

Policy No. GOV 102

Conflict of Interest Policy

Applies to: All trustees, employees, volunteers, advisory board members, interns, research associates, affiliated individuals and others who have been entrusted to act on behalf of, or in the name of Eastern Washington State Historical Society (EWSHS).

References that apply to this policy: Listed below are some, but not all, applicable governing requirements. Note: Laws and rules may change over time and such changes may take precedence over this policy.

- State law – Chapter 42.52 RCW: Ethics in Public Service
- State rule – WAC 292-110-060: Current state officers and employees contracting with state agencies

Effective date: March 4, 2026

History: This policy updates GOV 102 dated July 1, 2020, which updated the previous version, BP# 104 dated October 7, 2015.

Approved by: EWSHS Board of Trustees

Purpose

EWSHS shall adhere to ethics guidelines, appropriate standards of conduct, and provisions to avoid potential conflicts of interest. Entrusted Members of the EWSHS community include Trustees, employees, volunteers, advisory board members, interns, research associates, affiliated individuals, and others who have been entrusted to act on behalf of or in the name of EWSHS (hereinafter “Entrusted Members”). In order to avoid conflicts of interests related to their work and efforts on behalf of EWSHS, Entrusted Members shall not engage in activities that are incompatible with their duties on behalf of EWSHS. Entrusted Members shall disclose personal interest in business, transactions, and professional activities considered by EWSHS as conflicts of interest.

This policy is intended to supplement but not replace any applicable state and federal laws governing conflicts of interest applicable to state agencies, nonprofit and charitable organizations, and establishes the standards and principles for ethical conduct that apply to EWSHS collectively and to all of its Entrusted Members.

While it is expected that this Policy will be effective in minimizing or eliminating conflicts of interest, when serious doubts exist as to the presence of a conflict, the employee should refer to this Policy and bring it to the attention of their supervisor and/or Executive Director.

Obligations Regarding Conflicts of Interest

- A. In connection with any actual or possible conflict of interest, Entrusted Members must disclose the existence of the direct or indirect interest and provide all material facts to EWSHS Board of Trustees. Proper avoidance/resolution of conflicts of interest relies on timely disclosure and proper recusal of the member. To avoid conflicts, the Entrusted Member shall:
 - 1. Recuse him or herself from the Board discussion regarding the specific contract, sale, lease, purchase, grant or specific transaction;
 - 2. Recuse him or herself from the Board vote on the specific contract, sale, lease, purchase, grant, or transaction; and
 - 3. Refrain from attempting to influence the remaining Trustees in their discussion and vote regarding the specific contract, sale, lease, purchase, grant or transaction.
- B. The disclosure and recusal of EWSHS Trustees shall occur during the course of an Open Public Meeting. The Board's Secretary shall record each recusal and the basis for recusal. The prohibitions against discussion, voting, and attempting to influence set forth above does not prohibit the Trustee from using his or her general expertise to educate and provide general information on the subject area to the other Trustees. Additionally, if the result of a conflict of interest of a EWSHS Trustee causes a lack of a quorum or results in a failure to obtain a majority vote as required by law, a member or members of the Board may be permitted to fully participate in proceedings, provided they publicly disclose the basis for disqualification prior to participating in a vote that results in a Board Decision.
- C. At the beginning of each fiscal year, each member of the Board of Trustees shall fill out a standard EWSHS Conflict of Interest Form.
- D. Whenever a matter arises for action by the Board of Trustees involving a conflict between the interests of EWSHS and an outside or personal interest of a Trustee or that of a member of their family, that interest should be disclosed and made a matter of record. In those cases where the Trustee is present when a vote is taken in connection with such a question, they should disclose the interest and abstain from voting. There may be situations where the conflict is so serious that it cannot be resolved, in which case resignation may be appropriate.

Members of the EWSHS Community Contracting with EWSHS

- A. Entrusted Members must receive approval from the Washington State Executive Ethics Board (Executive Ethics Board) before entering into, or obtaining a beneficial interest in a contract or grant with EWSHS if the process for awarding the contract or grant was not open and competitive, or, whenever only one bid or application was received. The review of the contract or grant is to determine whether the performance under the contract or grant is in accordance with the Ethics in Public Service Act, Chapter 42.52 RCW.

- B. Those seeking the approval of the Executive Ethics Board for a contract or grant application with EWSHS shall provide the following information to the Washington State Executive Ethics Board Director no later than thirty days prior to the commencement of the contract or grant:
 - 1. A description of the Entrusted Member's current official duties and responsibilities;
 - 2. A statement of the work to be performed and a copy of the contract;
 - 3. The duration and dollar value of the contract, if applicable;
 - 4. A statement that no state resources will be used to perform or to fulfill the contract or grant;
 - 5. A description of how the work will be performed without the use of state resources; and
 - 6. A statement that EWSHS has reviewed or approved the outside contract or grant under applicable rules or policies, except when requesting a conditional approval.
- C. An Entrusted Member who has a contract or grant or a beneficial interest therein which is preapproved by the Executive Ethics Board under this section is not required to file an application for approval of the contract or grant. However, the Entrusted Member is responsible for determining that the contract or grant would not conflict with RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW. Provided that the applicable conditions in RCW 42.52.120(1) are met, the following contracts are preapproved by the Executive Ethics Board:
 - 1. A contract or grant whereby the Entrusted Member receives assistance through state programs or federal programs administered by the state when they are entitled to receive such assistance by law and on the same basis as similarly situated citizens, and when the Entrusted Member does not exercise discretionary judgment with regard to an assistance program for which he or she is otherwise eligible;
 - 2. A contract to perform teaching duties at a bona fide community college, vocational-technical school, or institution of higher learning, provided no state resources are used to perform the duties; there is no conflict with the performance of official duties; and the Entrusted Member did not use his or her official position to influence the contract of employment;
 - 3. A contract held by a spouse, in which the Entrusted Member has a beneficial interest, with a state agency, provided that the Entrusted Member did not participate in the contract.
 - 4. A contract that was received by the Entrusted Member to provide expert witness services in state litigation provided no state resources are used to perform the duties; there is no conflict with the performance of official duties; and the Entrusted Member did not use his or her official position to influence the contract.
- D. If a contract or grant has been amended or the scope of work altered and the effect of the amendment or alteration may create a potential conflict of interest under RCW 42.52.120(1) or other applicable provisions of Chapter 42.52 RCW, the Entrusted Member must resubmit the contract to the Executive Ethics Board at least fifteen days prior to commencement of work under the amended or altered contract.
- E. If an Entrusted Member anticipates receiving a series of substantially identical contracts or grants with a state agency, they may request that the Executive Ethics Board preapprove such

