

## Peninsula College - Ethical Standards for the College Workplace

Peninsula College enjoys a reputation for having high ethical standards. As a member of the college staff, you can take pride in our reputation for doing things right and for doing the right things. This is important because we, as public servants, are accountable to the people who have high expectations for our behavior and service standards.

To help state 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 individuals. This brochure describes the basic principles for ethical behavior for state employees and asks you to accept personal responsibility for your decisions. If there is any question of whether your decision will be ethical, please seek advice from the Vice President of Administrative Services, who is the college's ethics officer.

The ethics law is subject to interpretation by the Executive Ethics Board. As they issue rulings, this college's code of ethics will be revised as necessary.

Thank you for your support of and belief in Peninsula College.

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The Washington Ethics Law, Revised Code of Washington, Chapter 42.52, applies to all state employees. It governs the actions and working relationships of Peninsula College employees with current or potential customers, fellow employees, suppliers, government representatives, the media, and anyone else with whom Peninsula College has contact.

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

In adopting the basic statement of ethics, the state law intended that:

- A state employee may not have a financial interest or engage in any activity that is in conflict with the proper discharge of the employee's official duties;
- State employees may not use their official positions to secure special privileges for themselves or any other person; and
- A state employee may not receive compensation from any person, except the State of Washington, for performing his or her official duties.

This law defines the term "employee" as including one's spouse and immediate family.

***Employees must resolve any doubt as to the meaning of the Code in favor of good, ethical judgment. It is each employee's responsibility to avoid even an appearance of impropriety.***

### **Statement of Ethics**

Government derives power from the people. Ethics in government are the foundation on which the structure of government rests. State officials and government employees hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling the responsibilities to which they are elected, appointed, or employed.

***Paramount in that trust is the principle that public office, or public opinion, may not be used for personal gain or private advantage.***

### **Code of Ethics**

The following sections describe major principles from the ethics law that apply to all employees of Peninsula College.

Gifts  
Use of State Resources for Personal Benefit  
Confidential Information  
Compensation for Outside Activities  
Honoraria  
Use of public resources for political campaigns  
Assisting in transactions  
Financial interest in transactions  
Post state employment  
Disclosure and complaint procedure  
Dissemination

Some employees have extra restrictions under this law and should be informed of these special instructions by the College Ethics Officer, the Vice President for Administrative Services. All employees are responsible for learning and complying with all of the law's provisions that apply to them. There are numerous resources available at the Executive Ethics Board Website, <http://www.ethics.wa.gov/>. These include a training manual, frequently asked questions, advisory opinions and the ethics rules.

### 1. Gifts

**"No state officer or state 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."** (Excerpt from RCW 42.52.140.)

*The term "gift" means anything of economic value* for which no value is given in return. However, there are certain statutory exceptions, such as some items received from family or friends, co-worker exchanges, and expense reimbursements.

*A Peninsula College (PC) employee may not solicit a gift for personal benefit* from students, vendors, and/or individuals, organizations or companies that may transact business or have a relationship with the College currently or in the future. Employees may solicit gifts on behalf of the College only after receiving approval under College Procedure S304: Fund Raising and Gift Solicitation (on the intranet at <http://pcinet.ctc.edu/presoffice/Board%20of%20Trustees/Board%20Policies/Institutional%20Procedures/Institutional%20Procedures.htm>)

*Unsolicited gifts from vendors and other organizations having or seeking to have a relationship with the College that are received by a College employee are property of the College*, as a general rule. The exceptions, generally, include certain unsolicited items, tokens of appreciation such as plaques and desk items, and minor promotional items with a total annual value of less than \$50.00. Questions about exceptions are to be directed through usual administrative channels to the appropriate vice president who will consult with the Vice President for Administrative Services before addressing the question.

*Employees receiving gifts, other than the statutory exceptions, are to report the receipt of the gift to their supervisor in writing*, ensuring that the gift is accepted by the College through the normal approval process.

