

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, 5ILCS 430/1-5.

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 District and any other time when the employee is executing his or her official duties, regardless of location.

Prohibited Political Activity

“Prohibited political activity” means:

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 any 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 poles on Election Day or 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 for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, 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

No employee shall intentionally perform any prohibited political activity during any compensated time. No Board member or employee shall intentionally sue 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.

Limitation on Receiving Gifts

“Prohibited source,” means 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.

“Gift” means 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.

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 fundraising 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, stepbrother, stepsister, half-brother, half-sister and including the father, mother, grandfather or grandmother of the individual’s spouse and the individual’s fiancée 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 or the individual who gave the gift personally or sought a tax deduction or business reimbursement for the gift; and c) whether to the actual knowledge of the recipient or 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 \$75.00 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 deliverable family members.
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 had not been offered or enhanced because of the official position or employment of 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
 11. Bequests, inheritances and other transfers at death.
 12. Any items or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.

Each of the list exceptions is mutually exclusive and independent of every year.

Ethics Advisor

The Superintendent shall appoint the Principal as Ethics Advisor for the 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 three (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 two Commissioners. A quorum shall consist of two (2) Commissioners and official action by the commission shall require the affirmative vote of two (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 forty-eight (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 of 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.

LEGAL REF: 5 ILCS 430/1.1 et.seq.

ADOPTED: August 24, 2005