contracts or grants. Preapproval shall be effective for the period of one calendar year, after which the request shall be resubmitted.

Employment Conflicts

- A. No Entrusted Member may employ or use any person, money, or property under the Entrusted Member's official control or direction, or in his or her custody, for the private benefit or gain of the Entrusted Member or another; or
- B. After termination of employment with EWSHS, no Entrusted Member shall, within a period of one year from the date of termination of such employment, accept employment or receive compensation from an employer if:
 - 1. The Entrusted Member, during the two years immediately preceding termination from EWSHS, was engaged in the negotiation or administration on behalf of the EWSHS of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration;
 - 2. Such a contract or contracts have a total value of more than ten thousand dollars; and
 - 3. The duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts. This subsection will not be construed to prohibit a Entrusted Member from accepting employment with a state employee organization.
- C. No person who has served as an Entrusted Member may, within a period of two years following the termination of EWSHS employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former Entrusted Member participated.
- D. No Entrusted Member may accept an offer of employment or receive compensation from an employer if they know or have reason to believe that the offer of employment or offer of compensation was intended, in whole or in part, directly or indirectly, to influence the Entrusted Member or as compensation or reward for the performance or nonperformance of a duty during the course of employment with EWSHS.
- E. No Entrusted Member may accept an offer of employment or receive compensation from an employer if the circumstances would lead a reasonable person to believe the offer has been made, or compensation given, for the purpose of influencing the performance or nonperformance of duties during the course of EWSHS employment.
- F. No Entrusted Member may subsequent to his or her EWSHS employment assist another person outside EWSHS, whether or not for compensation, in any particular transaction involving EWSHS in which the Entrusted Member participated during EWSHS employment. This subsection shall not be construed to prohibit any Entrusted Member from rendering assistance to state officers or state employees in the course of employee organization business.

- G. Concurrent employment outside of EWSHS may present ethical challenges, specifically potential conflicts of interest. There is an existing policy for Outside Employment, HR-401. In order to avoid ethical violations, Employees must also adhere to HR-401 regarding any concurrent employment outside of EWSHS.

Collection Related Conflicts

- A. Personal collecting may result in situations where a conflict of interest may arise. As such, collecting art or historical objects is permitted for employees and Trustees subject to the following:
1. Employees and Trustees should not become involved in any transactions that give rise to an actual or perceived conflict of interest.
 2. Employees and Trustees and their immediate family may not purchase objects deaccessioned from EWSHS.
 3. Employees and Trustees may not store personal collections on EWSHS property, nor may they conduct research on personal collections during EWSHS time.
 4. Where a conflict of interest with EWSHS exists or there is a concern that it may exist, employees and Trustees should immediately make available to EWSHS Executive Director, full details of all significant purchases, trades, and gifts or sales of objects or items that may fall within the collecting policy of EWSHS and follow the administration procedure laid out in GOV-103 Ethics.
- B. In order to avoid any actual or perceived conflicts of interest, employees and Trustees should not deal (buy and sell object(s) for a profit on a regular basis) historical or cultural artifacts, art, books, or paper that relate to the areas of interest in EWSHS's Collection Policy COL- 100, nor should they accept outside employment from a dealer or retain interest in a dealership of similar material. Upgrading a personal collection by occasional trades, purchases or sales is not considered dealing, although the acquisition and deletion of objects from a personal collection may require disclosure as set forth in this Policy and GOV-103 Ethics.

Miscellaneous Provisions

- A. For the purposes of this Conflicts of Interests Policy, no Entrusted Member shall:
1. Have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature that is in conflict with the proper discharge of his or her official duties; or
 2. Have a beneficial interest, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or under the supervision of the Entrusted Member, in whole or in part; or
 3. Accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase, or grant; or

4. Assist another person, directly or indirectly, whether or not for compensation, in a transaction involving EWSHS, except in the course of or incidental to official duties if the Entrusted Member has participated in the transaction, or the transaction was under the official responsibility of the Entrusted Member for a period of two years preceding such assistance; or
5. Share in compensation received by another for assistance that the Entrusted Member is prohibited from providing under RCW 42.52.040; or
6. Assist another person in a transaction involving EWSHS if the Entrusted Member is a partner, managing officer or employee of another business entity involved in the transaction; or
7. Directly or indirectly, ask for, give, receive, or agree to receive any compensation, gift, reward, or gratuity for performing, omitting, or deferring the performance of any official duty, unless otherwise authorized by law; or
8. Use any state resources to engage in private work that is not part of official duties or to engage in political activities except those expressly authorized by law related to the performance of official duties.