

<p style="text-align: center;">W A S H I N G T O N</p> <p style="text-align: center;"><b>H I G H E R E D U C A T I O N</b></p> <p style="text-align: center;">C O O R D I N A T I N G   B O A R D</p>	<p style="text-align: center;">Policies and Procedures Number: <b>E.05</b></p> <p style="text-align: center;">First Adopted: January 2007</p>
<p><b>DESCRIPTION: Ethics in the Work Place</b></p>	
<p>Contacts: Associate Director of Human Resources Associate Director of Accounting, Budget and Facilities</p>	

### **Purpose**

RCW 42.52, the state's ethics law, governs the actions of state officers and employees in matters pertaining to work-related actions and activities. The law allows agencies to adopt rules and policies to protect against violations of the ethics law. HECB provides these policies to ensure that its officers and employees recognize that they are entrusted with the operation of state government by the citizens of the state and must perform their duties so there is no conflict of interest or personal gain and that their actions or inactions do not adversely affect the operations of state government.

### **Application of Policy**

This policy applies to all HECB officers and employees. It also applies to members of its committees when they are performing official duties.

### **Statement of Principles**

Stewardship of state resources is a responsibility of all state officers and employees. Accordingly, state officers and employees may not use state resources for personal benefit or gain or for the benefit or gain of other individuals or outside organizations. Responsibility and accountability for the appropriate use of state resources rests with the state officer or employee who uses or authorizes such use.

The law allows for infrequent personal use of state resources by officers and employees. HECB recognizes this allowance and provides for such limited use in its policies. In addition, state officers and employees have an affirmative duty to ensure that any personal use of state resources is limited and efficient.

HECB officers and employees are to be familiar with the law, administrative codes, and HECB policies in order to act in a manner consistent with the law, codes, and policies. The information and policies included here reflect the law and codes as of the date the policy was adopted. Compliance with the ethics law is an individual responsibility and maintaining a working knowledge of the law, codes, and agency policies will help ensure proper and ethical actions by officers and employees.

## **Guiding Principles**

The actions and activities of a state officer or employee while on duty must not:

- Violate federal, state, or local laws.
- Undermine public trust in state government or the HECB.
- Reflect negatively on state government or the HECB.
- Interfere with the performance of the officer's or employee's official duties.
- Disrupt or distract from the conduct of state business.
- Obligate other state officers or employees to make personal use state resources.
- Compromise the security or integrity of state property, information, or software.

State resources must not:

- Be used for personal benefit or gain, including a use solely for personal convenience or to avoid personal expense.
- Be used to conduct an outside business or private employment.
- Be used to support or oppose a political candidate or proposition.
- Have a discernable cost to the state when used personally.
- Place an administrative burden on the state when used personally.
- If in doubt, limit your use to official business purposes only.

The acceptance of gifts must not:

- Undermine public trust in state government or the HECB.
- Reflect negatively on state government or the HECB.
- Compromise the integrity of the state's regulatory or purchasing processes.
- Influence the vote, act, or judgment of a state officer or employee.
- Be an award for activity or inactivity on the part of a state officer or employee.
- Exceed the value limits placed on gifts.

## **Areas Covered By This Policy**

The following sections of the ethics law deal with issues regularly faced by HECB officers and employees and are addressed in this policy document. However, there are other sections of the law that may be relevant in specific circumstances or instances encountered by HECB officers or employees. Officers and employees are encouraged to consult with the law (RCW 42.52), the administrative codes (WAC 292.110), their supervisor, the Associate Director of Human Resources, the Associate Director of Accounting, Budget and Facilities, or the ethics board on matters outside these specific sections.

- Definitions (RCW 42.52.010)
- Activities Incompatible with Public Duties (RCW 42.52.020)
- Financial Interest in Transactions (RCW 42.52.030)
- Honoraria (RCW 42.52.130)
- Gifts and Limitations on Gifts (RCW 42.52.140 and 150)
- Use of Persons, Money or Property (State Resources) for Private Gain (RCW 42.52.160)
- Use of Public Resources for Political Campaigns (RCW 42.52.180)
- Investments (RCW 42.52.190)

- Communication from an Employee Organization or Charitable Organization (RCW 42.52.560)

## **Definitions**

The following terms are used in this document. Most are taken from the list of definitions in RCW 42.52.010.

***Business Telephone Calls*** include all calls made by an officer or employee while performing normal and authorized duties. In addition, calls made to inform key contacts of an officer's or employee's travel status while on state business or of changes in the officer's or employee's schedule due to work related issues are also considered business calls. Calls to key contacts regarding travel status or schedule changes are to be infrequent and limited in duration.

