

	<b>Code of Ethics</b>		Adopted 12/90 Revised 06/98, 03/2006 January 2007
	<b>Human Resources</b>	<b>Administrative Policy &amp; Procedure 1-010</b>	<b>Page 1 of 9</b>

## 1.0 Code of Ethics Objective and Responsibilities

Columbia Basin College (CBC) exists in an environment of diversity, fairness, and equity to ensure that the people of Benton and Franklin counties have access to educational programs providing sufficient knowledge for higher educational achievement, meaningful employment, cultural enrichment, and physical and emotional well-being.

The members of the CBC community (administrators, classified staff, faculty, foundation members, students, and trustees) recognize the responsibility we have in setting an example of ethical thought and action. We wish to affirm our commitment to students, to equality and to an environment conducive to learning.

In order to clarify those ethical principles we espouse, we have set them down in the following CBC Code of Ethics.

### 1.1 General Ethics

- 1.1.1 No employee or officer (hereafter "employee") of CBC may have a financial interest or engage in any activity that is in conflict with the proper discharge of the employee's official duties. Furthermore, no employee may use his/her official position to secure special privileges for either him/herself or any other person, nor may receive compensation from any person or entity except the State of Washington for performing his/her official duties. Related issues and practices designed to assist in this regard have been established as outlined in this Procedure, consistent with the statutory requirements of the Ethics in Public Service Act, as well as rules and advisory opinions adopted by the Executive Ethics Board.

## 2.0 Definitions

The following definitions are specific to the terms of this Procedure and do not modify or revise similar terms as used in related procedures or collective bargaining agreements.

- 2.1 Assist: to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that the action is of help, aid, advice, or assistance to the person.
- 2.2 Compensation: anything of economic value, however designated, that is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person.
- 2.3 Confidential information: specific information, rather than generalized knowledge, that is not available to the general public on request or information made confidential by law.

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- 2.4 Contract or grant: an agreement between two or more persons that creates an obligation to do or not to do a particular thing. "Contract" or "grant" includes but is not limited to, an employment contract, a lease, a license, a purchase agreement, or a sales agreement.
- 2.5 Family member: Includes parent, step-parent, parent-in-law, sister, brother, spouse, grandparent, grandchild, minor/dependent child, and child. Also includes persons who reside in the same home who have reciprocal duties to and do provide financial support for one another.
- 2.6 Gift: anything of economic value for which no consideration is given.
- 2.7 Section 4 Employee: An officer or employee's duties that include purchasing goods or services and/or entering into contracts (either signing off on or administering).
- 2.8 Honorarium: money or thing of value offered to an employee for a speech, appearance, article, or similar item or activity in connection with the employee's official role.
- 2.9 Official duty: those duties within the specific scope of employment of the employee as defined by CBC or by statute or the State Constitution.
- 2.10 Responsibility in connection with a transaction involving the State: the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or through subordinates, effectively to approve, disapprove, or otherwise direct state action in respect of such transaction.
- 2.11 Action: any action on the part of an agency, including but not limited to a decision, determination, finding, ruling, or order; and a grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.
- 2.12 Officer: every person holding a position of public trust. Includes chief executive officers, presidents, members of the board and/or advisory committees and employees who are engaged in supervisory, policy-making, or policy-enforcing work.
- 2.13 Employee: an individual who is employed by CBC, inclusive of its employed officers.
- 2.14 Thing of economic value: in addition to its ordinary meaning, includes:
- 2.14.1 A loan, property interest, interest in a contract;
  - 2.14.2 Employment or another arrangement involving a right to compensation;
  - 2.14.3 An option, irrespective of the conditions to the exercise of the option; and
  - 2.14.4 A promise or undertaking for present or future delivery or procurement.
- 2.15 Transaction involving the State: means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the employee in question believes, or has reason to believe is:
- 2.15.1 Or will be the subject of state action; or
  - 2.15.2 One to which the state is or will be a party; or
  - 2.15.3 One in which the state has a direct and substantial proprietary interest.

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### **3.0 Personal Use of College Resources**

If an employee wants to make personal use of a College resource, they must follow the Use of State Resources Rules (WAC 292-110-010) and they cannot use the resource for prohibited uses. No employee may use his/her official position to secure special privileges for either him/herself or any other person, nor may receive compensation from any person or entity except the State of Washington for performing his/her official duties.

