

POLICY 4125

STANDARDS OF ETHICAL CONDUCT

Preface:

As members of Shoreline Community College (SCC) Board of Trustees, officers and staff, it is important that we, as public servants, are accountable to the people who have high expectations for our behavior and service standards. (For purposes of this policy, members of the Board of Trustees, officers and staff [state employees] shall be referred to as "officers and employees.")

To help officers and employees understand their rights and responsibilities, the Executive Ethics Board was created by the Washington Legislature to develop the Washington Ethics Law enabling us to take positive actions and demonstrate ethical behavior at all times. Although an organization may ascribe to ethical behavior, it ultimately begins with each individual.

Foreword:

The 1994 Ethics in Public Services law, Revised Code of Washington, Chapter 42.52, applies to all officers and state employees. It governs the actions and working relationships of Shoreline Community College officers and employees with current or potential customers, fellow officers and employees, suppliers, government representatives, the media and anyone else with whom the College has contact.

In these relationships, officers and employees must observe the highest standards of ethical conduct. Each officer and employee is expected to place the College's interest above his or her own self-interest in all education, business, and other matters and decisions where there is any action or potential conflict.

Code of Ethics: The following sections describe major principles from the ethics law that apply to all officers and employees of Shoreline Community College:

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All officers and employees are responsible for learning and complying with all of the law's provisions that apply to them.

General Information:General Information:

The 1994 Ethics in Public Service law, RCW 42.52, set out strict conflict-of-interest standards for all state employees and established a statewide Executive Ethics Board to enforce the standards. Penalties for

disobeying the ethics law include disciplinary action and monetary fines of \$5,000 or three times the amount pertaining to the violation, whichever is greater.

The guiding principle of the ethics law is that public employees, whether elected or appointed, may not use their public employment for personal gain or private advantage.

Procedural Guidelines:Procedural Guidelines:

1. The Executive Ethics Board, as appointed by the Governor of the State of Washington will have the authority to enforce the 1994 Ethics in Public Service law through: adopting rules and policies, developing educational materials and training, issuing advisory opinions, investigating and deciding complaints from any person or on its own motion, imposing reprimands or monetary penalties, establishing criteria for civil penalties in ethics law cases and issuing subpoenas, holding hearings and deciding ethics cases.
2. The College President will maintain authority for compliance with the Washington State Standards for Ethical Conduct.
3. Shoreline Community College officers and employees with questions about the law and possible conflicts of interest should contact the Vice President for Human Resources/Employee Relations.
4. All officers and employees of the College will be responsible for declaring any honoraria or identifying potential conflicts of interest for review before engaging in any activity that may pose an ethical conflict. The College's Vice President for Business and Operations will be charged with reviewing any requests for honoraria, and reviewing any business and/or personal relationships that may pose an ethical conflict, and make recommendation to the President for approval/disapproval of such activity.

General Principles:

1. An officer or state employee may not have a financial interest or engage in any activity that is in conflict with the proper discharge of the officer's or employee's official duties.
2. An officer or state employee may not use his or her official position to secure special privileges for him or herself or for any other person.
3. An officer or state employee may not receive compensation from any person or agency except the state of Washington, for performing his or her official duties.

Basic Rules:

1. **Gifts:**

- A. An officer or employee may not accept a gift if it could reasonably be expected to influence the performance or nonperformance of the officer's or employee's official duties.
- B. An officer or employee may not accept a gift with a value in excess of \$50 a year from any person.
- C. "Gift" does not include:
 - * Items from family or friends if the clear purpose was not to influence;
 - * Customary items related to outside business, if unrelated to the performance of official duties;
 - * Items exchanged at social events by co-workers;
 - * Reasonable expenses (travel, room, and meals) for speeches or seminars (see "Honoraria" below)
 - * Items permitted by law;
 - * Items returned or donated to charity within 30 days;
 - * Campaign contributions reported under RCW 42.17;

