

# ILLINOIS STATE UNIVERSITY

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## **2009 ANNUAL ETHICS TRAINING FOR UNIVERSITY EMPLOYEES:**

A University Program for New Employees ,Undergraduate Student Workers,  
and Non-Permanent Employees

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This training course has been developed in accordance with requirements of  
the *State Officials and Employees Ethics Act* (5 ILCS 430/5-10)

## INTRODUCTION

Unless you are just joining Illinois State University, you have likely participated in or heard about "ethics training." In prior years, this instruction was delivered by the Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG). All state public universities received approval from the OEIG to create and host our own version of the training program, beginning in 2009.

This brief training document will cover the main elements of the *State Officials and Employees Ethics Act* (5 ILCS 430, viewable at [www.ilga.gov/legislation/ilcs/ilcs.asp](http://www.ilga.gov/legislation/ilcs/ilcs.asp)), which was passed in December of 2003. The *State Officials and Employees Ethics Act* requires all state public university employees to complete ethics training annually. This training is administered on a calendar year basis.

## WHY TRAIN?



Not only does the law require your training compliance, but ethics plays a central role in business and social settings alike, so it is important to understand and demonstrate the highest ethical standards.

## Types of Training

- **New Employees:** If you are a newly hired employee, you must complete this training to satisfy a clause within the law requiring exposure to the *Ethics Act* within thirty (30) days of your hire date.
- **Seasonal/Temporary Employees:** If you are an undergraduate student worker, temporary extra help employee, or other non-permanent employee, this training is approved for your annual use.
- **Permanent Employees (faculty, staff, etc.):** Permanent employees must complete an interactive, online course annually during a designated window. The ISU Ethics Officer will let you know the training dates and whether you are required to complete this course. The condensed version of the training used for undergraduate students, extra help, and other non-permanent employees is not a substitute for the interactive online training provided to permanent employees.
- **University Board of Trustees:** Public state university board members must complete an annual training program that is specifically designed for appointees.

## ETHICS OFFICERS

Each state public university and every state agency has an Ethics Officer who serves as the liaison between the institution and the Inspector General. Some responsibilities of the Ethics Officer include: developing and/or administering annual ethics training; reviewing the Statement of Economic Interests forms for officers and senior employees; and providing guidance on interpretation and implementation of the *Ethics Act*. Guidance on interpretation of the *Ethics Act* is based on court decisions, Attorney General opinions, and advisory opinions and rulings of the Executive Ethics Commission. For more information about the Illinois State University Ethics Office please go to [www.ethics.ilstu.edu](http://www.ethics.ilstu.edu).

## ANNUAL ETHICS TRAINING

The *State Officials and Employees Ethics Act* (5 ILCS 430/5-10) requires all Illinois State University employees to complete, at least annually, an ethics training program conducted by their state agency. It also requires that new employees complete ethics training within thirty (30) days of their initial employment or appointment. This training program is intended to allow you to meet your obligation to comply with those requirements. You will be notified by Illinois State University each calendar year when you are required to complete annual ethics training. For the purposes of annual ethics training, employees are defined as individuals who receive a paycheck from the University. The Inspector General's Office establishes the training frequency and general content guidelines. Illinois State University training programs are developed within these standards. Employees who do not complete the training as directed may be subject to disciplinary action.

## GIFT BAN

The gift ban section is one of the most common areas of exposure to the *Ethics Act* in the university environment. As a result of Illinois State University's diverse mission, employees at all levels may be presented with opportunities and gifts from vendors that either do business with or are seeking to do business with ISU.

**Current vendors, as well as those who are interested in doing work for Illinois State University, are considered prohibited sources.** This means you, as well as any member of your immediate

family living with you, must abide by the gift ban and the 12 exceptions included within the law when determining whether or not you can accept a gift or privilege from a prohibited source. Even when a gift is permitted under the *Ethics Act*, you must be aware of the public perception that is created when a state employee or member of his or her immediate family receives a gift from a prohibited source. In some cases, it may be prudent to decline the gift.



In order for you to be able to accept a gift, including outings and food, from a prohibited source, one of the following exceptions must be met (there are a few more listed in the *Ethics Act*, but the most frequently occurring exceptions are detailed below):

- The gift is valued at less than **\$100** (*you can accept up to \$100 in gifts, cumulatively, from a single prohibited source during the calendar year.*)
- The offering is made to the general public.
- You pay market value for the gift.
- The offering is all of the following: classified as one that has a close connection to your employment, predominately benefits the public, furthers ISU's mission (such as textbooks), and is approved by the Ethics Officer.
- The gift is from a relative.
- The offering is provided on the basis of personal friendship, not in expectation of business.
- The gift is food and beverage not exceeding **\$75** total value in a single calendar day.
- The gifts are between Universities or state agencies or departments.

If in doubt, call your Ethics Officer before accepting a gift. If you do accept a gift, maintain documentation of how you complied with the law in anticipation of potential questions in the future. It is important to note that there may be campus or departmental policies which place greater restrictions on the acceptance of gifts. In addition to the *Ethics Act*, you must also adhere to these policies.

