

STANDARD 9

INSTITUTIONAL INTEGRITY

Introduction

The subcommittee assigned to research and draft this section of the self-study conducted a thorough analysis of the state of institutional integrity at the College. The work done by this subcommittee led to an increase in the dialogue about institutional integrity across campus. In addition, self-study led to several policy changes that improved the College's institutional ethics. The College meets all of the requirements of this standard and of Policy 9.1.

Internal Ethical Standards

Standard Nine suggests that the institution should observe high ethical standards in two areas: internal (“in the management and operations”) and external (“in its dealings with students, the public, organizations, and external agencies”). What follows is an effort to treat the establishment and maintenance of ethical standards in the internal management and operations of the institution.

Question One: What are the internal ethical standards of the institution?

Response: There is no single source containing the ethical standards of the College. It has a Mission Statement to set its general direction, Eight Initiatives for the Twenty-First Century to elaborate its goals, and a Strategic Plan for their implementation. Although efforts to develop a body of institutional ethical standards goes back at least thirty years to the work of a long-since-defunct Ethics Committee, those attempts have been sporadic, externally driven and not productive of an integrated effort.

Like all agencies of the State of Washington, the College was moved to give serious and sustained consideration to internal ethics by the passage of SB 6111 in the 1994 state legislative session. This Ethics in Public Service Act had two major effects: 1) to provide a list of activities prohibited for all state employees, and 2) to create separate ethics boards for the legislative, executive, and judicial branches of state government. Because they are a part of the executive branch, state colleges, like Everett, were brought under the authority of the Executive Ethics Board, which approved a set of **Substantive Rules** codified as WAC 292-110-010 (Appendix A). The last rule in this section states that “state agencies are strongly encouraged to adopt policies applying these principles to their unique circumstances.”

Accordingly, on 21 December 1994, the Board of Trustees of Community College District V adopted Resolution 94-12-01, **Standards of Ethical Conduct at Everett Community College** (Appendix B). This policy became effective on 1 January 1995 and was circulated to the entire campus community on 13 January 1995 and again on 18 January 1996.

Subsequently, however, the status of the Board-adopted ethics standards became somewhat problematic. In an arbitration judgment handed down on 27 July 1998 (Exhibit 9.6), the arbitrator, Michael E. DeGrasse, upheld the position of the Everett Community College Federation of Teachers that the 1994 Board action had not been appropriately codified as required by the Negotiated Agreement with academic employees and was not, therefore, binding policy. The Standards are currently under review by the Director of Human Resources, and in the process of formal adoption. They were not distributed during the 1998-99 academic year.

Other ethics-related documents that have been distributed to employees of the College during the current academic year include the previously cited Executive Ethics Board **Substantive Rules** (Appendix A) and the **EvCC Computer and Network Acceptable Use Policy** (Appendix C). These two documents came out under the same cover letter by then Chief Operating Officer Charlie Earl, who wrote that “in response to a whistleblower complaint, the state auditor has correctly rapped our knuckles regarding personal use of SCAN and computers” (Appendix D).

The reference to a whistleblower complaint is relevant to yet another document supportive of institutional ethics. On 28 October 1998, Earl sent to campus employees a **Summary of Provisions and Protections** of the State Employee

Whistleblower Act (RCW 42.40) and **Questions and Answers about the Whistleblower Program** (Appendix E). He explained in a cover letter that distribution of this information was part of the College's responsibility, as a state agency, to provide employees with an annual written summary of the procedures for reporting "improper governmental action" as established by the State Auditor (Appendix F)

The final document reflecting the internal ethical standards of the College is **Copyright Policy and Procedures**, as updated in September of 1993 (see Exhibit 9.6). This statement seeks to bring employees into compliance with the Copyright Act of 1976, particularly the Fair Use doctrine, and thus protects not only authors, publishers, and creators, but also the public which benefits for their protection.

In summary, the internal ethical standards of the College can be found in a number of documents, reflecting pressure from a variety of outside sources, and without any particular cohesiveness. The definition of institutional ethics on this campus is very much a work in progress.

Question 2: What should be the internal ethical standards of the College?

Response: The Institutional Integrity Subcommittee did not presume to prescribe the ethical standards of the College. However the committee devoted considerable attention to understanding the application of ethics on our campus. At a campus meeting in Fall 1998, the subcommittee presented these four findings:

- The College, in general, follows ethical policies and procedures in its internal and external relations;
- The College frequently responds to students, the public, organizations, and external agencies in the development of its ethics policies and procedures;
- The College has developed ethics policies and procedures fitfully and separately;
- The College lacks a single source incorporating all ethics policies and procedures.

College philosophy and ethics instructor Mike van Quickenborne was invited to talk to the committee and interested members of the campus community at the beginning of the 1998-99 academic year. His presentation and the discussion that followed led to general agreement that "the essence of institutional ethics is **integrity**." In other words, the College has a legal and ethical responsibility to be what it says it is; the College must be clear in instituting its ethical standards and be consistently fair in their application. It was also agreed that "If we aren't self-regulating, someone will step in and regulate for us."

There was consensus that ethical standards be developed through free and open campus-wide discussion. There was also consensus that internal mechanisms must be created and fostered within the institution to protect the institution from the abuse of authority in the definition, interpretation and enforcement of ethical standards. It is important that the development of standards and the means by which they are enforced be ethical. This points to the necessity of due process whenever the behavior of employees is challenged on ethical grounds.

In answer to the question "How can the College improve its internal ethical standards?" the Institutional Ethics Subcommittee has recommended some steps the College can take that could be readily implemented, are virtually cost-free, and

offer a genuine possibility for improvement of the internal ethical climate. The steps are inter-related, and are therefore presented in no particular order of importance:

Figure 9.1

The college holds membership in the following organizations, each of which contain high ethical expectations:

AACJC	American Association of Community and Junior Colleges
AACRAO	American Association of College Registrars and Admissions Officers
AAUP	American Association of University Professors
ACCT	Association of Community College Trustees
AGB	Association of Governing Boards of Universities and Colleges
AHE	Association for Higher Education
ALA	American Library Association
CCLAMS	Community College Librarians and Media Specialists
NAFSA	Association of International Educators
ACUI	Association of College Unions International
CAS	Council for the Advancement of Standards for Student Services.

Question 3: How can the College improve in its internal ethical standards?

The College was presented with four recommendations by the subcommittee on Standard Nine that were readily implemented, virtually cost-free, and offered some genuine possibility for improvement of the internal ethical climate. The initial recommendations presented here are in no particular order of importance and are, in fact, quite inter-related. At the time of the recommendations, the committee believed that if the College were to implement these recommendations, "the pursuit of internal institutional ethics at the College will be focused rather than fractured, active rather than reactive, continuing rather than erratic, and a source of pride rather than a burden to be borne."

