

Title: Gifts to Board of Directors' Members

Unless it is accepted on behalf of the School District, Board of Directors' members shall not, either directly or indirectly, solicit, accept or receive any gift, series of gifts or honorarium from a restricted donor.

A "restricted donor" is a person or other entity which:

- is seeking to be, or is, a party to any one or any combination of sales, purchases, leases or contracts to, from or with the District;
- will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or nonperformance of the Board member's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry or region, or
- is a lobbyist or a client of a lobbyist with respect to matters within the Board member's jurisdiction.

A "gift" is the giving of anything of value in return for which something of equal or greater value is not given and received. However, such a "gift" may be received by Board members if it is otherwise permitted by law, including any of the following:

- Actual expenses of a Board member for food, beverages, registration, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the Board member has participation or presentation responsibilities;
- Plaques or items of negligible resale value given as recognition for public services;
- Food and beverages provided at a meal that is part of a bona fide event or program at which the Board member is being honored for public service;
- Nonmonetary items with a value of no more than \$3.00 that are received from any one donor during one calendar day;
- Items or services solicited or given to a state, national or regional government organization in which the state of Iowa or a political subdivision of the state of Iowa is a member for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given for the same purposes to state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees;
- Items or services received by members or representatives of members at a regularly scheduled event that is part of a business or educational conference, seminar or other meeting that is sponsored and directed by any state, national or regional government organization in which the state of Iowa or a political subdivision of the state of Iowa is a member or received at such an event by members or representatives of members of state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees;

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- Contributions to a candidate or a candidate's committee;
- Informational material relevant to a Board member's official function, such as books, pamphlets, reports, documents, periodicals or other information that is recorded in a written, audio or visual format;
- Anything available or distributed free of charge to the public generally without regard to the official status of the Board member;
- Anything received from relative, unless the donor is acting as an agent or intermediary for another person not so related;
- An inheritance;
- Items received from a bona fide charitable, professional, educational or business organization to which the Board member belongs as a dues paying member if the items are given to all members of the organization without regard to an individual member's status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received;
- Funeral flowers or memorials to a church or nonprofit organization;
- Payment of salary or expenses by a person's employer or the firm in which the person is a member for the cost of attending a meeting of a subunit of an agency when the person whose expenses are being paid serves on a board, commission, committee, council or other subunit of the agency and the person is not entitled to receive compensation or reimbursement of expenses from the state or political subdivision of the state for attending the meeting;
- Gifts of food, beverages, travel or lodging received by a Board member if all of the following apply:
  - (a) The Board member is officially representing an agency in a delegation whose sole purpose is to attract a specific new business to locate in the state, encourage expansion or retention of an existing business already established in the state or to develop markets for Iowa businesses or products,
  - (b) The donor of the gift is not the business or businesses being contacted. However, food or beverages provided by the business or businesses being contacted which are consumed during the meeting are not a gift under this policy, and
  - (c) The Board member plays a significant role in the presentation to the business or businesses on behalf of the Board member's agency.
- Gifts other than food, beverages, travel and lodging received by a Board member which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the Board member; or
- Actual registration costs for informational meetings or sessions which assist a Board member in the performance of the Board member's official functions. The costs of

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food, beverage, lodging and travel are not “registration costs” under this paragraph. Meetings or sessions which a Board member attends for personal or professional licensing purposes are not “informational meetings or sessions which assist a Board member in the performance of the Board member’s official functions” under this paragraph.

A Board member may accept an otherwise prohibited nonmonetary gift or series of gifts if the gifts are donated within thirty days to a public body, a bona fide educational or charitable organization, or the state department of administrative services. The restrictions relating to gifts to Board members as set forth in this policy also apply to the Board member’s immediate family members.

An “honorarium” is anything of value that is accepted or given as consideration for an appearance, speech or article. An “honorarium” may be accepted by a Board member if it is otherwise permitted by law, including any of the following:

- A payment of actual expenses of a Board member for registration, food, beverages, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the Board member has participation or presentation responsibilities;
- A nonmonetary item or series of nonmonetary items donated within thirty days to a public body, a bona fide educational or charitable organization or the state department of administrative services; or
- A payment made to a Board member for services rendered as part of a bona fide private business, trade or profession in which the Board member is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person’s status as a Board member but rather, because of some special expertise or other qualification.

It shall be the responsibility of each Board member to know when it is appropriate to accept or reject gifts or an honorarium.

Cross References:

203, 230

Legal References:

Iowa Code 68B

Approved: Sep. 21, 1993

Reviewed: April 24, 2007

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