ADVISORY OPINION

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STATUS: **Current**

REVIEWED: June 29, 2021

NEXT REVIEW: June 2026

REFERENCES: RCW 42.52.110, RCW 42.52.150

SUMMARY OF CHANGES: Non-substantive scrivener's errors.

Community Colleges/Acceptance of Gifts

QUESTION

Whether classified staff and faculty members at community colleges and other institutions of higher education may accept cash awards for outstanding service from a non-profit foundation organized for the support of the college or institution?

ANSWER

Under RCW 42.52.110(2) classified staff and faculty members at community colleges and other institutions of higher education may accept cash awards for outstanding service from a nonprofit foundation when the foundation is organized for the purpose of supporting the college or institution. These cash awards are not subject to the $100 gift limitation under RCW 42.52.150(3).

ANALYSIS

The Yakima Community College Foundation is a nonprofit corporation that receives funds from private donations. Although the foundation's primary purpose is to fund student scholarships, it also has two endowments established for the purpose of recognizing outstanding service among faculty and classified staff. A faculty "Excellence in Teaching" award of $1,000, and a classified staff "Classified Employee of the Year" award of $500 are presented annually. The foundation has asked the Executive Ethics Board to determine whether either award would violate RCW 42.52.150.

RCW 42.52.150(3) limits gifts to state officers and state employees to $100 from a single source during a calendar year. Although there are a number of exceptions to the limit, none of the exceptions would apply to the receipt of cash awards in recognition of outstanding service.

The only other provision of RCW 42.52 that would apply to this question is RCW 42.52.110, Compensation for official duties. Under this subsection, state officers and state employees may not

> receive any compensation, gift, reward, or gratuity from a source for performing, omitting, or deferring the performance of any official duty unless otherwise authorized by law except: (1) The state of Washington; or *(2) in the case of officers or employees of institutions of higher education or of the *Spokane intercollegiate research and technology institute, a governmental entity, an agency or instrumentality of a governmental entity, or a nonprofit corporation organized for the benefit and support of the state employee's agency or other state agencies pursuant to an agreement with the state employee's agency.*[1] (Emphasis added)

RCW 42.52 does not specifically define "Institutions of higher education", however, the term is defined under RCW 28B.10.016(4) and includes:

> the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges.

Because Yakima Valley Community College is an institution of higher learning by definition, and the Yakima Valley Community College Foundation is a nonprofit corporation organized for the benefit and support of the college, faculty and classified staff awards from the foundation are an allowable exception under RCW 42.52.110(2) and are not subject to the $100 gift limitation under RCW 42.52.150(3).

[1] The Spokane intercollegiate research and technology institute was abolished by 2011 1st sp.s. c 14 § 17.