
TITLE:	Conflict of Interest
NUMBER:	408 (Replaces 1170)
APPROVED BY BOARD OF TRUSTEES:	12/10/91
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I. INTRODUCTION

Based on Ethics in Public Service Act RCW 42.52, this policy seeks to establish essential restrictions against real or perceived conflicts of interest while keeping barriers to the recruitment and retention of needed personnel to a minimum.

No state officer or state 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 of any nature, that is in conflict with the proper discharge of the state officer's or state employee's official duties.

II. PURPOSES

The primary purposes of the Ethics in Public Service Act are to prevent conflicts of interest that impair the impartial and independent judgment of state officers and employees and the misuse of state position for private gain. Conflicts of interest occur whenever a state officer or state employee:

- (a) Has a beneficial interest relating to a matter in which the officer or employee participated in an official capacity;
- (b) Accepts outside compensation for the performance or nonperformance of official duties; or
- (c) Accepts or seeks outside compensation from persons with whom they regulate or conduct state business.

A misuse of state position occurs whenever a state officer or employee:

- (a) Uses his or her official position to influence a contract award; or
- (b) Uses state resources to engage in private work that is not part of official duties.
 - 1. In accordance with WAC 282-110-010 Use of State Resources: The proper stewardship of state resources, including funds, facilities, tools, property, and employees and their time, is a responsibility that all state officers and employees share. Accordingly, state 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 ultimately rests with the individual state officer or state employee, or with the state officer or state employee who authorizes such use. State officers and employees should ensure that any personal use of state resources permitted by this section is the most efficient in terms of overall time and resources.

III. EXAMPLES

Gifts

- (a) College employees may not receive, accept, take, seek, or solicit, directly or indirectly, anything 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 employee, or be considered as part of a reward for action or inaction.
- (b) 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.

- (c) A Whatcom Community College 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.
- (d) 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.
- (e) 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. Employees are to file a written record of receiving and disposing of the gift with their supervisor.

Use of State Resources for Personal Benefit

- (a) No College 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 or gain of the employee or another. This does not prohibit the use of public resources to benefit others as part of an employee's public duties.
- (b) The Executive Ethics Board has adopted rules 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 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.

Confidential Information

- (a) No College employee may
 - a. disclose confidential information to an unauthorized person;
 - b. disclose or use confidential information for personal benefit or to benefit another; or
 - c. accept employment or engage in business, if it might reasonably be expected to induce or require the disclosure of confidential information.

Compensation for Outside Activities

- (a) No College employee may receive anything 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.
- (b) 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.

Honoraria

- (a) No College employee may receive honoraria unless specifically authorized by Whatcom Community College. Whatcom Community College may not authorize honoraria under the following circumstances;

- (b) 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
- (c) 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.

Use of Public Resources for Political Campaigns

- (a) No College employee may use or authorize the use of facilities of the college, 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 College employee using public resources in violation of this section constitutes a violation of this section. Facilities of the College include but are not limited to the use of stationary, postage, machines, and equipment, use of College employees during working hours, vehicles, office space, publications of the College, and clientele lists of persons served by the College.

Assisting in Transactions

- (a) No College employee may assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the state in which the employee has at any time participated or if the transaction involving the state is or has been under the official responsibility of the employee within a period of two years preceding such assistance.

Financial Interest in Transactions

- (a) No College 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 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 employee may participate in a transaction involving the state in his or her official capacity with a person of which the employee is an officer, agent, employee, or member, or in which the employee owns a beneficial interest.
- (b) 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.

Post State Employment

- (a) State ethic laws contain several restrictions on former state employees. Any College employee considering leaving the college and seeking employment that may do business with the College or other state agency should carefully review this section of the ethics law.

IV. REFERENCES

Applicable law, standards of review - RCW 42.52.020 prohibits financial and other interests that conflict with official duties. RCW 42.52.030 prohibits financial and beneficial interests in transactions involving the state. RCW 42.52.030(2) provides alternate conflict of interest provisions related to research and technology transfer agreements at certain institutions of higher education. RCW 42.52.160(1) prohibits the use of state resources for private benefit or gain. RCW 42.52.120(1) prohibits compensation outside of official duties unless certain conditions are met. RCW 42.52.120(2) requires prior ethics board approval of noncompetitive contracts between state officers and employees and any state agency. RCW 42.52.120(3) requires that contracts approved by the board must also be filed with the ethics board within thirty days of execution.

Complete copies of these laws and regulations are available in the Human Resources Office.