

# CODE OF ETHICS

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**LOWER COLUMBIA COLLEGE  
CODE OF ETHICS  
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# LOWER COLUMBIA COLLEGE CODE OF ETHICS

## INTRODUCTORY STATEMENT

In support of its mission, Lower Columbia College sets forth the values of integrity, respect, collaboration, cooperation, diversity, and innovation, which foster personal growth, academic excellence, and accountability. The College is guided by the belief that LCC is a powerful force for the quality of life in its community, and this belief can only be achieved when these values are reflected in the behavior of its members toward one another.

Lower Columbia College is committed to creating an atmosphere of respect and civility among its employees and students and with the community. The formation of an Ethics Committee to develop a Code of Ethics provides the campus community with the opportunity to define standards of behavior among its members.

As members of a college community, interactions with one another are to be guided by the principles presented in a Code of Ethics developed through the College's governance process and by the Washington Ethics law RCW 42.52. To make this a meaningful document, each member of the college community must commit to these standards and promote these principles.

## GUIDING PRINCIPLES

Employees of Lower Columbia College have special responsibilities that evolve from their membership in an educational community and from their roles as public servants. Thus, this document addresses the issue of ethics for all employees at Lower Columbia College and provides a procedure for filing and reviewing complaints. As this Code of Ethics cannot identify every responsibility or anticipate every circumstance, the following are viewed as fundamental within our college community. Employees have the responsibility to act in the following manner:

- Respect and act in accordance with the right of all members of the college community to freedom of thought, opinion, and conscience, freedom of speech and expression, and freedom of association.
- Treat all members of the college community with equal consideration and respect, regardless of age, race, gender, ethnicity, religion, sexual orientation, or disability.
- Refrain from harassment of or illegal discrimination against any individual or group of individuals.
- Present information accurately and refrain from false representation.
- Comply with all college policies and procedures and conscientiously fulfill assigned duties and responsibilities.
- Maintain the confidentiality of educational and official records and other privileged information.
- Avoid conflicts of interest and refrain from abuses of authority arising from professional or official roles. All actions by members of the college community shall be consistent with the highest ethical and professional standards applicable to the activities in which they are engaged.
- Preserve and properly utilize college property and resources for authorized activities.

- Abide by all laws, regulations, and college policies that provide equal opportunity and access for all persons, regardless of age, race, color, gender, ethnicity religion, sexual orientation, or disability.
- Promote a college community based on these aforementioned principles and values and protect the integrity of one's work or profession and of the institution which each person serves.

## **CONSENSUAL RELATIONS BETWEEN FACULTY AND STUDENTS\***

*Sexual relations between students and faculty members with whom they also have an academic or evaluative relationship are fraught with the potential for exploitation. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student suspect. Even when both parties initially have consented, the development of a sexual relationship renders both the faculty member and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between faculty members and students.*

*In their relationships with students, members of the faculty are expected to be aware of their professional responsibilities and to avoid apparent or actual conflict of interest, favoritism, or bias. When a sexual relationship exists, effective steps should be taken to ensure unbiased evaluation or supervision of the student.*

All employees have the obligation to discharge their professional responsibilities concerning students in a fair and conscientious manner and in accordance with the ethical standards generally recognized within the academic community. In particular, in their relations to students as teachers, mentors, advisers, and service providers, employees are expected to take appropriate precautions to ensure academic integrity among students with respect to plagiarism; cheating on papers and examinations; and stealing, mutilating, or concealing institutional resources and refer such matters for disciplinary action when such are known to have occurred.

## **RELATIONS WITH COLLEAGUES AND THE COLLEGE COMMUNITY**

The term "colleagues" is meant to include all employees of Lower Columbia College, including students when they serve as employees or assistants. All relations with colleagues and the College shall comply with the Guiding Principles section cited above. All employees are expected to act in the following manner:

- Refrain from actions that conflict with the conscientious discharge of their responsibilities to Lower Columbia College.
- Impartially fulfill supervisory, administrative, and collegial responsibilities, especially in matters concerning evaluation, reappointment, tenure, promotion, discipline, and other conditions of employment.
- Abstain from engaging in, or creating the appearance of, amorous, sexual, or potentially exploitative relationship with employees in a subordinate position or over whom there is the power to confer a benefit or make any academic or employment decisions.