These recommendations were:

- 1) Bring together in one published source all the existing policies that are related to institutional ethics and assure that it is in the hands of all full-time and part-time employees. This could be effectively accomplished by reinstating the now moribund Everett Community College Procedures Manual required by 25.60 of the Negotiated Agreement between academic employees and the Board of Trustees. One section of that manual could be devoted to ethics or ethics-related policies. It goes without saying that such a manual should be updated regularly -- probably annually.
- 2) Continue and increase training in areas of ethics. The College deserves credit for the training done, particularly following passage of the State Ethics in Public Service Act of 1994. More can be done, however, to encourage employees to participate in such training. Awareness and information are vital to a healthy ethical campus climate. As in the past, the Office of Human Resources could play an important facilitative role in arranging training opportunities.
- 3) Reconstitute the Ethics Committee as a standing entity. The purpose of this body would be to give visibility and credibility to ethics as a continuing campus concern. It would examine the ethical implications of proposed College programs, policies and procedures, offering ethical "impact statements." In doing so, it would, like most campus committees, make its recommendations to the chief administrative officer of the College. It would also lead out in campus-wide discussions of the need for additional or modified ethical standards. Its role would not be that of institutional inquisitor, but it might give advisory opinions on specific ethics questions

referred to it. Under the auspices of this committee, ethics training could be done for campus constituencies.

- 4) Make the chief administrative officer accountable to the Board of Trustees for the enforcement of ethical standards at every level of employment in a fair and impartial fashion. If there are to be such standards, they must be enforced when there are substantive violations. By the same token, high standards of due process must be applied in such cases so that ethics does not merely become a blunt instrument for meting out discipline and punishment to those who are otherwise viewed as troublesome or difficult to deal with. Misuse of ethics is in itself a serious ethical lapse -- perhaps the most serious of all.

Major Accomplishments and Future Directions

As a result of self-study, the faculty, staff, and administration of the College addressed each of these recommendations. Work progressed on the Operations Manual; training in the area of ethics continued. Based out of the Office of Human Resources; the Ethics Committee was reconstituted in October 1999, and the Policy / Governance model adopted by the Board made provision for the President to be accountable to the Board for enforcement of ethical standards. The "Recommendations and Actions Taken" section in Appendix G outlines this in more detail.

External Ethical Standards

The College advocates high ethical standards in the dealing of students, the public, organization, and external agencies. As mentioned above, the Board of Trustees adopted Resolution 94-12-01, Standards of Ethical Conduct at Everett Community College. More recently, on January 13, 1996, Chapter 292-110-010 of the Washington Administrative Code (section title "Use of State Resources") was published, which provides clarification regarding de minimus use of state resources.

The College subscribes to and accepts the codes of ethics of several national and regional organizations (see Figure 9.1).

State agencies are encouraged to adopt policies that give employees ethics guidelines. In response to this, the College had adopted policy WAC 292-110-010. In addition, all constituencies of the campus adhere to the campus Conflict of Interest and Use of State Material codes.

The College supports Ethic Standards training. A number of opportunities for training have been offered by the campus. The administration began offering ethics workshops in 1995. Formal training continued through 1997. To date the campus is informed of ethical standard via campus wide publication updates, including e-mail messages and postings to the College shared ("S") drive.

In an effort to educate campus representatives, the College offers quarterly FERPA workshops addressing student confidentiality. The College acts quickly to address real or potential non-compliance with FERPA guidelines.

The library/media center follows several national guidelines in terms of ethics. These guidelines, from the American Library Association (ALA), include the Library Bill of Rights, the ALA Code of Ethics, and ALA policy on confidentiality of records (Exhibit 9.5).

As a recommendation, the subcommittee proposed the College develop departmental ethics standards that address the unique problems that face each area.

Evaluation and Revision of Policies, Procedures, and Publications

Each area of the College conducts review and revision of policies. What follows is a description and analysis of these activities as done by the major units of the College.

Individual Departments

Each College department is responsible for reviewing and revising its own internal procedures and publications so they are in line with division and campus policies and procedures. Discussions of issues relating to procedures and policies within the departments are at the “grass roots” level. However, a universally-accepted review process or timeline is not used campus-wide. Currently, only some instructional and student services programs/departments conduct routine annual planning or reviews, and periodic five-year reviews (see Instructional and Student Services Program Review section below). A similar planning and evaluation process should occur for the administrative services departments.

Institutional Committees

As of December 1999, there are 21 standing committees, described in Exhibit 6.11. Each description states the membership populations, to whom the committee reports, and the scope of their responsibilities. These committees meet as needed throughout the year and routinely discuss issues, review procedures and policies, and make recommendations to either an administrator(s) or council (as set forth in the description). Like the routine discussions of procedure and policy at the individual department levels, these committees function at the “grass roots” level to identify issues, problems and potential solutions for the other decision-making bodies to consider. Although the vast majority of these committees meet regularly and have full agendas, a few are known to not function well at all. As a result of self-study, the College administration reviewed the roles and functions of all committees, made changes where necessary, and emphasized the idea of holding committees accountable for their responsibilities.

Each committee is represented on the College "S" drive (S:President/Standing Committees) by committee name. Each committee's file lists the name and classification of each committee member, the task assigned to the committee, and to what College department the committee reports. In some cases committee minutes are also filed in this location. More extensive use of these shared files would enhance the communication of committee activity.

Instruction and Student Services

Each instructional program/department conducts an Annual Program Profile. In addition, every five years these same programs conduct a more in depth review called a five-year Program Review. Both of these use a standard form, review process and timeline. These two evaluation tools are key components of the College's Comprehensive Plan for Measuring Institutional Effectiveness implemented during the 1995-96 academic year in response to an NASC interim accreditation report. These reviews should critically evaluate the program's

outcomes against the program goals, and then review the goals to insure they are supporting the College mission and initiatives of the Strategic Plan. Full details on this plan are included in Standard Two and related exhibits.

The student services areas are similar to that of instruction in that they, too, complete five-year Program Reviews. But instead of developing an annual program profile, each student services department annually develops goals and targeted areas of effort, which support the College's Strategic Initiatives. These are outlined in more detail in Standard Three.

Although these routine planning and evaluative assessments may include the review and revision of procedures, policies, and publications, it is not one of the specific areas targeted in the review process. Nor has there been a systematic approach to closing the loop to document recommendations for improvement, evaluate for appropriate implementation, and building these in to the next planning cycle. Additionally, some departments took these reviews seriously, some completed only a brief review, and some have no goals or program reviews written at all.

The Office of Instruction has recently tightened its record-keeping system for these review documents, requested that certain departments be more thorough in formulating their report and recommendations, and included a section in the forms which specifically requires each department to develop goals which support the Strategic Initiatives. However, perhaps one other section should be added to these documents requesting that each department also review procedures, policy and publications to ensure they are up to date and accurate.

Dean's Council

This council is a working forum for instruction and student services issues to be discussed. Some issues are merely informational, some involve a review of policy or procedure, and some issues may require a subgroup to either develop new or review existing policies and procedures for approval by the Council or other College groups. This group is instrumental in defining the direction of instruction and student services within the framework of the College's Strategic Initiatives. It is participatory and inclusive in nature, all administrators from the instruction and student services areas attend.

Because it is a working group, and much of the time is spent on routine problem-solving or daily working processes rather than on the "big picture" of maintaining strategic direction; in 1999 the Vice President of Instruction created a smaller working group of his direct reports. This group has begun focused work sessions to focus on issues relating to the strategic initiatives relating to instruction and student services.