***Charitable Organization*** means any entity that solicits or collects contributions from the general public where the contribution is purported to be used to support a charitable activity, but does not include any commercial fund raiser or commercial fund raising entity. It includes, but is not limited to, educational, recreational, social services, defense of the poor, benevolent, and health related organizations. It does not include religious or political entities or activities.

***De Minimus Usage*** means limited and infrequent use.

***Distribute*** means to provide or disseminate information to a group of others.

***Employee Organization*** means any organization, union, or association in which employees participate and that exists for the purpose of collective bargaining with employers or for the purpose of opposing collective bargaining or certification of a union.

***Employees Who Participate in Purchasing or Regulatory Duties*** - The HECB is a regulatory agency. Employees who participate in purchasing or regulatory activities are held to a stricter set of rules governing gifts. Participation is broadly defined, including approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise. Examples of purchasing activities include, but are not limited to, making recommendations, decisions, or approving purchases from a vendor. Examples of regulatory activities include, but are not limited to, review of institutions' operating and capital budgets, degree authorization, program approval, approval for Veteran's Affairs programs, monitoring contractors for performance and/or compliance with contract terms and reimbursement or distribution of financial aid funds to institutions, employers and students.

***Employees Who Do Not Participate in Purchasing or Regulatory Duties*** are all other employees.

***Facilities*** include but are not limited to the use of stationery, postage machines, equipment, state employees during their working hours, vehicles, office space, publications, and lists of persons served by the agency.

***Gifts*** mean anything of economic value for which no consideration is given. Gifts do not include:

- 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;
- Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;
- Items exchanged among officials and employees or a social event hosted or sponsored by a state officer or state employee for coworkers;
- 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;
- Items a state officer or state employee is authorized by law to accept;
- 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;
- Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;
- Campaign contributions reported under chapter 42.17 RCW;
- Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and
- Awards, prizes, scholarships, or other items provided in recognition of work performance, academic, or scientific achievement.

***Honoraria*** include money or any item of value offered to a state officer or state employee for a speech, appearance, article, or similar item or activity in connection with the state officer's or state employee's current official role.

***Outside Employment*** means all outside employment regardless of hours worked, but does not include volunteer (unpaid) work unless a conflict occurs.

***Permissible Investments*** means any mutual fund, deposit account, certificate of deposit, or money market fund maintained with a bank, broker, or other financial institution, a security publicly traded in an organized market if the interest in the security at acquisition is ten thousand dollars or less, or an interest in real estate, except if the real estate interest is in or with a party in whom the agency holds an investment.

***Person*** means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.

***Reasonable Expenses*** are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event.

***Regulatory Agency*** means any state board, commission, department, or officer, except those in the legislative or judicial branches, authorized by law to conduct adjudicative proceedings, issue permits or licenses, or to control or affect interests of identified persons.

***State Employee*** is an individual who is employed by an agency in any branch of state government.

**State Officer** is any person holding a position of public trust in or under an executive, legislative, or judicial office of the state... (and include) chief executive officers of state agencies, members of boards, commissions or committees with authority over one or more state agencies or institutions, and employees of the state who are engaged in supervisory, policy-making or policy enforcing work. For the purposes of this chapter, "state officer" also includes any person exercising or undertaking to exercise the powers or functions of a state officer.

**State Resources** include all resources owned, leased, or in the employ of the state, including but not limited to the facilities, state employees, computers, equipment, cell phones/blackberries, vehicles, and consumable items. They also include state information, i.e. databases, lists, spreadsheets, and other documents.

## **Policy Areas**

### **Activities Incompatible with Public Duties**

No state officer or employee may have an interest, financial or otherwise, direct or indirect, or engage in a business, transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or employee's official duties.

***No additional HECB policy statement.***

### **Financial Interest in Transactions**

No state officer or employee, except as allowed below, may be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or is under the supervision of the officer or employee in whole or in part or any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase or grant.

*Exception – No state officer or employee may participate in a transaction involving the state in his or her official capacity with a person of which the officer or employee is an officer, agency, employee or member, or in which the officer or employee owns a beneficial interest, except that an officer or employee of an institution of higher education or the Spokane intercollegiate research and technology institute may serve as an officer, agent, employee, or member on a board of directors, board of trustees, advisory board or committee, or review panel for any nonprofit institute, foundation, or fundraising entity; and may serve as a member of an advisory board, committee, or review panel for a government or other nonprofit entity.*

***No additional HECB policy statement.***

### **Honoraria**

No state officer or employee may receive honoraria unless specifically authorized by the agency where they serve as state officer or employee.