## RELATIONS WITH THE PUBLIC

- Employees should represent the College only when authorized to do so and should otherwise distinguish their role as private citizens when speaking in public.
- Employees must be especially sensitive to conflicts of interest and to the appearance of such conflicts between their roles in the institution and their private activities and interests. Whenever a potential or apparent conflict of interest exists, the individual should consult with his or her supervisor and should excuse himself or herself from involvement in the conflicting activity.
- Violations of federal or state law that involve moral turpitude shall constitute a breach of this code and shall be subject to its provisions.

## WASHINGTON STATE ETHICS LAW

The Washington Ethics law, Revised Code of Washington, Chapter 42.52, applies to all state employees. It governs the actions and working relationships of Lower Columbia College employees with current or potential students, fellow employees, suppliers, government representatives, members of the media and anyone else with whom the College has contact.

In these relationships, employees must observe the highest standards of ethical conduct. Each employee is expected in all education, business, and other matters and decisions to place the College's interest above his or her own self-interest, where there is any actual or potential conflict.

In adopting the basic statement of ethics, the state law intended that state employees may not, directly or indirectly:

- Have a financial interest or engage in any activity that is in conflict with the proper discharge of the employee's official duties; nor
- Use their official position to secure special privileges for themselves or any other person; nor
- Receive compensation from any person, except the State of Washington, for performing his or her official duties.

***Employees must resolve any doubt as to the meaning of the code in favor of ethical judgment and common sense. It is each employee's responsibility to avoid even appearance of impropriety.***

## STATEMENT OF ETHICS

Government derives power from the people. Ethics in government are the foundation on which the structure rests. State officials and government employees hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling the responsibilities to which they are elected, appointed, or employed.

***Paramount in that trust is the principle that public officials or public position may not be used for personal gain or private advantage.***

## 1. Gifts

***"No state officer or state employee may receive, accept, take, seek, or solicit directly or indirectly, any thing 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 officer or employee, or be considered as part of a reward for action or inaction."***

**(Excerpt from RCW 42.52.140.)**

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, expense reimbursements, and items returned within thirty (30) days of receipt or donated to a charitable organization within thirty (30) days of receipt.

A Lower Columbia College employee may not solicit a gift for personal benefit from students, other employees, vendors and/or individuals, organizations, or companies that may transact business or have a relationship with the College currently or in the future. Employees may solicit gifts on behalf of the College only after receiving approval under the College's policy on fund raising and gift solicitation. 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.

Employees receiving gifts, other than the statutory exceptions, as mentioned above, are to report the receipt of the gift to their supervisor in writing to ensure that the College, through the normal approval process, accepts the gift. If accepted, the gift will be recorded in the College inventory (if required) and put in general use to benefit college programs and students. Gifts that bear value of greater than \$50 but have no general use that would benefit college programs and students are to be sent to the College Purchasing Officer for disposal.

The following examples of situations that may arise are given as illustration to help further explain these ethics laws.

### ***Example #1***

Martha works for the College as a library technician. Part of her job is to assist people doing research in the library, and in this capacity, Martha has helped representatives of the QRS and the ABC corporations.

When their research is completed, the two corporations each give Martha a gift. QRS Company gives her a fishing rod worth \$50, and ABC Company gives her a fishing reel worth \$45. Martha accepts the gifts.

**Martha has committed an ethical violation.** Even though the value of each individual item is \$50 or less, the fishing rod and reel constitute a single gift. A single gift is defined to include any group of items to be used in conjunction with each other. The fishing rod and reel are designed to be used together, and the value of this single gift is \$95.

