



ETHICS ORIENTATION

for Employees and Contract Workers of State of Illinois Public Universities

November 2009

(Not for use by other than State of Illinois employees, contract workers, appointees or officials without the express prior consent of the Office of Executive Inspector General for the Agencies of the Illinois Governor)

Office of Executive Inspector General
for the Agencies of the Illinois Governor

32 West Randolph Street
Suite 1900
Chicago, Illinois 60601

www.inspectorgeneral.illinois.gov

Introduction/General Principles

As a university employee and therefore a state employee, you are expected to work on behalf of the state in a manner that always complies with laws, rules, regulations and policies. By doing so and by always acting with honesty and integrity you are allowing established values to guide your actions and decisions. That is what it means to follow the principles of *ethics*.

As a state employee, your actions are also essential to maintaining the public's trust in state government. Therefore, in addition to acting with honesty and integrity, you must always use state provided resources in the most productive and efficient way possible and only in support of the work of state government. You must avoid placing your personal or financial interests in conflict with those of the state. Furthermore, it is your duty to report any violation of laws, rules, regulations and policies that you become aware of as a state worker.

Among the laws and rules that apply to you is the State Officials and Employees Ethics Act (5 ILCS 430), which became law in December 2003. The Ethics Act applies to full-time, part-time, temporary and seasonal employees, as well as to appointees to state boards and commissions and state officials. It also applies to contract workers. This law contains rules to guide the conduct of state employees that apply to you as a state public university employee. For example, as a state employee, you are restricted from accepting certain gifts from certain specific "prohibited" sources. There are also restrictions that prevent you from participating in specific political activities during your workday, unless you use your vacation or personal leave time. In addition, the Ethics Act prohibits you from using state property or resources to conduct or support certain specific political activities. The text of the entire Ethics Act, is available at www.inspectorgeneral.illinois.gov

The information that follows is intended to make you aware of selected elements of the Ethics Act and other laws and rules that relate to ethical conduct. In addition to becoming familiar with this material, it is important that you review the rules of your university, including (but not limited to) university personnel policies and the university's code of employee conduct. If you have questions concerning ethics-related matters, your university has an Ethics Officer who can provide answers to you and who, by law, is there to provide guidance to you in the interpretation and implementation of the Ethics Act.

Executive Ethics Commission

Established in 2004, the Executive Ethics Commission, in conjunction with the Executive Inspectors General and the Attorney General, is responsible for the oversight of compliance, implementation and enforcement of the State Officials and Employees Ethics Act. The Commission consists of nine Commissioners, appointed on a bipartisan basis, and it exercises jurisdiction over all officers and employees of state agencies under the control of the five constitutional officers of the state. For further information about the Executive Ethics Commission, visit its website at www.eec.illinois.gov.

Ethics Training (from Ethics Act, Section 5-10)

Like other state employees, university employees must complete ethics training on an annual basis. This requirement applies to any person employed full-time, part-time, or pursuant to a contract, as well as to any appointee. *The university will notify you and will provide instructions to you concerning when and how to participate in annual ethics training.*

All new state employees and appointees must complete ethics training within thirty-days of their first day of employment or appointment.

Personnel Policies (from Ethics Act, Section 5-5)

By law, each state public university must adopt and implement personnel policies *that university employees must follow*, related to the following topics:

- Work time requirements.
- Documentation of time worked/time sheets.
- Documentation for reimbursement for travel on official state business.
- Compensation.
- Earning and accrual of state benefits for those state employees eligible for benefits.

