

**GOVERNORS STATE UNIVERSITY
POLICY REGARDING THE REVOLVING DOOR PROHIBITION OF THE
ILLINOIS STATE OFFICIALS AND EMPLOYEES ETHICS ACT**

I. Purpose of Policy

Governors State University (“University”) takes very seriously its duty to operate in a manner that will maintain and strengthen the public’s trust and confidence in the integrity of the University and will protect the integrity of the State of Illinois (“State”) contracting process. Thus, the University is committed to helping ensure that University employees, being employees of the State, act in the best interests of the University and the State and to preventing the opportunity for divided loyalties by those employees who have the authority to participate in the award or fiscal administration of State contracts. University recognizes that even the appearance of divided loyalties can negatively impact the University and the State.

As a means of protecting against divided loyalties in State employees, the Illinois General Assembly included a “Revolving Door Prohibition” in section 5-45 of the State Officials and Employees Ethics Act (“Ethics Act”), 5 ILCS 430/5-45. The Revolving Door Prohibition impacts the post-State employment opportunities of certain State employees. In essence, the Revolving Door Prohibition imposes a twelve (12) month ban on University employees whose employment with the University terminates from going to work for (or receiving other types of compensation from) any entity who contracted with the University where that employee played a material role in the award or fiscal administration of a contract to that entity as a University employee. The purposes of this Policy are to fulfill the University’s obligations, as a State agency, under section 5-45 of the Ethics Act, and to provide guidance to the University employees potentially subject to the Revolving Door Prohibition.

II. Scope of Policy

This Policy provides information to the entire University community but applies specifically to the following groups of University employees:

- (1) “C-List Employees” who, pursuant to section 5-45(c) of the Ethics Act, are those University employees that meet the following requirements:
 - (a) Are not H-List Employees (as defined below); and
 - (b) Fill the positions designated in Section IV.A.2, below.
- (2) “H-List Employees” who, pursuant to section 5-45(h) of the Ethics Act, are those University employees that fall under either of the following categories:

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**Revised on the President’s initiative to update C-List and H-List as contemplated under Board of Trustees Regulations § I.C.3.

- (a) Persons whose appointment to their office is subject to the advice and consent of the Illinois Senate;
- (b) The head of a State agency;
- (c) Chief procurement officers, State purchasing officers, and their designees whose duties are directly related to State procurement; or
- (d) Chiefs of staff, assistant chiefs of staff, and deputy governors, or any other position that holds an equivalent level of managerial oversight.

III. Definitions

For purposes of this Policy and providing guidance under the Revolving Door Prohibition, the following definitions apply:

- (3) “State contract” means all types of State agreements, regardless of what they may be called, for the procurement, use, or disposal of supplies, services, professional or artistic services, or construction or for leases of real property for which the State is the lessee, or capital improvements, and including renewals, master contracts, contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, amendments to contracts, and change orders. The term “State contract” includes, but is not limited to, purchase, installment purchase, lease and rental contracts. The term does not include: supplies or services the terms governing which are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission, and for which there is no authorized competition; bonds; Certificates of Participation; or contracts relating to bonds or Certificates of Participation issued by or on behalf of a State agency when the contractor or vendor is neither selected nor paid by the State agency.
- (4) “Award” of a State contract means the determination that a particular vendor has been selected from among other potential vendors to receive a State contract, subject to resolution of any protest and the successful completion of final negotiations. The “award” of a State contract is evidenced by the posting of a Notice of Award or a Notice of Intent to Award to the respective volume of the Illinois Procurement Bulletin after all State agency-required and State Purchasing Officer approvals have been obtained.
- (5) “Change order” means a change in a term in a State contract, other than as specifically provided for in the State contract, which is determined necessary to

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address needs that are best met by the contract holder, and that authorizes or necessitates any increase or decrease in the cost of the State contract or the time for completion. A “change order” is an amendment to the State contract.

