington University

## Ethics Guide

### Overview

The State of Washington has some of the most restrictive ethics laws in the nation. These laws are codified through the Ethics in Public Service Act ([RCW 42.52](#)) and the related Use of State Resources WAC ([292-110-010](#)).

The purpose of the guide is to help WWU employees maintain compliance with the ethics rules and in so doing, uphold the trust placed in us by the citizens of Washington State. It is not intended to take the place of ethics training provided by the university, Ethics Board, or other presentations.

If you have questions about specific ethics situations that are not addressed in this document, please read the applicable Revised Code of Washington (RCW) or Washington Administrative Code (WAC) sections referenced in this document and contact the University's Ethics Advisor if you need additional assistance.

The university has adopted policy [POL-U1500.08 Using University Resources](#) in keeping with Washington State's ethics rules. Employees should read this policy for information about appropriate use of university resources.

## Table of Contents

• Core Ethical Principles.....	pg. 3
• Personal Use of University Resources .....	pg. 3
• Electronic Resources.....	pg. 5
• Conducting Outside Business or Private Employment.....	pg. 6
• Special Privileges .....	Pg. 7
• Reimbursement of Travel Expenses.....	pg. 7
• Waiving Conference Fees.....	pg. 8
• Receiving Gifts.....	pg. 8
○ Definition of a gift.....	pg. 9
○ Gifts over \$50.....	pg. 9
○ Section 4 Employees.....	pg. 10
○ Door Prizes.....	pg. 11
• Receiving Honoraria.....	pg. 12
• Authored Faculty Using Their Textbooks in Their Classes.....	pg. 13
• Selling/Disposing of Textbooks Sent to Faculty for Evaluation or Review .....	pg. 13
• Employee's State Work Experience and Knowledge.....	pg. 14
• Conflict of Interest.....	pg. 14
• Political Campaigns.....	pg. 15
• Confidential Information.....	pg. 16
• Agency Approved Use of Staff Time and Resources Including Charities..	pg. 16
• Faculty Accepting Compensation to Review a Textbook.....	pg. 17
• Volunteer Boards and Activities.....	pg. 17

## Core Ethical Principles

*“State officials and employees of government hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling responsibilities to which they are elected and appointed. Paramount in that trust is the principle that public office, whether elected or appointed, may not be used for personal gain or private advantage.”* ([RCW 42.52.900](#))

The Ethics in Public Service law & related regulations applies to **all state employees and state officers**. The following core principles should form the basis for ethical guidelines relating to conflicts of interest, use of state resources, political activities, confidential information, receipt of gifts, and post-state employment:

- You should not have financial or other interests, or engage in business or professional activities, that conflict with the performance of your official duties;
- You should not use your state positions to secure special privileges or exemptions for yourself or any other person;
- You should not receive compensation from a source other than Western Washington University for the performance or non-performance of an official duty; and,
- You should not receive a gift if it could be reasonably expected to influence or reward the performance of your official duties.

## Personal Use of University Resources

**Policy:** Using University Resources ([POL-U1500.08](#))

Employees may always use state resources for official state purposes. The state defines official state purpose as official duties, activities reasonably related to the conduct of official state duties, activities related to state employment, and activities otherwise allowed by statute.

Employees are permitted the **de minimis** personal use of state resources. A de minimis (minimal) use is an infrequent or occasional use that results in little or no actual cost to the state.

Personal use of state resources is considered de minimis only if **each** of the following conditions are met:

- There is little or no cost to the state;
- Any use is brief;
- Any use occurs infrequently;
- The use does not interfere with the performance of the officer's or employee's official duties;
- The use does not compromise the security or integrity of state property, information systems, or software;
- The use is not for the purpose of conducting an outside business, in furtherance of private employment, or to realize a private financial gain;
- The use is not for supporting, promoting the interests of, or soliciting for an outside organization or group; and

- A University employee may use University resources for wellness or combined fund drive activities as long as use conforms with the de minimis conditions listed above or as authorized in state law and rule.

In other words, you can make an occasional local telephone call or write an infrequent personal email. You can even briefly use the Internet for personal use as long as it is for nothing illegal or unprofessional. As a guide, ask yourself the following questions. If any are a “yes”, don’t use the state resource for personal matters:

- Will my use of state resources result in added costs or any other disadvantage to the state?
- Am I using this resource in order to avoid personal expense?
- Will my use of state resources compromise the security or integrity of state information systems or software?

Certain uses of state resources are **strictly prohibited**, even if there is no cost to the university and the use does not interfere with the performance of official duties. Examples include:

- Any use for conducting an outside business or private employment, whether for profit or not.
- Any use for assisting the campaign of a candidate or to oppose/promote a ballot issue.
- Advertising or selling for commercial purposes.
- Illegal activities or activities incompatible with the professional workplace, e.g., accessing pornography or gambling sites on the Internet.
- Lobbying activity unless authorized by law.
- Any use to promote, support, or solicit for an outside organization or group.

Generally speaking, any conversion of university resources that have been removed from your place of work for private use is prohibited. Examples include:

- Removing electronic resources (such as digital cameras, camcorders, computers, tablets, or thumb drives) from campus for personal use. You may not take your department’s digital camera home, or on trips, and use it to take personal photographs. You may not take your laptop or tablet home and use it as your personal or family device. You may not take a university-owned thumb drive home and use it to transfer files on your computer.
- Removing tools or equipment from campus for personal use. You may not take tools or equipment home for use on house projects, even if you intend on returning them the following day.
- Using university vehicles for personal use. You may not use a university vehicle to drop your child off at school on your way to work. You may not use a university vehicle to run errands on your lunch break.

One exception is the permissible de minimis personal use of electronic resources (e.g., laptops, tablets, etc.) that have been removed from campus for business purposes. In other words, you may use your work laptop/tablet to check your personal email or briefly browse the Internet while you are off campus for business-related purposes (such as a conference or field study).

Examples of **permissible** uses of state resources include:

- An occasional local phone call or infrequent personal email.
- Brief personal use of the Internet as long as it is for nothing illegal or unprofessional.
- Occasional use of the department copier to make a personal copy or scan.

## Electronic Resources

While not expressly prohibited by law, employees are advised not to store personal materials on their university-owned electronic devices such as music, videos, documents, or pictures. De minimis guidelines apply to the storage of these materials, and excessive use is considered an ethics violation. Employees are also advised not to connect their personal electronic devices to university electronic devices. In some cases, data from the personal device is unknowingly transferred to the university device creating electronic records that the user may not have intended.

Per the university's policy on [Computer Use and Responsible Computing](#), *university computing facilities and accounts are to be used for the university-related activities for which they are assigned*. Employees are also reminded that there should be no expectation of privacy for electronic records created with or stored on, state devices. Per [WAC 292-110-010\(4\)](#), *electronic records are reproducible and therefore cannot be considered private. Such records may be subject to disclosure under the Public Records Act or may be disclosed for audit or legitimate state operational or management purposes*.

As noted above, employees are prohibited from removing Western's electronic resources from campus for personal use. Electronic devices typically leave a very clear trail of data, even after items have been deleted from the device. A good rule of thumb to follow is, would you be comfortable with your use of, or the data stored on, your university device being published in the local or campus newspaper? If not, **don't do it!!!**

The following list provides examples of violations of this provision of the Ethics in Public Service Act noted during investigations on campus.

Employees have:

- Used university digital cameras to take personal pictures of their family, friends, and vacations. University cameras have been taken to muddy tulip fields, sandy beaches, dirty campsites, and wet ski resorts.
- Removed university computers from campus and used them as their private computers at home. Devices were used by employees and their family members to play games, prepare and file taxes, edit photos and videos (often taken with university cameras), work on children's school projects, conduct outside business activities, and store excessive amounts of personal photos, videos, audio files, movies, ebooks, music, and documents.
- Used university computers to prepare and store documents related to their outside business activities.
- Used specialized university-owned software to conduct outside business activities.

- Used university copiers to scan and email documents related to outside business activities.
- Used university computers to send and receive email communications related to their outside business activities.
- Used university computers to upload files and documents related to their outside business activities to cloud accounts.
- Ordered, and used, a university 3D printer to conduct outside business activities.
- Stored excessive amounts of personal materials on university computers including photos, videos, audio files, movies, e-books, music, and documents.
- Used university computers to stream music and videos.
- Used university computers to browse, store, and communicate pornographic materials.
- Grossly exceeded the de minimis personal use of electronic resources, spending hours, or days, per week browsing the internet and/or sending personal emails.

## Conducting Outside Business or Private Employment

No state officer or employee may receive anything of economic value under any contract or grant outside of their official duties. Using any university resources to perform any work for your outside business or private employment is prohibited. ([WAC 292-110-010 \(3\)\(a\)](#))

The Ethics in Public Service Act permits Western employees to perform compensated outside activities outside of their official university duties if all of the following conditions are met: ([RCW 42.52.120\(1\)](#))

1. The contract or grant is bona fide (real) and actually performed. This means you must actually do the work for which you are paid.
2. The performance or administration of the contract is not within the course of your official duties or is not within your official supervision. This means you cannot receive a “bonus” for doing the work you are paid by the state to do. No “double-dipping.”
3. The performance of the grant or contract is not prohibited by [RCW 42.52.040](#) (assisting in transactions) or by any other rules governing outside employment for you. This means you would not be assisting someone in a state transaction that you are prohibited to assist.
4. The contract or grant is not performed for or compensated by any person from whom the employee would be prohibited by [RCW 42.52.150\(4\)](#) from receiving a gift. Certain employees [as described in [RCW 42.52.150\(4\)](#)] cannot accept a gift from a vendor or contractor (or student) that they regulate or contract. These employees also cannot work for a vendor/contractor or accept compensation in an outside employment situation due to the same reason. **No gift allowed, no job allowed.**
5. The contract or grant is not one expressly created or authorized by you in your official capacity. Basically, you cannot use your official position to create your outside job.
6. The contract or grant would not require the disclosure of confidential information or unapproved transfer of University intellectual property. Be careful if your outside work and your official state duties involve the same clients. Don’t use any confidential information that you have access to in your state position to benefit your outside work or another employer.

EXCEPTION: According to the Assistant Attorney General's (AAG) Office, a university may create policies and procedures stating that university resources may be used to produce copyrightable materials which are owned by the faculty or staff member who produced the materials, and include the right to obtain royalties on the materials. For more information, employees should refer to the University's Patent and Copyright Policy ([POL-U4520.03](#)) and procedure ([PRO-U4520.03A](#)).

In addition to the misuse of electronic resources to conduct outside business activities noted above, the following list provides additional examples of violations of this provision of the Ethics in Public Service Act noted during investigations on campus:

- Non-exempt employees have conducted outside business activities during work hours while not on scheduled breaks. Per [WAC 292-110-010\(1\)](#), *all state employees and officers are responsible for the proper use of state resources, including funds, facilities, tools, property, **and their time**.*
- An employee used a university facility to build, and stage, a project for their outside business activity.
- An employee used students to assist with the research, construction, and shipment of a project for their outside business activity. Per [RCW 42.52.160\(1\)](#), *no state officer or state employee may employ or use any **person**, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.*

## Special Privileges

State employees may not use their position to secure special privileges or exemptions for themselves, or their spouse, child, parent, or other person. [RCW 42.52.070](#)

The following list provides examples of violations of this provision of the Ethics in Public Service Act noted during investigations on campus:

- An employee used their position to secure time off without submitting leave requests to account for their time away from the university.
- An employee used their position to secure a reduced rental fee of a university facility being used by an outside company for which the staff member was employed as an instructor.
- An employee used the department's Amazon Prime account to receive free shipping on items purchased for themselves, their family, and friends.
- An employee used their position to make personal shipments using the university's FedEx account.

