



THE EVERGREEN STATE COLLEGE
OLYMPIA, WASHINGTON

POLICIES AND PROCEDURES



Policy

Ethics

Adopted January 1, 1996

Category(ies) *Employment Policies*

Governance and Grievance Procedures

Ethics in Public Service Policy

The college's current policy is a compilation which includes the state law, the sections below on honorariums, federal grants and the state ethics board rules on use of state resources.

Policy

The Ethics in Public Service Act (RCW 42.52) recognizes that "Government derives its powers from the people. Ethics in government are the foundation on which the structure of government rests. State officials and employees of government hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling the 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.

The citizens of the state expect all state officials and employees to perform their public responsibilities in accordance with the highest ethical and moral standards and to conduct the business of the state only in a manner that advances the public's interest."

The Act combines the former Executive Conflict of Interest Act and various other statutes that related to elected and appointed officials into one statute. The Act prohibits state employees from obtaining for themselves or their families any special privileges, exemptions or compensation, other than their salaries, that they would not be able to secure but for their employee status (with limited exceptions as specified in the Act). The Act also prohibits state employees from participating in transactions in which their judgment in official matters may be affected by circumstances of personal interest.

Evergreen Specific Rules

1. Acceptance of Honoraria

Faculty and Staff of the Evergreen State College are specifically authorized to accept honoraria except 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 state employee, and the officer or employee is in a position to participate in; or

(b) 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) the officer or employee may participate in the enactment or adoption. [1994 c 154 113.]

(c) The person offering the honorarium is also a student or employee at Evergreen and if you are or may reasonably be expected to be in a position to hire, terminate, supervise or evaluate that person;

(d) The work for which you are being offered the honorarium is a regular part of your duties at Evergreen and has been already "paid for" by your salary.

If you have any doubts about whether acceptance of an honorarium might constitute a violation of these statutes, you should consult with your vice-president or the College's ethics review committee.

2. Federal Grant Applications.

(a) Any Evergreen faculty or staff member who desires to design, conduct or report research or educational activities financed by external grant sources must disclose all of his or her financial interests (including those of his or her spouse/partner and dependent children)

(i) that would reasonably appear to be affected by the research or educational activities funded or proposed for funding by the external source; or

(ii) in entities whose financial interests would reasonably appear to be affected by such activities. Disclosure of these financial interests must be made to the Provost.

(b) This disclosure requirement applies to any principal research investigator, co-principal investigator, and any other person at the college who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding.

(c) The term financial interest means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interest (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights). The term does not include:

(i) salary, royalties or other remuneration from The Evergreen State College;

(ii) income from seminars, lectures, or teaching engagements sponsored by the public or non-profit entities.

*(iii) income from service on advisory committees or review panels for public or nonprofit entities.**

(d) Financial disclosures required in this policy must be made in writing on a form provided by the Provost's office. The principal institutional contact person for the grant proposal should ensure that a separate form is completed and signed by each person to whom the financial disclosure requirement applies and that these are submitted in one batch to the Provost. After the Provost signs the forms, they should be attached to the college's check-off form used to acquire signatures for institutional approval of the grant proposal. Approval will not be given without the disclosures. These must be updated one year later and every year thereafter if the period of the grant award exceeds 12 months, or as new reportable financial interests are obtained.

(e) The Provost will review the financial disclosures. If he/she determines that a conflict of interest may exist, his/her determination will be reviewed by the College's Ethics Review Board. If the Board agrees that a conflict of interest exists, it shall determine what conditions or restrictions, if any, should be prescribed by the institution to manage, reduce or eliminate such conflict of interest.

(f) Examples of conditions or restrictions which the reviewers may require to manage, reduce or eliminate conflicts of interest include, but are not limited to:

(i) public disclosure of significant financial interests;

(ii) monitoring of research or educational activities by independent reviewers,

(iii) modification of the research or educational activities plan,

(iv) disqualification from participation in the portion of the grant-funded research or educational activity that would be affected by significant financial interests,

(v) divestiture of significant financial interests, or

(vi) severance of relationships that create conflicts.

(g) Institutional approval will not be given to any grant proposal where any person refuses or fails to provide a financial disclosure as required under this policy or refuses to accept the conditions or restrictions prescribed by the Ethics Review Board as a way of managing, reducing or eliminating conflicts of interest. In the case where a conflict of interest is revealed after grant approval or after the person concerned has received personal gain as a result of the external grant, the panel shall seek to eliminate the conflict of interest by requiring any of the conditions or restrictions enumerated above and by requiring the person concerned to reimburse any grant funds received. If any person concerned in this latter case refuses to follow the injunction of the panel, the panel will be obligated to make a formal complaint to the Executive Ethics Board of the State of Washington, as per RCW 42.52.360 and WAC 292-100-060. In such a case, the panel must also inform the granting agency of the conflict of interest.

(h) The college must maintain records of all financial disclosures and of all actions taken to resolve conflicts of interest for at least three years beyond the termination or completion of the grant to which they relate, or until the resolution of any action by the grant source involving these records, whichever is longer.