Time Sheets (from Ethics Act, Section 5-5)

Each university shall require all employees to periodically submit time sheets. An employee's time sheet must document, to the nearest quarter hour, the time spent each day on official state business. Contractual state workers may satisfy the time sheets requirement by complying with the terms of their contract, which shall provide for a means of compliance with this requirement. Time sheets may be maintained on paper or in electronic format. The time sheets must be maintained by the university's fiscal office for a period of at least two years. *As a state employee, you are expected to report your time accurately, honestly and in accordance with your university's personnel policies.*

Conflicts of Interest

It is unethical for an employee to place his or her interests or those of a friend, relative or business associate, above those of the state. That is what is meant by a conflict of interest. *For example, it is not appropriate for a university employee to provide "extra" or preferential university services to a family member, based on their relationship. It is also, for example, not appropriate for a university employee to hold a second job that interferes with his or her work for the state. Furthermore, it is a conflict of interest and unethical for a university employee to use confidential information obtained in the course of working for the state for personal benefit or to benefit another employer.*

Potential or real conflicts of interest that arise or become known during the course of a person's state employment should be disclosed in accordance with university policy, or in the absence of a specific relevant university policy, conflicts should be immediately disclosed to the university's Ethics Officer. Disclosure must take place at the earliest opportunity in order to determine the most appropriate course of action.

Prohibited Political Activities (from Ethics Act, Section 5-15)

A state employee cannot participate in any of the following activities during work time. If a state employee elects to take part in any of these activities during normal work hours, then he or she must use vacation, personal or compensatory time off. An employee may never engage in any of these activities using work facilities (such as state office telephones, state cell phones, photocopiers, or computers):

- Prepare for, organize, or participate in any political meeting, political rally, political demonstration, or other political event. *For example, a university employee cannot send an email to fellow workers during work hours and/or using a university email account, encouraging them to attend a rally for a candidate for public office.*
- Solicit contributions, including but not limited to purchasing, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event. *For example, it is unlawful for a university employee to ask coworkers, during the workday, for donations in support of someone running for political office.*
- Solicit, plan the solicitation of, or prepare any document or report regarding any thing of value intended as a campaign contribution.
- Plan, conduct, or participate in a public opinion poll in connection with a campaign for elective office, on behalf of a political organization for political purposes, or for or against a referendum.

- Survey or gather information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office, on behalf of a political organization, or for or against a referendum. *For example, it is unlawful for a university employee, during his or her workday, to call potential voters on behalf of a candidate to find out whom they might vote for in an upcoming election.*
- Assist at the polls on Election Day on behalf of any political organization, political candidate, or referendum question.
- Solicit votes on behalf of a candidate, political organization, for or against a referendum, or help in an effort to get voters to the polls or participate in a vote recount on behalf of a candidate or political organization.
- Initiate, prepare, circulate, review or file a petition on behalf of a candidate for elective office or for or against any referendum question.
- Make a contribution on behalf of any candidate for elective office. *For example, it is unlawful for a university employee to donate money, during work hours, to a coworker who is running for elective office.*
- Prepare or review responses to candidates' questionnaires.
- Distribute or prepare campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- Campaign for an elective office or for or against a referendum.
- Manage or work on a campaign for elective office or for or against a referendum.
- Perform work related to serving as a delegate, alternate, or proxy to a political party convention.

Political Contributions on State Property (from Ethics Act, Section 5-35)

Political campaign contributions cannot be intentionally solicited, accepted, offered or made on state property. *State property includes, for example, buildings or portions thereof that are owned or exclusively leased by the state. Therefore, it is unlawful for a university employee to give or receive money for a candidate for public office while in state owned or exclusively leased office space or on state property.*

Ban on Gifts from Prohibited Sources (from Ethics Act, Section 10-10, 10-15 and 10-30)

In many instances, it is unlawful for a university employee to accept gifts that are offered in connection with his or her university job. Gifts may include, but are not limited to such things as free tickets to sporting events, cash, special discounted merchandise or services, food, drink and travel expenses.

A state employee cannot solicit or accept a gift from certain individuals or entities that are defined by law as a "prohibited source". It is also unlawful for an employee's spouse or immediate family member living with them, to accept a gift from a prohibited source. The following are prohibited sources and therefore, a state employee cannot generally accept a gift

from:

- A person or entity (*a business for example*) seeking official action from the state employee or the employee's state agency (i.e., the university).
- A person or entity that does business or seeks to do business with the state employee or the employee's state agency.
- A person or entity that conducts activities that are regulated by the state employee or the employee's state agency
- A person or entity that has interests that may be substantially affected by the performance or non-performance of the state employee.
- A person or entity that is a registered lobbyist.