A state agency may not authorize honoraria under the following circumstances:

- a. The person offering the honorarium is seeking or is reasonably expected to seek contractual relations with or a grant from the employer of the state officer or employee

and the officer or employee is in a position to participate in the terms or the award of the contract or grant.

- b. The person offering the honorarium is regulated by the employer of the state officer or employee and the officer or employee is in a position to participate in the regulation.
- c. The person offering the honorarium 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 employer of the officer or employee and the officer or employee may participate in the enactment or adoption.

***No additional HECB policy statement.***

**Gifts and Limitations of Gifts**

No state officer or employee may receive, accept, take, seek, or solicit, directly or indirectly any thing of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action or judgment of the officer or employee, or be considered as part of a reward for action or inaction.

No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of RCW 42.52.150, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, as defined in RCW 42.52.010, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under RCW 42.52.010. The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

***HECB Policy Statement - Gifts***

Gifts all employees may accept are:

- Items a state officer or state employee is authorized by law to accept;
- 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;
- Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;
- Items exchanged among officials and employees or a social event hosted or sponsored by a state officer or state employee for coworkers;
- Items returned by the recipient to the donor or donated to a charitable organization within thirty days of receipt;
- Campaign contributions reported under chapter 42.17 RCW;
- Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group;
- Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement;

- Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- 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;
- Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;
- 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
- Token beverages made available free of charge by an entity to its employees, customers and/or visitors.

Gifts employees who participate in purchasing or regulatory duties may accept are limited to those listed above.

Gifts employees who do not participate in purchasing or regulatory duties may accept the following items in addition to those listed above.

- Payments of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity.
- Payment of enrollment and courses fees and reasonable expenses attributable to attending seminars and education programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution.
- Unsolicited flowers, plants, and floral arrangements.
- Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.
- Food and/or beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties.

For all other gifts not specifically mentioned, employees who do not participate in purchasing or regulatory duties may not accept one or more gifts exceeding \$50 in value from a single source or a single gift from multiple sources exceeding \$50 in value in a calendar year. The value of gifts given to an employee's family members is included in the employee's \$50 per calendar year limit.

### **Use of State Resources**

No state officer or 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. This section does not prohibit the use of public resources to benefit others as part of a state officer's or employee's official duties. The appropriate ethics boards may adopt rules providing exceptions to this section for the occasional use of the state officer or employee of de minimus cost and value, if the activity does not result in the interference with the proper performance of public duties.

***HECB policy statement – Use of State Resources***

RCW 42.52 prohibits the personal use of state resources by employees unless allowed within the de minimus rules established by the Executive Ethics Board. Violation of the law and its associated rules may result in penalties to the employee.

Communication systems, including but not limited to phone systems, internet connections, electronic mail, voice mail, cellular phones, and blackberries are state resources, and their use is governed by the ethics law, applicable rules, and these policies. Many of these systems create a record of their use and their content. These records are reproducible, not private, and subject to public disclosure and may be used for audit, legal, and/or management purposes. In addition, these systems are not completely secure, and the transmission of important and, at times, confidential information may be misdirected or received by parties other than those intended by the originator.

Computer systems, including but not limited to internet connections and electronic mail, are subject to frequent attempts to spread disabling, tracking, or other disruptive programs. By reasonable limitations on these resources, HECB intends to reduce its exposure to such risks.

The following guidelines are provided to assist staff and supervisors in understanding this policy:

- If in doubt, limit your use to official business purposes.
- Use state resources only in a manner you could discuss openly with your supervisor, other employees, and ethics staff.
- Never use state resources in a way that would embarrass the state or the HECB.
- Seek clarification from your supervisor, the Associate Director of Human Resources, or the Associate Director of Accounting, Budget and Facilities before using resources in a personal manner.

***To meet these challenges, HECB established the following policy governing the use of state resources.***

**Permitted Uses – General.** The use of state resources that are reasonably related to the conduct of official state duties is permitted. HECB considers the use of HECB computers to access state job postings and to develop and transmit resumes or applications for state jobs as official state business.

**Permitted Uses – SCAN System.** State officers and employees may make business telephone calls (see definitions) on the SCAN system.

**Permitted Uses - Under HECB Authorization.** The HECB's executive director may authorize a specific use of state resources that promotes organizational effectiveness, enhances job-related skills, or supports the health, safety and well-being of state officers or employees. Such approval must be requested in writing and will be granted on a case-by-case basis.

In addition, by signing this policy, the executive director specifically authorizes the use of state resources for the following office related functions:

- Combined Fund Drive and other social and public service events.
- Interagency Committee of State Employed Women (ICSEW) sponsored events.