- (6) “State agency” includes (a) all officers, boards, commissions and agencies created by the Illinois Constitution, whether in the executive or legislative branch; (b) all officers, departments, boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State; (c) the colleges, universities, and institutions under the jurisdiction of the governing boards of Governors State University, the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Northeastern Illinois University, and the Board of Higher Education and any other public universities and colleges (but not community colleges) now or hereafter established or authorized by the General Assembly; (d) administrative units or corporate outgrowths of the State government which are created by or pursuant to statute (but not units of local government, community college districts, and their officers, school districts, and boards of election commissioners); and (e) all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor. “State agency” includes the General Assembly, the Illinois Senate, the Illinois House of Representatives, the President and Minority Leader of the Illinois Senate, the Speaker and Minority Leader of the Illinois House of Representatives, the Illinois Senate Operations Commission, and the legislative support services agencies. “State agency” also includes the Office of the Auditor General. “State agency” does not include the judicial branch.
- (7) “State employee” means (a) any person employed full-time, part-time, or pursuant to a contract by a State agency and whose employment duties are subject to the direction and control of the State agency employer with regard to the material details of how the work is to be performed, and (b) any appointed or elected commissioner, trustee, director, or board member of a board of a State agency.
- (8) “State employment” means employment with any State agency, whether or not that State agency is the University.
- (9) “Non-State employer” means an employer that is not a State agency.
- (10) “Non-State employment” means employment with any person or entity other than a State agency.

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- (11) “Vendor” means an individual, firm, partnership, corporation, joint venture or other legal entity that seeks, or has entered into, a State contract with a State agency.

IV. The Ethics Act’s Revolving Door Prohibition

A. C-List Employees

1. The Prohibition

Under section 5-45(a) of the Ethics Act: (1) a former State employee, or spouse or immediate family member living with such State employee, (2) within a period of one (1) year immediately after termination of the State employee’s State employment, (3) shall not knowingly accept employment or receive compensation or fees from a vendor, if the State employee, (4) during the year immediately preceding termination of the State employee’s State employment, (5) personally and substantially participated in the award or fiscal administration of State contracts, or the issuance of change orders, (6) with a cumulative value of \$25,000 or more (7) to that vendor or that vendor’s parent or subsidiary.

2. Designation of The University’s C-List Employees

The purpose of this Section IV.A.2, is to adopt a new policy under section 5-45(c) of the Ethics Act delineating which positions within the University, by the nature of their duties, may have the authority to participate personally and substantially in the award or fiscal administration of State contracts or in the issuance of change orders.

For purposes of the revolving door prohibition applicable to C-List Employees described in Section IV.A.1, the University’s C-List Employees are those employees who serve in one or more of the following rolls or positions (including on an acting and interim or basis):

- Provost and Vice President for Academic Affairs
- Associate Provost and Associate Vice President for Academic Affairs
- Assistant Provost and Assistant Vice President for Academic Affairs
- Dean of the College of Arts and Sciences
- Dean of the College of Business
- Dean of the College of Education and Human Development
- Dean of the College of Graduate Studies
- Dean of the College of Health and Human Services
- Dean of the Honors College
- Dean of the University Library
- [Executive] Director of Institutional Research and Effectiveness

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- [Executive] Director of the Office of Sponsored Programs and Research
- [Executive] Director of the School of Extended Learning
- [Executive] Director for Social Justice Initiatives
- Vice President for Administration and Finance
- Associate Vice President of Facilities Development and Management
- Associate Vice President of Finance
- Associate Vice President of Information Technology Services
- [Executive] Director of Budget and Financial Planning
- [Executive] Director of Public Safety
- Vice President for External Affairs
- [Executive] Director of Advancement Services
- [Executive] Director of Marketing
- Multimedia Design Manager
- Administrative Assistant, Institutional Development
- Vice President – General Counsel
- Vice President for Human Resources
- Associate Vice President for Human Resources
- [Executive] Director, Employee and Labor Relations
- Vice President for Student Affairs and Enrollment Management
- Associate Vice President – Dean of Students
- Associate Vice President for Student Enrollment
- [Executive] Director of Counseling and Wellness
- [Executive] Director of Housing and Auxiliary Services
- [Executive] Director of International Services
- Athletic Director
- Chief Diversity Officer
- [Executive] Director of Government and Community Relations
- [Executive] Director of University Events
- Associate Vice President for Procurement and Business Services
- Assistant Vice President for Procurement and Business Services
- Deputy Director of Procurement & Business Services

