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CODE OF ETHICS

The WSU Board of Regents has adopted a series of policies on freedom of expression, conduct and disciplinary action which constitutes a Faculty Code of Ethics. The code is printed in the Faculty Manual, Section II. http://www.wsu.edu/Faculty_Senate/

CONFLICT OF INTEREST

Extension employees may encounter conflict of interest situations not faced by other faculty members. Certain situations may present a potential violation of public trust and can create a mistaken image. The issue of Extension employees being paid consulting fees and the potential conflict of interest inherent in this situation came to a head in 1989 as a result of a published article on the relationship of a university faculty member, partially funded by Extension, being paid honoraria by various chemical companies. As a result of the concern expressed by members of Congress, language in the 1990 Farm Bill directs the Secretary of Agriculture to ensure that colleges receiving funds under the Smith-Lever Act have, in place, appropriate policies to minimize actual or potential conflicts of interest among Extension employees.

The Secretary gave the Federal Cooperative Extension Service Administrator the responsibility for approving conflict of interest policies. He interpreted the Farm Bill language to include ANY Extension employee, whether or not his or her salary was actually paid on Smith-Lever funds.

In November 1990, in direct response to the Farm Bill, the CES Administrator requested each Extension unit to send to CES a copy of its written policy and information on how each policy was communicated to employees. The WSU-CE policies related to conflict of interest were approved by the Administrator.

The following is a listing of these policies.

Outside Consulting for Pay or Other Benefits:

The WSU Consulting Policy can be found in the Faculty Manual, Section IV D. http://www.wsu.edu/Faculty_Senate/ According to this university policy, consulting, which must be consistent with the University's mission and enhance the faculty member's professional development, includes consulting, advising, research, demonstrating, or teaching for others in areas of professional competence for which the faculty member is employed by Washington State University. For Cooperative Extension faculty, it is a conflict of interest to consult on university time or on their own time if



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the consulting is to perform the duties a taxpayer might reasonably expect to be part of the faculty member's job, within the area in which these duties might reasonably be expected to be performed. This is generally interpreted to mean within the State of Washington. It is not generally considered a conflict of interest if faculty members consult outside of their geographic area of responsibility, or if the work would not be a reasonable expectation of the faculty member's job responsibilities.

Encouraging Private Sector Support for Extension, Research and Academic Program Activities:

Extreme caution and professional judgement must be exercised by each employee when using any brand name in any service, work product, or program. It is the policy of WSU-CE that Extension faculty and staff will not endorse a product or service in their capacity as WSU-CE employees. Faculty and staff should not respond to questionnaires asking such questions as "Which farm (or other type of) publication has the greatest influence?" as the results are often used by publications to claim endorsement.

Extension faculty, staff and volunteers will not knowingly allow the use of the university name, logo, or WSU-CE program names or emblems, such as 4-H, in the advertisement of commercial products.

Employees are sometimes offered products and equipment (or its use) from commercial companies. This equipment can be accepted by WSU with the understanding that WSU-CE does not endorse any brand or product. The donor should be recognized/acknowledged publicly, thanked and provided a document to be used for tax purposes. Employees should contact the CAHE Office of Alumni and Development for guidance in such situations. The product or equipment becomes the property of WSU-CE and not the personal property of the Extension employee.

Outside monies from the private sector should support the major programs and objectives of Extension. In recognizing the organizations' contributions, it should be clear that acceptance of support is not an endorsement of contributors' products or services by the university. Development accounts should be used to receive such private funds.

Ownership or Operation of a Farm or Other Outside Business:

Extension faculty and staff will not become involved in the purchase or sale of goods for outside groups. This includes pooling orders, negotiating with dealers, handling money, making purchases, delivering, or collecting products.



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See section 60.44.1- 60.44.6 of the WSU Business Policies and Procedures Manual <http://www.wsu.edu:8080/~forms/manuals.html> and Faculty Manual, Section IV. http://www.wsu.edu/Faculty_Senate/

Buying, Selling, and/or Trading Livestock, Crops or Other Commodity Transactions:

As a side interest, Cooperative Extension employees are sometimes involved personally in trading agricultural or other commodities or futures contracts that are closely interrelated to their job. No employee may use confidential information gained by reason of the employee's official position for his or her personal gain or benefit, or the or benefit of another unless authorized by law or WSU. RCW 42.52.050(2).