Academic Divisions

All divisions meet quarterly (or more often if needed) to review course proposals, discuss campus and division issues, and receive clarification on new policies or procedures. This is a strength in that faculty members have ample opportunity to review and discuss revisions before action is taken at the institutional level.

Instructional Council

This council is the College's "curriculum committee." It contains membership from every instructional division across the campus and is responsible for reviewing and

approving courses and programs of study. In 1995 the Council reviewed and documented its procedures and policies, and updated the course proposal forms. These documents are now invaluable tools used on a routine basis by the Council, and updated at least annually to insure that the policies support the College's Strategic Initiatives. The Council is very effective in reviewing and insuring that new courses (or program certificate/degrees) and changes to courses (or program certificates/degrees) are appropriate and conform to the College's policies.

Student Services

Student Services has two councils, which regularly review policies and procedures. The Vice President for Student Services chairs both; agenda items are solicited from the entire membership.

Student Services Administrative Council

The Student Services Administrative Council is made up of all student services administrators and meets five times per quarter. Each member is responsible for discussing potential agenda items with their department staff and bringing these issues to the Council for discussion. The Council makes decisions on some policy and procedure changes, which are limited to the student services, areas. If potential changes affect other areas of the campus, the Council may discuss the issues with other campus councils or departments prior to making recommendations to higher decision-making groups (i.e. Dean's Council, President's Staff, Board of Trustees). Although the Council has been working smoothly for years it has never established a formal agenda item to question whether it is appropriately representing all student service areas, review its effectiveness, or develop a strategic vision or direction. According to the Vice President for Student Services, this may be a future goal.

Student Government

The Associated Student Body (ASB) annually reviews its to assure consistency of form and content of all policies and procedures with regard to the students of the College. After the review the ASB Senate, Vice President for Student Services, and the College President approve any modifications or changes. The ASB financial code is also reviewed annually. Other documents and policies are reviewed only as needed or requested.

Administrative Services

There are three annual processes to identify procedural and policy issues, which need attention. They include: the external audit conducted by the state auditors; the internal control assessment which Administrative Services requires of each department on campus (identifies levels of risk); and the annual budget process. As a result of these annual processes, areas of weakness or deficiency are identified. Once identified, the Vice-President for Administrative Services communicates with the appropriate campus administrators to resolve deficiencies and amend procedures.

The Administrative Services area is diverse, each department within it having a unique service role to the College. It includes payroll, cashiers, information systems, fiscal operations, campus security, capital planning, buildings and grounds, and auxiliary services. Each unit functions independent of the other; there are no administrative services committees or councils which represent each of the

departments. The Vice President of Administrative Services seems to be the hub of information flow. Issues relating to procedure and policy within the administrative services area or from the instructional and student services areas are routinely communicated directly to the Vice President. The Vice President then decides what the next steps are and who should be involved in further fact finding or problem solving. This has an enormous impact on his time and tends to be a bottleneck to finding timely resolution.

The Vice President recognizes that many of the College's procedures are not kept in written form. He believes that his staff needs to review the Office of Financial Management (OFM) regulations in their entirety, make a list of policies and procedures the College is responsible for implementing, and develop written policies and procedures; these should be made available for campus use. In addition, the Vice President is currently conducting a program assessment of his units, in anticipation of staffing reassignments and organizational change.

Three additional recommendations have come from the Standard 9 Self Study subcommittee regarding evaluation and revision of policies in Administrative Services. The first recommendation is to conduct an annual informal internal review to catch policy and procedural inconsistencies, in order to correct them before the annual visit by the external auditor. In response to this recommendation, Administrative Services has outlined annual policy and procedures assessments being used currently. Administrative Services has brought up concerns regarding the cost effectiveness of a complete internal audit. The results of past external audits have been very positive, which indicates existing procedures are effective.

The second recommendation is to implement methods of policy evaluation and revision similar to the instructional and student services areas of the College. In these areas, methods include departmental meetings, division-level meetings, committees to work on policy and procedures, and other informal forums for discussion and assessment of policies and procedures. Such items are also considered part of program review. No such structure exists in Administrative Services. If similar methods were developed, they might enhance timely decision-making and policy evaluation.

Finally, procedures relating to the areas of Administrative Services need to be compiled and made available to the general campus (either as hard copy and/or on the shared S: drive).

Contract Administration Committee (CAC)

Faculty and administration representatives make up the CAC. This group meets as needed to discuss items relating to the contract between the faculty and the College. Those issues not resolved in CAC can be negotiated in future contract talks or sent to arbitration through formal grievance channels.

Union Management Committee

The Classified Union and Management meet on a monthly and routinely discuss proposed policy and procedural changes as they impact classified staff. Any changes either in policy or procedures that impact classified staff are negotiated in the Union/Management forum. This forum seems appropriate for discussion and review of policy and procedure. However, an adversarial relationship fostered during 1998-99 was not conducive to continued integrity of this process. Whether this was due to a lack of a human resources administrator, changes in upper

administration, management's choice of representative to the committee, or a combination of all these (and other) factors is hard to say. This situation created an atmosphere of distrust on both sides of the negotiating table. However, since the appointment of a new Human Resources Director the above situation is improving. There is still a need for more communication from management but that too is starting to improve. It will take time to repair the damage done to the process of ongoing negotiation, but the classified union is encouraged by the change and supports it.

Human Resources

Human Resources serves as a resource to the entire campus as it interprets the College's personnel-related policies and procedures. Questions, complaints, grievances and unique circumstances prompt the director to review policies and procedures that may result in campus-wide change. The Director of Human Resources is responsible for handling ethics-related issues, including confidential personnel matters and ethics training for College employees.

After the former HR director accepted a position at another college, for eleven months (February-December 1998) the College functioned without a Director of Human Resources. The remaining staff members during this time had to concentrate their time and efforts on the more immediate issues of overseeing the hiring processes, personnel paperwork and routine maintenance of personnel records. Operating without a director had a negative impact on this department's ability to deal with policy and procedural issues. However, this situation was alleviated due to the hire of a new director in January of 1999. More frequent updates on HR policies and procedures were delivered to the campus following this hire.

College Relations

College Relations is responsible for College communications, events coordination, legislative affairs, and community outreach. The director also supervises Staff Services and Graphics.

College Relations and Enrollment Services are responsible for final approval of program brochures mailed off-campus, the printing of the College catalog and quarterly class schedules. The quarterly schedule is updated every quarter by a cross-section of editors. Printing and reprinting of program brochures is overseen by Enrollment Services. The College catalog is updated and printed every two years, involving a broad range of faculty, staff and administration – a truly participative process involving all of the student services and instruction departments and associated committees and councils.

The College also has a marketing plan (Exhibit 1.7.A) which is developed and monitored jointly between Enrollment Services and Community Relations. Input is routinely solicited from the Vice President of Instruction and the Deans. An emphasis is placed on, marketing strategies, recruitment, identity, image, outreach, and community involvement.

College Relations was given the task of collecting and placing the College's policies and procedures on the shared S: drive. However, lack of adequate staffing affected implementation. This task was shifted to the Office of Human Resources. Lack of adequate funding has also negatively impacted the updating of some

campus publications. This does not serve the community or students well. The amount of funding dedicated to these activities has been dismal.