There are 12 specific exceptions to this ban on gifts from prohibited sources, including:

- Opportunities, benefits and services available to the general public on the same terms.
- Anything for which the employee paid market value.
- A lawful contribution under the Election Code.
- Educational materials and missions.
- Travel expenses for a meeting to discuss state business.
- A gift from a relative.
- Anything provided on the basis of personal friendship.
- Food or drink that does not exceed \$75 per calendar day.
- Food, drink, lodging and transportation related to outside business, employment or activities, if the benefits are customarily provided to others in similar circumstances.
- Intra-governmental or inter-governmental gifts (e.g. gifts between agency employees or between government employees).
- Bequests, inheritances, and other transfers at death.
- Any item or items from any one prohibited source during any calendar year that has a cumulative total value of less than \$100.

If a state employee receives an improper gift from a prohibited source, she or he can correct the situation and not be in violation of the ban, if she or he immediately does any of the following:

- Returns the gift to the giver.
- Gives the gift to a not-for-profit organization, a 501(c)(3) organization.
- Gives an amount of equal value to a not-for-profit organization, 501(c)(3) organization.

Any gift that is intended to improperly influence an employee's official conduct must not be accepted. Questions that a university employee (or university contract worker) may have related to gifts should be referred to the university's Ethics Officer.

Prohibited Offer or Promise (from Ethics Act, Section 5-30)

A state employee cannot promise anything of value related to state government in exchange for a contribution to a political committee, political party or a candidate for political office.

For example, it is unlawful for a university employee to offer someone a state job, or an appointment to a state board, or the award of a contract, in exchange for a political campaign donation. It is also unlawful, for example, for a university employee, to offer a salary increase or promotion to another state employee in exchange for such a donation.

Revolving Door Restrictions (from Ethics Act, Section 5-45)

Contract Decision-makers

If within one year before leaving state employment, a state employee participated personally and substantially in the decision to award state contracts with a cumulative value of over \$25,000 to a person, entity, its parent or subsidiary, that state employee cannot knowingly accept employment or receive compensation or fees for services from that person, entity, or parent or subsidiary for one year.

Regulatory or Licensing Decisions

If, within one year before the end of state employment, a state employee made a regulatory or licensing decision that directly applied to a person, entity, its parent or subsidiary, that state employee cannot knowingly accept employment or receive compensation or fees for services from that person, entity, or parent or subsidiary for one year.

Application for Waiver of Revolving Door Restrictions

The Executive Ethics Commission (“EEC”) may waive the revolving door restriction upon written request showing that the prospective employment or relationship did not affect the employee’s prior regulatory or licensing decisions. EEC rule 1620.610 provides instructions concerning the waiver application process.

Whistleblower Protection (from Ethics Act, Section 15-10)

An officer, state employee, or state agency cannot lawfully take any retaliatory action (such as reprimanding, firing, demoting or suspending) against a state employee for doing any of the following:

- Disclosing or threatening to disclose any practice or action that the state employee reasonably believes is in violation of the law.
- Providing information or testifying about any violation of the law by any officer, member, state employee, or state agency.
- Assisting or participating in a proceeding to enforce the State Officials and Employees Ethics Act.

If someone does retaliate against a university employee for reporting a violation of law or assisting in an investigation, for example, then the employee could file a lawsuit seeking compensation and other remedies as provided by law.

Appointments to Boards, Commissions, Authorities or Task Forces

Appointees to state boards, commissions, authorities and task forces have specific additional laws and rules that apply to them.

Registered Lobbyists (from Lobbyist Registration Act, 25 ILCS 170/3.1)

A lobbyist is any person who communicates with an official of the executive or legislative branch of state government for the purpose of influencing executive, legislative or administrative action. Registered lobbyists are those individuals that meet certain criteria under the Lobbyist Registration Act and are therefore required to register with the Illinois Secretary of State.

