

Appropriate Use of University Resources

Standards of Conduct

EWU Policy 901-02

Authority: Board of Trustees

Effective: December 9, 2022

Proponent: University President

Summary: This policy prescribes standards for the use of university equipment and resources. It includes descriptions and restrictions related to personal use of university resources.

History: This policy revises Appropriate Use of University Resources, dated May 10, 2019. It was approved by the Board of Trustees on December 9, 2022.

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CHAPTER 1 – GENERAL

1-1. Introduction

Use of and access to Eastern Washington University resources is generally restricted to university students, employees and volunteers in support of academic and administrative activities. Employees' use of university resources must comply with the Washington State Ethics in Public Service Act, RCW 42.52 and WAC 292-110-010. This policy identifies some of the requirements contained in these laws, but employees are required to comply with the law regardless of whether it is contained in this policy.

This policy establishes standards for the permissible use of university equipment, materials and other resources to conduct official university business and the limited purposes for which university resources may be used for other purposes.

University resources exist to support official University activities, including teaching, learning, research, service and administrative functions.

1-2. Definitions

- a. Research Employee** is a university employee who is engaged in research, technology transfer, approved consulting activities related to research and technology transfer, or other incidental activities. Creative work that is specific to the faculty member's discipline is considered to fall within the definition of a research employee as a form of research and scholarship.

- b. University Resources**, as used in this policy, includes all employee work time, equipment, materials, supplies, services and other items that are owned, leased, or operated by the university. Examples of university resources include, but are not limited to, computers, phones, vehicles, photocopiers, office supplies, social media, tools, cameras, and postage. This policy applies to all university resources regardless of their source of funding. The use of university facilities is also governed by chapter 172-137, WAC.

- c. Service Activities** are activities that benefit the university or promote the university's mission.

1-3. Employee Responsibility

Proper stewardship of university resources is a responsibility that all university employees share.

Responsibility and accountability for the appropriate use of university resources ultimately rests with the individual employee who uses university resources as well as the employee who authorizes the use of university resources.

University employees are encouraged to consult with and seek approval from their supervisors when they are uncertain about the permissibility of a use of University resources. Supervisors at all times retain discretion to restrict uses of state resources in response to concerns regarding an employee's work performance or use of university resources that exceeds the permissible uses outlined in this policy.

University employees should contact the Washington State Executive Ethics Board or the Associate Vice President for Human Resources, who serves as the university's ethics advisor, if they have any questions or concerns.

1-4. References

- a. RCW 42.52, Ethics in Public Service
- b. WAC 292-110-010, Use of State Resources
- c. Washington State Executive Ethics Board website, www.ethics.wa.gov
- d. EWU Policy 901-01, Ethical Standards
- e. EWU Policy 401-02, Additional or Outside Compensated Work

CHAPTER 2 – EMPLOYEE USE OF RESOURCES

2-1. Official University Business

University resources exist for the purpose of conducting university business. Employees are permitted to utilize university resources for the purposes of performing their official duties or activities that are reasonably related to such duties. This includes checking benefits you receive as a state employee, such as medical, retirement, and life insurance. If approved in writing in advance by an employee's supervisor, an employee is permitted to engage in training opportunities and participate in professional associations that enhance job-related skills.

2-2. Limited Use for University Approved Activities

Limited university resources may be used when such use:

- a. **Occasional supporting, promotion, or solicitation for charitable activities** approved in advance by the President or President's designee. Persons appointed as the coordinator(s) for the Combined Fund Drive are permitted to use limited university resources for coordinating the drive;
- b. **Employee recognition**, including birthday, retirement, wedding/baby showers, or other similar celebrations;
- c. **Carpool solicitations** for commute trip reduction purposes;
- d. **University sponsored health activities;**

- e. **Communication with other university employees** to convey greetings and announcements, and to build interpersonal rapport (e.g., birthday greetings, birth/death announcements).
- f. **Organization Effectiveness-** promotes organizational effectiveness, including:
 - Personal student classroom work that can reasonably be expected to enhance the employee's job-related skills or promote organizational effectiveness, as determined by the supervisor, and done outside of normal work hours.
 - Service activities as set forth below.
 - Limited team building activities approved in advance by a supervisor that enhance the work environment or employee morale.
- g. **Service Activities.** A limited amount of university resources may be used for participating in service activities that are approved in advance by an employee's supervisor and appropriate vice president. All service activities must benefit the university or promote the university's mission. All service activities must comply with the ethical responsibilities imposed by EWU Policy 901-01 (Ethical Standards) and the Ethics in Public Service Act. As service activities are part of an employee's responsibility to the university, an employee cannot receive any compensation for such activity from an outside person or entity. In addition, use of university resources is not permitted if a service activity:
 - i. Is for the private benefit or gain of an employee or family member, such as service for a for-profit entity on which the employee or employee's family member serves as an officer or employee;
 - ii. Is for a nonprofit created by the employee or an employee's family member or for a nonprofit/for-profit that is not reasonably related to the employee's job responsibilities at EWU.

Employees may not require students to perform service work for entities on which the employee or employee's family member serves as an officer or employee, but they may provide students with a list of options for service work that includes an entity on which the employee or employee's family member serves as an officer or employee.

- h. **Research Employees** may use a limited amount of university resources for research and scholarship purposes consistent with chapter 5.

2-3. De Minimis Personal Use

A university employee may use university resources for personal use only if such use is de minimis and meets all of the following conditions (consistent with WAC 292-110-010):

- a. There is little or no cost to the university;
- b. Any use is brief in duration and occurs infrequently;
- c. The use does not interfere with the performance of the employee's or any other employee's official duties;
- d. The use does not compromise the security or integrity of university property, information, or software;
- e. The use is not for the purpose of conducting an outside business, in furtherance of private employment, or to realize a private financial gain (unless the employee is a Research Employee and such work meets the requirements of chapter 5); and,
- f. The use is not for supporting, promoting the interest of, or soliciting for an outside organization or group.

Examples of permissible de minimis personal use include, but are not limited to:

- a. Electronic communication with children and dependents.
- b. Scheduling personal appointments.
- c. Participating in the Combined Fund Drive.

2-4. Prohibited Uses

The state Constitution, state and federal laws, and the Ethics in Public Service Act strictly prohibit certain private activity and certain uses of university resources. These rules explicitly prohibit at all times the private use of university resources for outside business or employment, consulting, personal businesses, certain private uses, soliciting, campaigning, lobbying, or other types of prohibited uses as set forth below. The state Constitution also prohibits the gifting of state resources.

- a. **Outside Business or Employment:** University resources may not be used for the purpose of conducting an outside business, private employment, or other activities conducted for private financial gain, except for Research Employees as set forth in chapter 5 of this policy. EWU Policy 401-02 (Additional or Outside Compensated Work) contains other limitations regarding additional or outside employment.

Examples include, but are not limited to:

- (1) University offices or laboratories may not be used as a place of business for an employee's outside enterprise;
- (2) University affiliations and titles may not be used in connection with an outside business in any manner which misrepresents the University's association with that business; employees must clearly acknowledge the independent nature of their outside work from his or her University responsibilities;
- (3) University stationery and other office or consumable supplies may not be used by an employee to conduct outside business;
- (4) University resources may not be used for product sales (online book sales or referral links to book publishers or sales houses), even though not for remuneration;
- (5) University telephone numbers and addresses, including email and web addresses, may not be used or listed

regarding an employee's outside business or paid consulting.

- b. **Consulting:** Work performed by faculty and staff with remuneration from any source other than EWU, except for Research Employees as set forth in chapter 5 of this policy.
- c. **Personal business:** Any use of University resources for purposes of conducting personal business, e.g., use of university resources to buy or sell personal or real property, is prohibited.
- d. **Private Use:** University resources, including, but not limited to, computers, cell phones, equipment, tools, materials and supplies may not be removed from university facilities and used by employees for personal or private activities, even if there is no cost to the state, i.e. use of University tools or equipment for home improvement projects. Taking university property for personal use, even property that is to be salvaged or disposed of, is prohibited unless an employee complies with all of the university's surplus property procedures.
- e. **Soliciting:** Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including, but not limited to, a private business, a nonprofit organization, or a political party, unless such solicitation falls within the exception outlined above for organizational effectiveness.
- f. **Campaigning:** Any use 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. While an election or initiative is pending, employees are prohibited from using university resources to distribute newspaper articles, editorial opinions, blogs, tweets, etc. that would tend to support or oppose a candidate for public office, an initiative, or a referendum. Such use of university resources is specifically prohibited by RCW 42.52.180, subject to the exceptions in RCW 42.52.180(2). Examples of prohibited activities include, but are not limited to: using work hours to solicit signature for ballot propositions,

sending e-mails advocating for or against candidates, using University contact information to distribute materials, or using University property to campaign for or against a candidate or ballot measure. Faculty are permitted to distribute such materials for classroom instruction. Additionally, a supervisor's knowing acquiescence to an employee's use of state resources for campaigning purposes is a violation of the Ethics in Public Service Act, RCW 42.52.180.