*If accepted, the gift will be recorded in the College inventory* (if required), and put in general use to benefit College programs and our students. Gifts that bear a value of greater than \$50.00 but have no general use that would benefit College programs and students are to be sent to the Materials Resource Manager in Support Services for disposal.

*Employees are to file a written record* of receiving and disposing of the gift with their supervisor.

Examples of situations that may arise are given as illustration to help further explain these ethics laws.

### Example # 1

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*Mary is a Peninsula College employee with a husband and three children. Linda, the president of the XYZ Corporation, gives Mary and each member of her family a ticket to a sporting event. The value of each ticket is \$15 and the total of the five tickets is \$75. Linda has never met Mary's family.*

***Mary has committed an ethical violation.** The value of the tickets received by Mary and her family exceed the \$50 limit. The gift of tickets to Mary's family is attributable to her because there is no independent business, family, or social relationship between Linda and her family. Although there are some exceptions to the \$50 limit, this does not qualify.*

### Example # 2

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*Bob works for Peninsula College as a library technician. Part of Bob's job is to assist people doing research in the library, and in this capacity, Bob has helped the representatives of the QRS and the XYZ Corporations. When their research is completed, the two corporations each give Bob a gift. PRS gives him a fishing rod worth \$50 and XYZ give him a fishing reel worth \$45. Bob accepts these gifts.*

***Bob has committed an ethical violation.** Even though the value of each individual item is \$50 or less, the fishing rod and reel constitute a single gift. A single gift is defined to include any group of items to be used in conjunction with each other. The fishing rod and reel are designed to be used together and the value of this single gift is \$95.*

### Example # 3:

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*Kathy works as a gardener on Peninsula College's grounds staff. Her job involves mowing lawns and maintaining flower beds. XYZ Corporation supplies the College with gardening supplies but Kathy's job does not involve these contractual matters. Every three months XYZ give the College's gardeners, including Kathy, a new pair of gardening gloves, valued at \$15. During the calendar year, Kathy accepts four pair of gloves for a total value of \$60.*

***Kathy has committed an ethical violation** because Kathy cannot receive multiple gifts from a single person with a total value excess of \$50. Had Kathy participated in the decision to purchase the gardening supplies, a more stringent rule would have applied and accepting one pair of gloves would be a violation.*

## 2. Use of State Resources for Personal Benefit

**“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. This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's public duties.”**  
(Excerpt from RCW 42.52.160)

The Executive Ethics Board has adopted WAC 292-16-010 to cover occasional use by employees of property having *de minimis* costs and value. The rule permits an employee to make occasional but limited use of state resources for private benefit if:

- (a) There is little or no cost to the state;
- (b) Any use is brief in duration, occurs infrequently, and is the most effective use of time or resources;
- (c) The use does not interfere with the performance of the officer's or employee's official duties;
- (d) The use does not disrupt or distract from the conduct of state business due to volume or frequency;
- (e) The use does not disrupt other state employees and does not obligate them to make a personal use of state resources; and

(f) The use does not compromise the security or integrity of state property, information, or software.

For example, an employee may use an office telephone to make local calls, an office bulletin board to post notices, or office space to hold meetings on breaks. Employees may use occasionally state resources for private benefit, if:

There is no cost to the state and the use of state resources does not interfere with the performance of the employee's official duties.

The use of state resources does not interfere with the performance of the employee's official duties

**No use may be made of consumable property such as paper, envelopes, or spare parts.**

### **3. Confidential Information**

"No state officer or state employee may engage in any activity that the officer or employee might reasonably expect would require or induce disclosure of confidential information acquired by the official or employee by reason of the official's or employee's official position. No state officer or state employee may disclose confidential information gained by reason of the officer's or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another.