### **Handling Gifts Received in Accordance with the Law:**

If you receive a gift from a prohibited source, you can rectify the situation and not be in violation of the law if you immediately do any of the following:

- Return the gift to the giver.
- Donate the gift to a 501(c)3 charitable organization.
- Give an amount of equal value to a 501(c)3 charitable organization.

## **PERSONNEL POLICIES**

The *Ethics Act* also requires Illinois State University to implement personnel policies related to work time requirements, documentation of time worked, documentation of reimbursement for travel for University business, compensation, and accumulation of benefits. As a state employee you are required to periodically submit time sheets documenting the time spent each day on official state business to the nearest quarter hour. Contractual employees (e.g., academic professionals and faculty) may satisfy the time reporting requirements by complying with the terms of their contract. Your department can assist you in explaining the standard practice within your unit.

## **CONFLICTS OF INTEREST**

Actual or potential conflicts of interest exist when you have an opportunity to improperly advance your own interests or those of family members or friends above the interests of the State or Illinois State University. These conflicts need to be disclosed, according to the respective ISU policy, and appropriately managed or avoided. Each potential or actual conflict scenario is unique and employees are advised to thoroughly review the related University policy and consult with designated experts, supervisors, or the Ethics Officer as necessary.

### **Examples of Potential Conflicts of Commitment and/or Interest:**

- You have or your spouse has an ISU contract or a significant financial interest in a company doing business with ISU.
- Your own personal interest is a detriment to the University's self-interest.
- The conflict of commitment or interest interferes with your University duties and responsibilities.
- The abuse of position and authority to divert University business to a private interest or for personal financial gain.

## PROHIBITED POLITICAL ACTIVITY



The *Ethics Act* goes into significant detail, listing specific political activities considered to be prohibited. The basic definition of prohibited political activity includes any activities that are in support of a specific candidate, political party, or referendum while conducting Illinois State University business, using University property, or acting as a representative of the University. Political activity is a complex topic in regard to higher education. As an employee, you should understand the restrictions.

Prohibited political activity includes, but is not limited to: soliciting campaign contributions or votes, assisting at the polls, circulating petitions, and hosting rallies for individuals who have announced their candidacy for political office. Though these activities are not allowable while conducting your work duties, they are permissible if you are outside of work and are not inappropriately using Illinois State University property or resources. You may be involved in these types of political activities during your typical work hours if you use appropriate benefit time to attend the function. Examples of prohibited activities range from things as simple as placing a campaign contribution jar on an office desk for a candidate's fund, to actively soliciting votes for a particular candidate, or even a specific political party, while on work time. Additionally, the *Ethics Act* also prohibits your supervisor from requiring you to perform prohibited political activities as part of your employment duties or as a condition of your employment.

**Prohibited Offer or Promise:** You cannot promise anything of value related to Illinois State University business in consideration for a contribution to a political committee, political party or candidate for political office.

- **What is "anything of value related to Illinois State University business"?**


Examples of this include:

- job positions or appointments at Illinois State University,
- promotions,
- salary increases,
- the award of a contract

**Contributions on Illinois State University Property:** Political campaign contributions cannot be solicited, accepted, offered or made on state or University property.

- **What is "state or University property"?**  
Any building or portion of a building owned or exclusively leased by the State of Illinois or Illinois State University. This includes an office of the state or Illinois State University within a privately owned office building.
- **What is NOT "state or University property"?**  
Any portion of a building that is rented or leased from the state or Illinois State University by a private person or entity is not state or Illinois State University property. For example, a privately owned restaurant within a state/ISU building or a private party being held in a part of a state/ISU building that the private person has rented for the evening would not be considered state or Illinois State University property.

*An inadvertent solicitation, acceptance, offer, or making of a contribution is **not** a violation if reasonable and timely action is taken to return the contribution to its source.*

	<p><i>Utilization or posting of this image would <b>not</b> be considered a prohibited political activity per the State Officials and Employees Ethics Act because it does not promote any one political party, candidate, or event.</i></p>
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## **WHISTLE BLOWER PROTECTION**

The *Ethics Act*, as well as Illinois State University policy, protects employees who, in good faith, report or threaten to report an act or omission they believe to be a violation of law, policy, or procedure.

## **Retaliatory Action**

Illinois State University cannot retaliate against you for engaging in any of the following protected activities:

- **Disclosing or threatening to disclose any practice or action you reasonably believe is in violation of the law.**
- **Providing information or testifying about any violation of the law by any officer, member, University employee, state agency, or Illinois State University.**
- **Assisting or participating in a proceeding to enforce the *Ethics Act*.**

*Retaliatory action* is defined as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that is taken in retaliation for involvement in protected activity. It is not a violation if the employer can demonstrate, by clear and convincing evidence, that the same personnel action would have been taken even in the absence of the protected activity. Employees may bring a civil action to seek reinstatement and/or damages for illegal retaliation.

