

**WASHINGTON STATE UNIVERSITY**  
**EXECUTIVE POLICY MANUAL**  
Executive Policy #45  
Revision Approved August 9, 2023

## **University Ethics Policy**

**Note:** Sections 3.1b and 3.2 regarding organizational effectiveness have been submitted to the state Executive Ethics Board for approval.

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## **University Ethics Policy**

### **1.0 Policy and Purpose**

Washington State University (WSU, University) personnel hold positions of public trust. Accordingly, they must:

- Adhere to the highest standards of ethical and professional conduct;
- Act honestly and with integrity in fulfilling their responsibilities; and
- Ensure they do not use their University positions for personal gain or private advantage.

Adhering to these standards protects individual professional integrity while also advancing the University's mission, vision, and values.

This policy sets forth requirements for ethical conduct applicable to University personnel. It serves as an umbrella policy that consolidates and links to various requirements related to ethics. There are examples pertaining to each ethics requirement. These are for illustration only and are not intended to cover all situations. The policy also establishes mandatory ethics training for all University personnel.

WSU faculty have additional ethical responsibilities as set forth in the [Faculty Manual](#), in particular the Faculty Code of Professional Ethics, Section II.C.1.

### **2.0 Applicability**

This policy applies to all WSU personnel, including staff, faculty (all ranks, including emeritus), volunteers, officers, student employees, and contingent workers. For purposes of this policy, the terms "University employees" and "University personnel" include all of these categories and are used interchangeably.

### **3.0 State Ethics Law and Related University Policies**

University personnel are required to comply with the Washington State Ethics Law ([RCW 42.52](#)). This section (3.0) summarizes applicable provisions of the law and provides cross references to related University policies and procedures. It does not cover every applicable statute or list every exception. For assistance or more information, see [Section 9](#) of this policy.

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### **3.1 Use of Resources for Private Benefit or Gain** **([RCW 42.52.160](#); [WAC 292-110-010](#))**

A University employee may not employ or use any facilities, personnel, equipment, time, or other University resources under the officer's or employee's control or direction, or in their official custody, for the private benefit or gain of the employee, or another, except in the following instances:

- The use is *de minimis* (see [Section 3.1.a](#));
- The use promotes organizational effectiveness (see [Section 3.1.b](#));
- The use is an approved charitable use (see [Section 3.2](#)); or
- As otherwise provided in this policy (EP45).

Employees or volunteers should have no expectation of privacy in the use of state resources for personal purposes, and the University reserves the right to review such use in appropriate circumstances.

#### **3.1.a *De Minimis* Use**

A University employee may make occasional but limited personal use of University resources if the use meets all of the following criteria:

- It does not support a private business, organization, or group, and does not relate to a political campaign.
- There is little or no cost to the University.
- It does not interfere with official duties or disrupt or distract from University business due to volume and frequency.
- It is brief in duration and occurs infrequently.
- It does not obligate other employees to make personal use of University resources.
- It does not compromise the security or integrity of University property, information, or software.

Use that meets these criteria is considered *de minimis*.

#### **3.1.b Organizational Effectiveness**

In certain situations, the limited use of University resources for personal purposes is permitted to promote organizational effectiveness within the University, meaning that the activity enhances the University's ability to fulfill its mission.

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### **3.1 Use of Resources for Private Benefit or Gain (cont.)**

#### **3.1.b Organizational Effectiveness (cont.)**

Limited university resources may be used for the following types of activities on an occasional basis:

- Employee recognition events
- Birthday, retirement, wedding/baby, and other similar celebrations or commemorations
- Carpool solicitations for purposes of commute trip reduction
- Health activities sponsored by the University

The above activities are subject to the approval of the applicable department or unit head (i.e., dean, department chair, executive vice president, vice president). Activities under this section ([Section 3.1.b](#)) may not involve promotion of a commercial activity, advertising, or selling products. (See [Section 3.2](#) regarding charitable activities.) In addition, events and activities that are part of an employee's job responsibilities, such as those supporting WSU students, are not subject to this policy.

For questions regarding whether an activity or use falls within this exception, contact the University's Ethics Compliance Advisor (ECA) at [ethics@wsu.edu](mailto:ethics@wsu.edu).