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Note:

*Federal law allows for the following aggregate threshold levels for determining a significant financial interest. However, Washington public employees are bound by the more stringent State Ethics Public Service law, which permits no beneficial interest in conflict of interest situations. The italicized language below would be added to this section of the policy if proposed legislation now before the Washington Legislature to create consistency with federal statutes were to pass:

4. an equity interest that, when aggregated for the person involved and his/her spouse and dependent children, meets both of the following tests: does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a 5% ownership interest in any single entity; or

5. salary, royalties or other payments that, when aggregated for the person involved and her/his spouse and dependent children, are not expected to exceed \$10,000 during any twelve month period.*

FINANCIAL DISCLOSURE STATEMENT FOR GRANT APPLICANTS

The Evergreen State College

(Please read instructions on reverse side.)

1. Name _____ 2. Position at TESC _____

3. TESC mailing address _____ 4. TESC telephone number _____

5. Your role in the project proposed for funding _____

6. Are you the principal contact or director of this project? ___Yes ___No

If you answered yes , please list the names of other persons who will design, conduct or report research or educational

activities under the grant:

7. Name of funding agency _____

8. Proposed funding period _____ 9. Date proposal is due _____

10. Brief (one sentence) summary of the proposed project activity:

11. Have you carefully read the Ethical Standards for Grant Applicants at The Evergreen State College? ___Yes ___No

12. Do you, your spouse or your dependent children have any financial interest that would reasonably appear to be affected by the research or educational activities proposed for funding? ___Yes ___No

If you answered yes , explain on a separate sheet and submit it with this form.

13. Do you, your spouse or your dependent children have any financial interest in any entity whose financial interests would reasonably appear to be affected by the proposed activities?

___Yes ___No

If you answered yes , explain on a separate sheet and submit it with this form.

Your signature: _____ Date: _____

FOR PROVOST'S USE ONLY:

___I have no reason to believe that a conflict of interest exists if the above-named person participates in the project proposed for funding.

___I have determined that a conflict of interest may exist if the above-name person participates in the project proposed for funding. I have or soon will refer this case to the college's Ethics Review Board to review my determination and, if its members agree, to prescribe conditions or restrictions to manage, reduce or eliminate the conflict of interest.

Signature of Provost: _____ Date: _____

INSTRUCTIONS REGARDING THIS FORM

You must complete and sign this form if you are an Evergreen faculty or staff member who proposes to participate in the design, conduct or reporting of research or educational activities financed by external grant sources. Each participant must sign a separate form. Please read carefully the college s Ethical Standards for Grant Applicants at the Evergreen State College before completing this form.

If you are not the principal contact or director of the proposed project, please give this form to that person once you have completed and signed it; do not seek the Provost s signature. If you are the principal contact or project director, batch the completed and signed forms of all the participants and submit them to the Provost for review and signature. Once you acquire the Provost s signature, make sure that the forms are attached to the Project Proposal Check Sheet which must be used to acquire signatures for institutional approval of the proposed project.

The signature of the Provost on this form clears the way for other college administrators to consider approving the proposal based on their respective criteria. The Provost s signature does not necessarily mean that a conflict of interest, if the Provost determines that one may exist, has been managed, reduced or eliminated. While it is preferable that this be done before the proposal is submitted, in many cases it will not be possible to do so. In those cases, the required management, reduction or elimination of the conflict must be accomplished before grant moneys are accepted or disbursed.

The Provost should retain any explanations submitted by applicants to items 12 or 13; these explanations should not be attached to the signed form, which the applicants will attach to the Project Proposal Check Sheet. These explanations

are for the information of the Provost and, if necessary, the Ethics Review Board.

3. Personal Use of the Internet - Email and Computer Usage by Faculty and Staff

Email and Computer Usage by Faculty and Staff Email is made available to College faculty and staff solely for the purpose of facilitating effective business operations. Regulations promulgated by the Washington State Executive Ethics Board place significant constraints on non-College related use. Under those regulations, employees may use College-provided email for personal communications in a manner comparable to what is allowed for personal local use of College telephones.

During this last year, the State Executive Ethics Board has clarified the permissible uses of email and the Internet given today's work environment. Consistent with the newly amended rule on the use of state resources (WAC 292-110-010), faculty and staff can have limited personal use of computers, electronic mail and the Internet, so long as that use:

- *Is of little or no cost to the state, and*
- *Is brief in duration, occurs infrequently, and is the most effective use of time and resources, and*
- *Does not interfere with the employee's official duties, and*
- *Does not disrupt College business, and*
- *Does not disrupt other employees or obligate them to make personal use of state resources, and*
- *Does not compromise the security or integrity of state property, information or software.*

State law continues to prohibit the use of College computers to access computer networks or other databases, including the Internet and electronic mail, for personal business-related, commercial, campaign or political purposes, or to promote an outside business or group or to conduct illegal activities. Additionally, employees are prohibited from allowing any member of the public to make personal use of state computers and computing resources. Email and other uses of College computers may constitute an Ethics violation if the use is political, commercial, or excessive. Examples of improper or excessive use are included in the FAQ's maintained by the Executive Ethics Board.