## Reimbursement of Travel Expenses

For most university employees, reimbursement of travel expenses is not considered a gift if received for performing a speech, presentation, appearance, or trade mission made in an

official capacity, therefore they are not subject to the gift limitations. Reimbursement of travel expenses is not considered an “honorarium.” (RCW 42.52.010 (10)(d), 42.52.140 & 42.52.150)

The Ethics Act defines “reasonable expenses” to include “travel, lodging, and subsistence expenses incurred the day before through the day after the event.” [RCW 42.52.010\(7\)\(d\)](#) However, if the employee is a “Section 4” employee, [RCW 42.52.150 \(4\)\(g\)\(i\)](#) states that the employee cannot accept travel expense reimbursements from a person or agency that is regulated by the state employee or who seeks to provide goods or services to the agency (i.e., vendors.)

The “Section 4” restriction applies to any employee whose duties include regulating certain members of an industry and they receive a gift from any entity potentially subject to being regulated, not just those currently being regulated. Likewise, if the employee's duties include decisions about contracting or purchasing, the Section 4 gift restrictions would apply to gifts from any potential current or future contractor or vendor. (RCW 42.52.150 (4))

At Western, all “Budget Authorities” (BA) and “Financial Managers” (FM) would be considered Section 4 employees if they receive a gift or travel expense reimbursement from an outside person or organization that the BA or FM employee might potentially purchase goods or services from.

## Waiving Conference Fees

If an employee’s conference fees are waived for participating in a conference, the rules would be the same as those noted above for reimbursing travel expenses. That is, the waiver is not a gift for most employees and is not considered an honorarium for any university employee. If you are a Section 4 employee, you should review the Section 4 Gift rules as there are additional limitations to the types of gifts that you can accept. (See 5. Reimbursement of Travel Expenses section for the definition of a Section 4 employee)

## Receiving Gifts

Western employees should never accept a gift, gratuity or anything of value if the gift, gratuity or thing of value could be reasonably expected to influence your vote, judgment or action. ([RCW 42.52.140](#))

In general, Western employees should not accept gifts, with an aggregate value in excess of \$50 from a single source in a calendar year. Gifts given to an employee’s family members or guests are considered to have been received by the employee when calculating the \$50 limit unless there is an independent relationship between the donor and the family member or guest. ([RCW 42.52.150](#))

If you are considering accepting a gift with an aggregate value in excess of \$50, you should read sections RCW [42.52.140](#) and [42.52.150](#). There are many exceptions to the \$50 rule.

## Definition of Gift

"Gift" means anything of economic value for which no consideration is given. A "gift" does not include items on the following list. Therefore you can accept these items without consideration of the dollar amount except for Section 4 employees who cannot accept items with an asterisk (\*):

- a. Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee;
- b. Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;
- c. Items exchanged among officials and employees or a social event hosted or sponsored by a state officer or state employee for coworkers;
- d. Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event; (\*)
- e. Items a state officer or state employee is authorized by law to accept;
- f. Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event; (\*)
- g. Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;
- h. Campaign contributions reported under chapter [42.17A](#) RCW;
- i. Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and
- j. Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

## Gifts Over \$50

Unless you are a Section 4 employee, the following items are presumed not to influence under RCW [42.52.140](#), and may be accepted without regard to the \$50 limit:

- a. Unsolicited flowers, plants, and floral arrangements;
- b. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
- c. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- d. Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
- e. Informational material, publications, or subscriptions related to the recipient's performance of official duties;

- f. Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;
- g. Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for deposit in the legislative international trade account created in RCW [43.15.050](#);
- h. Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for the purpose of promoting the expansion of tourism as provided for in RCW [43.330.090](#);
- i. Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, solicited on behalf of a national legislative association or host committee for the purpose of hosting an official conference under the circumstances specified in RCW [42.52.820](#). Anything solicited or accepted may only be received by the national association or host committee and may not be commingled with any funds or accounts that are the property of any person;
- j. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and
- k. Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.
- l. Gifts in the form of food and beverage on infrequent occasions in the ordinary course of business where attendance by the officer or employee is related to the performance of official duties. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in chapter [42.17A](#) RCW.