#### **3.1.c Related Policies**

- Electronic Communication Policy ([EP4](#))
- University Research Personnel Conflict of Interest, Technology Transfer, and State Ethics Requirements ([EP27](#))
- Promotions and Sponsorships ([BPPM 10.23](#))
- Use of University Property ([BPPM 20.35](#))

#### **3.1.d Examples**

- Employee briefly uses their work computer to check an online map for directions to an after-work event. This is *de minimis* and not a violation.
- A college dean's office wants to organize a retirement reception for a long-time employee. The reception is to start at 4:30 p.m. in a University conference room. The dean's office sends emails to college employees notifying them of the event. In addition, the college provides cake for attendees paid for from an appropriate University account. Because the event uses only limited University resources and promotes organizational effectiveness, it is not a violation.

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### **3.1 Use of Resources for Private Benefit or Gain (cont.)**

#### **3.1.d Examples (cont.)**

- Employee borrows a University digital projector for a presentation to a local charity regarding the charity's finances. This is a violation because University resources may not be used to benefit an outside organization. See [Section 3.2](#).
- Employee's e-mail signature block includes a photo of two books they published. The signature block also includes information about where to purchase the books, including a link to the commercial publisher. This is a violation. Although writing and publishing the books may advance employee's scholarship, advertising the books in the signature block is a commercial activity that financially benefits employee or a third party.
- For examples of allowable and nonallowable use of WSU IT resources, including wireless services, see [EP4](#).

### **3.2 Use of Resources to Support a Charity, Charitable Organization, or Charitable Purpose**

State resources may not be used to support a charity, charitable organization, or charitable purpose without compensation to the University, except in limited circumstances when the charitable use:

- Promotes organizational effectiveness; and
- Is approved by the Chief Compliance and Risk Officer.

This section (Section 3.2) does not apply to situations in which the University has a contract with an outside organization and receives consideration for the use of its resources. See [WAC 504-35-050\(3\)\(a\)](#).

For purposes of this policy, the following definitions apply:

- A "charity" is defined as a gift for humanitarian, philanthropic, or other purposes beneficial to the public. A charity may also be an institution or organization founded by such a gift.
- A "charitable organization" in the state of Washington is defined as any entity that solicits or collects contributions from the public, where the contribution is, or is said to be used to support a charitable purpose.
- A "charitable purpose" results in humanitarian or philanthropic assistance and is beneficial to the public, an individual, or group of individuals.

An activity promotes organizational effectiveness when it enhances the University's ability to fulfill its mission.

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### **3.2 Use of Resources to Support a Charity, Charitable Organization, or Charitable Purpose (cont.)**

#### **3.2.a Request for Approval**

The unit proposing to engage in the charitable activity submits a written approval request to the Chief Compliance and Risk Officer or designee that includes the following information:

- The nature of the charitable activity;
- A description of the charity, charitable organization, or charitable purpose ;
- How the event or activity promotes organizational effectiveness, including:
  - The extent to which the charitable activity is related to the University's mission and core values, including but not limited to those related to diversity, equity, and inclusion; and;
  - The extent to which the charitable activity enhances or augments the University's ability to fulfill its mission);
- The limited University resources that will be used (for example, staff time or University facilities); and
- The written approval of the director or unit head proposing to engage in the activity.

After consultation with the Ethics Compliance Advisor and the Attorney General's Office (if warranted), the Chief Compliance and Risk Officer or designee notifies the requester in writing of their determination and any conditions or additional requirements (for example, a facility use agreement).

#### **3.2.b Co-Sponsored Events**

Subject to the above approval process and criteria, a University unit may co-sponsor an event with a charity. The responsibilities of the co-sponsoring parties must be explained in a signed agreement prior to the event.

#### **3.2.c Combined Fund Drive**

The Combined Fund Drive is an exception to the above rules. Since the Combined Fund drive was established by the state legislature, the University may assign employees to work on the Combined Fund Drive as part of their official duties, and other employees may use limited staff time and University resources to contribute. Combined Fund Drive coordinators should confine the time and effort spent conducting the drive to those official duties assigned by the University. For further information, see the Combined Fund Drive website.