- 3.1 An employee may make an occasional, but limited use of state resources only if each of the following conditions are met:
  - 3.1.1 There is little or no cost to the state;
  - 3.1.2 Any use is brief in duration, occurs infrequently, and is the most effective use of time or resources;
  - 3.1.3 The use does not interfere with the performance of the officer's or employee's official duties;
  - 3.1.4 The use does not disrupt or distract from the conduct of state business due to volume or frequency;
  - 3.1.5 The use does not disrupt other state employees and does not obligate them to make a personal use of state resources; and
  - 3.1.6 The use does not compromise the security or integrity of state property, information, or software.

### **4.0 Prohibited Uses (WAC 292-110-010 (6) a-f)**

Certain uses of state resources are strictly prohibited by the state Constitution, state and federal laws and the Ethics in Public Service Act; including but not limited to:

- 4.1 Any use for the purpose of conducting an outside business or private employment;
- 4.2 Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including but not limited to: A private business, a nonprofit organization, or a political party (unless provided for by law or authorized by an agency head or designee);
- 4.3 Any use for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Such use of state resources is specifically prohibited by RCW 42.52.180, subject to the exceptions in RCW 42.52.180(2);
- 4.4 Any use for the purpose of participating in or assisting in an effort to lobby the state legislature, or a state agency head. Such a use of state resources is specifically prohibited by RCW 42.17.190, subject to the exceptions in RCW 42.17.190(3);
- 4.5 Any use related to conduct that is prohibited by a federal or state law or rule, or a state agency policy; and
- 4.6 Any private use of any state property that has been removed from state facilities or other duty stations, even if there is not cost to the state.

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## **5.0 Confidential Information**

- 5.1 No employee may accept employment or engage in any business or professional activity that the employee might reasonably expect would require or induce him/her to make an unauthorized disclosure of confidential information acquired through the employee's official position. RCW 42.52.050(1).
- 5.2 No employee may disclose confidential information to any person not entitled or authorized to receive the information. RCW 42.52.050(3).

## **6.0 Special Privileges**

Except as required to perform duties within the scope of employment, no employee may use his/her position to secure special privileges or exemptions for him/herself, family members, or other persons. RCW 42.52.070.

## **7.0 Conflicts of Interest**

- 7.1 No College 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)
- 7.2 There are specific requirements if you participate in a College transaction while having a financial or beneficial interest in the transaction. Please read RCW 42.52.030 for specific prohibitions and limitations.
- 7.3 There are limits if you assist others in a transaction involving CBC and you participate in the transaction. RCW 42.52.040 prohibits:
  - 7.3.1 A College employee from assisting another person, directly or indirectly, whether or not for compensation, in a transaction if:
    - 7.3.1.1 The employee has at any time participated in the transaction; or
    - 7.3.1.2 The transaction has been under the official responsibility of the employee within a period of two years preceding the assistance.
  - 7.3.2 A College employee from sharing in compensation received by another for assistance that the employee is prohibited from providing.

## **8.0 Supporting Outside Organizations (including charities)**

- 8.1 In order to use resources to support an outside organization according to WAC 292-110-010, the following must take place;
  - 8.1.1 It must be specifically allowed by law, or the President of the College or the Vice President of Human Resources & Legal Affairs must approve the use of resources and acknowledge that Sections 7.2 and 7.3 of this procedure are met.
  - 8.1.2 Must be an official purpose but does not have to be directly related to an employees official duties.
  - 8.1.3 Each employee may only make a minimal use of state resources.
  - 8.1.4 The activity must support or promote organizational effectiveness.

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- 8.2 You can serve or assist on a board or committee that is organized for the benefit and support of the College. For example:
- 8.2.1 It is allowable to use resources to put together a College team to participate and raise money to support a charity, as long as each state employee follows the use of state resources (WAC 292-110-010), the activity supports organizational effectiveness and the College's participation is approved by the President or designee.
  - 8.2.2 It is allowable for an employee to bring in Girl Scout cookies, put the cookies on a table with an envelope for the money, have people come by and take the cookies and pay their money. No resources were used. The focus of this example is for College 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.
  - 8.2.3 Any use of College resources that results in an expenditure of funds should be avoided when conducting charity work on state time.
  - 8.2.4 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 College employees, collecting product order forms in the workplace or on state paid time, and distributing products in the workplace or on state time.