The College web page creation and development has been fragmented. The effort has been and continues to be underfunded and understaffed. Few resources were dedicated to web page development until 1999. Technical and operating support was inconsistent and additional duty wherever assigned. Efforts to re-design the page were initiated in 1998. The responsibility to develop a useful web page drifted among various offices, including College Relations, finally to land in the Library / Media Services area in 1998.

In order to communicate honestly and accurately with the students and community, the College needs to devote the appropriate level of staff and funding to support the routine updating of publications and the Web. Currently the library /media center has one employee who is assigned to work on the WEB site in response to the problems outlined above. However, this person also has other supervisory duties in Media Services.

Office of the President

Currently the president has a management group that meets weekly to discuss College operations. As part of the policy/governance model, all policies and procedures relating to the actions of the president are spelled out in the Executive Limitations section of that document (see Exhibit 6.4.A). Ethics-related issues that reach the President's office typically include FERPA issues, confidential personnel matters, union grievances, and other campus events that affect the integrity of the institution.

Board of Trustees

The Board of Trustees is responsible for reviewing and approving many of the College's policies. The College's Board meets the second and fourth Wednesday of each month and routinely asks for reports on the status of the College and its programs which gives them the background needed to review current policy and make decisions. Campus councils and the College's administrators in leadership roles may forward policy issues to the Board through the Office of the President. The Board may also add agenda items, requesting that the administration report on programs and policy implementation.

New Board members attend a training session presented by the Trustee Association of Community and Technical Colleges (TACTC). This session is held once a year and new trustees are invited to attend. The TACTC office in Olympia keeps a record of appointed trustees who have attended new trustee orientation. "Guides to public policy trusteeship" and "Ethics" are topics covered by the Attorney General. Each new member is given a training manual entitled Legal Obligations of College and University Trustees. (Exhibit 9.9, pages 26 - 28 of the manual, speaks to "Ethics in Public Service.") Additionally, TACTC has resource files on the topic of ethics available to all trustees. On occasion, TACTC and ACCT (the national organization) will also hold workshops on ethics.

Major Accomplishments and Future Directions

Self-study in this area has given the College a comprehensive overview of how policies and procedures are created, revised, and reviewed across campus. As a result, administrators, faculty, and staff have been given an opportunity to learn

from each other about the frequency and content of policy review. In addition, when the institution experiences an event that challenges the existing policy, the College is quick to respond with necessary changes and/or increased awareness of relevant policy. The recommendations that came out of this section of the self-study have resulted in action (see Appendix G) that will lead to improvements in the institutional integrity of the College.

Institutional Representation

The accuracy and consistency of publications, advertising, web sites, releases, and broadcast messages is accomplished by the collaborative efforts of the Office of College Relations, Enrollment Services, and the Office of the Vice President of Educational Services. Major institutional publications such as the catalog, class schedules, view folder, curriculum guides and program brochures represent a joint effort of College Relations and Enrollment Services with significant assistance from each instructional office. Review and editing procedures begin at the instructional office and are spread among a variety of departments before publication/release.

The College catalog is published every two years. The review and revision process occurs campus-wide over a period of several months. The Director of College Relations, the Associate Dean for Enrollment Services, and the Vice President for Instruction edit the catalog. Course changes are normally cross-checked with Instructional Council approval forms. Policies and procedures are checked against the minutes of various committees. Every effort is made to assure accuracy and completeness. As the College continues to make better use of shared electronic access to common materials, this process will improve.

The quarterly class schedule has a production schedule that builds in at least four opportunities to proof, correct, and input changes. Administrative assistants and faculty from each division are responsible for course information. Deans and directors from various offices have responsibility for individual sections of the publication. Accurate designation of fees receives special attention. The Director of College Relations and the Associate Dean for Enrollment Services edit the final proof. Over the past several years this has been a difficult process as the information becomes more complex and new formats are added. The Associate Dean for Enrollment Services convened meetings throughout 1998-99 to discuss this issue and address solutions. The College implemented a new production methodology using new software beginning Fall Quarter, 1999. Evaluation of the new methodology by the Associate Dean will take place upon completion of the process.

Publications that promote the College and describe its programs and requirements are generally produced through the offices of Enrollment Services and College Relations, with input from many other offices on campus. Draft copies are reviewed by two and often three people to assure accuracy. Of all the publications, the creation and publication of "Curriculum Guides" consumes a great deal of resources, and needs attention. The Associate Dean of Enrollment Services is developing a new process for producing these publications so they are more user-friendly, informative, and easy to produce.

Conflict of Interest

In the area of conflict of interest, institutional policy is based on the state law (Revised Code of Washington 42.52). The law outlines for state employees which activities are prohibited, including matters relating to conflict of interest.

The College makes much of this information available to all employees, administrators, faculty, and board members on the “Shared” drive of the computer system. It is also available in the Human Resources department, and circulated in memo form to all employees as indicated in 9.A.1.

New faculty members attend a training session presented by the College. One of the topics during the new faculty orientation is conflict of interest (see Exhibit 4.7).

Furthermore, new board members attend a training session presented by the Trustee Association of Community and Technical Colleges (TACTC). This session is held once a year. Ethics is one of the topics covered by the Attorney General and each new member is given a training manual entitled, Legal Obligations of College and University Trustees. The TACTC has resource files on the topic of conflict of interest available to all trustees.

Academic Freedom

The College demonstrates its commitment to free pursuit and dissemination of knowledge in several areas. First of all, the faculty's right to exercise their academic freedom is outlined in the faculty contract and discussed fully in Standard Four (see Exhibit 4.8 and Exhibit 9.1).

The Student Handbook (see Exhibit 3.2) lists several policies that address the free pursuit and dissemination of knowledge for students. Included are the policies related to uncensored journalism, academic freedoms, academic grievances and a healthy learning environment free from harassment, and disruptive student behavior (see also Exhibit 9.1). Additional policies in this area are:

- The Anti-Hazing and Guidelines for Disruptive Students policies help employees protect the exchange of knowledge through a healthy learning and service environment that provides for safety and freedoms from disruptive behavior. The document “Guidelines for Student Conduct” allows students due process and protections against arbitrary and capricious action (see Exhibit 3.7).
- The Canons of Journalism for Responsibility, Freedom of the Press, and Independence student handbook statement protects free speech rights of students involved in the production of the student newspaper, The Clipper (see Exhibit 3.2).
- The College has a document titled "Informal and Formal Procedures for Discrimination/Harassment" which attempts to protect the students' learning and service environment from harassment from others. Due process is included in the informal and formal investigations of harassment to protect the rights of the accused (see Exhibit 9.3).
- A document published by the library staff called "Library Rights and Responsibilities" outlines the policies related to free pursuit of knowledge in the context of library and information resources (see Exhibit 9.1).
- The Academic Freedom Statement/Policy asserts the students' rights related to free speech, fair academic evaluation, class attendance, and improper disclosure of their beliefs, views, political associations, and other information. (see Exhibit 9.1).
- Student Activities has a visiting speaker policy, which ensures compliance with existing College policies and state laws. (see Exhibit 3.7).

Major Accomplishments and Future Directions

Upon analysis, it appears the College's policies and practices demonstrate a strong commitment to the pursuit and dissemination of knowledge. Students, faculty, staff, and administrators are encouraged by policy and in practice to operate without harassment in order to preserve the integrity of the institution.