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### **3.2 Use of Resources to Support a Charity, Charitable Organization, or Charitable Purpose (cont.)**

#### **3.2.d Related Policies**

- Promotions and Sponsorships ([BPPM 10.23](#))
- [WAC 504-35-050](#) (Private or commercial enterprise or charitable use)

#### **3.2.e Examples**

- A department chair wishes to organize a food drive to collect non-perishable goods for the local food bank for the holidays. They use the above process and obtain pre-approval for the activity, which involves an e-mail to members of the department and notification in the campus newsletter, as well as a limited amount of staff time for collecting donated items. This activity is permissible as promoting organizational effectiveness. (See also [Section 3.1.b.](#))
- Employee has a daughter who is selling Girl Scout cookies. Employee is not permitted to use office resources or computer equipment for this activity; however, they may post a notice of the sale and/or a sign-up sheet on bulletin boards or table surfaces in break areas. **Note: Managers and supervisors are never to personally solicit charitable contributions from employees who work under their supervision or over whom they have influence.**
- A group of coworkers organizes a work party outside of their work hours to help raise funds for a local charity or a charitable event. This is permissible and does not require approvals or review if no University resources are used for the effort.
- A local charitable organization and a University unit want to co-sponsor a fun run on the University campus. The co-sponsorship agreement must explain the relationship and duties of the parties and any other charitable fundraising efforts in conjunction with the fun run, as well as meet the criteria and follow the pre-approval process. If approval is obtained, the event is permissible.

### **3.3 Activities Incompatible with Public Duties ([RCW 42.52.020](#))**

A University employee may not have an interest in or engage in an activity that is in conflict with the proper discharge of their official duties.

Related policies:

- Conflict of Interest ([Section 4.0](#))
- Conflict of Commitment ([Section 5.0](#))
- Preapproval Process and Safe Harbor for Compensated Faculty Scholarship Activities ([Section 6.0](#))



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### **3.3 Activities Incompatible with Public Duties (cont.)**

- Compensation for Outside Activities ([Faculty Manual](#) Section II.D.4)
- Electronic Communication Policy ([EP4](#))
- Policy Prohibiting Discrimination and Harassment ([EP15](#))
- Policy on Faculty-Student and Supervisor-Subordinate Relationships ([EP28](#))
- University Research Personnel Conflict of Interest, Technology Transfer, and State Ethics Requirements ([EP27](#))
- Bullying Prevention and Reporting ([BPPM 50.31](#))
- Nepotism ([BPPM 60.14](#))
- University Purchases from State Employees ([BPPM 70.15](#))
- Board of Regents Conflict of Interest Policy ([BOR1](#))

Examples:

- See [Section 4.0](#) and [Section 5.0](#) of this policy.

### **3.4 Financial Interests in Transactions ([RCW 42.52.030](#); [WAC 292-110-060](#))**

A University employee may not have a beneficial interest in a contract, sale, lease, purchase, or grant that may be made through, or is under the supervision of, the employee. Except in limited circumstances, a University employee must obtain approval from the Executive Ethics Board (EEB) before entering into, or obtaining a beneficial interest in, a contract, sale, lease, purchase, or grant with the University or another state agency or institution, even when the transaction is not made through, or under the supervision of, the employee.

Related policies:

- University Research Personnel Conflict of Interest, Technology Transfer, and State Ethics Requirements ([EP27](#))
- University Purchases from State Employees ([BPPM 70.15](#))
- Board of Regents Conflict of Interest Policy ([BOR1](#))

Examples:

- See [Section 4.0](#) of this policy.



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### **3.5 Gifts ([RCW 42.52.140](#)) and Limitations on Gifts ([RCW 42.52.150](#))**

A University employee may not:

- Receive, accept, take, seek, or solicit, directly or indirectly, gifts that reasonably appear to influence the performance or nonperformance of official duties; or
- Accept gifts with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars.

A University employee may accept the following without regard to the limit:

- Unsolicited flowers and plants;
- Unsolicited promotional items of nominal value;
- Informational material related to the recipient's official duties;
- Food and beverages consumed at hosted receptions;
- Admission to, and food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization.
- Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.

An employee having regulatory responsibilities or responsibilities for University contracts has a more stringent set of rules with respect to any party subject to regulation by or seeking to contract with the University. These are referred to as "section 4" employees, in accordance with section (4) of [RCW 42.52.150](#).

Examples:

- Employee signs vendor contracts as part of their duties. Employee has lunch with a prospective vendor, who pays for the meal. This is a violation even if the meal is less than \$50 because the employee is a "section 4" employee.
- Employee signs vendor contracts as part of their duties. Vendor sends the employee a box of holiday treats. Employee attaches a "free food" sign and puts it in the shared lunchroom. This is not a violation.
- Employee receives an unsolicited gift of artwork from a tribal member. If the gift's value is less than \$50, the employee may keep it. If the gift is valued at \$50 or more and the tribal member is part of the tribe's leadership, the employee may be permitted to keep the gift but should consult with the Ethics Compliance Advisor. If the tribal member is not a member of the tribe's leadership and the gift is valued at \$50 or more, the employee may not personally keep the gift but may accept it on behalf of the University and display it in their department or other common location.

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### **3.6 Confidential Information ([RCW 42.52.050](#))**

A University employee may not disclose confidential information to unauthorized persons or use confidential information for personal benefit or the benefit of others.

Related policies:

- University Policy on Student Education Records ([WAC 504-21](#))
- Electronic Communication Policy ([EP4](#))
- WSU System Data Policies ([EP8](#))
- Protected Health Care Information Breach Response ([BPPM 88.05](#))
- Patient Access to Protected Health Information ([BPPM 88.10](#))
- Role-Based Access to Protected Health Information ([BPPM 88.12](#))
- Release of Public Records ([BPPM 90.05](#))
- Release of Student Education Records ([BPPM 90.06](#))
- Release of Personnel Records ([BPPM 90.07](#))

Examples:

- Employee's family member owns a company that makes graduation invitations. The family member asks for a list of all seniors who are graduating this semester. The employee responds that the information is confidential and the employee cannot provide it to any unauthorized person. This is not a violation.
- Employee's partner owns a company that makes graduation invitations. Employee accesses student information and gives their partner a list of all seniors who are graduating that semester. This is a violation.
- Employee and some friends are having dinner and are wondering how old John Smith is, so the employee uses their system access to check John's birth date. This is a violation.
- In responding to a public records request, the employee notices an e-mail that is within the scope of the request but includes information that could embarrass a close colleague, so the employee deletes the e-mail. This is a violation.

### **3.7 Use of Resources for Political Campaigns ([RCW 42.52.180](#))**

A University employee may not use or authorize the use of University facilities, personnel, equipment, time, or other University resources, 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.

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### **3.7 Use of Resources for Political Campaigns (cont.)**

A University employee may not support a political campaign as an official representative of the state of Washington.

A University employee who engages in political activity must do so on non-work time or take appropriate leave time to engage in the activity.

Related policies:

- Reporting State Lobbying Activity ([BPPM 10.25](#))
- Reporting Federal Lobbying Activity ([BPPM 10.26](#))
- Use of University Property ([BPPM 20.35](#))
- Political Activity of WSU Employees ([BPPM 60.90](#))

Examples:

- The local school district has a levy on the ballot. Employee has an interest in the outcome of the election, personal or as an elected official, and uses their WSU e-mail to encourage friends and colleagues to support the levy. This is a violation.
- Employee uses their work computer to communicate with a student organization they advise, which is sponsoring a neutral "get out the vote" campaign. This is not a violation.

### **3.8 Assisting in Transactions ([RCW 42.52.040](#))**

Except in the course of performing official duties, a University employee may not assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the state if:

- The employee has at any time participated in the transaction; or
- If the transaction is or has been under the official responsibility of the employee within a period of two years preceding such assistance.

A University employee may not share in compensation received by another for assistance that the employee is prohibited from providing by law.

Related policy:

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- University Purchases from State Employees ([BPPM 70.15](#))

### **3.8 Assisting in Transactions (cont.)**

Example:

- Employee worked in HRS and as part of their duties assisted a student worker in filing a workplace bullying complaint. Employee later goes to work for a different state agency. The student reaches out to the former employee and asks for help with their appeal related to the same complaint. Employee cannot assist without violating this provision. ([RCW 42.52.080](#))

### **3.9 Compensation for Outside Activities ([RCW 42.52.120](#)) and Honoraria ([RCW 42.52.130](#))**

A University employee may not receive:

- Anything of economic value under any contract or grant outside of their official duties, except as permitted by law and University policy; or
- An honorarium unless specifically authorized by WSU and receipt is consistent with applicable laws.

