



## **Ethics Policy**

Each member of the Board of Trustees will conduct themselves in accordance with all local, state, and federal statutes, as well as, all College of DuPage policies, procedures, regulations, and ordinances. The Board adopts in its totality the "Ethics Ordinance" prescribed by the *Illinois Employee Ethics Act*, 5 ILCS 430, as part of its policies.

In compliance with the *Illinois Employee Ethics Act*, the following is applicable:

### **Gift Ban**

No trustee or employee and no spouse of, or immediate family member living with, any trustee or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates the Gift Ban.

Exceptions: This Gift Ban is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the trustee or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any contribution that is lawfully made under the Election Code; or any 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, aunt, uncle, 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: (i) 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; (ii) 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 (iii) 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 trustees 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 (i) consumed on the premises from which they were purchased or prepared, or (ii) catered. For the purposes of this Section, "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 trustee or employee), if the benefits have not been offered or enhanced because of the official position or employment of the trustee or employee, and are customarily provided to others in similar circumstances.
- (10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to a trustee or employee from another trustee or employee, and "inter-governmental gift" means any gift given to a trustee or employee by a trustee 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 exceptions listed above are mutually exclusive and independent of every other.

Disposition of gifts: A trustee or employee, his or her spouse, or an immediate family member living with the trustee or employee does not violate this Gift Ban 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 Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

Pursuant to this Policy, Trustees and employees shall not engage in the following conduct or activities:

- (a) No trustee or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No trustee or employee shall intentionally use any property or resources of College of DuPage in connection with any prohibited political activity.
- (b) At no time shall any trustee or employee intentionally require any other trustee or employee to perform any prohibited political activity (i) as part of that trustee's or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).
- (c) No trustee or employee shall be required at any time to participate in any prohibited political activity in consideration for that trustee 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 trustee or

employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

- (d) Nothing in this Section prohibits activities that are permissible for a trustee or an employee to engage in as part of his or her official duties, or activities that are undertaken by a trustee or employee on a voluntary basis which are not prohibited by the College's Ethics Ordinance.
- (e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or a trustee of a political committee, of a political party, or of a political organization or club.

### Prohibited Political Activities

For purposes of this Policy, "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 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.

Penalties

A Trustee or employee who violates any provision of the Ethics Ordinance, may be subject to the following punishment in accordance with the *Illinois Employee Ethics Act*, 5 ILCS 430/50-5:

- (a) A person who intentionally engages in a prohibited political activity may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (b) A person who intentionally violates the Gift Ban is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- (c) Any person who intentionally makes a false report alleging a violation of any provision the Ethics Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (d) A violation of any prohibited political activity shall be prosecuted as a criminal offense by an attorney for College of DuPage by filing in the circuit court an information, or a sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation the Gift Ban may be prosecuted as a quasi-criminal offense by an attorney for College of DuPage or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.
- (e) In addition to any other penalty that may be applicable, whether criminal or civil, a trustee or employee who intentionally violates the Ethics Ordinance, is subject to discipline or discharge.

A complete statement of the "Ethics Ordinance" prescribed by the *Illinois Employee Ethics Act* appears in Appendix A of this Board Policy Manual.

Note: Board Policy 15-27, Confidential Reporting of Wrongdoing, will be used to administer discloses of allegations of non-compliance with this Ethics Policy.

Adopted: March 19, 2009	Reviewed:	Amended: July 16, 2009
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