Self-study led to a comprehensive examination of the ethical standards in each area of the College. The awareness of ethical standards is higher than it was prior to self-study.

Future plans will be to continue to examine the role of ethics in each policy developed by the College, and to continue to make public the ethical standards held by individual departments, programs, and the College as a whole.

Standard Nine

List of Appendices

Appendix A -- WAC 292-110-010

Appendix B -- Standards of Ethical Conduct at Everett Community College

Appendix C -- EvCC Computer and Network Acceptable Use Policy

Appendix D -- Cover Letter November 12, 1998

Appendix E -- Questions and Answers about the Whistleblower Program

Appendix F -- Cover Letter October 20, 1998

Appendix G -- Recommendations and Actions Taken

Standard Nine -- Materials Available in the Exhibit Room

- 9.1 -- Statements or policies on academic freedom
- 9.2 -- Statements or policies on conflict of interest
- 9.3 -- Policies which guarantee fair treatment of faculty, administration, staff, and students
- 9.4 -- Copies of print and electronic promotional materials
- 9.5 -- Code(s) of conduct, statement(s) of ethical behavior
- 9.6 -- Copyright policies and procedures document
- 9.7 -- Operations Manual (draft)
- 9.8 -- AAA Case No. 75-390-00207-97

Appendix A – Washington Administrative Code 292-110-010

Use of state resources:

1. State officers and state employees are obligated to conserve and protect state resources for the benefit of the public interest, rather than their private interests. When use of state resources supports organizational effectiveness, is reasonable and of negligible cost, and does not violate an ethics law or this rule, such use would not undermine public trust and confidence. Responsibility and accountability for the appropriate use of state resources ultimately rests with the individual state officer and state employee, or with the state officer or state employee who authorizes such use.
2. State officers or state employees may not use state resources including any person, money, or property under the officer's or employee's official control or direction or in his or her custody for private benefit or gain of the officer or employee or any other person. This prohibition does not apply to the use of public resources to benefit another person as part of the officer's or employee's official duties.
3. Notwithstanding the prohibition in subsection (2) of this section, a state officer or employee may make occasional but limited use of state resources only if:
 - (a) There is no cost to the state; and
 - (b) The use of state resources does not interfere with the performance of the officer's or employee's official duties;
 - (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;
 - (e) An agency may authorize a use that promotes organizational effectiveness or enhances the job-related skills of a state officer or state employee.
 - Example 1: An employee makes a local telephone call or sends an e-mail communication to his home to make sure his children have arrived home safely from school. This is not an ethical violation. There is no cost to the state, and because either the call or the e-mail is brief in duration, it does not interfere with the performance of official duties.
 - Example 2: An employee uses her agency computer to send electronic mail to another employee regarding the agenda for an agency meeting that both will attend. She also wishes the other employee a happy birthday. This is not an ethical violation. The personal message is de minimus and improves organizational effectiveness by allowing informal communication among employees.
 - Example 3: Every spring a group of employees meets 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 4: An agency determines that an evening class will enhance the job skills of an employee, and allows the employee to use her office computer to do

homework. The employee prints her homework using the office printer and her own paper. This is not an ethical violation. The use of the office computer and printer will result in some cost to the state, but the cost is negligible and the employee is using her own paper. Because the class will enhance the employee's job skills, the effectiveness of the organization is improved. Since the activity takes place after working hours, it will not interfere with the performance of the employee's official duties.

4. Occasional and limited use of state resources does not include the following private uses of state resources:
 - (a) Any use for the purpose of conducting an outside business;
 - (b) A use for the purpose of supporting, promoting, or soliciting for an outside organization or group unless provided for by law or authorized by an agency head or designee;
 - (c) Any campaign or political use;
 - (d) Commercial uses such as advertising or selling; or
 - (e) An illegal activity.
- Example 5: An employee operates an outside business. Every day she makes or receives five to ten 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 6: 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 7: An employee is active in a local PTA organization that holds fund-raising events to send children to the nation's capital. Although a parental contribution is expected, the more a parent raises, the less his or her contribution. An employee uses agency e-mail to solicit contributions for her child. This is an ethical violation. The employee is using state resources to further a private interest and to promote an outside organization.
5. Use of state resources pursuant to subsections (3) and (4) of this section is subject to the following qualifications and limitations:
 - (a) A state officer or employee may not use state resources 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. Such a use of state resources is not authorized by this rule and is specifically prohibited by RCW 42.52.180, subject to the exceptions in RCW 42.52.180(2).
 - (b) A state officer or employee may not make private use of any state property, which has been removed from state facilities or other official duty stations, even if there is no cost to the state.
 - (c) A state officer or employee may not make private use of any state property, which is consumable such as paper, envelopes or spare parts, even if the actual cost to the state is de minimus.

(d) A state officer or employee may use computers and electronic mail provided such use conforms to ethical standards under section three of this rule, and the prohibitions contained in section four.

(e) A state officer or employee may not make private use of state computers or other equipment to access computer networks or other databases including, but not limited to, electronic mail and electronic bulletin boards for personal use unrelated to an official business purpose.

Example 8: 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 removed from state facilities or other official duty station.

Example 9: An employee is assigned to do temporary work in another city away from his or her usual duty station. To perform official duties the employee takes an agency laptop computer. While away, the employee uses the computer to do tax work for a private client. This is an ethical violation. Although it is permissible for an employee to use the laptop at a temporary duty station, it is not permissible for the employee to perform work related to his or her outside business on the laptop.

Example 10: 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 he or she conducts personal business.

6. In general, a state officer or employee may not make private use of state resources and then reimburse the agency so there is no actual cost to the state. However, the board recognizes that in some limited situations, such as officers or employees working at remote locations, a system of reimbursement may be appropriate. Any system of reimbursement must be established by the agency in advance and must result in no cost to the state. To be valid under this rule the Board must approve a reimbursement system.
7. Electronic mail, facsimile transmissions, and voice mail are technologies that may create an electronic record. This is what separates these from other forms of communication such as a telephone conversation. An electronic record is reproducible and is therefore not private. Such records may be subject to disclosure under the public disclosure law, or may be disclosed for audit or legitimate state operational or management purposes.
8. State agencies are encouraged to adopt policies applying these principles to their unique circumstances. Nothing in this rule is intended to limit the ability of an agency to adopt policies that are more restrictive. However, violation of a more restrictive agency policy by itself will not constitute a violation of RCW 42.52.160, it would constitute a violation of agency policy.

[Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.160(3). 98-08-054, § 292-110-010, filed 3/27/98, effective 4/27/98. Statutory Authority: RCW 42.52.160(3). 96-01-036, § 292-110-010, filed 12/13/95, effective 1/13/96.]

Appendix B

-- Standards of Ethical Conduct at Everett Community College

(including cover memo of January 18, 1995)

TO: All College Community
FROM: Paulette Fleming
DATE: January 18, 1996
RE: Chapter 292-1 1 0 WAC

On December 21, 1994, the Board of Trustees passed and adopted Resolution 94-12-01, A Resolution adopting a policy on standards of ethical conduct at Everett Community College in response to Senate Bill 61 1 1 (the new ethics law). The College's Ethics Policy became effective January 1, 1995.

