

HOUSE BILL REPORT

SB 5854

As Passed House:

March 3, 2022

Title: An act relating to ethical performance of faculty duties.

Brief Description: Concerning ethical performance of faculty duties.

Sponsors: Senators Randall, Hunt, Lovick, Nobles and Wilson, C..

Brief History:

Committee Activity:

College & Workforce Development: 2/16/22, 2/21/22 [DP].

Floor Activity:

Passed House: 3/3/22, 93-4.

Brief Summary of Bill

- Allows higher education institutions to set administrative processes for activities constituting private uses of state resources at more than de minimis costs to the institution, but which are required as part of a faculty member or research employee's job requirements.

HOUSE COMMITTEE ON COLLEGE & WORKFORCE DEVELOPMENT

Majority Report: Do pass. Signed by 12 members: Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler, Hansen, Hoff, Paul, Pollet, Sells and Sutherland.

Minority Report: Do not pass. Signed by 1 member: Representative Kraft.

Staff: Elizabeth Allison (786-7129).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Ethics in Public Service Act (Ethics Act) prohibits state officers and state employees from using their public employment for personal gain or private advantage, or creating the appearance of such impropriety. Prohibited activities under the Ethics Act include:

- having financial interests or engaging in business activity that conflicts with the proper discharge of official duties;
- using public resources for private gain;
- receiving gifts or outside compensation for official duties; and
- using one's position to secure special privileges or exemptions for oneself or others, except as required to perform duties within the scope of employment.

To encourage scientific research, public universities may develop administrative processes for research employees that apply in place of the obligations imposed by the Ethics Act. Administrative processes regarding financial interests in transactions, compensation for official duties or nonperformance, honoraria, and gifts must be consistent with federal standards for objectivity in research. Administrative processes regarding the use of state resources for private gain must include a reasonable determination of acceptable private uses having de minimis costs to the university and a method for establishing reimbursement charges for more than de minimis private uses.

The State Board for Community and Technical Colleges (SBCTC) is a nine-member board that coordinates and directs Washington's 34 public community and technical colleges.

The Executive Ethics Board enforces the Ethics Act, including the activities of university research employees.

Summary of Bill:

Public universities and the SBCTC may develop administrative processes for faculty that apply in place of the Ethics Act's prohibition on the use of state resources for private gain. The administrative processes must identify acceptable private uses having more than de minimis costs to the institution which must be performed as a part of the faculty member's job requirements, such as publishing scholarship. Each policy applies upon approval by boards of trustees or regents for the state universities, regional universities, and The Evergreen State College, or by the SBCTC. Each board of regents or trustees and the SBCTC must provide the Executive Ethics Board a copy of each institution's policy upon approval.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the

bill is passed.

Staff Summary of Public Testimony:

(In support) It was a surprise to learn that faculty members are in violation of state ethics laws just for doing their job. Faculty members are expected to research and publish in many instances, but if they are successful and sell, they receive royalties or other payments. Those payments put them in violation of the Ethics Act. This bill fixes that gray area. The bill went through the State Government and Elections Committee in the Senate because it addresses state ethics law, but it is mostly about making sure employees can do their job. Disseminating research is a condition of employment for many faculty. Such research brings recognition to universities and ensures that students are being taught by experts. The bill allows faculty and universities to keep pace with other states' ability to recruit and retain faculty.

(Opposed) None.

Persons Testifying: Senator Emily Randall, prime sponsor; Bill Lyne, United Faculty of Washington State; and Ruben Flores, Council of Presidents.

Persons Signed In To Testify But Not Testifying: None.