- g. **Lobbying:** Any use of state resources for the purpose of participating in or assisting in an effort to lobby members of congress, the state legislature, or other federal or state agency representatives, unless such use is part of the employee's official duties and conforms to all applicable laws, including, but not limited to chapter 42.17A RCW.
- h. **Prohibited by Law or Policy:** Any use related to conduct that is prohibited by a federal or state law or rule, or a state agency policy.

Examples of prohibited uses include, but are not limited to:

- (1) Illegal discrimination. Transmission of sexually or racially explicit messages sent to harass or intimidate.
- (2) Illegal Pornography. Intentionally disseminating, accessing, or providing a hyperlink to obscenity, as that term is defined by the law, unless such activities are directly related to an employee's legitimate research or scholarship purpose or to a student's completion of an academic requirement.
- (3) Copyright infringement. Transmission of copyrighted material without necessary permissions or payment.
- (4) License infringement. Use of software or documentation for any purpose not authorized by the license for that software. Use of software or documentation that has been unlawfully acquired, reproduced, distributed or transmitted.

- i. **Specific Union Activities:** Conduct that may directly conflict with the Ethics in Public Service Act, such as the use of state resources to support or oppose a ballot initiative, or a candidate to public office, or efforts to lobby on matters of interest to the Union are prohibited. Also prohibited are the use of state resources for Union activities that are not reasonably related to the negotiation and administration of collective bargaining agreements, such as Union organizing, internal Union business, or advocating for a Union in a certification, union shop, or other election.

2-5. No Expectation of Privacy

There is no expectation of privacy with regard to the use of university technologies or the use of personal technology to conduct university business (e.g., emails, texts, social media posts, facsimile transmissions, voicemails, and websites visited). All records relating to university business, or created by university technology, may be preserved, collected, and/or disclosed when needed for legitimate state operational or management purposes, even if a person was using them for a personal use.

CHAPTER 3 – ADMINISTRATION

3-1. Procedures for Approval of Service Activities

Employees who wish to seek approval to conduct service activities as detailed in section 2-2(b) must either have the service activities approved by a dean in their faculty activity plans or they must complete the form contained in Appendix A. All service activities must be approved by a supervisor and the appropriate vice president.

3-2. Violations

University employees are obligated to report misuse of University resources to their supervisor or the vice president for business and finance, or designee.

The university will investigate all reports of violations of this policy. Employees who violate this policy are subject to appropriate disciplinary or corrective action, including dismissal.

3-3. State Investigation and Enforcement Activity

It is the University's policy to permit de minimis personal use in parallel with the rules adopted by the state Executive Ethics Board, as they exist now or may be amended. In the event those rules are more restrictive than the university's, the Executive Ethics Board rules apply.

The state Executive Ethics Board has the authority to investigate allegations of improper use of state resources (per RCW 42.52.360), and it is charged with enforcing laws and rules prohibiting state employees from improperly using state resources. The Executive Ethics Board's determinations and actions are independent of any disciplinary or corrective action taken by the University. The University does not defend or indemnify an employee who is charged with an ethics violation before the Executive Ethics Board.

CHAPTER 4 – GOVERNMENT RELATIONS & LOBBYING

4-1. Official Government Positions of the University

The President, in consultation with the Board of Trustees, the Provost, the Director of Government Relations and other necessary University officials, initiates and develops annual agendas for federal, state, regional, and local government relations advocacy, including lobbying agendas [see RCW 42.17A.005(30)]. Upon Board of Trustees approval, these government relations agendas serve as the basis for all official University advocacy efforts. When governmental policy or budget questions arise that are not on the University's government relations agendas, the President or his or her designee will determine the official position and the priority of the policy or budget issue on behalf of the University.

4-2. University Government Relations Personnel

The Office of Government Relations and its staff serve as the official government relations officers for the University, and have the following primary duties and responsibilities:

- Represent the University with the U.S. Congress and the federal government, the state legislature and state government, and city and county governments;

- Represent the University in pursuit of federal, state, and regional or local policy and appropriations priorities;
- Coordinate visits between elected officials, government officials, staff, and the University community;
- Manage external consultants engaged in a governmental lobbying capacity on behalf of the University;
- Educate and advise the University community on their role and obligations to comply with the federal, state, and local lobbying laws and guidelines;
- Monitor all lobbying activities on behalf of the University and file registration and reports as appropriate to ensure full compliance with the federal and state requirements.

