

WASHINGTON STATE UNIVERSITY



Ethics in Public Service Act

Presented by:
Heather Lopez
Chief Audit Executive
Office of Internal Audit


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WASHINGTON STATE UNIVERSITY

Recording date of this workshop is
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Some of the rules and procedures discussed
in this workshop are subject to change.

Please check university resources
before relying exclusively
on this recorded presentation.




What Does it Mean to be Ethical?

To conform to the standards of conduct of a given profession or group


What are the minimum standards of conduct applicable to Washington State University employees and officers?

Ethics in Public Service Act, RCW 42.52




Personal Responsibility

- As a University employee, you are:
 - Responsible to know the law - ignorance is no defense
 - Personally liable
 - Subject to penalties by the State Auditor's Office, Executive Ethics Board (EEB), employing agency




Essential Resources

- EEB webpage
 - Ethics Manual
 - Ethics Act – *rules*
 - Advisory opinions – *interpretation, precedent*
 - Ethics cases – *enforcement, consequences*
 - Training, Ethics Challenge
- BPPM 10.21, 10.22 - Ethics Act and Violations
- BPPM 20.37 – Personal Use of State Resources
- EP 4 – Electronic Data Policy
- EP 27 – Technology Transfer



Summary Provisions – Ethics Act

- Conflicts of interest
- Special privileges
- Gifts
- Use of state resources
- Confidential information
- Outside employment
- Honoraria
- Post-state employment




Core Principle

Public office – whether elected or appointed – may not be used for personal gain or private advantage


No matter how tempting . . .

- All state officers and employees have a duty to ensure the proper stewardship of state resources.
- State resources under your control may not be used for the private benefit or gain of a state employee, officer, or another employee, person or organization.




De Minimis (Minimal) Use

- The EEB allows personal de minimis use so long as you do not use resources for any of the prohibited purposes.
- De minimis use is infrequent, occasional, personal use resulting in little or no cost to WSU and no disruption of WSU employees or operations.



Prohibited Uses

- Conducting outside business or private employment
- Supporting, promoting, or soliciting for an outside organization or group (unless approved by University official designee)
- Promoting or opposing a candidate for office or a ballot proposition
- Lobbying unless assigned by WSU
- Use of property away from WSU



Outside Compensated Services

- Faculty Manual IV.D
- General
 - Cannot interfere with employee's performance of University duties – chair determination
 - No conflict of interest
 - University facilities may not be used in connection with compensated outside professionally-related service work
- Consulting
 - This section generally covers consulting



Extended Professional Activities

- Faculty Manual IV.E
- Supervisor (chair) approval is required for commercial enterprise-related activities closely related to University work
 - Ownership or substantial equity position
 - Line management position
 - Participation in day-to-day operations
 - Transfer of non-patented technology/potentially marketable information developed in University research program



Conflict of Interest – Technology Transfer

- EP 27 – Ethics, Conflicts of Interest and Technology Transfer
- RCW 42.52.220 – Allows conditional use of University resources for approved technology transfer activities
- Limited to research employees
 - Faculty whose terms of employment and advancement include contributions via scholarly research
 - Employee or graduate student responsible for designing, conducting or reporting research

More - EP 27


- If actual or perceived conflict of interest, chair refers to Research Compliance Office and COI Committee
- Permits some use of University resources for research employees outside technology transfer activities
 - Approved under Faculty Manual, BPPM 60.44
 - No conflict of interest
 - Approved sponsored research agreement or service center agreement
 - A different process for start-up firms

Nepotism

- BPPM 60.14, Faculty Manual
- Cannot make decisions which may directly affect appointment, tenure, promotion, salary or any other status of interest of parent, child, spouse, domestic partner, sibling, in-law or close relative
- Each supervisor is responsible for reporting violations of this policy to his or her appointing authority
- Disclosure of relation with someone in supervisory chain is required


Confidential Information and Public Records Act

- RCW 42.52.050 - Confidential Information
 - (1) Public employees must take care to protect confidential information acquired due to position
 - (2) Cannot accept employment or engage in business that might reasonably expect unauthorized disclosure of confidential information
- RCW 42.52.050 - Public Records
 - (4) Failure to produce responsive records
 - Public records officer has short timeline for return




Determination of Ethics Issue

- Is employee acting in the best interests of the employer?
- Are decisions regarding contracts or use of resources made for personal convenience or administrative/ employer convenience?
- If suspect actions or use for other than official duties, contact administrator, Internal Audit, EEB or SAO.



Examples

- Special Government Rate at Hotel
 - Can you accept if official travel runs over into personal? Per EEB FAQ, you can if the rate is offered to all government employees whether they are in official status or not.
- Business Card
 - State business cards are a University resource and cannot be used for personal gain. EEB Advisory 98-10 advises should not be used in drawings to gain personal gifts (i.e., drawing at local restaurant for free meal, drawing at conference to win prizes).



More Examples

- Door Prize
 - As registered attendee of unit-paid conference, your name may be entered in door drawings for prizes. If name drawn, must determine if prize can be used by unit for official purpose (state paid for the conference, so prize belongs to state). If cannot, then donate to charity or return without ethics violation.
 - At conference, nominal gifts presented to all attendees (i.e., pens, notepads, portfolios) are allowed gifts since offered to everyone.
 - Ethics Advisory 98-10.

More Examples

- **Service on Board**
 - Faculty members cannot use state resources in performance of compensated outside services on a board or paid consulting activity (Faculty Manual IV,d.2.f)
 - If service on a board is not part of official duties (and approved as such by person with authority to approve) then no state resources may be used associated with that service (not even de minimis)
 - If service on board considered approved part of official duties, de minimis use of resources okay
 - AAG opinion, 1/27/10

Contact Information

- **WSU Internal Audit**
Heather Lopez, Chief Audit Executive
www.internalaudit.wsu.edu, 335-2001
- **Assistant Attorney General**
Adam Malcolm, 335-2636
- **Executive Ethics Board**
www.ethics.wa.gov

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