### ***Example #2***

Chris is a LCC Campus Services employee. At a vendor show, Chris orders merchandise in sufficient quantity as to receive a free television. Chris may accept the free gift for use by the College, or the College Foundation. **Chris may not keep the gift for personal use.**

## **Drawings and Door Prizes**

Door prizes are items that a person may receive in connection with his or her presence at a particular place.

### ***Example #1***

A state agency pays for Paul to attend a computer technology conference. At a random drawing, Paul wins a color laser printer as a door prize. The agency could use the printer as part of an equipment upgrade for its document services division. The agency asks Paul to bring in the printer for use by document services.

Because the agency paid the consideration and determined the door prize could be used by the agency, the state employee must give the door prize to the agency.

In other cases, an agency may determine that although it has paid the consideration for attendance, the door prize has no value to the agency and cannot be used. The agency may then allow the state officer or state employee to retain the door prize.

### ***Example #2***

A state agency sends Mary to a conference for event planners. Mary wins a piece of luggage. The drawing is random. The agency has no use for a piece of luggage and allows Mary to keep the prize.

Another situation that might arise is one in which the agency has paid the consideration for attendance and determines that a door prize has no value to the agency, but that it would be inappropriate for the employee to accept the door prize. If the agency believes it would be inappropriate for a state officer or state employee to retain a door prize, it may ask that the prize be returned to the donor or donated to charity.

### ***Example #3***

A state agency sends Juan to a conference for training officers. Juan's official duties include purchasing training materials from outside vendors. Each conference attendee is entered into a drawing at the end of the day, where Juan wins an exciting new video game from Best Training, Inc., a vendor to the agency. Best Training, Inc. also sells professional training materials that Juan may purchase for his state agency. The agency asks Juan to return the video game or donate it to charity.

In this case, the agency may ask for the prize to be returned to avoid any appearance that the state employee's judgment might be affected by the door prize, e.g., a reasonable person might conclude that receipt of the video game could affect the state employee's assessment of the company's training materials.

### ***Example #4***

Leah is a social worker for the state. She pays \$7.00 to attend a local home show event. Leah attends the event on a Saturday when she is not scheduled to work for her state agency. Her entry ticket qualifies her for three drawings. During the last drawing, Leah wins a trip for two to Hawaii from a local travel agency. Leah may accept the prize because she paid consideration for the event and attended on her own time.

State officers and employees should not enter such drawings when attendance is related to the performance of official duties and when the state has paid consideration, or allowed the use of state time for attendance.

State officers and state employees may enter door prize drawings at events attended in their personal capacities provided the state has not paid consideration for attendance; the officer or employee attends the event on his or her own time; and state business cards are not used to enter drawings.

## 2. Use of State Resources for Personal Benefit

***"No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another. This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's public duties."***

**(Excerpt from RCW 42.52.160.)**

The Executive Ethics Board has adopted WAC 292-110-010 to cover the 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 only if the following applies:

- a. there is no cost to the state; and
- b. the use of state resources does not interfere with the performance of the employee's official duties; and
- c. the use is brief in duration and does not disrupt or distract from the conduct of state business due to volume or frequency; and
- d. the use does not compromise the security or integrity of state information or software.

For example, an employee may make use of an office telephone to make local calls, an office bulletin board to post notices, a fax machine that does not incur any long distance charges, or office space to hold a meeting on breaks. An employee may make occasional use of email, such as to check on the arrival home of a child. However, state employees should always use a common sense approach to using de minimis guidelines by asking themselves, "Do I receive special benefit because of my status as a state employee?" If the answer is yes, the use of the state resources in question is an ethical violation.

Personal long distance phone calls are always prohibited. Employees are not allowed to use SCAN and reimburse the College. The use of the College internet connection for personal purposes is prohibited at all times as indicated by state law, WAC 292-110-010(5)(e).