No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information. No state officer or employee may intentionally conceal a record if the officer or employee knew the record was required to be released under chapter 42.17 RCW, was under a personal obligation to release the record, and failed to do so. This sub-section does not apply where the decision to withhold the record was made in good faith." (Excerpt from RCW 42.52.050)

College employees are required to maintain confidential information and not to use confidential information for personal gain or for gain by anyone not entitled to receive the information. Likewise, outside employment and other circumstances that are likely to compromise information received from the College must be avoided.

### **4. Compensation for Outside Activities**

**"No state officer or state employee may receive any thing of economic value under any contract or grant outside of his or her official duties if the contract or grant is related or appears to be related to the employee's official duties and responsibilities." (Excerpt from RCW 42.52.120)**

This provision is to prohibit outside employment or other financial arrangements that could have or could become a conflict, with the employee's ability to perform duties and responsibilities to achieve the best results for the College. When considering decisions dealing with employment, remember that the definition of employee includes your spouse and immediate family. There are many specific instructions and requirements under this provision, including a six-part exception for bona fide outside compensation that does not violate other restrictions. If you have questions about a relationship you or your family has, please consult the College Ethics Officer.

#### **Example: #4**

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*John works in Peninsula College's physical plant department and has responsibility to ensure that the contractor (XYZ) completing a minor capital project meets the contract conditions and standards. John has an excellent understanding of the community college contracting and construction process. XYZ Corporation hires John for \$200 to spend a weekend reviewing its proposal bid for a construction project at Green River Community College.*

***John has committed an ethics violation. He may not be paid by XYZ because the weekend work appears to be related to his Peninsula College employment; in that he would be paid by a company he is responsible for monitoring for Peninsula College.***

### **5. Honoraria**

**"No state officer or state employee may receive honoraria unless specifically authorized by the**

**agency where they serve as state officer or state employee.” (Excerpt from RCW 42.52.130)**

Peninsula College may not authorize honoraria under the following circumstances:

The person or organization offering the honoraria is seeking, or is reasonably expected to seek, a contract with or a grant from the College or from a College employee and the employee receiving the honoraria is in a position to participate in the terms or award of the contract or grant, or

The person or organization offering the honoraria is seeking or opposing or is reasonably likely to seek or oppose enactment or adoption of administrative rules or actions, or policy changes by the College, and the employee receiving the honoraria may participate in this enactment or adoption.

### **Example: # 5**

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*A faculty member who does not sit on a textbook selection committee considering a particular textbook may agree to review a textbook and accept an honorarium from the publisher. However, should the publisher's book be considered for selection as text for a PC class, the faculty member, having received an honorarium, must refuse to participate in the textbook selection decision.*

### **6. Use of Public Resources for Political Campaigns**

**“No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, 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. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include but are not limited to use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.” (Excerpt from RCW 42.52.180)**

### **Assisting in Transactions**

**“Except in the course of official duties or incident to official duties, no state officer or state employee may assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the state in which the state officer or state employee has at any time participated or if the transaction involving the state is or has been under the official responsibility of the state officer or state employee within a period of two years preceding such assistance.” (Excerpt from RCW 42.52.050)**

### **8. Financial Interest in Transactions**

**“No state officer or state employee 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 accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase or grant. No state officer or state 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, agent, employee, or member, or in which the officer or employee owns a beneficial interest.” (Excerpt from RCW 42.52.030)**

Peninsula College employees may not participate in College decisions that benefit, or appear to benefit, the employee or any person or organization in which the employee has or appears to have a beneficial interest. A beneficial interest commonly means a financial interest or a potential financial benefit. Beneficial interest includes spouses, family members, and businesses and organizations in which an employee has a level of management power and owner interest but excludes ownership interest in mutual funds, investment pools, and corporation stocks where there is no management power.

## Example: # 6

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*If the college is considering purchasing a product or service from a company employing one's spouse in a management position, the employee must refuse to participate in the process that may lead to decision to purchase or not purchase the product or service.*

### 9. Post State Employment

The ethics law contains several restrictions on former state employees. A Peninsula College employee considering leaving the college and seeking employment that may do business with the College or other state agencies should carefully read and study this section of the ethics law.

