

## PERSONNEL POLICIES

### Prohibited Gifts -- Ethics Officer

**4.08.2**

Illinois law prohibits members of the Board of Education, officers and salaried employees of the School District, as well as their spouses and certain immediate family members, from soliciting or accepting certain gifts.<sup>1</sup>

- a. It is the policy of the Board of Education that members of the Board of Education, officers and salaried employees of the School District shall be prohibited from accepting those gifts prohibited by Illinois law.
- b. The administration shall prepare and the Board shall approve a set of procedures describing the types of gifts prohibited and permitted under Illinois law, which procedures shall be reviewed annually and revised as necessary to remain in compliance with law.
- c. A handout shall be prepared and distributed to all School District Board of Education members, } officers and [salaried} employees of the School District describing the gift ban imposed under Illinois law. This handout shall be reviewed annually and revised and redistributed as necessary.

State law further requires that the School District appoint an Ethics Officer (to be recommended to the Board by the Superintendent) to administer the provisions of the gift prohibition. The Director of Business Services of the School District shall serve as the School District's Ethics Officer. The Administration shall prepare and the Board shall approve a set of procedures describing the duties and responsibilities of the Ethics Officer, which procedures shall be reviewed annually and revised as necessary to remain in compliance with law.

In order to properly apprise Board of Education members, officers and salaried employees of their responsibilities under Illinois law, the administration shall prepare and submit to the Board for approval, and shall annually disseminate to all covered individuals, a notice describing the gift prohibition.

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<sup>1</sup> School Districts may by election exempt Board members and non-salaried employees from their policies.

Adopted: May 17, 1999

## PROCEDURES

### Prohibited Gifts – Ethics Officer

### **Implementing Section 4.08.2**

#### 1. Covered Employees

This Policy applies to all Covered Employees. A Covered Employee is any Board member, officer or full or part time salaried employee of the School District. This Policy also applies to spouses and immediate family who are living with the Board member, officer or employee.

#### 2. Prohibited Gifts

No Covered Employee may solicit or accept any Prohibited Gift. A gift is considered a Prohibited Gift if the person or entity that is offering the gift:

- is seeking official action by the Covered Employee, or by any Board member, officer or employee who directs the Covered Employee.
- does business or seeks to do business with the Covered Employee or any Board member, officer or employee who directs the Covered Employee.
- conducts activities regulated by the Covered Employee or any Board member, officer or employee who directs the Covered Employee.
- has interests that may be substantially affected by the performance or non-performance of the official duties of the Covered Employee.
- is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act.

#### 3. Exceptions

None of the following shall be considered Prohibited Gifts:

- The Covered Employee pays market value for the item, promptly returns the item, or promptly pays an amount equal to the value of the item to an appropriate charity, or the item is of nominal value.
- Employee accepts a contribution lawfully made under Article 9 of the Election Code or benefits from attendance at a fundraising event sponsored by a political organization.
- The gift is from an immediate relative (first cousin or closer) of the Covered Employee.

- The gift is given on the basis of personal friendship. A gift is not a Permitted Gift, however, if the Covered Employee has reason to believe that it was provided because of the Covered Employee's official position. The Covered Employee should consider the nature of his or her relationship with the gift giver, whether the gift giver personally paid for the gift or sought a tax deduction or business reimbursement for the gift, and whether the gift giver gave similar gifts to other Covered Employees.
- The Covered Employee solicits or receives a commercially reasonable loan evidenced in writing with repayment due by a certain date made in the ordinary course of the lender's business.
- The Covered Employee solicits or receives a lawful contribution or other payment to a legal defense fund established for the benefit of the Covered Employee.
- The gift is to a School District officer or employee from (1) another School District Officer or employee, (2) an officer or employee of another governmental entity, (3) a judge or (4) a member of the legislature.
- In connection with outside activities that are not connected to the official duties of the Covered Employee, the Covered Employee receives customarily provided food, refreshments, lodging, transportation and other benefits, so long as the benefits have not been offered or enhanced because of the Covered Employee's official position.
- The Covered Employee receives pension or other benefits from participation in a former employer's employee benefits and welfare plan.
- The Covered Employee receives informational materials at his or her office.
- The Covered Employee receives an award or prize in a contest or event open to the public.
- The Covered Employee receives travel benefits, food, refreshments or entertainment in connection with the receipt of an honorary degree.
- The Covered Employee receives benefits in connection with meetings with government officials intended to educate such officials on matters of public policy.
- The Covered Employee receives bequests, inheritances or other transfers at death.
- The Covered Employee receives anything paid for or secured by a governmental entity under a government contract.
- The Covered Employee receives a gift of personal hospitality extended for a non-business purpose at an individual's personal or family property or residence, and the individual is not a registered lobbyist.
- The Covered Employee accepts an offer of free attendance at a widely attended conference, reception, or similar event, from the event's sponsor, but only if the Covered Employee participates in the event by providing information related to government or performing an