- * Discounts available to the individual as a member of a broad-based group.
- D. The \$50 limit does not apply to:
- * Flowers;
 - * Advertising and promotional items;
 - * Plaques and awards of appreciation
 - * Items received for purpose of evaluation, if of no beneficial interest;
 - * Publications related to official duties;
 - * Food and beverages at hosted receptions;
 - * Admission to charitable events;
 - * Gifts from dignitaries;
 - * Food and beverages on infrequent occasions in the ordinary course of meals, when related to official duties.
- E. Special rules regarding gifts apply to certain employees ("section 4 employees" – see 4B. for definition) when the person giving the gift is regulated by the agency or seeks to provide goods or services to the agency; and the employee being offered the gift participates in those regulatory or contractual matters with the giver. Special rules also apply to any person responsible for any person responsible for acquiring goods and services on behalf of the college.

2. **Confidential Information:**

- A. An officer or employee may not disclose confidential information to an unauthorized person.
- B. An officer or employee may not disclose or use confidential information for personal benefit or to benefit another.
- C. An officer or employee may not accept employment or engage in business if that business might reasonably be expected to induce or require the disclosure of confidential information.

3. **Use of State Resources for Personal Benefit:**

- A. An officer or employee may not use state resources -- the office, money, property, or personnel -- for personal benefit or to benefit another person.
- B. This restriction does not apply if the officer or employee uses state resources to benefit others as a part of the officer's or employee's official duties.

4. **Compensation for Outside Activities:**

- A. Basic Rule: An officer or employee may not receive anything of economic value under any contract or grant outside his/her official duties;
- B. This prohibition does not apply if **each** of the following conditions is satisfied:
 - * The performance of the grant or contract is not within the officer's or employee's official duties or under his/her official supervision;
 - * The grant or contract was not expressly created or authorized by the officer or employee in his/her official capacity or by his/her agency; and
 - * The employee is not a "section 4 employee." A "section 4 employee" may not receive compensation or perform a contract for a person from whom s/he could not accept a gift.

"Section 4 employees" meet the three following criteria; 1) work for a regulatory agency or agency that seeks to acquire goods or services; 2) the person giving the gift is regulated by the agency or seeks to provide goods or services to the agency; and 3) the officer or employee participates in those regulatory or contractual matters with that person.

5. **Honoraria:**

- A. Definition: An honorarium is money or anything of economic value offered for a speech, appearance, or article in connection with an officer's or employee's official duties.
- B. Basic Rule: An officer or employee may not receive an honorarium unless it is specifically authorized by his/her agency;
- C. An agency may not permit an officer or employee to accept an honorarium under the following circumstances:
 - * The person offering the honorarium is seeking or is reasonably expected to seek a contract with the agency and the officer or employee is in a position to participate in the terms or award of the contract.
 - * The person offering the honorarium is regulated by the agency and the officer or employee is in a position to participate in the regulation.
 - * The person offering the honorarium may seek or oppose enactment of legislation, adoption of rules, or changes in policy by the agency, and the officer or employee is in a position to participate in the enactment or adoption.

Under the ethics law (RCW 42.52), any officer or employee must have the approval of his/her employing agency before accepting an honorarium in connection with his/her official role. The President has delegated to the Vice President for Business and Operations the authority to review and grant requests for permission to receive honoraria.

If any Shoreline Community College officer or employee (trustee, administrator, faculty member, classified employee, part- as well as full-time) is offered an honorarium for an activity service which is clearly linked to the officer's or employee's work at the College, s/he must complete a "Request for Agency Approval of an Honorarium" form, available in the Office of Business and Operations. Information to be provided includes:

- Officer or employee to receive the honorarium;
- Person or organization offering the honorarium;
- Form and monetary value of the honorarium;
- Service to be provided in exchange for the honorarium;
- Date(s) and Time(s) the service will be provided.

If the date(s) and time(s) fall inside the employee's regular work schedule, the employee must discuss the potential schedule conflicts with his/her unit administrator, and the unit administrator must sign the request form before the employee submits it to Office of Business and Operations.

Approval is required only for those honoraria, which are clearly connected with the SCC officer's or employee's work at the college. No approval is required for unrelated outside employment.