### 10. Disclosure and Complaint Procedure

“A person may, personally or by his or her attorney, make, sign, and file with the appropriate ethics board 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)

Peninsula College employees may file complaints with the Executive Ethics Board directly as noted above or may make complaints known to the Vice President for Administrative Services. 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 Ethics Officer. 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 employee in writing on the appropriate form provided by the College's Ethics Officer and contain all pertinent information called for on the appropriate form. Formal complaints are serious matters and will be seriously investigated by the College Ethics Officer. 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 College Ethics Officer. An investigation of a formal complaint normally will result in a written decision by the College's Ethics Officer.

***Retaliation against a complainant is forbidden as a matter of College policy.***

#### **Dissemination**

All employees will receive a copy of the Peninsula College Code of Ethics.

**Additional information may be found at The Executive Ethics Board website.**

<http://ethics.wa.gov/>

The Peninsula College Ethical Complaint Form is available on the college intranet website at: [Ethics Complaint Form](#)

**PENINSULA COLLEGE**  
**Administrative Procedure**

Subject: **STANDARDS OF ETHICAL CONDUCT**

Administrative Procedure Number: 207.01

Date Adopted: October 3, 1995

Date Revised: March 5, 2007

**Approval of Honoraria**

RCW 42.52.010 defines honorarium as: money or thing of value offered to a state office or state employee for a speech, appearance, article, or similar item or activity in connection with the state officer's or state employee's official role. Honorarium would not include payment for so-called "moonlight" employment so long as that employment has no connection to the employee's official duties and the employee did not use official position to obtain the moonlight employment. However, such outside employment would violate another part of RCW 42.52 if any part (including preparation) takes place during the employee's normal duty hours unless the employee is on annual or unpaid leave. For purposes of approving honoraria, Peninsula College defines "normal duty hours" as 8:00 a.m. to 5:00 p.m., weekdays, unless a different schedule has been approved in writing by the employee's supervisor.

The Vice-president for Educational Services has been designated to approve all honoraria for faculty. The Vice-president for Administrative Services has been designated to approve honoraria for the remaining employees. Any requests for approval should be sent in writing, and no honoraria may be agreed to or accepted without prior written approval.

**Procedures for Resolving Issues or Complaints**

Employees seeking advice regarding potential conflict of interest issues are encouraged to contact the Vice-president for Administrative Services. Complaints may also be filed with the Vice-president of Administrative Services and will be investigated. Employees making such complaints will be protected from retaliation. Employees may also make complaints with the Washington State Auditor's Office under the provisions of the Whistleblower Act.

If it is determined, after an investigation, that a conflict exists, the employee shall take immediate action to end such conflict and shall so advise the president.

**Penalties**

1. The president may dismiss, suspend, or take such other action upon finding that a Peninsula College employee has violated the conflict of interest statutes.
2. The Attorney General of the State of Washington may bring civil action in Clallam County Superior Court against any college employee, former college employee, or other person, who has violated or knowingly assisted any other person in violating any provision

- of the Executive Conflict of Interest Act and in such action may recover the following damages on behalf of the State of Washington:
- a. from each person a civil penalty of either five hundred dollars or an amount not exceeding three times the amount of economic value of anything received or sought; and,
  - b. any damages sustained by the college resulting from the violation.
3. The Attorney General of the State of Washington may bring civil action in Thurston County Superior Court against any person who shall violate 42.18.230. In such action, the attorney general shall be awarded the following damages for the State of Washington:
- a. a civil penalty of either one thousand dollars or an amount not exceeding three times the economic value of anything which has been given, transferred, or delivered; and
  - b. any damages sustained by the state resulting from the violation.

### **Responsibility of All College Employees**

Nothing in these procedures, including language paraphrasing statutory provisions, is intended to alter or relieve employees of the responsibility for ethical and legal conduct, pursuant to the laws and regulations of the State of Washington.