CLOVER PARK TECHNICAL COLLEGE
POLICY & PROCEDURE

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POLICY

Clover Park Technical College is an institution of higher education created and supported by the state. To give the highest public service to its citizens, college officers and employees are obligated to treat their positions as a public trust, using their official powers and duties and the resources of the college to promote organizational effectiveness and advance the public interest. The Washington State Ethics in Public Service Law, RCW 42.52, sets out strict conflict of interest and other ethical standards for all College officers and employees including Board of Trustee members and all District employees.

PROCEDURE

General Principles
1. A college officer or 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. A College officer or employee may not use his or her official position to secure special privileges for him or herself or for any other person, including his or her spouse, child or parents.

3. A College officer or employee may not receive compensation from any source, except the state of Washington, for performing, not performing or delaying his or her official state duties.

Basic Rules
1. Financial Interests in Transactions
   a. A College officer or employee may not have a beneficial interest, directly or indirectly, in a contract, sale, lease, purchase or grant that is made by, through, or under his/her supervision.
   b. A College officer or employee may not accept any compensation from any other person, beneficially interested in a contract, sale, lease, purchase or grant that is made by, through or is under his or her supervision.

2. Assisting Persons in Transactions
   a. Except in the course of official duties, a College officer or employee may not assist a person in a transaction involving the state, in which the officer or employee has at any time participated.
b. A College officer or employee may not assist in a transaction involving the state if it was under his or her official responsibility within two years prior to providing the assistance.

3. Gifts
   a. A College officer or employee may not accept a gift if it could reasonably be expected to influence the performance or nonperformance of the employee’s official duties.
   b. A College officer or employee may not accept a gift from any person with a value in excess of $50 a year.
   c. “Gift” does not include:
      1. items from family and friends if the clear purpose was not to influence;
      2. customary items related to outside business, if unrelated to the performance of official duties;
      3. items exchanged at social events by co-workers;
      4. reasonable expenses (travel, room and meals) for speeches, appearances, presentations or seminars made in an official capacity;
      5. items permitted by law;
      6. items returned to the donor or donated to charity within 30 days;
      7. campaign contributions reported under RCW 42.17;
      8. discounts available to the individual as a member of a broad-base group.
   d. The following items are presumed not to influence a College employee and may be accepted without regard to the $50 limit stated in college policy concerning gifts:
      1. unsolicited flowers, plants and floral arrangements;
      2. unsolicited advertising or promotional items of nominal value, such as pens and notepads;
      3. unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item;
      4. unsolicited items for the purpose of evaluation or review, if the employee has not personal beneficial interest in the eventual use of acquisition of the item by the employee’s agency;
      5. informational material, publications or subscriptions related to the employee’s performance of official duties;
      6. food and beverages consumed at hosted receptions where attendance is related to the College officer or employee’s official duties;
      7. admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization;
      8. unsolicited gifts from dignitaries from another state or foreign country that are intended to be personal in nature.

The presumption that all items above are presumed not to influence an employee may be overcome based upon the circumstances surrounding the giving and acceptance of the particular items.

e. Special rules regarding gifts apply to certain College employees [Section 4 “employees” – see RCW 42.52.150(4) 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 acquiring goods and services on behalf of the college.

4. **Honoraria**
   a. **Definition:** An honorarium is money or anything of economic value offered for a speech, appearance, article or similar item or activity in connection with a College employee’s official duties.
   b. **Basic Rule:** A College officer or employee may not receive an honorarium unless it is specifically authorized by the College.
      1. Prior to acceptance, officers or employees of the College who are offered honoraria should first notify and obtain the approval of the Vice President for Human Resources.
      2. When honoraria has been approved, the activities shall be performed outside the College officer or employee’s scheduled work hours or the College officer or employee shall take annual leave or leave without pay.
   c. The College does not permit an employee to accept an honorarium under the following circumstances:
      1. The person offering the honorarium is seeking or is reasonably expected to seek a contract with the college and the officer or employee is in a position to participate in the terms or award of the contract.
      2. The person offering the honorarium is regulated by the College and the officer or employee is in a position to participate in the regulation.
      3. The person offering the honorarium may seek or oppose enactment of legislation, adoption of rules, or changes in policy by the College, and the officer or employee is in a position to participate in the enactment or adoption.