A University employee may accept payment for travel to give work-related speeches and seminars; however, payment must be reported in accordance with the third-party travel payment requirements in [BPPM 95.16](#).

Related policies:

- Conflict of Interest ([Section 4.0](#))
- Conflict of Commitment ([Section 5.0](#))
- Preapproval Process and Safe Harbor for Compensated Faculty Scholarship Activities ([Section 6.0](#))
- Compensation for Outside Activities ([Faculty Manual](#) Section II.D.4)
- Policy on Compensated Outside Service by Faculty Members – Consulting ([Faculty Manual](#) Section IV.D)
- Extended Professional Activities ([Faculty Manual](#) Section IV.E)
- Honoraria ([Faculty Manual](#) Section II.D.3)
- Washington State University Ethics, Conflict of Interest, and Technology Transfer ([EP27](#))
- Faculty Compensation Outside Assigned Duties ([BPPM 60.44](#))

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- University Purchases from State Employees ([BPPM 70.15](#))

### **3.9 Compensation for Outside Activities and Honoraria (cont.)**

Examples:

- Employee oversees the University's contracting and is an expert in organizational effectiveness. A large food service company, which is bidding for the University's dining contract, asks the employee to speak at its annual retreat. The company pays all travel expenses and provides a \$500 honorarium. This is a violation.
- Employee oversees the University's contracting and is an expert in organizational effectiveness. A large food service company, which is bidding for the University's dining contract, asks the employee to speak at its annual retreat. The company offers to pay all travel expenses and provide a \$500 honorarium. Employee declines the invitation and refers the vendor to other individuals that are not Section 4 employees, that may have the expertise or can guide the vendor to nonemployees with the expertise. This is a not violation.

### **3.10 Special Privileges ([RCW 42.52.070](#))**

Except as required to perform duties within the scope of employment, a University employee may not use their position to secure special privileges or exemptions for themselves, or their spouse, child, parents, or other persons.

Related policy:

- University Purchases from State Employees ([BPPM 70.15](#))

Examples:

- Employee collects tickets at the door for a concert at a University venue. The venue is not full, so when the employee's friends show up without tickets, the employee waives them through. This is a violation.
- Employee is on the board of directors for a local homeless shelter. The University rents meeting space to the public, but the employee happens to know there is a vacant room that day, so they invite the board to meet there for free. This is a violation.

### **3.11 Employment After Public Service ([RCW 42.52.080](#))**

There are restrictions on the employment of University personnel after they leave state employment. Restrictions include:

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- Employment related to certain contracts the employee was responsible for as a University employee,

### **3.11 Employment After Public Service (cont.)**

Restrictions include (cont.):

- Employment offered as an incentive to perform or refrain from performing certain duties as a University employee, and/or
- Employment assisting in a transaction the employee participated in during University employment.

Related policy:

- Personal Services Contracts ([BPPM 70.50](#))

Example:

- Employee oversees a large vendor contract for the University. The vendor offers the employee a job, which would include handling the contract with the University. The employee is precluded from accepting the job.

### **3.12 Compensation for Official Duties or Nonperformance ([RCW 42.52.110](#))**

A University employee may not ask for, give, receive, or agree to receive compensation, gift, reward, or gratuity for performing or deferring the performance of official state duties except as permitted by law.

Examples:

- Employee is an academic advisor for a college and helps a student apply for a prestigious award. After the student receives the award, the student's parents send the employee a thank you card with a \$200 check. The employee may not accept the check.
- Employee is awarded \$100 from the local chamber of commerce as part of a program honoring women in government. Employee may not accept the award. **Note:** Awards in recognition of academic or scientific achievement are not prohibited. ([RCW 42.52.010\(9\)\(j\)](#))

## **4.0 Conflict of Interest**

University employees are expected to act in the best interests of the University and avoid actual, potential, or apparent conflicts of interest. This section incorporates the requirements related to conflict of interest set forth above. (See Sections [3.3](#) and [3.4](#) of this

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policy.) It also provides a procedure for conflicts of interest not covered by other laws or policies.

### **4.0 Conflict of Interest (cont.)**

For purposes of this section, a conflict of interest means a personal interest that is financial, familial, professional, or otherwise, that may impair or reasonably appear to an objective outside observer to impair, the independent, unbiased judgment of a University employee in the discharge of their responsibilities to the University.