The GSU Board of Trustees recognizes that new employee positions are created by the University and position descriptions are modified from time to time. In order that necessary updates may be made to the C-List in a timely manner, the Board of Trustees authorizes the President and/or the President's delegee to update this list of University C-List Employees to keep it consistent with section 5-45(c) of the Ethics Act, and the Board of Trustees shall consider such updates as falling under the authority granted the President by Board of Trustees Regulations § I.C.3. However, the

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President is directed to notify the Board of Trustees, or any appropriate Committee thereof, of any updates at the next regular meeting.

3. Revolving Door Determinations by the Office of the Executive Inspector General (“OEIG”)

Any C-List Employee who is either offered non-State employment during employment with the University or is offered non-State employment within one (1) year immediately following the termination of his or her employment with the University must seek a “revolving door determination” from the OEIG before accepting such non-State employment.

The Revolving Door Determination process allows the OEIG to determine whether the Revolving Door Prohibition prevents the C-List Employee from lawfully accepting the non-State employment in question.

B. H-List Employees

1. The Prohibition

Under section 5-45(h) of the Ethics Act, an H-List Employee, (i) within a period of one (1) year immediately after termination of his or her State employment, (ii) shall not knowingly accept employment or receive compensation or fees from a vendor if, (iii) during the year immediately preceding termination of the H-List Employee’s State employment, (iv) the vendor or its parent or subsidiary (v) was a party to a State contract or contracts or change orders (vi) with a cumulative value of \$25,000 or more (vii) involving the University, (viii) regardless of whether the H-List Employee participated personally and substantially in the award or fiscal administration of the State contract or contracts in question.

There is no Revolving Door Determination option for H-List Employees.

2. Identification of the University’s H-List Employees

According to subsections 5-45(h)(1) through (h)(8) of the Ethics Act, the University’s H-List Employees are:

- The Governors State University Trustees
- The President
- Chief of Staff and Head of Strategic Initiatives

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C. Legal Sanctions¹

Under the Ethics Act, a person who intentionally violates section 5-45 thereof is guilty of a Class A misdemeanor and is subject to discipline or discharge by the University. Further, the Illinois Executive Ethics Commission (“EEC”) may levy an administrative fine for a violation of section 5-45 of the Ethics Act of up to three (3) times the total annual compensation that would have been obtained by the C-List Employee in violation of section 5-45.

V. Duties of the University Ethics Officer

The Ethics Officer or his or her delegee shall have the following responsibilities with respect to the revolving door prohibition and its effect on University employees:

- To cause, with the assistance of the Human Resources Department, new hires, transferees, or promotions to a position listed in the University’s C-List to receive notice as soon as practicable that they are C-List Employees subject to the revolving door prohibition.
- To maintain a current roster (the “C-List Roster”) of the names of all University C-List Employees.
- To maintain a current roster (the “H-List Roster”) of the names of all University H-List Employees.
- To remind all employees on the C-List Roster, on an annual basis, that they are C-List Employees.
- To provide answers and assistance, to the best of his or her reasonable ability, to employees with questions about the revolving door prohibition and revolving door determinations.
- To provide information to the OEIG and the EEC as either agency may request or as otherwise required by law.

¹ This information regarding the legal sanctions set forth in section 50-5 of the Ethics Act, 5 ILCS 430/50-5, is for informational purposes only.

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RECOMMENDED: /s/ Kaitlyn Anne Wild
Kaitlyn Anne Wild, Director of
Compliance & Ethics Officer

DATE: 12-14-2023

APPROVED: /s/ Corey S. Bradford
Corey S. Bradford, Sr., Ph.D.,
Acting President

DATE: 12-14-2023

Copy of Policy with original signatures is available upon request.

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