



“The people of Hawaii believe that public officers and employees must exhibit the highest standards of ethical conduct and that these standards come from the personal integrity of each individual in government.”

- Hawaii State Constitution, Art. XIV

The High Road

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Ethics Advisory Opinion Addresses Free Travel from Tour Companies for Teacher-Chaperones

It is a longstanding practice for Department of Education (“DOE”) teachers who chaperone students on student educational trips to receive free travel from tour companies.

While many teacher chaperones work hard to plan and organize these trips, their acceptance of free travel creates concerns of a prohibited conflict of interest and other ethics concerns. **Advisory Opinion No. 2015-1**, issued by the State Ethics Commission, explains that because of the way many of these trips are currently organized and arranged, the State Ethics Code prohibits teachers from accepting free travel from the tour companies they have selected to help organize the trips.

As currently structured, teachers engage in the following activities when planning the trips: they select the tour company; they design and organize the itinerary with the tour company; they decide which teachers will travel with the students; and they promote the trip to the students and their parents using promotional material prepared by the tour company. By engaging in these actions, teachers help generate substantial revenue for

tour companies and are, essentially, “rewarded” for their efforts in the form of free travel and other benefits from the tour companies they selected and promoted. The dual role as DOE teacher and tour company representative places a teacher in a conflict of interest under the

State Ethics Code and also raises concerns under the gifts law and the fair treatment law.

The State Ethics Code does not prohibit student educational trips, nor does the State

Ethics Code prohibit teachers from serving as chaperones on these trips. The Commission has advised the DOE, however, that the DOE must restructure the way school-related trips are organized and arranged to ensure that its teachers do not engage in conduct that may be contrary to the State Ethics Code. The Commission has been working to assist the Board of Education and the DOE in reviewing policies and procedures to address

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“The dual role as DOE teacher and tour company representative places a teacher in a conflict of interest”

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Next Public Meeting:
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the concerns raised under the State Ethics Code.

Advisory Opinion No. 2015-1 provides a complete discussion of the application of the State Ethics Code to teacher travel, and is available on the Commission's website at <http://files.hawaii.gov/ethics/advice/AO2015-1.pdf>.

Holiday Celebrations and Ethics

The holiday season is almost upon us! Here are a few ethics reminders for state employees as they celebrate the season:

Gifts: State employees sometimes receive gifts during the holidays from companies and individuals involved in official state action by the employees or their agencies. The gifts law prohibits the acceptance of any gift if it is reasonable to infer the gift is in-



tended to influence or reward state action. In general, employees may accept a "gift of Aloha," such as a box of candy or cookies, or nominal gifts such as a calendar. Other gifts of more substantial value, such as gift baskets, may be prohibited by the gifts law. Gift cards also raise ethics concerns and are generally prohibited. Employees who have procurement or regulatory duties must be especially careful about accepting gifts from vendors or those subject to their regulatory authority. For these employees, the acceptance of any gift, even a "gift of Aloha," may be prohibited.

Invitations to Holiday Parties: State employees are sometimes invited by private companies to holiday parties at which guests receive food and drinks, entertainment, and even door prizes. These invitations are also considered gifts and, in some cases, may be prohibited.

For additional information about the gifts law, see the State Ethics Commission's publication, "Guidelines for Gifts Under the State Ethics Code," on the Commission's website at <http://ethics.hawaii.gov/wp-content/uploads/2013/09/GiftsGuidelines.pdf>.

State Office Parties:

State employees who are planning office holiday parties are reminded that the fair treatment law prohibits soliciting private businesses for food, door prizes, or other donations to employee parties. The fair treatment law prohibits employees from using their official positions to obtain unwarranted benefits for themselves.

Craft Sales and Other Private Business Activities:

The ethics code prohibits state employees from selling crafts, food, flowers, and other gift items in state offices. These sales are considered private business activities and the fair treatment law prohibits employees from using state time and state resources, such as state offices, to conduct such activities.

State employees are encouraged to contact the State Ethics Commission's office for guidance if they have any questions regarding gifts, invitations to holiday parties, or other holiday activities.