#### **4.1 Procedure**

University employees are to be sensitive to matters that may involve a conflict of interest and ensure they are taking appropriate steps to address the conflict. In certain situations, a state law, regulation, or University policy dictates the procedure that must be followed. For example:

- For University employees seeking to contract with or provide goods or services to the University beyond their University employment, the process in [BPPM 70.15](#) applies.
- For employees involved in research who have (or whose families have) significant outside financial interests related to the employee's WSU responsibilities, the disclosure and conflict of interest management process in [EP27](#) applies.
- For situations involving possible supervisory or other authority over a spouse or romantic partner, the process in [EP28](#) applies. For other family members, the process in [BPPM 60.14](#) applies.

For conflicts that fall outside specific laws or policies, a University employee must:

- Promptly disclose the conflict or potential conflict to the following parties to determine whether the conflict can be managed in a way that eliminates any violation of law or University policy:
  - Their supervisor;
  - Other WSU offices involved in the matter; and
  - Human Resource Services

If so, the employee's supervisor must issue a written conflict management plan to the employee and any other WSU individuals or offices involved, with a copy to Human Resource Services. The Ethics Compliance Advisor is available to assist with this process. (See [Section 9.0](#).)

- If at any time it becomes apparent that the conflict cannot be managed to eliminate any violation of law or University policy, the employee must refrain from participating in the activity that creates the conflict.



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A University employee may not eliminate a conflict of interest by delegating an activity to an individual who reports to them.

### **4.2 Examples**

- Employee is a faculty member who has a research lab. One of the employee's graduate students has applied for a University award that would provide funding for the student and would be prestigious for the lab. Employee is on the committee that chooses award recipients. This is a conflict of interest. Employee must disclose the conflict and may need to recuse themselves from the committee.
- Employee is on a search committee. One of the top candidates is their nephew. WSU's policy on nepotism ([BPPM 60.14](#)) does not include nephews in the definition of family member. This is a potential conflict of interest. Employee must disclose the conflict and may need to recuse themselves from the committee.
- Employee is asked by a supervisor to be on a search committee. One of the applicants is a close friend of Employee. Employee discloses the potential conflict of interest and declines the invitation to be on the committee. This is not a violation.
- Employee's spouse owns a business selling office supplies. Employee is responsible for purchasing supplies for their unit and purchases them from their spouse's business. This is a conflict of interest. See also [BPPM 70.15](#).
- Employee's University lab developed a drug that employee wants to commercialize through their private company. Employee must follow the requirements regarding commercialization in [EP38](#) and the conflict of interest and other requirements in [EP27](#).

### **5.0 Conflict Of Commitment**

University employees are expected to avoid activities, pursuits, or occupations outside the University that interfere with their primary obligation and commitment to the University. Expectations often overlap with other ethics requirements and include:

- Making decisions and acting in the best interests of the University (defined broadly to include reputational and other interests as well as financial and legal interests);
- Performing assigned University duties and working scheduled hours without interference from outside activities, pursuits, or occupations;
- Using University resources only as intended for University purposes;
- Maintaining the confidentiality of the University's confidential information;
- Responding promptly, fully, and completely to public records requests; and
- Complying with applicable University policies.

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### **5.1 Procedure**

A conflict of commitment is often related to outside employment (or consulting) or ownership or participation in the management of a business or nonprofit organization. In these situations, a specific state law, regulation, or University policy typically dictates the requirements and any procedure that must be followed. For example:

- For any University employee engaged in compensated activities outside their University employment, the requirements in [RCW 42.52.120](#) apply. When the contract or compensated activities (such as outside consulting) involve a state agency, including a unit of the University outside the employee's regular employment, the additional requirements set forth in [RCW 42.52.120\(2\)](#) and [BPPM 70.15](#) apply.
- Faculty engaged in compensated outside service, consulting, and extended professional activities must comply with [Faculty Manual](#) Sections II.D.3, II.D.4, IV.D., and IV.E, and [BPPM 60.44](#). For scholarship activities involving outside compensation, see also Section 6.0 of this policy.
- For employees involved in research who have (or whose families have) significant outside financial interests related to the employee's WSU responsibilities, including compensated services performed for the employee's outside company, the disclosure and conflict of interest management process in [EP27](#) applies.

