

Board of Education

Ethics and 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.

“Gift is defined as 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 Board Member or employee.”

“Prohibited political activity” is defined as:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
6. Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.

11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

“Prohibited source” is defined as any person or entity who:

1. Is seeking official action by: (a) a Board Member, or (b) an employee, or by the Board Member or another employee directing that employee;
2. Does business or seeks to do business with: (a) the Board Member, or (b) with an employee, or with the Board Member or another employee directing that employee;
3. Conducts activities regulated by: (a) the Board Member, or (b) by an employee or by the Board Member or another employee directing that employee; or
4. Has an interest that may be substantially affected by the performance or non-performance of the official duties of the Board Member or employee.
5. Is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or
6. Is an agent of, a spouse of, or an immediate family member living with a prohibited source.

Limitations on Engaging in Political Activity

No employee shall intentionally perform any prohibited political activity during any 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 District and any other time when the employee is executing his or her official duties, regardless of the location.

No Board Member or employee shall intentionally use any property or resources of the District in connection with any prohibited political activity. At no time shall any Board Member or employee intentionally require any other Board Member or employee to perform any prohibited political activity: (a) as part of that Board Member’s or employee’s duties, (b) as a condition of employment, or (c) during any compensated time

off, i.e., as holidays, vacation or personal time off. No Board Member or employee shall be required at any time to participate in any prohibited political activity in consideration for that Board Member or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any Board Member or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

A Board Member or employee may engage in activities that: (1) are otherwise appropriate as part of his or her official duties, or (2) are undertaken by the individual on a voluntary basis that are not prohibited by this policy.

Limitations on Receiving Gifts

Except as permitted by this policy, no Board Member or District employee, and no spouse of or immediate family member living with any Board Member or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or that is otherwise prohibited by law or policy. No prohibited source shall intentionally offer or make a gift that violates this policy.

The following are exceptions to the ban on accepting gifts from a prohibited source:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the Board Member or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any: (a) contribution that is lawfully made under the Election Code, or (b) activities associated with a fund-raising 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, meaning those people related to the individual as 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 his or

her 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 shall 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 or sought a tax deduction or business reimbursement for the gift; and (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 Board Members 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 that the food or refreshments are: (a) consumed on the premises from which they were purchased or prepared; or (b) catered. "Catered" means food or refreshments that are 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 that are not connected to the official duties of a Board Member or employee), if the benefits have not been offered or enhanced because of the official position or employment of the Board Member or employee, and are customarily provided to others in similar circumstances.
10. Intra-governmental and inter-governmental gifts. "Intra-governmental gift" means any gift given to a Board Member or employee from another Board Member or employee, and "inter-governmental gift" means any gift given to a Board Member or employee by an officer or employee of another governmental entity.
11. Bequests, inheritances, and other transfers at death.
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the listed exceptions is mutually exclusive and independent of every other.

A Board Member or employee, his or her spouse or an immediate family member living with the Board Member or employee, does not 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 26 U.S.C § 501 (c)(3).

Conflict of Interest

Board Members may not engage in activity which is prohibited by Board Policy 2.100 (Board Member Conflict of Interest). Employees may not engage in activity which is

prohibited by Board Policy 5.120 (Ethics) and/or use of any District facilities or property, equipment or resources for personal business or gain.

Ethics Advisor

The Superintendent shall appoint an Ethics Advisor for the School District. The Ethics Advisor shall provide guidance to the Board Members and District employees concerning the interpretation of and compliance with this policy and State ethics laws.

Filing Complaints

Written complaints alleging a violation of this policy shall be filed with the Superintendent or Board President.

Ethics Commission

In order to effectively manage the receipt of complaints concerning violations of this policy, as soon as possible after a complaint is filed, the Superintendent shall appoint a 3-member Ethics Commission. If the Superintendent is the subject of the complaint, the Board President shall perform this duty. Commission members may be any District resident, except that no person shall be appointed who is related, either by blood or by marriage, up to the degree of first cousin, to the person who is the subject of the complaint.

At the Commission's first meeting, the Commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 Commissioners. A quorum shall consist of 2 Commissioners, and official action by the Commission shall require the affirmative vote of 2 members. The Commission shall have the following powers and/or duties:

1. To adopt procedures and timelines to manage a complaint and determine the complaint's disposition.
2. To investigate a complaint and receive information pertaining to it.
3. To hold a meeting, upon not less than 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 shall be 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. To request the assistance of an attorney.
5. To issue recommendations for disciplinary actions and/or refer violations to the appropriate State's Attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this policy and not upon its own prerogative.
6. 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 Board Member or employee with violating this policy are true, it shall notify the appropriate State’s Attorney and/or recommend disciplinary action for an employee. If the complaint is deemed not sufficient, the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint.

Complaints of Sexual Harassment Made Against Board Members by Elected Officials

Pursuant to the State Officials and Employees Ethics Act (5 ILCS 430/70-5), members of the Board and other elected officials are encouraged to promptly report claims of sexual harassment by a Board member. Every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available. If the official feels comfortable doing so, he or she should directly inform the individual that the individual’s conduct or communication is offensive and must stop.

Board members and elected officials should report claims of sexual harassment against a member of the Board to the Board President or Superintendent. If the report is made to the Superintendent, the Superintendent shall promptly notify the President, or if the President is the subject of the complaint, the Vice President. Reports of sexual harassment will be confidential to the greatest extent practicable.

When a complaint of sexual harassment is made against a member of the Board by another Board member or other elected official, the Board President shall appoint a qualified outside investigator who is not a District employee or Board member to conduct an independent review of the allegations. If the allegations concern the President, or the President is a witness or otherwise conflicted, the Vice President shall make the appointment. If the allegations concern both the President and Vice President, and/or they are witnesses or otherwise conflicted, the Board Secretary shall make the appointment. The investigator shall prepare a written report and submit it to the Board.

If a Board member has engaged in sexual harassment, the matter will be addressed in accordance with the authority of the Board.

The Superintendent will post this policy on the District website and/or make this policy available in the District’s administrative office.

LEGAL REF.: 5 ILCS 430/1-1, et seq.

CROSS REF.: 2.100, 2.110, 2.260, 4.60, 5.120

Adopted: May 25, 2004 Revised: July 10, 2012
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