## 9.0 Compensation for Outside Activities or Private Employment

- 9.1 No employee may receive any thing of economic value under any CBC contract or grant outside of his or her official duties. The prohibition in this Section does not apply where the employee has complied with each of the following conditions if the:
- 9.1.1 Contract or grant is bona fide and actually performed;
  - 9.1.2 Performance or administration of the contract or grant is not within the course of the employee's official duties, or is not under the employee's official supervision;
  - 9.1.3 Performance of the contract or grant is not prohibited by RCW 42.52.040 or by applicable laws or rules governing outside employment for the employee;
  - 9.1.4 Contract or grant is neither performed for, nor compensated by, any person from whom such employee would be prohibited from receiving a gift;
  - 9.1.5 Contract or grant is not one expressly created or authorized by the employee in his or her official capacity;
  - 9.1.6 Contract or grant would not require unauthorized disclosure of confidential information.
- 9.2 In addition to satisfying the requirements of Section 9.1, an employee may have a beneficial interest in a grant or contract with a state agency if the:
- 9.2.1 Contract or grant is awarded or issued as a result of an open and competitive bidding process in which more than one bid or grant application was received; or
  - 9.2.2 Contract or grant is awarded or issued as a result of an open and competitive bidding or selection process in which the employee's bid or proposal was the only bid or proposal received and the employee has been advised by the appropriate ethics board, before execution of the contract or grant, that the

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- contract or grant would not be in conflict with the proper discharge of the employee's official duties; or
- 9.2.3 Process for awarding the contract or issuing the grant is not open and competitive but the employee has been advised by the appropriate ethics board that the contract or grant would not be in conflict with the proper discharge of the employee's official duties.
- 9.3 An employee cannot do business with a company for which the employee is an officer, agent, employee, or member, or in which the employee owns a beneficial interest.
- 9.3.1 Exception: An employee may serve as an officer, agent, employee, or member, or on the board of directors, board of trustees, advisory board, or committee or review panel for any nonprofit institute, foundation, or fundraising entity.
- 9.4 Assisting in Transactions Except in the course of official duties or incidental to official duties, no employee may assist another person, directly or indirectly, in a transaction involving the state.
- 9.5 Pursuant to WAC 292-110-060(4) state officers and employees seeking the approval of the Executive Ethics Board for a contract, grant application, or outside employment with a state agency shall provide the following information to the Executive Ethics Board Executive Director no later than thirty (30) days prior to the commencement of the contract:
- 9.5.1 A description of current official duties and responsibilities;
- 9.5.2 A statement of the work to be performed and a copy of the contract;
- 9.5.3 The duration and dollar value of the contract, if applicable;
- 9.5.4 A statement that no state resources will be used to perform the outside employment or to fulfill the contract or grant;
- 9.5.5 A description of how the work will be performed without the use of state resources; and
- 9.5.6 A statement that the employing agency has reviewed or approved the outside contract under applicable rules or policies, except when requesting a conditional approval as provided in WAC 292-110-060(5)(b).
- 9.5.6.1 There would be no potential conflict under RCW 42.52.120(1) or other applicable provisions of Chapter 42.52 RCW but the contract or grant has not been approved by the appointing authority pending a board review, the executive director may conditionally approve the contract or grant application

## 10.0 Honoraria

- 10.1 An honorarium is any money or thing of value offered for a speech, appearance, article or similar items in connection with the employee's official role at CBC. An honorarium can only be accepted if specifically approved by CBC and it is not on the prohibited list below.
- 10.2 The appointing authority is prohibited from approving honoraria under the following circumstances:

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- 10.2.1 The person offering the honorarium is seeking or is reasonably expected to seek contractual relations with or a grant from the employer of the employee, and the employee is in a position to participate in the terms or the award of the contract or grant;
- 10.2.2 The person offering the honorarium is regulated by the employee and the employee is in a position to participate in the regulation; or
- 10.2.3 The person offering the honorarium is:
  - 10.2.3.1 Seeking or opposing or is reasonably likely to seek or oppose enactment of, or adoption of, administrative rules or actions, or policy changes by CBC; and
  - 10.2.3.2 The employee may participate in the enactment or adoption.
- 10.3 You may use state time and resources to prepare materials for a speech or presentation for which an honorarium will be paid if the activity is related to the employee's official role at CBC. If CBC does not allow the employee to use state time and resources, any payment the employee receives is not an honorarium subject to CBC's approval but is instead considered outside compensation and subject to RCW 42.52.120.
- 10.4 Employee's State Work Experience And Knowledge - The experience and knowledge that an employee gains during employment at a State agency is not considered a "state resource." Therefore, an employee can use his/her knowledge and experience to perform outside work, such as being an expert witness. (Advisory Opinion 96-07)