## Section 4 Employees

### When are you considered a "Section 4" employee?

If the employee's duties include participating in contracting or purchasing matters, the Section 4 gift restrictions would apply to gifts from any current or potential future contractor or vendor. Participating means being involved by making an approval, disapproval, decision, or recommendation or rendering advice or investigation. Likewise, if a university employee's duties include participating in regulating certain members of an industry, the Section 4 gift restrictions apply to gifts from any entity potentially subject to being regulated, not just those currently being regulated.

**Note: At Western, if you are a Financial Manager or Budget Authority, you are a Section 4 employee with respect to those vendors you might contract with or purchase from as part of your duties at Western.**

**If you are a section 4 employee, you can only accept items on the following list, and you do not need to consider the dollar value of the gift:**

- a. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
- b. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

- c. Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
- d. Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- e. Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;
- f. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and
- g. Those items excluded from the definition of gift in RCW [42.52.010](#) except:
  - i. Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
  - ii. Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and
  - iii. Flowers, plants, and floral arrangements.

## Door Prizes

### Situation #1

A university employee pays for admission to a computer technology exhibit and receives a door prize ticket as part of the fee for admission to the event. During the exhibit, a drawing is conducted, and the holder of the winning ticket receives computer equipment or software.

- The first issue - does the door prize meet the definition of a gift which is "anything of economic value for which no consideration is given."
  - There is economic value, and
  - The Board has determined that paying the admission fee to an exhibit (or conference) where the fee provides each attendee with an equal, and presumably random, opportunity to win a door prize, is consideration. Therefore the door prize would not be a gift.
- Does it matter who paid the consideration (i.e., conference or admissions fee)? **YES.**
  - **If the university pays**, then the university is entitled to decide what happens to the door prize. The university can:
    1. Use it in its operations;
    2. Decide it has no value to the university and dispose of the prize in accordance with the university's surplus process; or
    3. Decide it has no value to the university but believe it would be inappropriate for the employee to have it. For example, the employee is a Section 4 employee and the door prize is provided by a vendor that the employee might buy from. In this case, the university should return the prize to the donor or donate it to charity within 30 days.
  - **If the employee pays and also attends the event on their own time**, then the employee can keep the door prize as long as it would not create any conflict with the proper discharge of the employee's official duties. For example, the employee pays admissions to a home show exhibit and attends the event on a

non-regular work day. The price of admissions provides him with a door prize entry ticket, and the employee wins a trip. The employee can accept and keep the trip.

## Situation #2

A university employee enters a door prize or other drawing at an official business event (e.g. conference) where the opportunity to win a prize is not included in the event admission (e.g., a vendor offers a door prize in connection with an official event where an employee fills out a form or uses a business card to enter).

- The concern is that entering this type of drawing may create the appearance that the primary purpose for entering is for **personal benefit** rather than for conducting state business. Therefore, **university employees should not enter** these types of drawings when attendance is related to the performance of official duties and when the university has paid consideration or allowed the use of state time for attendance.

## Situation #3

University employees may enter door prize drawings at events attended in their **personal capacities** provided the **university has not paid consideration** for attendance; the employee attends the event on **his or her own time**; and, **state business cards are not used** to enter drawings.