Holding Elected or Appointed Public Office:

Refer to Section 60.90.1 of the WSU Business Policies and Procedures Manual <http://www.wsu.edu:8080/~forms/manuals.html> and the section on Political Activities in the Extension Policies and Procedures Handbook.

Assisting in the Development Of Organizations:

Extension faculty may assist in organizing groups for the purpose of promoting agriculture, youth, family and community. Once the organization is operating on its own, the faculty member should serve only in an educational and advisory capacity.

Extension personnel should not become involved in bookkeeping or management functions for organized boards of directors or executive boards of clientele organizations. These are the responsibility of the organization.

Depositions and Court Appearances:

WSU Cooperative Extension employees are known to be highly qualified and credible sources of information; therefore, they are frequently asked to provide facts and opinions in legal actions in which WSU is not a party. It is difficult, if not impossible, to separate the testimony of any witness from the outcome of litigation. Hence, the Extension employee's testimony is usually perceived to have benefitted one party and damaged another. This places the Extension employee in an adversarial position. While unintentional, the adversarial position impacts negatively not only upon the individual employee but also the university and the Cooperative Extension System. In recognition of this, the following policies have been developed.



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Director's Office and Attorney General's Office Must be Notified.

Cooperative Extension employees who are requested to provide testimony through deposition or appearance in court will immediately notify the Director of Budget and Resource Planning or the office of the director to receive specific instructions. The employee will also notify his or her unit head and the attorney general's office at Washington State University, telephone 509/335-2636.

Voluntary Expert Opinion Testimony.

The provision of voluntary expert opinion testimony does not meet the university criteria for consulting in that it is outside the mission of WSU Cooperative Extension, and it does not enhance the faculty member's professional development. Cooperative Extension employees shall make no agreements to provide voluntary expert opinion testimony on university time using state resources.

Voluntary expert opinion testimony within the faculty member's subject matter area is highly discouraged, even on the employee's own time and using his or her own resources, because of the probability of adversarial situations involving constituents and possible detriment to the university's image. However, voluntary expert opinion testimony that is not within the Cooperative Extension employee's subject matter and geographic area of employment may be given on their own time and without the use of state resources.

Subpoena for Expert Testimony within Subject Matter of Employment.

When a valid subpoena is served, compliance is required. Employees will take reasonable and legitimate steps to avoid and discourage their involvement in the legal claims, cases and suits of others. However, employees may receive a subpoena to provide testimony on factors that the employees have personal knowledge of and that concern their subject matter of employment. When a valid subpoena is served, compliance is required. All costs associated with preparation and participation will be billed by the University to the attorney at the established rate of pay and benefits plus any out-of-pocket expenditures.

If a valid subpoena is served, the summoned individual is required to comply under the laws of the state of Washington. Employees will consult with the WSU Attorney General's Office upon receipt of the subpoena and before giving



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a deposition or providing testimony. It is usually preferable to provide a deposition rather than appearing to testify. When providing testimony, it is important that the statements are factual and neutral.

Time and Expense Records Must be Maintained.

Employees who are required by subpoena to provide a deposition or appear to testify are expected to keep accurate records of time spent (dates, hours, and activity) and expenses incurred. As soon as possible following the court-required actions, the employee will provide:

1. Complete name, address, and telephone number of the attorney to be billed.
2. Names of the defendant and plaintiff of the case and the case number.
3. Complete record of time and expenses incurred.

This information is to be sent to the Director of Budget and Resource Planning, Business and Finance Office, 405 Hulbert Hall, Washington State University, Pullman, WA 99164-6241.

Subpoena for Expert Testimony Unrelated to Employee's Subject Matter of Employment.

Expert testimony under a subpoena that is received by employees for cases that do not relate to their field of employment as a WSU Cooperative Extension employee shall be handled under the Faculty Manual, Section III.E.9 (b). http://www.wsu.edu/Faculty_Senate/

Subpoena for Non-Expert Testimony.

Refer to Faculty Manual, Section III.E.9 (c).
http://www.wsu.edu/Faculty_Senate/