A person required to register as a lobbyist cannot serve on a state board, commission, authority or task force authorized or created by state law or by executive order of the governor unless the individual falls under one of the following exceptions:

- The registered lobbyist is serving in an elective public office, whether elected or appointed to fill a vacancy.
- The registered lobbyist is serving on an advisory body that makes nonbinding recommendations to an agency of state government, but does not make binding recommendations or determinations or take any other substantive action.

Any registered lobbyist who serves on a board, commission, authority or task force under one of these exceptions must not take part in any decision that may affect one of his or her clients.

Spouses and immediate family members who are living with a person required to register as a lobbyist also cannot be appointed to a board, commission, authority or task force unless they fall under one of the exceptions above.

Holders of State Contracts (from Ethics Act, Section 5-55)

A person, his or her spouse, or any immediate family member living with that person, cannot serve on a board, commission, authority or task force if he or she meets any of the following criteria:

- The person has more than a 7 ½ percent interest in a state contract;
- The person, together with his or her spouse and immediate family members living with them, has more than a 15 percent interest in a state contract.

This ban does not apply if one of the following exceptions occurs:

- The contract in question is an employment contract.
- The person, the spouse, or the immediate family member is serving in an elective public office.
- The person, the spouse, or the immediate family member is serving on an advisory body that makes non-binding recommendations.

Any person who serves on a board, commission, authority or task force under one of these exceptions must not take part in any decision that may affect the contract in question.

Any individual appointed to a board, commission, authority or task force must disclose all contracts the individual has with the state.

State Contract-related Conflicts of Interest

An appointee to a board, commission, authority or task force cannot have or acquire a contract or a direct financial interest in a contract with the State that is related to the board, commission, authority or task force on which they sit.

Duty to Report Violations of Law, Rule, Regulation or Policy (from Administrative Order 6)

The Office of Executive Inspector General for the Agencies of the Illinois Governor (“OEIG”) acts as an independent state agency whose function is to investigate fraud and abuse in state government. Specifically, the OEIG receives and investigates complaints of violations of law, rule or regulation or abuse of authority or other forms of misconduct by state employees or those doing business with the state.

Although, by law, the OEIG cannot accept anonymous complaints, the identity of a complainant shall be kept confidential unless disclosure is otherwise required by law, or unless the individual complainant consents to disclosure.

All state employees have a duty to report violations of laws, rules, regulations or policies that they become aware of in the course of their work for the state. By law, every state officer or employee in a state agency must promptly report to the Executive Inspector General any information concerning waste, fraud, conflicts of interest or abuse by another state officer, employee or vendor relating to his or her employment. The knowing failure of any officer or employee to so report shall be cause for discipline, up to and including discharge. The knowing provision of false information to the Executive Inspector General by any officer or employee shall be cause for discipline, up to and including discharge. These requirements are contained in Administrative Order 6, issued December 11, 2003.

Report work-related non-emergency violations of the law, rule or regulation, to the Office of Executive Inspector General for the Agencies of the Illinois Governor at its toll-free hotline: **866-814-1113**.

The OEIG's website is: www.inspectorgeneral.illinois.gov

Duty to Cooperate (from Ethics Act, Section 20-70 & Administrative Order 6)

State employees, who become involved in an investigation conducted by the Office of Executive Inspector General, have a duty to cooperate. This means, among other things, that employees must participate in interviews as requested, tell the truth, not withhold information and respect the confidentiality of any investigation.

By law, every state agency, officer and employee, shall cooperate with, and provide assistance to, the Executive Inspector General and her or his staff in the performance of any investigation. In particular, each state agency shall make its premises, equipment, personnel, books, records, and papers readily available to the Executive Inspector General. The Executive Inspector General or his/her staff may enter upon the premises of any state agency at any time, without prior announcement, if necessary to the successful completion of an investigation. In the course of an investigation, the Executive Inspector General may question any officer or employee serving in, and any other person transacting business with the state agency, and may inspect and copy any books, records, or papers in the possession of the state agency, including those made confidential by law, taking care to preserve the confidentiality of information contained in responses to questions or books, records, or papers that is made confidential by law.