For activities that fall outside laws or policies requiring specific procedures, a University employee must:

- Obtain preapproval from their supervisor (or department chair or director) and Human Resource Services if the conflict can be managed without violating state laws or University policies.

The employee's supervisor must issue a written conflict management plan to the employee and any other WSU individuals or offices involved, with a copy to Human Resource Services. The plan is to include a description of how the employee is to meet the requirements of their University employment and comply with ethics laws and policies. The WSU Ethics Compliance Advisor is available to assist in this process (see [Section 9.0](#)).

- If at any time it becomes apparent that the conflict of commitment cannot be managed without violating state laws or University policies, the employee must refrain from participating in the activity that creates the conflict or seek permission for a leave of absence.

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### **5.2 Examples:**

- Employee, who works full time for the University, obtains a second job with another employer. Both jobs require the employee to work during weekdays, so the employee spends part of their day working for the other employer. This is a conflict of commitment and may be a misuse of University resources (time). Employee should have disclosed the potential conflict and consulted with their supervisor and HRS to see if it could be managed prior to accepting the other employment.
- A full-time University employee is elected mayor of their nearby small town. At times, the employee's duties as mayor may require their full-time attention. This is a potential conflict of commitment. The employee must disclose the potential conflict and consult with their supervisor and HRS to determine whether the conflict can be managed, for example, through the use of annual leave or reduced FTE.

### **6.0 Preapproval Process and Safe Harbor for Compensated Faculty Scholarship Activities**

University expectations for faculty often include activities outside the University, such as creative activity, dissemination of scholarship, and external service. To the extent that these activities are within the expectations of the faculty member's position, and no outside compensation is involved, they are generally allowable under the ethics laws. (See [Section 6.4.](#)) When these activities involve direct compensation to the faculty member outside of the faculty member's regular University appointment, however, specific ethics laws and University policies apply.

To encourage faculty to produce, publish, and disseminate scholarship, the ethics law allows universities to develop and implement an administrative process that:

- Creates a safe harbor from certain state ethics obligations; and
- Allows for limited use of University resources for compensated outside activities related to faculty scholarship.

([RCW 42.52.220](#); [RCW 42.52.360](#)).

This process provides for the disclosure, review, and ongoing approval of outside activities related to scholarship, while assuring faculty are fulfilling their employment obligation to the University. The process is voluntary but must be followed to take advantage of the statutory safe harbor and to use University resources as provided in [Section 6.2](#).

This section applies only to faculty, as defined in [Faculty Manual](#) Section I.B, and only to scholarship activities outside the scope of [EP27](#). It does not supersede or replace any mandatory disclosure, review, and approval processes required by the [Faculty Manual](#) or other WSU policy related to compensated outside activities. For purposes of this section, "scholarship" is broadly defined and includes activities designated as scholarship in the applicable tenure and promotion criteria and [Faculty Manual](#) Section III.C.4.

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### **6.1 Procedure**

For faculty who engage in compensated outside activities related to scholarship and wish to take advantage of the safe harbor provision of the ethics law, the University has established the following process:

- a. The faculty member must disclose the activity in advance and obtain written approval from their department chair, director, or other supervisor;
- b. The disclosure must be accompanied by a memorandum or [Compensated Outside Scholarship Activities Disclosure and Pre-Approval Request](#) with the following information:
  - i. A description of the outside activity, including the nature, location, requirements, and expected duration;
  - ii. An explanation of how the compensated outside activity aligns with the faculty member's obligation to produce, publish, and disseminate scholarship; and
  - iii. A list of the University facilities or resources to be used for the activity, including the nature, extent, and expected duration of the use (see below for a list of acceptable uses).
- c. The supervisor must approve the activity in writing prior to commencement of the activity.
- d. The faculty member is responsible for complying with all [Faculty Manual](#) policies regarding compensated outside service, as well as all other applicable University policies.
- e. The faculty member is responsible for ensuring the activity does not create a conflict of interest ([Section 4](#)) or conflict of commitment ([Section 5](#)). For assistance, contact the Ethics Compliance Advisor (see [Section 9.0](#)).
- f. The faculty member must immediately notify their supervisor in writing of any change in the activity or use of resources.
- g. The activity and use of University resources must be reviewed by the faculty member's supervisor no less than annually and included in the annual report signed by the department chair, dean/vice chancellor for academic affairs, and Provost, as set forth in [BPPM 60.44](#).