5. **Compensation for Outside Activities**
   a. **Basic rule:** A College employee may not receive anything of economic value under any contract or grant outside his or her official duties.
   b. This prohibition does not apply if each of the following conditions is satisfied:
      1. the performance of the grant or contract is not within the employee’s official duties or under his/her official supervision;
      2. the grant or contract was not expressly created or authorized by the employee in his/her official capacity; and
      3. 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 he or she could not accept a gift.

6. **Use of State Resources**
   a. A College officer or employee may not use state resources—the office, money, property, or personnel—for his/her private benefit or gain or for the private benefit or gain of another person.
b. This restriction does not apply if the College employee uses state resources to benefit others as a part of the employee’s official duties.

c. The College allows *de minimus* use of college resources so long as: (1) there is negligible or no identifiable cost to the state, (2) the personal use is not during an employee’s scheduled work time and does not interfere with official responsibilities, (3) the personal use is not for private commercial purposes, (4) the personal use is not for any political purpose or to support or oppose any ballot measure, and (5) the personal use is not to indulge prurient interest such as pornography.

7. **Use of State Resources for Political Campaigns**
   a. A College officer or employee may not use state resources for political campaigns, including the campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition.
   b. A College officer or employee with authority to direct, control, or influence the actions of another employee may not knowingly acquiesce in the other employee’s use of state resources for a political campaign.

8. **Confidential Information**
   a. A College officer or employee may not disclose confidential information to an unauthorized person.
   b. A College officer or employee may not disclose or use confidential information for personal gain or benefit or for the gain or benefit of another.
   c. A College 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.

9. **Employment of Former College Employees**
   a. One-Year Restriction: A former College 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:
      1. the employee, during the two years immediately preceding termination of state employment, negotiated or administered a contract with a new employer;
      2. the contract(s) had a total value in excess of $10,000; and
      3. the former employees duties with the new employer would include fulfilling or implementing that contract.
   b. Two-Year Restriction: A former College 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.

**Administration**

1. **Reporting Ethics Violations**
a. Any employee, student or volunteer may report suspected ethics violations to their first-line supervisor or instructor or they may consult directly with the Office of Human Resources.
b. Any college official receiving a report of suspected ethics violations shall contact the Vice President for Human Resources as soon as reasonably convenient.

2. **Investigations**
   a. The Vice President for Human Resources will be responsible for investigating the suspected ethics violation. Every effort will be made to maintain confidentiality to protect both the complainant and the accused.
   b. The Vice President for Human Resources will make a written recommendation to the President within a reasonable time following the close of investigation. Appropriate corrective measures will be decided by the President, Vice President for Human Resources and other college officials.
   c. Nothing contained herein shall preclude an employee or student from pursuing the matter through external government agencies. Complaints made directly to the Executive Ethics Board will be handled by the Board in accordance with the statute.

**Enforcement**
The Executive Ethics Board is responsible for enforcing this law and the rules adopted under it with respect to statewide elected officers and all other officers and employees in the executive branch, boards, commissions, and all state supported universities, colleges, and community and technical colleges. The board is composed of five members appointed by the Governor. One member must be a classified service employee. The statutes setting out the enforcement mechanism are set out at **RCW 42.52.350-.550**.

1. **Complaints**
   Any person may file a complaint with the appropriate ethics board. An ethics board may also issue a complaint of its own. The staff of the appropriate ethics board will investigate the complaint. The board may also refer the complaint to the college for initial investigation or the Attorney General or the appropriate county prosecutor for action.

2. **Action by the Ethics Board**
The board will make a written determination on whether or not there is reasonable cause to believe a violation of chapter **42.52 RCW** or the rules adopted under it has been committed. A copy of the written determination will be provided to the complainant and to the person named on the complaint.

If the board has determined that there is reasonable cause, a public hearing on the merits of the complaint will be held.

Evidence will be presented by the ethics board staff in support of the complaint. The person named on the complaint will file a written answer to the complaint and may present evidence at the hearing. If the board finds that there has been a violation, an
order stating findings of fact and enforcement will be filed. The order is subject to reconsideration and judicial review under chapter 34.05 RCW.

If the board determines that there was no ethical violation, the board will file an order dismissing the complaint.

3. **Sanctions**

   Based on a finding of an ethical violation by the ethics board or by the superior court, the following sanctions are available:
   a. Damages sustained by the state;
   b. Civil penalty of up to $5,000 per violation or three times the economic value of anything received or south in violation of a chapter or rules:
   c. Costs

   The board may also recommend to the College that the College employee be suspended or removed from his or her position. A violation of the ethics law is grounds for disciplinary action.