It is important to recognize that while limited personal use of email may not result in an Ethics violation, all email messages -- like voice mails-- are public records and are subject to public inspection under state public records laws.

4. Guidelines

The following are provided as clarifying statements to assist faculty and staff in determining the potential for conflicts of interest and ethics violations before they occur. They are not meant to be all inclusive and each member of the community is expected to be familiar with RCW 42.52 which is in the RCW Appendix to this policy. In any case where there is a question, consultation with the appropriate supervisor or review board is strongly advised.

(a) RCW 42.52. Stipulates that in matters related to the requirements of the job, employees may not receive anything of economic value other than their compensation from the state of Washington, unless otherwise provided for by the Ethics in Public Service Act.

Guideline: *College employees may not accept stipends, consulting fees, honoraria or remuneration other than their salaries for services they perform as a part of their employment with the college.*

(b) RCW 42.52 states "no state employee may employ or use any person, money, or property under the employee's official control or direction, or in his or her official custody, for the private benefit of the employee or another."

Guideline: *This provision prohibits College employees from using College facilities, equipment, funds, staff, services, or other resources, including the College's name, for private gain. For example, a faculty member cannot ask a program secretary to type a consulting report to a private corporation or use college letterhead. A staff member cannot use college laboratory equipment to do tests for a company with which s/he has made a private consulting arrangement. To the extent to which, in the normal course of business or academic work, college facilities are used which later result in a benefit accruing to an individual through the sale of intellectual property, the College's Copyright and Patents Policy protects the individual's and the state's interests.*

The Copyright and Patent's Policy should be consulted to assure that no ethical violation occurs. Examples of activities that staff and faculty may take part in provided they have made appropriate provisions under these policies include:

(i) Write books, pamphlets, articles, and papers, create audio visual materials, design or produce computer software and inventions.

(ii) Serve on boards or commissions, including government agencies, granting-agency peer-review panels, advisory groups, professional societies, editorial boards, conference committees and community organizations. Appointment to these activities should generally be discussed with, and/or approved by a supervisor.

(iii) Employees might pursue a variety of endeavors for financial profit ("moonlighting") that are not directly related to the person's college responsibility. These efforts are part of the employee's private life and do not come under college regulations so long as they do not interfere with the employees ability to perform their duties.

(c) RCW 42.52 states that "No employee may be beneficially interested, directly or indirectly, in any contract, sale, lease, or purchase that may be made by, through, or under the supervision of that employee."

Guideline: This provision has specific implications for employees who are considering assigning materials they have themselves produced or from which they receive royalties or other compensation. Employees may use such materials in courses or programs they are teaching, but the following conditions must be met:

(i) Employees may not receive royalties from the sale of their work if they are directly or indirectly involved in the selection of the materials and students are required to purchase them.

(ii) Employees may not receive revenues from the sale or rental of their work if they are directly or indirectly involved in its selection and if it is being purchased or rented with college state funds.

(iii) Employees may not receive royalties or other revenues from the sale or rental of their work for general college use (by the library or any other division) if they are in a position as a state employee to authorize the rental or purchase.

Examples of situations where an employee may receive royalties or other revenues:

A program team decides to use Faculty Member A's book in its program. Faculty member A is not a member of the team and has no decision making authority related to the choice of materials for the program.

A campus organization decides to rent a film made by a staff member B. B is not a member of the organization and is not responsible for selecting the film or authorizing its purchase or rental.

(iv) The college recognizes that its faculty might legitimately assign materials they have produced in their programs. In such a case, it is up to the employee to make arrangements to forgo royalties on the copies purchased or rented by his/her students.

In the case of the sale of self-published materials, only actual out-of-pocket expenses may be recuperated by the college employee. Verification of expenses will be required for any reimbursement. The employee may not receive remuneration for costs such as their time in producing the materials.

(d) Professional Service and Scholarly and Artistic Work

The faculty and staff of an educational institution are expected and encouraged to develop themselves as scholars, artists and service providers in their appropriate areas of expertise. In the process of developing that expertise they produce a variety of activities and materials that benefit the college community. In addition the college believes that its educational mission can flourish only when sustained by the continuous, active participation of its employees in a variety of activities both on and off campus. These activities offer opportunities for professional growth, contribute significantly to public welfare, and otherwise enhance the value of the employee's service to the college.

These professional activities may pose a conflict of interest if a college employee's outside activities interfere with his or her college obligations, whether or not there is personal gain for the employee. (see *RCW 42.52*, VI-A -11 and the Faculty Handbook (*section 6.600* and the *Faculty Reappointment Policy - Section 4*).

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5. Training and education.

Ethics training is required of all new classified and exempt employees within 90 days of being hired. This training is provided by Human Resources and is part of the mandatory training agreed to in the College's Union contract. This training is required every three years there after.

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