Full compliance with this process allows the University to grant an exception to the general prohibition against using University resources facilities and resources for compensated outside service (see [Faculty Manual](#) II.D.2.F) and also satisfies the faculty member's obligations under the following laws with respect to the approved activity: [RCW 42.52.030](#); [RCW 42.52.040](#); [RCW 42.52.080](#); [RCW 42.52.110](#); [RCW 42.52.120](#); [RCW 42.52.130](#); [RCW 42.52.140](#); [RCW 42.52.150](#); and [RCW 42.52.160](#).

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### **6.2 Acceptable Uses of University Resources**

For purposes of this section, the following uses of University facilities and resources may be permitted for an activity approved under this section, even when the use is more than *de minimis* (defined in [Section 3.1.a](#)):

- Employee's assigned University office space, telephone, computer, printer, or other electronic device, e-mail account, internet and wireless connections, and WSU libraries;
- Reasonable use of University conference rooms, studios, and other common spaces, provided such use does not interfere with other University activities;
- Reasonable use of consumables such as paper, printer ink and toner, pens, paperclips, etc.

Any other uses that are not *de minimis* are permitted only upon specific review and pre-approval of the faculty member's supervisor after consultation with the Ethics Compliance Advisor. Any use of resources also may be subject to specific college or departmental policies.

### **6.3 Examples of Compensated Scholarship Activities**

- Employee is researching and writing a textbook in their area of expertise for which they will receive royalties.
- Employee is preparing for a series of invited talks in their area of expertise, for which they will receive honoraria in compliance with [Faculty Manual](#) II.D.3.
- Employee, who teaches creative writing, is writing a novel and plans to submit it to a commercial publisher.

### **6.4 Uncompensated Outside Scholarship Activities**

For purposes of the state ethics law, this policy constitutes the University's preapproval of uncompensated outside scholarship activities that are within the expectations of the faculty member's position. Faculty are permitted reasonable use of University resources for these activities, including use designated as more than *de minimis* in accordance with [Section 6.2](#) above. All University-related activities are subject to applicable laws and University policies.

## **7.0 Ethics Training Requirement**

All University personnel are required to complete designated ethics training within six months of their appointment to WSU and must complete a designated refresher ethics training annually. Required ethics trainings shall be designated by Compliance and Risk Management.

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### **7.0 Ethics Training Requirement (cont.)**

Individual units may require personnel to complete additional ethics training. Units are encouraged to submit requests to the Ethics Compliance Advisor for specific training needs.

### **8.0 Reporting Ethics Violations**

Suspected ethics violations may be reported to:

- Employee's WSU supervisor;
- Human Resource Services;
- Internal Audit; or
- Executive Ethics Board.

Reports also may be made in accordance with [BPPM 10.20](#).

### **9.0 Penalties, Resources, and Assistance**

University employees should err on the side of caution in avoiding activities that might constitute violations of the state ethics law and related policies, as violations may result in disciplinary action, up to and including termination, as well as monetary penalties and personal liability. Assistance in interpreting ethics laws and policies is available through the University as well as the state Executive Ethics Board (EEB).

**Note:** Even the appearance of an ethics violation may warrant investigation or review by the EEB or WSU.

#### **9.1 WSU Ethics Compliance Advisor (ECA)**

WSU employees seeking advice or an interpretation of state ethics law or related WSU policies should consult the Ethics Compliance Advisor (ECA).

Although the ECA does not have authority to make decisions regarding ethics matters, the ECA may provide advice based upon the facts presented. The advice includes relevant criteria University personnel should consider when making decisions regarding potential violations of the state ethics law.

The ECA is also available to provide general information regarding applicable ethics requirements. Contact the ECA at [ethics@wsu.edu](mailto:ethics@wsu.edu).



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### **9.2 Executive Ethics Board**

The Washington State Executive Ethics Board (EEB) provides training, resources, advisory opinions, and enforcement related to the state ethics law. The EEB has authority to impose monetary penalties and recommend disciplinary action when it finds an employee has violated the state ethics law. For more information, see the [EEB website](#).

In addition to seeking guidance from the ECA, individual University employees may contact the EEB directly for assistance. **Note:** The ECA must review official requests on behalf of WSU for an opinion or interpretation prior to being referred to the EEB.