4-3. Contact with Elected Officials by University Employees

As noted in Section 2, the responsibility for representing the University with elected officials and government agencies rests with the Office of Government Relations. However, educating elected officials about the work of the University and sharing professional expertise is an important shared goal for all University employees. In general, interactions by University employees with elected officials is encouraged, including responses to requests for information and invitations to appear before committees or panels to share expertise, provide education, or otherwise inform elected officials about University programs or initiatives. University employees must notify the Office of Government Relations in advance of such interactions and also report back on the substantive matters presented and discussed.

4-4. External Consultants

The Director of Government Relations is designated as the only University employee permitted to retain external consultants to assist the University in achieving its government relations advocacy agenda, including official policy and funding initiatives. External consultant expenditures are regularly reported as "lobbying activity" as required by applicable federal and state laws.

4-5. Personal and Professional Societies

Personal and professional society contacts by University employees with elected officials or

governmental agencies, whether in person or in writing, must be done in the name of the individual or the professional society. University letterhead may not be used. In each instance, the employee is obligated to make clear that the contact is not made on behalf of the University. Nothing in this policy shall prevent faculty or staff from expressing personal views on personal time, with personal resources.

4-6. Reporting Lobbying Activity

Any University employee who engages in approved lobbying activities, as a University employee, at either the state or federal levels, must file a report of these activities on a quarterly basis with either the Office of Government Relations in the manner prescribed by that office. This reporting generally consists of a brief description of the issues lobbied, elected officials contacted, time spent, and an estimate of expenses on a quarterly basis. For a definition of what constitutes reportable federal and state lobbying, University employees should contact the Government Relations or refer to definitions of lobbying on their respective websites.

CHAPTER 5 – FACULTY RESEARCH ACTIVITIES

5-1. Research Employees

To the extent faculty or professional staff are engaged in research, technology transfer, approved consulting activities related to research and technology transfer, or other incidental activities, these employees are considered "Research Employees" for the purposes of this policy. Creative work that is specific to the faculty member's discipline is considered to fall within the definition of a research employee as a form of research and scholarship.

Consistent with the state and university's policies to encourage basic and applied research and scholarship consistent with the university's expectations for its faculty to prepare, produce, and disseminate research, scholarship, and creative works, EWU has adopted the following additional approved uses of university resources.

5-2. Research, Creative Work & Scholarship-Traditional Academic Works

As Research Employees are expected to engage in research and scholarship as part of their job duties at the University, the University permits Research Employees to use a limited amount of

university resources to develop such research, creative work, and scholarship and to profit from such work. For example, a faculty member who is expected to publish a book as part of their job requirements at the University could use limited university resources to produce the book and then could sell the book in a private marketplace without violating ethics rules. The use of limited resources only extends to research, creative work, and scholarship that is related to the Research Employee's research and discipline, or is incidental thereto. Faculty members' ownership in traditional academic works is governed by the collective bargaining agreement with the United Faculty of Eastern.

This section does not apply to outside employment, such as consulting. Use of resources for outside employment/consulting work is governed by section 5-3.

Limited resources include: (a) use of a personally assigned university resource such as an office, computer, or email account; (b) general university computer networks and internet connections; and, (c) library resources.

Any use of limited resources must meet the following requirements:

- Use of resources must create little or no additional cost to the University;
- Any use must be reasonable in duration and frequency;
- The use must not interfere with the Research Employee's performance of their official duties or the official duties of other university employees or students;
- The use must not disrupt or distract from the conduct of university business due to volume or frequency;
- The use must not compromise the security or integrity of university property, information or software;
- The use must not violate any other university policy (e.g. copyright protections); and,
- The use does not include more than a de minimis amount of university-purchased consumables such as supplies.

Examples of permitted limited uses of university resources include:

- Making a telephone call to discuss publishing the research, creative work or scholarship;
- Using a personally assigned university computer and email account to create, publish, and correspond about the research, creative work or scholarship;
- Drafting a report or preparing a presentation on a university computer; and,
- Doing research for an outside project using university internet access and the university library.

Exclusions: the following uses of resources are not permitted for research, creative work, or scholarship to the extent that an individual Research Employee may profit from such activities:

- Incurring long-distance telephone charges;
- Obtaining assistance from other university employees or students to carry out or discuss outside work;
- Running tests, assays, or analyses on university laboratory equipment for outside work;
- Using university laboratories, laboratory supplies, or hardware to conduct experiments or carry out projects for outside work; and,
- Transferring or using university-owned intellectual property or confidential information.

5-3. Research Employee Consulting Work/Outside Compensation

Research Employees may use a de minimis amount of university resources for purposes of outside consulting and/or outside employment. The rules regarding outside compensated work, such as consulting, are contained in EWU Policy 401-02 (Additional & Outside Compensated Work).