

**Worksheet for University of Alaska Faculty/Staff
Regarding the
Alaska Executive Branch Ethics Act**

This worksheet is designed to help University of Alaska Faculty and Staff understand and appreciate the nature and scope of AS 39.52.010-960, the Alaska Executive Branch Ethics Act (Ethics Act), as well as to alert Faculty and Staff to some issues under the Ethics Act which may be especially pertinent to their employment.

This worksheet is offered on a voluntary basis, with the expectation that Faculty and Staff will understand the critical importance of both keeping the ethical reputation of the University above reproach and protecting themselves from incurring serious personal liabilities and penalties.

The following questions are designed to highlight major issues that arise under the Ethics Act. The questions are not intended as a substitute for the specific legal standards and penalties contained in AS 39.52.

1. The Alaska Executive Branch Ethics Act applies to all Faculty and Staff employed by the University of Alaska. *(Check one)*

___ True
___ False

See AS 39.52.910(a), .960 (2), (20), and (21). Also 9 AAC 52.990(b)(7)

2. As a University employee, I am required to report any and all employment with, or services I engage in on behalf of, any person or firm other than the University, to benefit my personal or financial interest:

(Check those which apply)

- a. ___ on a form provided by the University
- b. ___ to my Dean/Director/Supervisor
- c. ___ to my designated ethics supervisor
- d. ___ to the Attorney General
- e. ___ to the Governor
- f. ___ by July 1 of each year, even if no change has occurred to my status from my previous year's report
- g. ___ or as soon as I begin such outside employment or service if it was not reported the previous July 1.

See AS 39.52.170 and 9 AAC 52.090

3. If I am involved in a matter which may result in a violation of the Ethics Act: (*Check those which apply.*)
- a. ___ I must immediately and permanently disassociate myself from the matter, as I am prohibited from exploring any matter which could possibly be construed as being or leading to a violation of the Ethics Act.
 - b. ___ I must make a written report of a "potential violation" to my designated ethics supervisor disclosing all relevant facts reasonably necessary to determine whether a violation exists or will occur.
 - c. ___ I must refrain from taking any official action relating to the matter until a determination is made by my designated ethics supervisor regarding how to proceed.

See AS 39.52.210

4. As an incentive to fairly report, the Ethics Act provides that if I have fully disclosed in writing to my designated ethics supervisor all relevant facts necessary to determine whether a violation exists, and I have carried out action in accordance with a written determination of my designated ethics supervisor, I will not be liable under the Ethics Act for action approved in advance by the designated ethics supervisor. (*Check one*)

- ___ True
- ___ False

See AS 39.52.210; 240 (d)

5. I can be subject to serious penalties, including termination and monetary fines, for violations of the Ethics Act even if the University has not educated me concerning its provisions or I have not intended to violate the Ethics Act. (*Check one*)

- ___ True
- ___ False

6. It would be a violation of my legal obligations under the Ethics Act for me to: (*Check those which apply*)

- a. ___ use or attempt to use my official position for personal gain, other than for compensation received directly from the University.
- b. ___ intentionally secure or grant unwarranted benefits for any person.
- c. ___ seek employment or contracts through the use or attempted use of my official position.
- d. ___ accept, receive, or solicit compensation for the performance of my official duties or responsibilities from a person other than the University.

- e. ___ take or withhold official action in order to affect a matter in which I have a personal or financial interest
- f. ___ seek personal advice from my union representative or an attorney of my choosing at my own expense regarding compliance with the Ethics Act.
- g. ___ attempt to benefit my personal or financial interest through coercion of a subordinate.

See AS 39.52.120 and 9 AAC 52.040

7. It would be a violation of my legal obligations under the Ethics Act to seek or receive any type or form of gift, directly or indirectly, regardless of value, under circumstances in which it could be reasonably inferred that the gift is: *(Check those which apply)*
- a. ___ intended to influence the performance of my official duties.
 - b. ___ intended to influence my official actions.
 - c. ___ intended to influence my official judgment
 - d. ___ a birthday or similar gift from a friend, having nothing to do with my official position.
 - e. ___ travel or lodging received by me in connection with a trip taken as part of my official duties if the monetary value of the travel or lodging is comparable to the cost the University would have had to pay for the travel or lodging **and** the University President has determined that the gift is to the University, not to me, **or** the travel or lodging is incidental transportation by, or hospitality at the residence of, an individual.