Email cannot be used for political or campaign activities, commercial uses, outside business, or solicitation on behalf of others. Employees should be advised that when using state computers for email or internet access, an electronic history of use may be recorded and viewed by others.

Additionally, no personal use may be made of consumable property such as paper, envelopes, or spare parts. State property cannot be "borrowed" for private use and is not available for rental. All acquisitions and disposals of state property must follow college procedures.

Additional examples of acceptable and unacceptable uses of state resources for personal benefit may be found in Appendix B.

### 3. Confidential Information

***"No state officer or state employee may accept employment or engage in any business or professional activity that the officer or employee might reasonably expect would require or induce disclosure of unauthorized confidential information acquired by the official or employee by reason of the official's or employee's official position. No state officer or state employee may disclose confidential information gained by reason of the officer's or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another. No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information. No state officer or state employee may intentionally conceal a record if the officer or employee knew the record was required to be released under chapter 42.17 RCW, was under a personal obligation to release the record, and failed to do so. This subsection does not apply where the decision to withhold the record was made in good faith."***

(Excerpt from RCW 42.52.050.)

Lower Columbia College employees are required to maintain confidential information and not use confidential information for personal gain or for gain or use by anyone not entitled to receive the information. Likewise, outside employment and other circumstances that are likely to compromise information received from the College must be avoided.

For example, no college employees should reveal addresses, social security numbers, telephone numbers, grades, email addresses, or any other information deemed private of other college employees or students. Instructors should not leave student papers or post grades in a way that would reveal private information such as student names, email or home addresses, social security or telephone numbers. Additionally, instructors should not reveal grades or related information to parents inquiring about students.

### 4. Compensation for Outside Activities

***"No state officer or state employee may receive any thing 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.***

(\*Excerpt from RCW 42.52.120.)

This provision is to prohibit outside employment or other financial arrangements that could have or could become a conflict, or even have the appearance of a conflict, with the employee's ability to perform duties and responsibilities to achieve the best results for the College. When considering decisions dealing with employment, remember that the definition of employee includes the employee's spouse and immediate family. There are many specific instructions and requirements under this provision, including a six-part exception for bona fide outside compensation that does not violate other restrictions. If you have questions about a relationship you or your family has, please consult the College Ethics Officer.

### **Example**

Judy works in Campus Services at Lower Columbia College and has responsibility to ensure that the contractor (LMN) completing a minor capital project meets site contract conditions and standards. Judy has an excellent understanding of the community college contracting and construction process. LMN Corporation hires Judy for \$300 to spend a weekend reviewing their proposal bid for a construction project at a nearby community college.

**Judy has committed an ethics violation.** She may not accept payment from LMN Corporation because the weekend work appears to be related to her LCC employment, in that she would be paid by a company she is responsible for monitoring for LCC.

## **5. Honoraria**

***"No state officer or state employee may receive honoraria unless specifically authorized by the agency where they serve as state officer or employee."***

**(Excerpt from RCW 42.52.130.)**

Honorarium is defined as money or a thing of economic value offered to any employee for a speech, appearance, article, or similar item or activity in connection with the employee's official role.

Lower Columbia College employees, faculty, and administrators may accept honoraria, except under the following circumstances:

- a. the person or organization offering the honorarium is seeking contractual relations with the College and the employee is in a position to participate in terms or the awarding of the contract or grant; or
- b. the person or organization offering the honorarium is regulated by the College and the employee is in a position to participate in the regulation; or
- c. the person or organization offering the honorarium is supporting or opposing college adoption of particular rules, action, or policy changes, and the employee may participate in the enactment or adoption of regulations, actions, or policy changes.

### **Example**

John is an LCC faculty member, and he is asked to speak at a local leadership function. This organization gives John an honorarium. If John accepts the honorarium, he is committing an ethical violation if he speaks during his regular working hours and accepts honorarium and regular pay. A stipend for expenses can be accepted if not greater than the state allows.