## Receiving Honoraria

<b>Policy:</b>	<a href="#">POL-U5400.19</a>	Receiving Honoraria
<b>Procedures:</b>	<a href="#">PRO-U5400.19A</a>	Requesting Approval to Accept Honoraria
<b>Form:</b>	<a href="#">FRM-U5400.19A</a>	Honoraria – Approval to Accept

Per [RCW 42.52.130](#), an honorarium is any money or thing of value offered for a speech, appearance, article or similar items in connection with your official role at Western. An honorarium can only be accepted if specifically approved by the university and it is not on the prohibited list below.

Honorariums are prohibited in the following circumstances:

1. The person offering the honorarium is seeking or is reasonably expected to seek contractual relations or a grant from the agency, and you are in a position to participate in the terms or the award of the contract or grant;
2. The person offering the honorarium is regulated by the agency and you are in a position to participate in the regulation; or
3. The person offering the honorarium (i) is seeking or opposing or is reasonably likely to seek or oppose enactment of legislation or adoption of administrative rules or actions, or policy changes by the state officer's or state employee's agency; and (ii) you may participate in the enactment or adoption.

You may use state time and resources to prepare materials for a speech or presentation for which an honorarium will be paid because the activity is related to your official role at Western. If Western does not allow you to use state time and resources, any payment you receive is not an honorarium subject to Western's approval but is instead considered outside compensation and subject to RCW 42.52.120 (See section 3. Conducting Outside Business or Private Employment for more information).

## **Authored Faculty Using Their Textbooks in Their Classes**

The Ethics Act states that faculty members may not have a beneficial interest in a textbook they have assigned to their own students. ([RCW 42.52.030](#))

This does not mean that faculty members are precluded from using their own textbooks in their classes. This restriction means that faculty cannot financially benefit from their decision to use their textbook in classes at Western. However, if a chair or committee, that does not include the faculty author, selects/designates the textbook then the faculty author can use the textbook and legally receive royalties from the textbook. These restrictions also apply if the faculty author is a decision maker in the choice of textbooks for other classes if his or her textbook is used in classes taught by other faculty. ([RCW 42.52.020](#) & [42.52.110](#))

## **Selling/Disposing of Textbooks Sent to Faculty for Evaluation or Review**

In September 2003, the Executive Ethics Board published [Advisory Opinion 03-04](#) titled "Selling Textbooks Sent to Faculty for Evaluation or Review." This opinion relates to those textbooks which are provided to higher education faculty members by publishers for the purpose of review where the faculty member retains the textbook. It also covers situations where faculty members receive "courtesy copies" or "desk copies" of textbooks that the faculty members are using to teach their classes.

In summary, this opinion provides for the following:

1. State employees may accept gifts of informational material, publications or subscriptions such as textbooks which are related to the recipient's performance of official university duties.
2. Once these items have been received, state employees may:
  - a. Use or retain them to perform official duties; or
  - b. Dispose of them by either giving them to the university or to a charitable organization, as provided in [RCW 42.52.010\(9\)\(g\)](#); or dispose of them in accordance with agency adopted surplus property procedures.

RCW 42.52.010(9)(g) states that the recipient may return the textbook to the publisher or donate it to a charitable organization within 30 days of receipt. In cases where faculty members have accepted review textbooks and used them for official purposes for a period of time, the faculty member can subsequently decide that they no longer need the textbook for official purposes. At the point where the faculty member decides that

the textbooks are no longer needed, the faculty member has 30 days to donate the textbook to a charitable organization.

3. Faculty members are not allowed to sell review textbooks and then donate the proceeds to a charitable organization.
4. Faculty members that participate in deciding which textbooks will be used in classes are allowed to receive and retain review or “desk copy” textbooks from the publisher.

Faculty members must use a limited amount of resources to facilitate the donation of their review textbooks.

This opinion should not be construed as providing a right for private parties, such as used textbook brokers, to enter public property or otherwise use public facilities to conduct a commercial business. Western’s regulation regarding vendor solicitation ([WAC 516-24-110](#)) states that “door-to-door on-campus solicitation by vendors is prohibited. All unsolicited sales contacts shall be restricted to the purchasing office.”