6. Use of State Resources for Political Campaigns:

- A. An officer or employee may not use state resources for political campaigns.
- B. An officer or employee with authority to direct, control, or influence the actions of another officer or employee may not knowingly acquiesce in the other officer's or employee's use of state resources for a political campaign

7. Employment of Former State Employee:

- A. One Year Restriction: A former state employee may not accept employment or compensation from an employer within one year of leaving state employment, if all three of the following conditions are present:

The employee, during the two years immediately preceding termination of state employment, negotiated or administered a contract with a new employer;
The contract(s) had a total value in excess of \$10,000; and
The former employee's duties with a new employer would include fulfilling or implementing the contract.

- B. Two-Year Restriction: A former state employee may not, within two years following the termination of state employment, have a beneficial interest in a contract or grant which was expressly authorized or funded by executive action in which the employee participated.

8. Assisting Persons in Transactions Involving the State:

- A. An officer or employee may not assist in a transaction involving the state if s/he participated in that transaction.
- B. An officer or employee may not assist in a transaction involving the state if it was under his/her official responsibility within two years prior to providing the assistance.
- C. An officer or employee is not prohibited from assisting a person in a transaction involving the state if it falls within his/her official duties.

9. Financial Interest in Transactions Involving the State:

- A. An officer or employee may not have a beneficial interest in a contract that is made by, through, or under his/her supervision.
- B. An officer or employee may not accept any compensation from another person beneficially interested in a contract that is made by, through, or under the officer's or employee's supervision.
- C. "Beneficial Interest" is the right to enjoy, benefit, or advantage from a contract or other property. For example, in a community-property state, a husband and wife each have a beneficial interest in the other's property.

10. Disclosure and Complaint Procedure:

"A person may, personally or by his or her attorney, make, sign, and file with the appropriate ethics board a complaint on a form provided by the appropriate ethics board. The complaint shall state the name of the person alleged to have violated this chapter or rules adopted under it and the particulars thereof, and contain such other information as may be required by the appropriate ethics board." (Excerpt from RCW 42.52.410)

Shoreline Community College officers and employees may file complaints with the Executive Ethics Board directly as noted above or may make complaints known to the Vice President for Human Resources/Employee Relations. For complaints to the ethics board, see RCW 42.52.410-.420. Complaints to the College may be made informally or formally.

Informal complaints may be presented orally and will be investigated as deemed appropriate by the College's Vice President for Human Resources/Employee Relations. The kind of investigation and subsequent action remains the sole prerogative of the vice president. Filing an informal complaint does not preclude a subsequent filing of a formal complaint.

Formal complaints to the College must be filed and signed by the officer or employee in writing on the appropriate forms provided by the College's Vice President for Human Resources/Employee Relations and contain all pertinent information called for on the appropriate form. Formal complaints are serious matters and will be seriously investigated by the vice president. Employees named in formal complaints shall be afforded the right to all information contained in the complaint and shall have adequate opportunity to provide information and evidence needed or requested by the Vice President for Human Resources/Employee Relations. An investigation of a formal complaint normally will result in a written decision by the vice president.

11. **Annual Review:** All officers and employees will receive a copy of the Shoreline Community College Ethics Policy. New employees will receive a copy during employee orientation conducted by the Office of Human Resources. All supervisors are responsible for reviewing the Ethics Policy with their office and departmental employees at least once yearly, normally during fall quarter. Supervisors will report annually to their department/division heads and to the College's Vice President for Human Resources/Employee Relations the time and date of the departmental review of the Ethics Policy and the names of the employees attending the review.

Copies of the Ethics Policy are available to officers and employees from the Office of Human Resources. Executive Ethics Board rules and advisory opinions are also available on the Board's web site at www.wa.gov/ethics.

CONTACT NUMBER

For more information about the College Standards of Ethical Conduct Policy, please call (206) 546-5880.

The Board of Trustees hereby adopts Policy 4125.
Done in Open Meeting by the Board this 15th day of January , 1999.

Board of Trustees
Shoreline Community College
Signed by Edie Loyer Nelson, Chair of the Board 