## **6. Use of Public Resources for Political Campaigns**

***"No state officer or state employee may use or authorize the use of facilities of an agency, 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 or proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or store employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include but are not limited to use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency and clientele lists of persons served by the agency."***

**(Excerpt from RCW 42.52.180.)**

## 7. Assisting in Transactions

***"Except in the course of official duties or incident to official duties, no state officer or state employee may assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the state in which the state officer or state employee has at any time participated or if the transaction involving the state is or has been under the official responsibility of the state officer or state employee within a period of two years preceding such assistance."***

(Excerpt from RCW 42.52.040.)

### **Example**

Alfred, an accounting clerk, plays golf weekly with his friend, Jim Smith, who owns a local chemical distributorship. Smith is trying to sell Campus Services a pesticide for ant control. Smith asks Alfred information about previous payments. Alfred supplies the information. Alfred has given Smith information would help him secure the sale. ***This is an ethics violation.***

## 8. Financial Interest in Transactions

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

(Excerpt from RCW 42.52.030.)

Lower Columbia 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. A beneficial interest commonly means a financial interest or a potential financial benefit. Beneficial interest includes spouses, faculty members, businesses, and organizations in which the employee has a level of management power and owner interest but excludes ownership interest in mutual funds, investment pools, and corporation stocks where there is no management power.

### **Example**

If the College is considering purchasing a product or service from a company employing one's spouse in a management position, the employee must refuse to participate in the process that may lead to the decision to purchase or not purchase the product or service.

## 9. Post-State Employment

The ethics law contains several restrictions on former state employees. A Lower Columbia College employee considering leaving the College and seeking employment with a business that may do business with the College or other state agencies, should carefully read and study this section of the Ethics Law contained primarily in, but not limited to, RCW 42.52.080.

## 10. Disclosure and Complaint Procedure

***"A person may, personally or by his or her attorney, make, sign, and file with the appropriate ethics board a complaint on a form provided by the appropriate ethics board. The complaint shall state the name of the person alleged to have violated this chapter or rules adopted under it and the particulars thereof, and contain such other information as may be required by the appropriate ethics board."***

**(Excerpt from RCW 42.52.410.)**

Lower Columbia College employees may file complaints with the Executive Ethics Board directly as noted above or may make complaints known to the College Ethics Officer. Formal complaint forms are available at the Ethics Board's Web site at [www.ethics.wa.gov](http://www.ethics.wa.gov).

Complaints to the College may be made informally or formally. Internal complaints may be presented orally and will be investigated as deemed appropriate by the College's Ethics Officer. The kind of investigation and subsequent action remains the sole prerogative of the Ethics Officer. Filing an informal complaint does not preclude a subsequent filing of a formal complaint. Formal complaints to the College must be filed and signed by the employee in writing on the appropriate forms provided by the College's Ethics Officer and contain all pertinent information called for on the appropriate form. Formal complaints are serious matters and will be seriously investigated by the College's Ethics Officer. Employees named in formal complaints shall be afforded the right to all information contained in the complaint and shall have adequate opportunity to provide information and evidence needed or requested by the College Ethics Officer. The results of the investigation will be provided in a written opinion by the College's Ethics Officer.

***Retaliation against a complaint is forbidden as a matter of college policy and The Washington State Whistleblower Act.***

## 11. Biennial Review

All employees will receive a copy of the Lower Columbia College Code of Ethics. New employees will receive a copy during employee orientation conducted by the Human Resource Services Office. All supervisors are responsible for reviewing the Code of Ethics with their office and departmental employees at least once a biennium, normally during fall quarter of the even numbered years. Supervisors will report to their department heads and to the College's Ethics Officer the time and date of the departmental review of the Code of Ethics and the names of the employees attending the review at the end of each review cycle.

The Executive Ethics Board rules and advisory opinions are available at the Board's Web site at [www.ethics.wa.gov](http://www.ethics.wa.gov).

As rules are adopted they will be available to employees from the College's Ethics Officer.

