September 12, 2019

Citizen’s Ethics Advisory Board
Office of State Ethics
18-20 Trinity Street, Suite 205
Hartford, CT 06106-1660

Re: Request for Formal Opinion
Statutes at issue: Connecticut General Statute §§ 1-84(c) and 1-84(r)
Address of Requestor: CSCU Office of Legal Affairs, Connecticut State Colleges & Universities
61 Woodland Street, Hartford CT 06105

Dear Members of the Citizen’s Ethics Advisory Board:

I am requesting a formal opinion on behalf of the Connecticut Community Colleges (“CCC”), a constituent unit of the Connecticut State Colleges and Universities (“CSCU”) for guidance on use of office and receipt of free travel opportunities extended to faculty members who organize trips for CCC students. Over the past several years this question, or some variation of it, has been presented to the Office of State Ethics for informal opinion. As a result of my last request, I received a recommendation to request a formal opinion of the Board. Consistent with that advice, I respectfully petition the Advisory Board to render a formal opinion regarding:

How to comply with the State Code of Ethics while enabling educational travel opportunities for CCC students when these opportunities must be purchased from third parties who rely on CCC faculty to recruit and coordinate students to travel during breaks and while faculty are on their personal time; and, in exchange, faculty are provided the opportunity to participate on the excursion free of cost.

The Connecticut Community Colleges do not have travel or foreign study offices, but support the educational value of travel. As a result, some of the colleges have allowed a private travel organization, to work with faculty to provide travel opportunities. As the travel agency is an

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1 While it has been suggested that the College contract directly with the travel service for student travel, this is not a viable alternative. Additional liability for international travel; personnel costs and collective bargaining issues for employment of faculty while off contract, and the collection of funds from students and providing them to a third party are just some of the issues raised if CCC were to contract directly with a third party vendor.
independent entity, the faculty are not engaging in this work on behalf of the College. Also, the trips occur when classes are not in session and the faculty are engaging in the activity on their personal time. It has been suggested that the marketing process violates Connecticut General Statute §1-84(c) since faculty members could be using their office to recruit and receive the benefit of a free trip, even though these are educational excursions.

In accordance with Connecticut General Statutes § 1-84(r), CCC faculty as members of bargaining units may enter into consulting agreements provided the agreement does not conflict with the member’s employment with the College. CCC’s administrators support travel activities and view the opportunity as a benefit to the students.

Although other states have considered travel issues, they may be distinguishable as they typically involve students in K-12, as opposed to colleges, universities or other adult learner environments. K-12 students are children. Teachers of K-12 students have a different relationship with students as well as a relationship with student’s parents. Peer pressure also is a significant factor in a K-12 environment. The typical CCC student is a self-supporting, independent, employed adult about 23 years old. There is a significant difference in the decision making process whether to engage in travel and bear the financial burden. This reality affects CCC students’ susceptibility to a faculty member who is marketing a travel opportunity to students.

It is important to continue to make travel opportunities available to CCC students. Therefore, I respectfully request the opinion of the Citizen’s Ethics Advisory Board to provide guidance as to creation of guidelines so that community college students will be able to engage in educational travel programs.

Respectfully,

CONNECTICUT STATE COLLEGES & UNIVERSITIES

Ernestine Yuille Weaver, Esq.
CSCU Counsel