appropriate ceremonial function, or attendance at the event is appropriate to the performance of civic affairs or the Covered Employee's official function. Free attendance includes fee waivers, provision of transportation, food, refreshments, entertainment and instructional materials furnished to all attendees as an integral part of the event, but does not include collateral entertainment or food and refreshments taken in other than a group setting with all attendees. The Covered Employee may also accept an offer of free attendance at a charity event, but may not accept reimbursement for transportation or lodging.

- The Covered Employee receives opportunities or benefits that are available to the public, to all Board members or officers or employees of the School District, or to members of a group in which membership is unrelated to employment of official position. The Covered Employee may also receive benefits through an employee's association, credit union, or similar organization, in which similar opportunities are available to large segments of the public through organizations of similar size.
- Plaques, trophies or other items that are substantially commemorative in nature.
- Golf or tennis.
- Food or refreshments of nominal value and catered food or refreshments.
- Meals or beverages consumed on the premises from which they were purchased.
- Product donations from Illinois companies for primarily promotional purposes.
- Items of nominal value such as greeting cards, baseball caps or T-shirts.
- Covered Employees may accept free attendance at events under the following circumstances:
  - A Covered Employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if (1) he or she participates in the event as a speaker or a panel participant, performs an appropriate ceremonial function; or (2) attendance at the event is appropriate to the performance of civic affairs in Illinois or the official duties or representative function of the Covered Employee.
  - A Covered Employee who attends an event described above may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual.
  - A Covered Employee may accept a sponsor's unsolicited offer of free attendance at a charity event, but reimbursement for transportation and lodging may not be accepted in connection with the event.
  - The term "free attendance" used above may include waiver of all or part of a conference or other fee, the provision of transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments

taken other than in a group setting with all or substantially all other attendees (except the following are allowed: golf, tennis, nominal value or catered food and refreshments, and meals and beverages consumed on the premises where purchased).

- A Covered Employee may accept reimbursement for transportation, lodging and related expenses for travel to a meeting, speaking engagement, fact finding trip, or similar event in connection with the Covered Employee's official duties, provided that:
- The reimbursement may not be provided by a registered lobbyist or foreign government.
- The Covered Employee must file an expense disclosure form with the Director of Business Services within 30 days after the travel is completed. Disclosure forms shall contain all information required by law and shall be made available at the office of the Director of Business Services of the School District.
- If the Covered Employee is a School District employee, the Covered Employee must receive advance authorization from the Director of Business Services of the School District. Advance authorization forms shall contain all information required by law and shall be made available at the office of the Director of Business Services of the School District.

4. Ethics Officer

As required by law, the School District's Ethics Officer shall provide guidance to Covered Employees in the interpretation and implementation of the State Gift Ban Act.

5. Complaint Procedure

- a. Complaints alleging violations of the State Gift Ban Act shall be filed with the Legislative Ethics Commission established under the auspices of the Act. Procedures for complaint filing shall be established and disseminated to Covered Employees as they are adopted and promulgated by the Legislative Ethics Commission.
- b. Any complaint received by or incident reported to the School District or any School District Board member, officer or employee shall be forwarded to the Legislative Ethics Commission.
- c. Upon receiving any complaint and recommended disciplinary action from the Legislative Ethics Commission, the Board of Education of the School District shall meet in closed session to determine whether to take disciplinary action as recommended by the Legislative Ethics Commission or as the Board deems appropriate.
- d. In the event the complaint is directed at any member or members of the Board of Education, such member or members shall not be permitted to attend or take part in the discussion of, or to vote on the ultimate determination of action on, the complaint.
- e. The Board of Education shall make its determination available to the public in the School District's administrative offices.