More recently, on January 13, 1996, Chapter 292-1 1 0 WAC became effective. **WAC**

292-110-010 Use of State Resources provides clarification regarding de minimus use of state resources.

A copy of both Resolution 94-12-01 and WAC 292-1 1 0-01 0 are provided for your records. Please be reminded that College policy as well as this new WAC regulation requires your attention and adherence. If you have any questions regarding either, please do not hesitate to give me a call.

Attachments

Resolution 94-12-01

A Resolution adopting a policy on
standards of ethical conduct at
Everett Community College

WHEREAS, the Board of Trustees of Everett Community College has considered the issue of ethical conduct at the College; and

WHEREAS, the College is a state agency operated in accordance with Washington State Law, and

WHEREAS, the Board has determined that it has a duty to protect the public interest

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Everett Community College that the following Standards of Ethical Conduct Policy is adopted. The policy shall become effective January 1, 1995.

College employees are obligated to treat their positions as a public trust, using their official powers and duties and the resources of the College only to advance the public interest. This obligation requires that all employees:

1. Protect the integrity of the College by being independent and impartial in the exercise of their duties, avoiding the use of their positions for personal gain or private benefit including limitation on their acceptance of gifts;
2. Promote an environment free from fraud, abuse of authority, and misuse of public property
3. Treat members of the campus community and of the community at large with respect, concern, courtesy, and responsiveness;
4. Protect confidential information to which employees have access in the course of their duties;
5. Create a work environment that is free from all forms of harassment and unethical discrimination.

Resolution on standards of ethical
conduct at Everett Community College
December 21, 1994
(Page Two)

The Board of Trustees hereby adopts the STANDARDS OF ETHICAL CONDUCT POLICY and directs the president to establish procedures to implement this policy and to publish the basic principles of Senate Bill 6111, RCW 42.18 (Executive Conflict of Interest Act) and Executive Order 92-04 (Standards of Ethical Conduct for Executive Branch Employees).

PASSED AND APPROVED this 21st day of December 1994.

(signed)
Don Hale, Chair
Virginia E. Sprenkle
Bob Bavasi
Kathleen Gutierrez
Terry Ollis

Appendix C—

EvCC Computer and Network Acceptable Use Policy

1. The use of Everett Community College (EvCC) computers and network facilities shall be solely for facilitating the processing and exchange of information in furtherance of education and research. Use shall be consistent with the mission, policies, and procedures of EvCC and applicable federal and state law.
2. Users shall respect the rights and property of others and not improperly access or attempt to access, misuse, or misappropriate information/files. Accounts and passwords are individualized and may not be shared without prior permission from the Vice President of Instruction and Student Services or the Dean of Administrative Services.
3. The network is managed by Computer Services. Network users shall not change cabling or add new services. Users will promote efficiency in order to minimize congestion of the networks. Requests for changes should be sent to Computer Services.
4. EvCC computers and networking facilities shall not be used for commercial purposes or private gain. The expectation of privacy, in relation to what is stored on College computer equipment or carried as network traffic, exists only to protect the confidentiality needed to properly conduct College business.
5. This policy also applies to the use of other networks accessed through EvCC computers or networks.
6. Interpretation, application, and modification of this policy shall be within the sole discretion of EvCC. Violations may result in loss of computer and/or network use privileges and other penalties consistent with EvCC policies and procedures. Questions arising under this policy should be directed to the Office of the President.

(revised February 1996)

Appendix D -- Cover Letter November 12, 1998

TO: Employees
FROM: Charlie Earl
SUBJECTS: Use of SCAN and Computers
Inclement Weather Closures
Holiday Collaborations (sic)
DATE: November 12, 1998

Thank you for your cooperation and productive spirit these last few months. I appreciate your patience as I've stumbled over the personnel practices in the absence of a HR Director. Hopefully, the position will be filled soon.

A few topics are timely for comment and direction.

1) Use of SCAN and Computers

In response to a whistleblower complaint, the state auditor has correctly rapped our knuckles regarding personal use of SCAN and computers. Attached are the EVCC Acceptable Use Policy and the relevant State Ethics Board Rule. It is evident that further training is necessary for many of us to understand the chalklines - and stay within them. We will provide additional guidance after the first of the year. Please refrain from misusing College equipment.

2) Inclement Weather Closures

Our goal is to keep the College open. This fulfills our obligation to: a) the faculty and staff who need the place running well to provide education, b) the students who come here to be educated on schedule, and c) the bill paying public who expects a high level of performance. Unless the campus is unsafe or utility systems are malfunctioning, we will strive to be open.

Employees and students must judge for themselves the safety of traveling to the College. We ask all of you to make good decisions. In those rare instances when the College will be closed we will do our best to inform people as early as possible using the campus information line (425) 388- 9557, Ext. 557 and the Public Schools Emergency Communication System.

3) Holiday Celebration

The College will spend neither state nor foundation funds to celebrate religious holidays-, nor will it restrict employees from modest decorating of their work areas. I ask all of you to respect the values and beliefs of others.

Have an enjoyable holiday season. Take care.

Appendix E -- Summary of Provisions and Protections and

Questions and Answers about the Whistleblower Program

State Auditor's Office

Summary of Provisions and Protections

Chapter 42.40 RCW

The State Employee Whistleblower Act

The Whistleblower Program, enacted by the Washington State Legislature in 1982, provides a means for state employees to report suspected improper governmental actions. These are any actions by a state employee or officer that violate state laws and rules, are an abuse of authority, are of substantial and specific danger to the public health or safety, or are a gross waste of public funds. Personnel actions and related complaints, including employee grievances, are not considered improper governmental actions under the act and the State Auditor is not authorized to investigate them.

Any Washington State employee may report a suspected improper governmental action through the Whistleblower Program. This includes temporary employees, classified and exempt civil service employees and elected officials.

How to File a Report of Improper Governmental Action

Assertions of improper governmental action must be filed in writing with the State Auditor's Office. They can be reported using the Whistleblower Reporting Form, attached to this summary, or in a separate letter. In either case, the report should include:

- A detailed description of the improper governmental action(s);
- The name of the employee(s) involved;
- The agency, division, and location where the action(s) occurred;
- When the action(s) occurred;
- Any other details that may be important for our investigation -- other witnesses, documents, evidence, etc.;
- If you know it, the specific state law or state regulation that has been violated; Your name, address and phone number.

Assertions of improper governmental action may be filed anonymously. However, by including your name and number, we can reach you to gather further information that may be necessary for a thorough investigation. In addition, the law provides remedies for individuals subjected to retaliation as a result of their whistleblower activities.

Each assertion should be noted separately and supported with as much specific information as possible. Proving allegations can often be difficult. Supplying detailed information contributes to a thorough and efficient investigation. The Whistleblower Reporting Form is designed to help you supply the needed information.

Send your Whistleblower Reporting Form or letter to:

State Auditor's Office
Attention: ED
PO Box 40021
Olympia, WA 98504-0021

Questions and Answers About the Whistleblower Program

Q: What is the state Whistleblower Program?

