

Effective Date: 10/07/94

POLICY

Authority: RCW 28B.35.120

Approved: Board of Trustees 10/07/94

POL U1000.05 -- CONFLICT OF INTEREST STANDARD POLICY OF WESTERN WASHINGTON UNIVERSITY BOARD OF TRUSTEES

PREAMBLE

PRINCIPLES UNDERLYING CONFLICT OF INTEREST. These standards are established with a number of principles in mind, some of which are found in law adopted by the legislature, some of which are set forth in gubernatorial order, and some in the common law of this state.

- A. The Preamble of the 1994 ETHICS IN PUBLIC SERVICE Act speaks to the element of ethics in government, the citizens' expectations of state officials and employees, and the obligations of the citizenry in relationship to the effectiveness of government.

It states, in relevant part:

Government derives its powers from the people. Ethics in government are the foundation on which the structure of government rests. State officials and employees of government hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling the responsibilities to which they are elected and appointed. Paramount in that trust is the principle that public office, whether elected or appointed, may not be used for personal gain or private advantage.

Policy Statement Found in Law

- B. The policy statement found in the state's Public Officers and Agencies statute is set forth at RCW 42.17.010. It states:

...

(4) *That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.*

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

...

- C. The common law doctrine of incompatible public offices is a principle of law that developed under the British and American "common law" or court-made law that has not been abrogated by state or federal statute. The doctrine still applies in this state and means that an individual should not hold multiple public offices in this state if the offices are incompatible.

Board of Trustees' Rules of Operation Statement

Section 020(4). CONFLICT OF INTEREST STANDARDS. The following standards apply to each member of the Board of Trustees of Western Washington University. The standards are intended to serve as guidance for everyone serving on the Board of Trustees.

- a) Fiduciary Responsibilities. Members of the Board of Trustees serve the public trust and have an obligation to fulfill their responsibilities in a manner consistent with this fact. All decisions are to be made solely on the basis of a desire to promote the best interests of the institution and the public good. The University's integrity must be considered and advanced at all times.

Trustees are often involved in the affairs of other institutions, businesses and organizations. An effective Board may not always consist of individuals entirely free from perceived, potential or real conflicts of interest. Although most such conflicts are and will be deemed to be inconsequential, it is every Trustee's responsibility to ensure that the Board is made aware of situations at the University that involve personal, familial, or business relationships.

- b) AFFIRMATION AND DISCLOSURE. The Board of Trustees requires each Trustee to affirm that:

(1) these standards will be adhered to; and

- (2) each will disclose to the Board any personal, familial or business relationship that reasonably could give rise to a perceived, potential or real conflict of interest, as any such may arise.
 - (i) Public Disclosure. Trustees are required by RCW 42.17.240 to file annual statements with the Public Disclosure Commission relating to business interests and receipt of gifts. Providing copies of their individual disclosure statements to the Secretary of the Board will fulfill this disclosure requirement in most instances. Trustees should complete the disclosure form appended to these standards.
 - (ii) Record of Affirmation. Trustees should complete the affirmation disclosure form appended to these standards. The completed forms will be retained in the Office of the President.

In the event there comes before the Board of Trustees a matter for consideration or decision that raises a potential or real conflict of interest for any Trustee, the Trustee shall disclose to the Chair of the Board the existence of a potential or real conflict of interest as soon as possible. The disclosure shall be recorded in the minutes of the meeting where a vote by the Board will occur on the matter. In the event a Trustee is uncertain as to the need to make disclosure in a particular instance, the Trustee should seek counsel from the Chair and/or the President of the University. They, in turn, may elect to consult with legal counsel. A Trustee who is aware of potential or real conflict of interest with respect to any such matter shall not vote or participate in discussion in connection with the matter. That Trustee's presence may not be counted in determining whether there exists a quorum for purposes of validating the vote on the matter.

- c) SITUATIONS WHICH CONSTITUTE CONFLICTS OF INTEREST. While it is difficult to list all circumstances which create conflicts of interest for individual Trustees, the law defines some situations as prohibited actions. These include:
 - (1) Assisting another person, whether or not for compensation, in any transaction in which the employee has participated. (*Example: Trustees cannot effect the admission of individual applicants for student status. Trustees might well be involved in admission standards through delegation, but do not make decisions on individual applications.*)

- (2) Use of university resources for personal benefit. (*Example: Trustees cannot have office space to conduct their personal businesses on campus.*)
- (3) Use of official authority for personal gain. (*Example: Trustees cannot vote to extend a contract to a business in which they have a significant financial interest.*)
- (4) Receipt of gifts, gratuities, and favors. (*Example: Trustees cannot accept money from businesses with which the university has contracts as an inducement from the business to execute/extend a contract; and if gifts have been received during a reporting period, the Trustee must report them to the Public Disclosure Commission.*)

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**DISCLOSURE FORM FOR TRUSTEES
WESTERN WASHINGTON UNIVERSITY**

Please complete the following:

1. Are you aware of any relationships with the University between yourself or a member of your family as defined by the letter or spirit of these standards that may represent a conflict of interest?

____ Yes ____ No

If **YES**, please list or elaborate about such relationships and the details of actual or potential financial benefit as you can best estimate them.

2. Did you or a member of your family receive, during the past 12 months, any gifts or loans from any source from which the University buys goods or services or otherwise has significant business dealings?

____ Yes ____ No

If **YES**, please list such loans or gifts, their source, and their approximate value.

I certify that the foregoing information is true and complete to the best of my knowledge.

Signature

Name *(please print)*

Date: