

SENATE BILL REPORT

SB 5854

As Passed Senate, February 10, 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: Higher Education & Workforce Development: 1/20/22 [w/oRec-SGE].

State Government & Elections: 1/26/22, 2/02/22 [DP, DNP, w/oRec].

Floor Activity: Passed Senate: 2/10/22, 48-1.

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.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa.

Minority Report: Do not pass.

Signed by Senator Wilson, J., Ranking Member.

Minority Report: That it be referred without recommendation.

Signed by Senator Hawkins.

Staff: Samuel Brown (786-7470)

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: Ethics Act. 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.

Research Employees. 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.

Summary of Bill: Public universities and the State Board for Community and Technical Colleges 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 de minimis costs to the institution which must be performed as a part of the faculty member's job requirements, such as publishing scholarship.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This technical fix will allow institutions to maintain high ethical standards while retaining and recruiting high-quality faculty. This will allow us to keep pace with other states where faculty work is protected in the same way. Faculty as a condition of employment are required to conduct research and engage in other professional development activities using state resources which lead to publication. Publication leads to practical, financial, and reputational benefit to the institutions and the state. Institutions and faculty could be at risk without clarification in state law. Many

faculty members have a desire to publish works or engage in research. This will enhance faculty expertise and the student experience.

Persons Testifying: PRO: Ruben Flores, Council of Presidents; Bill Lyne, United Faculty of Washington State; Julie Huss, SBCTC.

Persons Signed In To Testify But Not Testifying: No one.