See AS 39.52.130 and 9 AAC 52.060(b)

8. If I receive a gift with a value in excess of \$150, I must: *(Check those which apply)*
- a. ___ give written notice within 30 days of receipt to my designated ethics supervisor,
 - b. ___ explain the nature of the gift, its approximate value, and identify the giver;
 - c. ___ but, the above notice requirement applies only if I am in a position to take or withhold official action which affects the person who gave me the gift.
 - d. ___ share the gift 50/50 with my Dean/Director/Supervisor.

See AS 39.52.130 and 9 AAC 52.060

9. The requirements of Section 130 of the Ethics Act relating to gifts may not apply to campaign contributions if all applicable election and campaign laws are followed. *(Check one)*

- True
- False

See AS 39.52.130

10. I may use or disclose information gained in the course or by reason of my official duties which has not been disseminated to the public, to benefit myself or my family. *(Check one)*

- True
- False

See AS 39.52.140 and 9 AAC 52.070(a)

11. "Information disseminated to the public" means disseminated through: *(Check those which apply)*

- a. --- a newspaper publication.
- b. --- broadcast media.
- c. --- a press release.
- d. --- a newsletter.
- e. --- a legal notice.
- f. --- a nonconfidential court filing.
- g. --- a published speech or report.
- h. --- public testimony before the legislature, a board, or a commission.

See 9 AAC 52.070

12. Pursuant to Section 140(b) of the Ethics Act, I cannot use information gained in the course or by reason of my official duties and which is confidential by law to benefit myself or my family, unless I receive "appropriate authorization." *(Check one)*

- True
- False

See AS 39.52.140 and 9 AAC 52.070

13. As a general rule, and subject to separate restrictions on use of information, neither myself nor a member of my immediate family may attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a University grant, contract, lease, or loan: *(Check one)*

a. ___ if I may take or withhold official action which could affect the matter.

b. ___ under any circumstances.

See AS 39.52.150 and 9 AAC 52.080

14. I have a legal obligation under the Ethics Act to report to my designated ethics supervisor any personal or financial interest held by me or an immediate family member in a grant, contract, lease, or loan that is awarded, executed, or administered by the University. *(Check one)*

___ True

___ False

See AS 39.52.150(d)

15. There are certain limitations imposed by the Ethics Act, which may apply if I seek to represent another person or entity in matters pending before the University. *(Check one)*

___ True

___ False

See AS 39.52.160

16. The Ethics Act establishes certain restrictions on activities of University employees after they leave University service. *(Check one)*

___ True

___ False

See AS 39.52.180 and 9 AAC 52.100

17. It is a violation of the Ethics Act for me to knowingly aid another University employee or other public officer in a violation of the Ethics Act. *(Check one)*

___ True

___ False

See AS 39.52.190

18. University employees can be subject to many serious penalties for violations of the Ethics Act, including: *(Check those which apply)*
- a. ___ an order to stop engaging in the official action related to a violation,
 - b. ___ an order requiring divestiture, establishment of a blind trust, restitution, or forfeiture,
 - c. ___ University disciplinary action, including suspension or dismissal,
 - d. ___ an order voiding a University grant, contract, or lease,
 - e. ___ an order requiring a state loan obtained in violation of the Ethics Act to become immediately payable,
 - f. ___ recovery of any fee, compensation, gift, or benefit received by a person in violation of the Ethics Act,
 - g. ___ in addition to any other remedy, civil penalties of up to \$5,000 per violation;
 - h. ___ in addition to any other remedy or civil penalty, payment by the violator of twice the financial benefit received by a person who received the benefit in violation of the Ethics Act,
 - i. ___ in addition to the above remedies, any criminal sanctions which may apply to the conduct giving rise to the violation,
 - j. ___ in addition to the above remedies and penalties, University employees who violate the Ethics Act may be required to give up their firstborn child and/or lead sled dog.

See AS 39.52.410-460

19. The Alaska Executive Branch Ethics Act penalties can be assessed by the State of Alaska Personnel Board.

___ True
 ___ False

20. I cannot be held responsible under the Ethics Act for action that has been approved in advance, in writing, by an administrator in my chain of supervision with full knowledge of all relevant facts.