**Note:** If a faculty member is paid to perform a review of a textbook, please refer to section 16. Faculty Accepting Compensation to Review a Textbook below for more information.

## Employee’s State Work Experience and Knowledge

The Ethics Board has determined that the experience and knowledge that you gain during your employment at a State agency is not considered a “state resource.” Therefore, you can use your knowledge and experience to perform outside work, such as being an expert witness. ([Advisory Opinion 96-07](#))

## Conflicts of Interest

No university employee may have an interest (financial or otherwise, direct or indirect) or engage in a business or transaction or professional activity or incur an obligation that is in conflict with the proper discharge of the employee’s official duties. ([RCW 42.52.020](#))

Any activity that may conflict with the proper discharge of your official duties is considered an incompatible activity. It could be outside employment, a volunteer activity, ownership of a private business or any private activity, relationship, business, etc. that would impair/conflict with your ability to make decisions on behalf of the state.

Conflicts of interest involve the concepts of benefit and bias. Questions to ask yourself when evaluating a potential conflict of interest include:

- Will your outside interests benefit as a result of your official action?
- Would a reasonable person conclude that a private or personal interest impairs your independent and impartial judgment in the exercise of your official duties?

An interest need not be financial to create a conflict of interest. If there could be a perceived violation, you need to step out of the situation totally. Talk to your supervisor and have yourself removed from any decision-making authority or influence in that case.

Some conflicts of interest that are clearly defined in the state's ethics law include:

- Having or acquiring a financial or other interest in a contract, sale, lease, purchase, or grant that is under your authority or supervision.
- Accepting a payment, a gratuity, or a reward from someone else who has an interest in a contract, sale, lease, purchase or grant under your authority or supervision.
- Acting in a state matter or transaction involving a business or organization in which you own an interest or an entity in which you serve as an officer, agent, employee, or member.
- Assisting other persons, or sharing in compensation, in transactions involving the state when you had responsibility for these transactions as a state officer.

There are specific requirements if you participate in a university transaction while having a financial or beneficial interest in the transaction. Please read [RCW 42.52.030](#) for specific prohibitions and limitations.

There are limits if you assist others in a transaction involving Western and you participate in the transaction. [RCW 42.52.040](#) prohibits:

1. A university employee from assisting another person, directly or indirectly, whether or not for compensation, in a transaction if:
  - The employee has at any time participated in the transaction; or
  - The transaction has been under the official responsibility of the employee within a period of two years preceding the assistance.
2. A university employee from sharing in compensation received by another for assistance that the employee is prohibited from providing.

The following example noted during an investigation on campus illustrates violations of these provisions of the Ethics in Public Service Act:

- An employee violated both RCW 45.52.020 and 45.52.030 when they entered into a contract between WWU and an outside agency to provide computer lab space to teach a course for which the employee was paid by the outside agency. The employee had a direct financial interest in a transaction that was incompatible with their public duty and entered into a contract for which they had a personal financial interest.

## Political Campaigns

The state's ethics law ([RCW 42.52.180](#)) prohibits the use of facilities for political campaigns. Facilities include, but are not limited to, stationery, postage, machines, equipment, use of state employees during working hours, vehicles, office space, publications at Western and clientele lists. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the employee using public resources in violation of this section of the Ethics in Public Service Act constitutes a violation of this section.

Exceptions to this prohibition apply to elected officials and to activities that are the normal and regular conduct of Western. You should contact Internal Audit or Western's Assistant Attorney General for guidance on whether an exception applies to you.

The following list provides examples of violations of this provision of the Ethics in Public Service Act noted during investigations on campus:

- An employee used university resources including their computer, email, telephone, and printer to send and receive correspondence related to their campaign for elected public office.
- An employee used their university email to assist another individual with their campaign for elected public office.

