PROCEDURE 2.18.0: ETHICS & GIFT BAN

Definitions

Unless otherwise stated, all terms used in this policy have the definition given in the State Officials and Employees Ethics Act, 5 ILCS 430/1-5.

Compensated time

With respect to an employee whose hours are not fixed, **compensated time** includes any period of time when the employee is on premises under the control of the college and any other time when the employee is executing official duties, regardless of location.

Prohibited political activity

Prohibited political activity are activities enumerated in the State Officials and Employees Ethics Act, 5 ILCS 430/5-15 as amended from time to time.

Employees can't intentionally perform any prohibited political activity during any compensated time. Trustees or employees can't intentionally use any college property or resources in connection with any prohibited political activity. Trustees or employees can't intentionally require any other trustee or employee to perform any prohibited political activity:

1. As part of that trustee's or employee's duties
2. As a condition of employment
3. During any compensated time off (e.g., holidays, vacation, personal time off, etc.).

Trustees or employees won't be required at any time to participate in any prohibited political activity in consideration for that trustee or employee being awarded additional compensation or any benefit, including a salary adjustment, bonus, compensatory time off, continued employment or otherwise, and trustees or employees won't be awarded additional compensation or any benefit in consideration for participation in any prohibited political activity.

Trustees or employees may engage in activities that are:

1. Otherwise appropriate as part of official duties
2. Undertaken by the individual on a voluntary basis that are not prohibited by this policy

Limitations on receiving gifts

A **prohibited source** is any person or entity who:

1. Is seeking official action by:
    a. A trustee
    b. An employee
    c. The trustee or another employee directing that employee
2. Does or seeks to do business with:
    a. The trustee
    b. An employee
    c. The trustee or another employee directing that employee
3. Conducts activities regulated by:
    a. The trustee
    b. An employee
    c. The trustee or another employee directing that employee
4. Has an interest that may be substantially affected by the performance or nonperformance of the official duties of the trustee or employee.

A **gift** includes any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of a trustee or employee.

Except as permitted by this policy, trustees, college employees and spouses of or immediate family members living with any trustee or employee (collectively referred to as **recipients**), can't intentionally solicit or accept any gift from any prohibited source, as defined in this procedure, or that is otherwise prohibited by law or policy. Prohibited sources can't intentionally offer or make a gift that violates this policy.

Exceptions to the ban on accepting gifts from a prohibited source include:

1. Opportunities, benefits and services available on the same conditions as for the general public
2. Anything for which the trustee or employee, or their spouse or immediate family member, pays the fair market value.
3. Any:
    a. Contribution that is lawfully made under the Election Code
    b. Activities associated with a fundraising event in support of a political organization or candidate
4. Educational materials and missions

5. Travel expenses for a meeting to discuss business
6. A gift from a relative, (e.g., father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather or grandmother of the individual's spouse and the individual's fiancé or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or their spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient must consider the circumstances under which the gift was offered, such as:
    a. The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals
    b. Whether to the actual knowledge of the recipient, the individual who gave the gift personally paid for the gift, sought a tax deduction or business reimbursement for the gift
    c. Whether to the actual knowledge of the recipient, the individual who gave the gift also at the same time gave the same or similar gifts to other trustees or employees, or their spouses or immediate family members.
8. Food or refreshments not exceeding $75 per person in value on a single calendar day, provided the food or refreshments are consumed on the premises from which they were purchased or prepared, or catered (e.g., food or refreshments purchased ready to consume which are delivered by any means).
9. Food, refreshments, lodging, transportation and other benefits resulting from outside business or employment activities (or outside activities not connected to the official duties of a trustee or employee), if the benefits haven't been offered or enhanced because of the official position or employment of the trustee or employee, and are customarily provided to others in similar circumstances.
10. Intra-governmental gifts (e.g., any gift given to a trustee or employee from another trustee or employee and inter-governmental gifts (e.g., any gift given to a trustee or employee by an officer or employee of another governmental entity)
11. Bequests, inheritances and other transfers at death
12. Any item(s) with a total value of less than $100 from any one prohibited source during any calendar year.

Trustees or employees, their spouses or immediate family members living with them don't violate this policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source, or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code.

Ethics advisor

The president appoints an ethics advisor for the college, who provides guidance to the trustees and college employees concerning the interpretation of and compliance with this policy and state ethics laws.

Filing complaints

File written complaints alleging a violation of this policy with the president or board trustees chair.

Ethics commission

To effectively manage the receipt of complaints concerning violations of this policy, as soon as possible after a complaint is filed, the president appoints a three-member ethics commission. If the president is the subject of the complaint, the board of trustees chair performs this duty. Commission members may be any college resident, except anyone related either by blood or marriage, up to the degree of first cousin, to the person who's the subject of the compliant.

At the commission's first meeting, the commissioners choose a chairperson from their number. Meetings are held at the call of the chairperson or any two commissioners. A quorum consists of two commissioners, and official action by the commission requires the affirmative vote of two members. The commission's powers and/or duties include:

1. Adopting procedures and timelines to manage a complaint and determine the complaint's disposition.
2. Investigating a complaint and receiving information pertaining to it.
3. Holding a meeting, with at least 48 hours' public notice, with the complaining party and the person accused of violating the policy for the purpose of determining the complaint's disposition. Both parties are given the opportunity to provide information concerning the complaint. The meeting may be closed to the public to the extent authorized by the Open Meetings Act.
4. Requesting an attorney's assistance.
5. Issuing recommendations for disciplinary actions and/or referring violations to the appropriate state's attorney for prosecution. The commission acts only upon the receipt of a written complaint alleging a violation of this policy and not upon its own prerogative.

The powers and duties of the commission are limited to matters clearly within the purview of this policy.

If the commission finds it more likely than not that the allegations in a complaint charging a trustee or employee with violating this policy are true, it notifies the appropriate state's attorney and/or recommends disciplinary action for an employee. If the complaint is deemed insufficient, the commission sends a notice to the parties of the decision to dismiss the complaint, ensuring receipt of notice.

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