## APPENDIX A

### Frequently Asked Questions

#### *Use of State Resources*

**Q: *Are there general guidelines for the use of state resources?***

**A:** Yes. The underlying principle that governs use is that state resources may not be used for the private benefit or gain of a state officer, state employee, or another person.

**Q: *What exactly is meant by "private benefit or gain"?***

**A:** A benefit or gain could mean that the employee is avoiding a cost or expense or is paying a discounted government rate by using a state resource for some personal reason. Some uses do not appear to have a cost. For example, most people think that it does not cost anything to make a local phone call or to send an email. In this context, a benefit may also be measured by time spent away from one's official duties or by making personal use of a resource available to an employee because the person is a state employee.

**Q. *I've heard that de minimis use is allowed. What is a de minimis use anyway?***

**A.** The definition of de minimis is Latin for "of minimum importance" or "trifling." Essentially, it refers to something or a difference that is so little, small, minuscule or tiny that the law does not refer to it and will not consider it. In a million dollar deal, a \$10 mistake is de minimis. A de minimis use is a use that results in no actual cost to the state, or the cost to the state is so small as to be insignificant or negligible. A brief local phone call to make a medical or dental appointment is a de minimis use of state resources. The cost of a brief phone call is negligible and is not likely to interfere with one's job.

**Q. *If I use a state resource, can't I just reimburse my agency for the use?***

**A.** No. Reimbursing for personal use may result in personal benefit because the state gets a discounted government or business rate for use. For example, the price of a SCAN call is less than a person would pay using the local telephone company. Reimbursing also creates the misperception that personal use is allowed as long as employees pay for it. Personal use should be the exception, not the rule.

**Q. *Are there any de minimis uses that are prohibited?***

**A.** Yes. The allowance for de minimis use does not apply to the following uses: conducting an outside business; political or campaign activities; commercial uses such as advertising or selling products; commercial uses such as advertising or selling products; solicitation on behalf of other persons unless approved by the agency head; and illegal activities. In addition, long distance phone calls, internet activity, and use of equipment for personal purposes are prohibited at all times.

**Q. *Can I play games on my computer during lunch and break times?***

**A.** No. The computer at your workstation remains a state resource regardless of whether you are working or on a break. In some cases, if it is inappropriate to use a state resource during working hours, it is inappropriate to use that same resource while you are not working. For example, you cannot use a state resource for political or campaign activities regardless of whether you are using the resource during working hours or non-working hours.

**Q. *What types of state resources are covered by the ethics law?***

- A.** The guidelines on use of state resources apply to all resources including, but not limited to, facilities of an agency, state employees, computers, equipment, vehicles, and consumable resources. State resources also include state information, such as, databases and employee lists.

***Email and Internet Use***

**Q. *Can I send a personal email message without violating the ethics law?***

- A.** Yes, provided messages are brief and infrequent. The general ethics standard is that any use of a state resource for other than official business purposes needs to be brief in duration and frequency to ensure there is no cost to the state and that the use does not interfere with the performance of official duties. An employee should also avoid creating the perception that the intent of personal email is to avoid the personal expense of making a long distance phone call.

**Q. *Are any email messages private?***

- A.** Do not expect a right to privacy for your email communications. Email communications may be considered public records and could be subject to disclosure. Aside from disclosure, employees should consider that email communications are subject to alteration and may be forwarded to unintended recipients. One can avoid these potential problems by treating email communications as another form of business correspondence.

**Q. *Are there any restrictions on email communications?***

- A.** Aside from being brief and infrequent, email messages cannot be for any of the following uses: conducting an outside business; political or campaign activities; commercial uses such as advertising or selling products; solicitation on behalf of other persons unless approved by the agency head; and illegal activities.

**Q. *What are the guidelines on Internet use?***

- A.** An employee may access only those web sites that are reasonably related to his or her state job. Indiscriminate surfing or using the Internet to access information for a personal use is not permitted.