## Confidential Information

Per [RCW 42.52.050](#), you may not disclose confidential information that you gained during your official duties, or otherwise use confidential information for personal gain or benefit. You may not disclose confidential information to any person not entitled or authorized to receive the information. You may not intentionally conceal a record if you know that it should be released under the Public Records Act ([RCW 42.56](#)). You should consult the public records officer, Dolapo Akinrinade, at 360-650-2728 for assistance in handling public disclosure requests.

## Agency Approved Use of Staff Time and Resources

[WAC 292-110-010\(2\)\(b\)](#) permits agency heads, or their designee, to authorize limited use of staff time and resources for certain activities as long as that use is specifically authorized in an agency policy and conforms to that policy. Through university policy [POL-U1500.08](#), the President has authorized Deans and Directors to permit, at their discretion, the *limited* use of University staff time and resources for the following uses:

- Supporting, promoting, or soliciting for charitable activities;
- Activities supporting employee morale and a collegial work environment;
- University or state sponsored health activities, and/or;
- Employee recognition, including birthday, retirement, wedding/baby showers, or other similar celebrations.

Examples:

- It is allowable to use resources to put together a university team to participate and raise money to support a non-profit charity, as long as each state employee involved only uses a de minimis amount of resources, the activity supports organizational effectiveness, and the university's participation is approved by the President or designee.
- It is allowable for an employee to bring in Girl Scout cookies, put the cookies on a table with an envelope for the money, and have people come by and take the cookies and pay their money. No resources were used. The personal de minimis rules apply. The focus of this example is for university employees to avoid direct personal solicitations of co-

workers and colleagues and opt for voluntary participation. This is especially important if you are a supervisor or manager so that others do not feel pressured to buy something or make a donation.

- Any use of university resources that results in an expenditure of funds should be avoided when conducting charity work on state time.
- State agencies should avoid direct involvement in commercial activities even if the event's proceeds may benefit a charity. Examples of improper direct involvement include distributing commercial product sales brochures and order forms to university employees, collecting product order forms in the workplace or on state-paid time, and distributing products in the workplace or on state time.

## Faculty Accepting Compensation to Review a Textbook

The Executive Ethics Board's [Advisory Opinion 03-04](#) - Selling Textbooks Sent to Faculty for Evaluation or Review includes information relating to accepting compensation for reviewing textbooks. In the opinion, it reiterates that the basic premise of the gift rules state that university employees can not receive a gift if it could be reasonably expected that the gift would influence the action or judgment of state employees in the performance of their official duties.

The opinion states that a *“faculty member who is offered compensation for providing a written review of a textbook can reasonably be expected to be influenced by the compensation under some circumstances.”* It also provides the following specific examples:

- If the faculty member is required to select the textbook for use by students in order to receive the compensation, then the compensation can reasonably be expected to influence the faculty member's performance of official duties.
- Even if there is no explicit requirement that the faculty member select the textbook in order to receive the compensation, but the compensation offered is substantial, then the compensation can reasonably be expected to influence the faculty member's performance of official duties.

If a faculty member accepted the compensation or textbook under these sets of facts, the faculty member would likely commit a violation of the Ethics Act.

## Volunteer Boards and Activities

Is participating on an outside board or committee considered conducting outside business or supporting an outside organization?

1. If you are a volunteer (uncompensated) member of an outside organization, the ethics law does not consider you to be participating in outside business or private employment because you are not receiving compensation from the outside organization. Your participation is considered personal, and you are allowed to use university resources subject to the de minimis rules. (RCW 42.52.110 (2)(d))
2. If only one university employee is involved in supporting an outside organization through volunteer efforts and he or she is not trying to get campus-wide participation in

the support of the outside organization, the individual employee's participation is considered "personal" and subject to the de minimis rules.

3. If the employee tries to get more participation or support from other Western employees, then the participation would be considered supporting outside organizations or groups which must be allowed by law or approved by the President or designee. Each participant must follow the de minimis rules, and the activity must support organizational effectiveness.