The State Employee Whistleblower program was created by the 1982 Legislature to give state employees a means to report on suspicions of improper governmental activity. The Whistleblower Act, Chapter 42.40 RCW, defines improper governmental activity as any action by a state employee " which is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and which is in violation of any state law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds."

Q: Who can report improper governmental actions?

Only Washington State employees may report suspected improper governmental actions through the Whistleblower Program. This includes temporary employees, classified and exempt civil service employees, and elected officials in all branches of state government. There is a separate program for local government employees, which is authorized under Chapter 42.41 RCW. The state does not administer that program.

Q: Can I file a whistleblower complaint only against my own agency?

No. Any state employee may file a whistleblower complaint relating to any state agency.

Q: How do I file a whistleblower complaint?

Assertions of improper government actions are filed in writing with the State Auditor's Office. They are generally reported using the Whistleblower Reporting Form attached to this document. They also may be reported in a separate letter. In either case, the report should include the following:

- a detailed description of the improper governmental action(s);
- the name of the employee(s) involved;
- the agency, division, and location where the action(s) occurred;
- when the action(s) occurred;
- any other details that may be important for our investigation such as other witnesses, documents, evidence, etc.;
- the specific state law or regulation that has been violated - if you know it;
- your name, address and phone number.

Avoid generalizations such as "Bob is always wasting public resources." Providing specific details about how and when "Bob" is wasting public resources will help focus the investigation, e.g., "Bob used his state computer to keep accounting records for his home business during working hours. This happened on January 18, January 22 and February 12."

Each assertion should be noted separately and supported with as much specific information as possible. Proving allegations can often be difficult. Supplying detailed information contributes to a thorough and efficient investigation. The Whistleblower Reporting Form is designed to assist you in supplying the needed

information. Please use a separate Whistleblower Reporting Form for each assertion of improper governmental action.

Q: Where do I submit the Whistleblower Reporting Form or letter?

Mail your completed Whistleblower Reporting Form(s) or letter separately detailing each assertion of improper governmental action to:

State Auditor's Office
Attention: ED
PO Box 40021
Olympia, WA 98504-002

Q: Can my supervisor prohibit me from filing a report of improper governmental action with the State Auditor?

No. Chapter 42.40.030 RCW specifically prohibits direct or indirect interference with the filing of a whistleblower complaint. It applies to all state employees. This statute also prohibits attempts at interfering with an employee providing information to the auditor during an investigation.

Q: What if I'm afraid someone will find out I filed a complaint? Do I have to sign my name?

Assertions of improper governmental action may be filed anonymously. However, by including your name and number, we can reach you to clarify or gather further information. In many investigations this can be important. The law provides remedies for whistleblowers who have been retaliated against because of their whistleblower activities. Your identity is not subject to public disclosure and we will keep it confidential.

Q: Who has protection under the Whistleblower Program?

Any state employee who provides information during a whistleblower investigation is provided the same protection as the whistleblower. The law also protects any employee who others believe filed a whistleblower report or provided information, but actually didn't.

Q: What if I believe I am being subjected to retaliation?

The Whistleblower Program provides remedies for retaliation. If you feel you are being retaliated against as a result of filing a complaint, you may file a claim with the State Human Rights Commission. You also may wish to contact a private attorney for legal advice. A retaliatory action is any adverse change that affects your employment. Retaliation can take many forms, such as frequent job changes, office changes, unwarranted letters of reprimand or unsatisfactory performance evaluations. The Commission will investigate the claim and take appropriate action. It has the following toll-free numbers.

Olympia 1-800-233-3247
Eastern Washington 1-800-662-2755
Seattle 1-800-605-7324
TTY 1-800-300-7525

Q: What happens if the Human Rights Commission determines that retaliation has occurred?

The Human Rights Commission may impose a civil penalty of up to \$3,000 and the retaliator may be suspended from work for up to 30 days without pay. At a minimum, a letter of reprimand is placed in the retaliator's personnel file.

Q: Can the State Auditor investigate assertions involving personnel actions?

The state's Whistleblower Act specifically excludes personnel actions from investigation by this office. These types of actions include, but are not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of state civil service laws, labor agreement violations, reprimands or other disciplinary actions. While the Auditor's Office cannot investigate these types of complaints, there are other avenues for addressing them.

Q: Which government agencies or other organizations can assist in addressing personnel issues?

The following government agencies and labor organizations may assist state employees in dealing with personnel issues:

Agency Issues

Washington State Personnel Appeals Board
Olympia (360) 586-1481

Disciplinary actions. Layoffs.
Violations of merit system rules.
Violations of state civil service laws.

Washington State Human Rights Commission
Olympia 1-800-223-3247
Eastern Wash 1-800-662-2755
Seattle 1-800-729-4960
TTY 1-800-300-7572

Discrimination because of race,
creed, color, national origin, sex,
marital status, age, or disability.

Sexual harassment.

Public Employment Relations Commission
Olympia (360) 753-3444

Washington Federation of State Employees
Olympia (360) 352-7603

Unfair labor practices. Interference
with rights to form or join employee
labor organizations and rights to
bargain collectively.

See grievance procedures in your union bargaining agreement.

Washington Public Employees Association
Olympia (360) 943-1121

See grievance procedures in your union bargaining agreement.

Q: How does the whistleblower process work?

Once the State Auditor's Office receives a Whistleblower Reporting Form or letter asserting improper governmental action, we acknowledge receipt of the information by return mail within five working days. If the assertion or assertions fall under the whistleblower provisions, a preliminary investigation is planned and conducted within 30 days. To be thorough, many investigations require more time. When this occurs, we notify the whistleblower by mail. In most cases, full whistleblower investigations are completed within 90 days. If the complexity of the claim requires even more research and review, the investigation can be extended further. By statute, no whistleblower investigation is to extend beyond one year.

We do not reveal conclusions until the investigation is complete and a final report has been prepared. However, we do keep the whistleblower informed at each significant stage of the investigation.

While each investigation is different, the general work plan is largely the same. We contact the agency and notify the department head or appropriate supervisor that a whistleblower assertion has been filed with the State Auditor's Office relating to that particular work division. We do not reveal the identity of the whistleblower.

Information is gathered by conducting interviews and reviewing documentation or other available evidence that might have a bearing on the case. These could be things like time sheets, phone bills, organizational charts, records of expenditures or items in inventory. There also might be occasions in which we would contact people outside of the agency to solicit expert opinion.

At the conclusion of the investigation, a determination is made as to whether any assertions have been substantiated. When assertions are substantiated, a draft report is prepared and sent to the agency director, requesting the agency respond with a written corrective action plan to solve the problems identified in the report.

The agency director has 30 days to form a response and return the draft report to the State Auditor's Office. The draft report is not a public record. The agency response is incorporated into the report and the final report is issued. The final report outlines each assertion, our investigative scope and methodology and the agency's plan for corrective action. At this time, the report, which does not contain the whistleblower's name, is a public document subject to disclosure. The State Auditor's Office follows up on the corrective action during the course of the agency's next audit.

Q: What do I do after filing a whistleblower complaint?

After mailing a Whistleblower Reporting Form or letter, you can expect to hear from the State Auditor acknowledging receipt of your report within five working days. After that, you will be notified if the investigation will take more than 30 days, and

again if more than 90 days. The State Auditor also may call you requesting clarification or additional information concerning your report.