The Executive Inspector General may compel any employee in a state agency to truthfully answer questions concerning any matter related to the performance of his or her official duties. If so compelled, no statement or other evidence derived there from may be used against such employee in any subsequent criminal prosecution other than for perjury or contempt arising from such testimony. The refusal of any employee to answer questions if compelled to do so shall be cause for discipline, up to and including discharge.

State employees are required, by law, to cooperate with investigations of the OEIG. Failure to do so may result in disciplinary action, up to and including termination of employment.

Penalties

Penalties for violations of ethics-related laws, rules and policies by state employees are dependent upon the specific circumstances. Penalties may include disciplinary action up to and including discharge by the employee's state agency (university). In addition, the Executive Ethics Commission may levy administrative fines -- and illegal acts, such as bribery or theft, may result in criminal prosecution.

Ethics Questions or Concerns

University employees who have questions or concerns about a work-related ethics issue should contact the university's Ethics Officer.

Ethical Obligations

The following are examples of actions or situations that must be avoided. Each represents unethical conduct:

1. An administrative assistant is instructed by his supervisor to run a personal errand for her during his workday.

It is wrong to engage in personal business that is contrary to state or university policies during scheduled work times.

2. A university employee, responsible for administration of student financial aid, accepts a gift from the parent of a prospective student. The gift was given after the employee helped the student complete an application for financial aid.

Depending on the value of the gift, the employee's acceptance of this gift may violate university policy and/or the law. It is wise for university employees to not accept gifts given to them as a consequence of their work.

3. During a state board meeting, a board member votes in favor of a proposal to grant a university contract to a company owned by one of her close personal friends.

It is wrong for any state employee or appointee to take any official action that could be seen as being a favor for a family member, friend or business associate.

4. A department chairperson takes a 2-hour personal lunch break, however only reports a ½ hour break on her official time report.

It is unethical to provide false information in any state document and in the case of a time report, it violates university policy and the law.

5. A temporary university worker is directed by his supervisor to distribute political campaign literature to his coworkers during his workday.

The State Officials and Employees Ethics Act prohibits this and many other political activities from being done during a state employee's paid workday and/or using state facilities. The Ethics Act applies to full-time, part-time, temporary and seasonal employees, contract workers, state officials and appointees.

6. A university employee uses her position to influence a university vendor to subcontract some work for the university to a business owned by a relative, as a condition for approving the vendor's contract proposal.

It is unethical and unlawful for state employees to exchange favors for an official action. Such conduct may result in discipline up to and including termination of employment.

7. The teenaged son of a university employee receives a pair of professional basketball tickets from an employee of a consulting firm that recently submitted a contract for his father's approval as a member of the university's administration.

Acceptance of such a gift has the potential to represent either a real or perceived unethical act and therefore

should be avoided or corrected, preferably by returning the gift.

8. A university faculty member, who is responsible for negotiating licensing agreements related to the university's official logo, accepts travel and lodging expenses for an out-of-town golf outing from a corporation that is in the process of developing a proposed licensing agreement with the university.

Acceptance of the trip may constitute acceptance of a gift from a prohibited source. It may be perceived as unethical, may violate the Gift Ban and therefore should be avoided.



Acknowledgement of Participation in:

Ethics Orientation for Employees and Contract Workers of State of Illinois Public Universities

I have carefully read and reviewed the content of the Ethics Orientation for Employees and Contract Workers of State of Illinois Public Universities and I understand its subject matter.

Signature

(print: first, middle initial, last) Name

Month and Day of Birth
(i.e., birth date, excluding year)

Date

University Name

(To be properly credited for participating in Ethics Training, please submit this form as directed by your university)

November 2009