## **11.0 Gifts**

- 11.1 An employee may not accept or solicit a gift, if it could reasonably be expected to influence the performance or nonperformance of the employee's official duties.
- 11.2 Even if there is no reasonable expectation that a gift would influence a decision, most state officers and employees may only accept certain gifts, and in most situations, a \$50.00 gift limit applies. However, if you are in a position that: (1) negotiates or administers contracts; or (2) purchases goods or services, or (3) regulates, you are further limited in the gifts you may receive. If you are trying to determine whether you are a Section 4 employee, see RCW 42.52.150(4) for restrictions.
- 11.3 An employee may not accept a gift from any person with a value in excess of \$50 a year.
  - 11.3.1 The value of gifts given to an employee's family member shall be attributed to the 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.
- 11.4 The following items are presumed not to influence and may be accepted without regard to the value limit established by Section 11.3:
  - 11.4.1 Unsolicited flowers, plants, and floral arrangements;
  - 11.4.2 Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
  - 11.4.3 Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

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- 11.4.4 Unsolicited items received by an employee for the purpose of evaluation or review, if the employee has no personal beneficial interest in the eventual use or acquisition of the item by CBC;
- 11.4.5 Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- 11.4.6 Food and beverages consumed at hosted receptions where attendance is related to the employee's official duties;
- 11.4.7 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
- 11.4.8 Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.

11.5 An employee may accept food and beverage on infrequent occasions in the ordinary course of meals where attendance by the employee is related to the performance of official duties.

## 12.0 Waiving Conference Fees

If the payment is in connection with a speech or presentation at a conference, the payment can come from any "governmental or nongovernmental entity." However, if the payment is for attending a conference (no speech or presentation made), the payment can only come from a bona fide governmental or nonprofit professional, educational, trade or charitable association. The waiver is not a gift for most employees and is not considered an honorarium for any College employee.

## 13.0 Use of Persons, Money, Property or Equipment for Private Gain

No employee may employ or use any person, money, property or equipment owned by CBC for the private benefit or gain of the employee or another.

## 14.0 Faculty & Textbooks

14.1 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 CBC. 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. This restriction also applies 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. (RCWs 42.52.020 & 42.52.110)

14.2 Selling/Disposing Textbooks Sent To Faculty For Evaluation Or Review (Executive Ethics Board Advisory Opinion 03-04 titled "Selling Textbooks Sent to Faculty for Evaluation or Review."). Textbooks which are provided to higher education faculty members by publishers for the purpose of review where the faculty member retains the textbook or situations where faculty members receive "courtesy copies" or "desk copies" of textbooks that the faculty members are using to teach their classes.

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14.2.1 College employees may accept gifts of informational material, publications or subscriptions such as textbooks which are related to the recipient's performance of official College duties.

14.2.2 Once these items have been received, state employees may:

14.2.2.1 Use or retain items to perform official duties; or

14.2.2.2 Dispose of items by either giving them to the College or to a charitable organization, as provided in RCW 42.52.010(10)(g); or dispose of them in accordance with College surplus property procedures.

14.2.2.3 Per RCW 42.52.010(10)(g) 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.

14.2.2.4 Faculty members are not allowed to sell review textbooks and then donate the proceeds to a charitable organization.

14.2.2.5 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.

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

### 14.3 Faculty Accepting Compensation To Review A Textbook

14.3.1 The basic premise of the gift rules states that College employees cannot 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.

14.3.2 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.

## 15.0 **Off-Duty Activities**

15.1 Off-duty activities that are a conflict of interest under Chapter 42.52 RCW and/or this procedure, detrimental to the employee's work performance or College programs, bring discredit upon the institution, or otherwise constitute violation of this procedure may be cause for disciplinary action, up to and including termination.

15.1.1 Employees shall report all arrests and any court-imposed sanctions or conditions that affect his/her ability to perform assigned duties to their appointing authority within twenty-four (24) hours of occurrence or prior to their scheduled work shift, whichever occurs first.

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Date: Jan 12, 2009