We recommend that you do not discuss your report with others, including family, friends, and co-workers. Discussion of your whistleblower complaint may jeopardize your confidentiality.

Q: Why is such a program important?

A valuable benefit from the whistleblower program is the number of inappropriate government activities, which become findings in our audits. Because this office is dedicated to ensuring accountability for public funds, we see the whistleblower program as one more method of achieving this goal. Public employees have an obligation to ensure that government in general, and their departments in particular, perform ethically, as well as efficiently and effectively. The Whistleblower Program holds state employees accountable for their actions.

Q: What are some examples of whistleblower complaints that have been substantiated?

Some examples of claims that have been substantiated through the whistleblower program are:

An agency did not follow regulations concerning competitive bidding for a project.

An agency improperly paid an employee approximately \$18,000 while he was on administrative leave, after which he retired from state service.

A maintenance employee claimed hours worked when he was not at his assigned work site.

An agency authorized an employee to use a state-owned vehicle to commute from home to work.

Mechanics conducted their own business in state facilities. They worked on various private aircraft and vehicles. There was misuse of the state telephone and hangar office by non-state employees.

A program manager at a community college used state money to pay for child care for her grandchild, used grant money for personal purchases, used the SCAN telephone system for personal use and the College paid for part of her master's program education.

An employee of the school of music at a university used university facilities and equipment during official working hours to privately tutor students.

Controls were not adequate to ensure utility bills were being properly paid by a university's department or that departmental recharges of these costs were accurate. When overpayments occurred, they were not caught in a timely manner.

Q: What are the statistics of the Whistleblower Program?

During fiscal year 1997, the State Auditor's Office received 292 assertions of improper governmental action. Of the total, 95 assertions, or 35 percent, were substantiated. Sixty-three cases were referred to other agencies, such as the Executive Ethics Board, for follow-up action.

Q: Who receives the results of a whistleblower report? Are they made available to the public?

Unless the assertions were filed anonymously, the whistleblower is notified when the investigation is completed and receives a copy of the final report. People named in the assertions and agency officials also receive copies. The final report is a public record and is available to anyone who requests it. When appropriate, we distribute reports to agencies charged with enforcement. These can include county prosecutors, the state Attorney General's Office, the state Executive Ethics Board, the state Legislative Ethics Board and the state Office of Financial Management.

Q: What if I have an idea about how my agency could be saving money? Should I file my suggestion under the Whistleblower Program?

No. Cost saving ideas should be submitted to the Employee Brainstorm Suggestion Program, which is administered by the State Productivity Board within the Secretary of State's Office. Their telephone number is (360) 586-3174. Cost saving ideas can result in monetary awards.

Q: Can local government employees file a whistleblower report with the State Auditor's Office?

Under certain circumstances a whistleblower can report assertions involving local government to the State Auditor's Office. The Local Government Whistleblower Act, Chapter 42.41 RCW, requires each local government to have a policy in place that establishes an appropriate person to receive and investigate reports of improper governmental action. If the local government has failed to follow state law by not establishing a whistleblower policy, the whistleblower can submit a report to the county prosecutor's office. If the local government hasn't established a policy, and if an employee of the county prosecutor's office is named as the subject of the assertions of improper governmental action, then the whistleblower may file a report with the State Auditor's Office.

Q: Do any other agencies participate in the investigations?

If the assertions are criminal in nature, we may ask the Washington State Patrol to conduct the investigation. Other agencies may be asked for assistance depending on the assertion. For example, we request assistance from the State Archivist in cases involving public records. Any agency taking part in a whistleblower investigation is required to abide by confidentiality requirements.

Q: If I have a question about the Whistleblower Program or a particular situation, how can I get technical assistance?

Between 8:00 a.m. and 5:00 p.m. Monday through Friday you can call the State Auditor's Office and talk to someone about your questions.

Dell Cowart (360) 902-0369

Martha Payne (360) 902-0363

Linda Long (360) 902-0367

Information about the Whistleblower Program is also included on the State Auditor's Office home page at: <http://www.wa.gov/sao/>

Appendix F -- Cover Letter October 28, 1998

TO: All Campus Employees
FROM: Charlie Earl
Chief Operating Officer
DATE: October 28, 1998
RE: Procedures for Reporting State Employees Misconduct (WHISTLEBLOWER)

Annually, each agency of state government is responsible for providing employees with a written summary of the procedures for reporting "improper governmental action" as established by the State Auditor.

RCW 42.40 was enacted to encourage employees of the State of Washington to report any action that violates state law, abuses authority, wastes public funds or endangers public health or safety. "Improper governmental action" does not include personnel actions involving employee grievances and related complaints and the State Auditor is not authorized to investigate such matters.

A copy of the complete procedures for the disclosure and investigation of improper governmental action is attached for your information/referral. A set of commonly asked questions and their answers has also been provided.

Attachments

Appendix G

Recommendations and Actions Taken

Recommendations	Actions Taken
The College ethics policy needs to be implemented.	Currently, the ethics policy is under revision; approval of the policy by the state is expected in early 2000. The Office of Human Resources is responsible for this project.
The College Operations Manual should be completed, and measures should be taken to ensure timely and accurate updates of all College policies and procedures.	As a result of self-study, each unit of the College has been made aware of the work of the Office of Human Resources on the Operations Manual. Each area has been encouraged to ensure timely and accurate updates of all policies and procedures.
The Office of Human Resources should continue to offer training to employees in the area of ethics. While the written notices are helpful, the College would benefit from additional forums on ethics-related issues.	A forum on institutional ethics was held in 1999. Further training will be scheduled upon formal adoption of the ethics policy. The College reconstituted the Ethics Committee as a standing entity in Fall Quarter 1999.
The chief administrative officer should be formally accountable to the Board of Trustees for the enforcement of ethical standards at every level of employment in a fair and impartial fashion.	This was completed with implementation of the Executive Limitations section of the Policy/Governance model. These limitations were agreed upon by the President and by the Board in 1999
The College should review the roles and functions of non-functioning College-wide committees and made changes where necessary.	This was done in Fall 1999. The new list of College committees was developed in October 1999.
Student Services Administrative Council should establish a formal agenda item to question whether it is appropriately representing all student service areas, review its effectiveness, and/or develop a strategic vision or direction.	This will take place as part of the strategic planning activity in Winter and Spring Quarters 2000.
Administrative Services should assist all College departments in conducting annual internal reviews to catch Administrative Services-related policy and procedural conflicts or aberrations in order to correct them.	This recommendation was forwarded to Administrative Services for review. Assessment of functions in Administrative Services will be geared toward identifying problems in advance.

Recommendations	Actions Taken
Policy evaluation similar to the instructional/student services areas should take place in other College areas.	Administrative Services has developed an assessment instrument to serve the needs of that area.
Procedures relating to the areas of Administrative Services need to be compiled and made available to the general campus (either as hard copy and/or on the shared S: drive).	This is in progress.
In order to communicate honestly and accurately with the students and community, the College needs to devote the appropriate level of staff and funding to support the routine updating of publications and the Web.	The beginnings of this effort are in place. Web page responsibility has been assigned to the Library/Media Center, though more funding and routine updating is desirable