**Q. *What do I do if I access the wrong Internet?***

- A.** Don't panic! The best thing to do is to back out of the site and remember what it was that got you there and don't go back. Everyone makes this kind of mistake.

***Charitable and Other Solicitations***

**Q. *Can I use state resources to solicit for charities?***

- A.** The de minimis, or limited, use of state resources for charitable solicitations may be allowed if the activities are approved by an agency head or his/her designee. Approval may be in the form of a specific policy that establishes guidelines for limited use of state resources.

**Q. *Is there anything employees should not do while conducting charitable solicitations?***

- A.** Any use of state resources that results in a measurable expenditure of funds should be avoided. Consider this scenario: a group of employees spend six working hours of staff time a week for over a four-week period to plan a charitable fundraiser and use the computer, fax, and copier to produce fundraising materials. This is a measurable expenditure of state funds that would not be considered a de minimis or limited use of state resources. In addition, state resources may

not be used for the benefit of any other person, whether or not operated for profit, unless the use is within the course of official duties.

**Q. *What about the Combined Fund Drive?***

**A.** The Combined Fund Drive is somewhat different than other charitable solicitations because it is the only solicitation that has been established by state government. Again, however, use of state resources to support the Combined Fund Drive should be reasonable, not involve measurable expenditures of state funds or resources, and should not disrupt the conduct of official business in state offices.

**Q. *Can agency employees solicit donations for charitable events from outside businesses?***

**A.** The state's ethics law contains a very strong presumption against solicitation by any state officer or state employee for any purpose, including charitable events. A state officer or state employee whose official duties include regulation or the contracting for goods and services needs to be especially careful about solicitation. Solicitation by state employees can create the appearance that a donation might result in favorable treatment from the state, whereas a failure to donate might result in unfavorable treatment.

**Q. *If we can't solicit, then what should we do?***

**A.** A state employee may purchase a gift certificate or other item for its fair market value and donate the items to an agency-sponsored charitable event.

**Q. *Are there any other considerations we should take into account when conducting charitable solicitations?***

**A.** Avoid direct personal solicitations of your co-workers and colleagues and opt for voluntary participation. In this way, employees avoid creating a situation in which others feel pressured to give. Our dedication to helping others sometimes obscures the fact that those we ask to give may not be able to give.

## **APPENDIX B**

### **Examples of Use of State Resources**

#### ***Example #1***

An employee makes a local telephone call or sends an email communication to his home to make sure his children have arrived home safely from school. This is not an ethical violation because the call or the email is brief in duration, and it does not interfere with the performance of the employee's official duties.

#### ***Example #2***

Every spring a group of employees meet during lunch to organize an agency softball team. The meeting is held in a conference room that is not needed for agency business during the lunch hour. This is not an ethical violation. There is no cost to the state, and the meeting does not interfere with the performance of official duties because it is during a lunch hour.

#### ***Example #3***

An employee operates an outside business. Every day she makes or receives five to six business calls on her state telephone. All of the calls are local calls. This is an ethical violation. The employee is conducting a private business on state time which is a cost to the state.

#### ***Example #4***

After working hours, an employee uses the office computer and printer to prepare client billings for a private business, using his own paper. This is an ethical violation. Although use of the office computer and printer may result in a negligible cost to the state, conducting a private business is an inappropriate use of state resources.

#### ***Example #5***

Agency equipment includes a video tape player. One night an employee takes the machine home to watch videos of her family vacation. This is an ethical violation. Although there is no cost to the state, an employee may not make private use of state equipment that has been removed from state facilities or any other official duty state.

#### ***Example #6***

An employee routinely uses the Internet to manage her personal investment portfolio and communicate information to her broker. This is an ethical violation. Use of the Internet is limited to official state business, and there is a cost to the state for the employee's time while she conducts personal business.

\*Statement taken from AAUP Policy Documents & Reports. 9<sup>th</sup> ed. Washington DC: 2001.