

WASHINGTON STATE CHARTER SCHOOL COMMISSION CONFLICTS OF INTEREST (COI) POLICY

1. Purpose

The Washington State Charter School Commission (Commission) believes a culture of ethics, integrity, and transparency strengthens our relationships with our contractors, partners, community, and each other. As such, it is the policy of the Commission that all employees and members shall act in a manner that reflects the highest standards of ethical conduct, in keeping with the Commission's role and responsibility to the people in Washington State; and comply with laws, regulations and Commission policy. The Commission further recognizes that statutorily and as a regulatory agency, these standards require avoidance of both real and perceived conflicts of interest.

This policy supplements but does not replace any applicable state and federal laws governing conflicts of interest applicable to the Commission. Information on issues related to state ethics, including interpretations and clarifying examples of the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC), is available at www.ethics.wa.gov.

2. Conflicts of Interest

A conflict of interest is any activity that may conflict with the proper discharge of a Commissioner's or employee's official duties. A personal interest in the outcome of a decision made as a Commissioner or employee could represent a conflict situation. The interest could be an outside activity, relationship, business, or other interest that would or could impact the Commissioner's or employee's ability to make decisions on behalf of the State. Commissioners and employees may not have financial or other personal interests, or engage in business or professional activities, that conflict with the performance of their official duties.

No tangible outcome is needed for there to be a conflict of interest. Therefore, Commissioners and employees should avoid situations that may or could invite a conflict of interest or give the appearance of a conflict, or which undermines the public's confidence in the Commission's role. Commissioners and employees are responsible for disclosing any potential conflicts of interest, whether real or apparent. By disclosing any potential conflict of interest, whether real or apparent, the Commissioner or employee may recuse themselves or the Commission may take other steps to screen an individual from the transaction.

The following are types of conflicts that should be avoided and/or disclosed:

2.a Activities Incompatible with Public Duties

Commissioners and employees are prohibited from engaging in activities and having interests that "conflict with the proper discharge" of their "official duties." RCW 42.52.020. These may include, but are not limited to, activities such as outside employment (including self-employment), volunteering, serving on boards or commissions, holding or running for political office, and lobbying (when those activities conflict with job duties).

qualifies as a hosted reception. A hosted reception is a social event involving a diverse group of people. A diverse group of people means a group that includes individuals from a variety of sectors, not simply those that are regulated by the Commission or seek to provide goods or services to the Commission. In order to qualify as a hosted reception, any food served must be in the form of light refreshments or hors d'oeuvres, not a sit-down meal.

2.g Use of Public Resources for Political Campaigns

No Commissioner or employee can use public resources, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office. This includes campaigns for elective office as well as ballot propositions, regardless of whether the use is in support of, or in opposition to, the campaign. Commissioners and employees who witness public resources being used for a political campaign in violation of the law are required to report it. Not doing so may also be considered a violation. RCW 42.52.180.

Commissioners and employees may not engage in political activities and may not solicit or accept contributions for a political purpose during working hours or on state-owned or leased property. This prohibition is broad and precludes any use of public resources including, but not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency. RCW 42.52.180(1).

- This provision does not preclude Commissioners and employees from assisting in a campaign during “nonworking” hours. WAC 292-110-020. The default definition of working hours is Monday through Friday from 8:00 a.m. to 5:00 p.m. or any other time when the Commissioner or employee is actually working. Working or not, the limitation on use of public resources remains.

3. Scenarios

The following scenarios are designed to assist Commissioners in applying this conflict of interest policy to situations they may face as they fulfill their duties:

Example 1: Assisting in transactions or securing special privileges

- You are at a reception unrelated to charter schools. Upon learning that you are a Commissioner, an individual approaches you and says that they would like to open a charter school. Even though you are at a reception unrelated to charter schools, the individual approaching you is doing so because you are a Commissioner. An appropriate response would be to direct them to the Commission’s website or staff. Other action, such as referring them to resources or providing suggestions, could create a perceived, if not real, conflict of interest by assisting the individual in navigating the application process, securing special privileges, or both.

Similarly, a Commissioner who receives information from a prospective school could result in the Commissioner gaining knowledge or receiving information not properly submitted through the application process.

Example 2: Gifts

- You are invited to the ribbon cutting at one of the new, Commission-authorized charter schools. The charter school invites a number of people to view the facility including state officers and employees who participate in regulatory matters, customers, and officials from other governmental entities. In the evening, at the conclusion of the tour, the charter school provides food and beverages, including substantial hors d'oeuvres. There are some tables where guests may be seated but most people stand. This event is a hosted reception. It is a social event that involves a diverse group of people and does not involve a sit-down meal. Even though some tables and chairs are provided, it is not a regular meal where people sit down and eat. Accordingly, attendance at this event would not violate the gift prohibition. However, while attending the event, you should be careful not to engage in conversations or conduct that might create a real or perceived conflict, particularly relative to interactions with representatives of the new charter school.

4. Disclosure

Prior to the Commission taking action on a matter in which a Commission member has or may have a conflict of interest, the interested Commission member shall disclose such interest to the other Commission members and all material facts relating thereto. Any member of the Commission or the public can identify a potential conflict.

5. Determination of Potential Conflict of Interest

Commission members will complete a conflict of interest disclosure statement annually during their tenure on the Commission. The first conflict of interest disclosure statement shall be completed within one week of their appointment date.

If there is a disagreement about whether there is a conflict of interest or disagreement regarding how to handle the conflict, the matter shall be reconciled by Commission vote at a Commission meeting.

The Commission may seek an advisory opinion from the Executive Ethics Board regarding questions concerning ethical standards or potential conflicts of interest.

Upon the Commission’s determination that a conflict of interest or the appearance of a conflict of interest exists, the Commissioner will:

- Recuse her/himself from discussing the subject matter;
- Recuse her/himself from voting on the subject matter; and
- Refrain from attempting to influence Commissioners in their discussion and vote on the subject matter.

The prohibition on discussion shall not prohibit the Commissioner from providing their general expertise on the subject matter.