___ True
 ___ False

21. In most circumstances, a benefit to or interest held by a member of my immediate family will be treated in a manner similar to a benefit to or interest held by me.

- ___ True
- ___ False

See AS 39.52.960 (6), (11), and (16)

22. After January 1, 1999, the definition of "immediate family member" of a person for the purposes of ethics restrictions includes a: *(Check those which apply)*

- a. ___ spouse
- b. ___ natural child
- c. ___ step child
- d. ___ adoptive child
- e. ___ adoptive parent
- f. ___ parent
- g. ___ sibling
- h. ___ grandparent
- i. ___ aunt/uncle
- j. ___ parent in law
- k. ___ sibling in law
- l. ___ person cohabiting with the person in a conjugal relationship that is not a legal marriage.
- m. ___ neighbor whose property line is within 130 feet of the geographic center of the person's house.
- n. ___ pet, but only if the pet is, or has a reasonable probability of becoming, a qualified beneficiary of a non-taxable living trust established by the person.

See AS 39.52.960 (6), (11), and (16)

23. Faculty and Staff who receive compensation from any entity other than the University need to be especially attentive to the provisions of the Ethics Act and report that outside activity. *(Check one)*

- True
- False

See AS 39.52.960(20)

24. I am prohibited from engaging in outside employment or service that is incompatible or in conflict with the proper discharge of my official duties.

- True
- False

See AS 39.52.170

25. When solicited specifically for their outside expertise and contacts, adjunct faculty are not subject to the Ethics Act and therefore need not report outside employment or service. *(Check one)*

- True
- False

See AS 39.52.960(20)

26. Employees who plan to use information gained in the course of or as a result of their University employment, whether technical data, the needs of prospective consulting clients, or other information to which the public may not have equal access, should recognize that the prohibitions on, and conditions of, such use need to be carefully analyzed, by the designated ethics supervisor in advance. *(Check one)*

- True
- False

See AS 39.52.140

27. A matter which would otherwise be a violation may be disregarded by the persons charged with interpreting and enforcing the Ethics Act if the matter does not present a conflict of interest which is substantial and material. *(Check one)*

- True
- False

See AS 39.52.110

28. The best way to avoid initiating or continuing in a violation of the Ethics Act, is to fully disclose any matter which might constitute a violation of the Ethics Act, in writing, to my designated ethics supervisor and receive a written determination before participating in, or taking action or further action on, the matter. *(Check one)*

- ___ True
- ___ False

29. Good rules of thumb with respect to the Ethics Act would include:
(Check those which apply.):

- a. ___ If there is anything about the knowledge, influence or stature that I derive from my public employment, which could be perceived as giving me a personal or financial advantage in a private matter, I should take no action which could affect any interest I have or may obtain in the private matter, except in accordance with a written determination from my designated ethics supervisor.
- b. ___ I should err on the side of reporting an outside activity or potential violation, recognizing that state and university enforcement officials put more emphasis on maintaining a pure public image than upon my objectives, and will not be intimately familiar with my situation or necessarily have confidence that I have good motives.
- c. ___ I should recognize that my good intentions and good faith alone cannot satisfy the technical requirements and proscriptions of the Ethics Act.
- d. ___ If I find myself in a position where I have or may have already violated the ethics act, I should report the situation as soon as possible to my designated ethics supervisor and seek guidance as to how to proceed.

30. Policies which the Ethics Act promotes include:

- a. ___ To foster public confidence that government employees will serve the public, and not themselves, in the performance of their official duties.
- b. ___ To generate a sense that public employees are deserving of the public benefits which are conferred upon them so as to avoid public reluctance to fund critical needs.
- c. ___ To protect private firms and entities from unfair competition by public employees.
- d. ___ To ensure that the public receives the expected level of effort from public employee.
- e. ___ To balance the need to discourage persons from seeking public employment to achieve private gain for themselves or their family against the need to encourage energetic, innovative and experienced people to serve the public.

- f. --- To create voluminous paperwork so that public employees have something to do.
- g. --- To ensure that public employees do not divert public resources to their private benefit.
- h. --- To give public employees confidence that employment decisions that can impact them will be made on the basis of qualifications, performance and experience, not close personal relationships.

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