## **REVOLVING DOOR PROHIBITION**

The revolving door prohibition applies to any former officer, board member, state employee, or immediate family member living with such person who, within a period of one year immediately after termination of State employment, knowingly accepts employment or receives compensation or fees for services from a person or entity if the officer, board member, or State employee, during the year immediately preceding termination of State employment:

1. Participated substantially in awarding the vendor a contract for services of **\$25,000** or more.
2. Was involved with a regulatory or licensure decision that directly applied to the person or entity.

If you meet one or both of the above criteria, there is a waiver process that may allow the otherwise prohibited employment or compensation. The rules governing the waiver process, Section 1620.610, are available on the Executive Ethics Commission web site at <http://www.illinois.gov/eec>. This waiver process has been defined by the Illinois Executive Ethics Commission. If you have questions regarding the revolving door prohibition, you should contact the ISU Ethics Officer or visit the Illinois Executive Ethics Commission's web site.

## **EXECUTIVE ETHICS COMMISSION, EXECUTIVE INSPECTOR GENERAL**

The Illinois Executive Ethics Commission (Ethics Commission) is comprised of nine appointed commissioners, each serving a four-year term. The Commission's duties include: conducting administrative hearings on alleged violations of the *Ethics Act*, considering petitions for revolving door waivers, providing guidance to the Ethics Officers, and overseeing ethics training for all employees of the executive branch of state government. For additional information about the Illinois Executive Ethics Commission, visit its web site at: [www.eec.illinois.gov](http://www.eec.illinois.gov).

For Illinois State University employees, the Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) serves as the Executive Inspector General. This position is appointed by the Governor of the State of Illinois for a term of five years.

Established in 2003, the OEIG acts as an independent state agency, whose primary function is to investigate fraud, abuse and violations of laws, rules and policies in state government. It investigates reported allegations of misconduct by the employees, appointees, elected officials, and state vendors under its jurisdiction.

The OEIG's jurisdiction includes State Public Universities, certain Illinois Community College Districts, the Office of the Governor, the Office of the Lieutenant Governor, and all state agencies and departments of the executive branch of state government, except for those agencies under the jurisdiction of the Offices of the Attorney General, the Comptroller, the Treasurer, and Secretary of State.

Additionally, the OEIG has responsibility for investigating reported misconduct by those (such as contractors or vendors) who conduct business with state employees or entities under the OEIG's jurisdiction.

For additional information about the Office of Executive Inspector General for the Agencies of the Illinois Governor, visit its web site at: [www.inspectorgeneral.illinois.gov](http://www.inspectorgeneral.illinois.gov).

## **COOPERATING WITH INVESTIGATIONS**

If you are contacted by an individual from the Inspector General's Office to participate in an investigation, the law requires that you cooperate. In order to conduct their business in a confidential manner, the investigators may ask that you not share any details of your discussion. You are expected to respond to the questions of the investigator factually, without inference or presumption.

Upon being contacted, you will have an opportunity, if you wish, to ask whether you are the subject of an investigation or a witness and whether you can have another person attend the meeting with you (e.g., union representative, personal attorney, friend, or co-

worker). Though your Ethics Officer is unable to discuss the details of your interview, he or she can assist in regard to further explaining the law and the related process.

Additionally, your Ethics Officer is a resource to assist in the collection and delivery of documents requested by the Inspector General investigator to ensure compliance with state and federal privacy requirements such as *Health Insurance Portability and Accountability Act (HIPAA)* and *Family Educational Rights and Privacy Act (FERPA)*.

**Effective July 1, 2008, requests for documents and materials from Illinois State University employees by an Inspector General investigator must be made in writing (Illinois Executive Ethics Commission rule Section 1620.300).**

## **REPORTING POSSIBLE OR ALLEGED MISCONDUCT**

As a state employee, it is your ethical duty to report violations of laws, rules, or regulations by another State (including University) officer, employee or vendor relating to State/Illinois State University business. To report a non-emergency violation of law, rule or regulation, you should contact the Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) via its toll-free Hotline at 866-814-1113. For those who require it, the OEIG may also be contacted toll-free via a Telecommunications Device for the Deaf (TDD) at 888-261-2734.

In the event of an emergency situation requiring an immediate police response, you should contact the Illinois State Police or the county, municipal or campus police agency that can provide the fastest response (for example, by dialing 911). Examples of emergency situations include those that involve the illegal use or possession of a weapon, bodily injury or threat of bodily injury, or criminal sexual assault.

All spoken or written statements to the OEIG, whether in reporting an incident or participating in an investigation, must be truthful and believed to be factual by the communicating employee.

## **PENALTIES WITHIN THE LAW**

There are several penalties for noncompliance within the *Ethics Act*, including misdemeanor criminal charges, personal fines, and discipline or discharge. It is important that you not only understand the requirements of the law, but that you comply with its various aspects. If you have any questions or concerns, you can always contact your Ethics Officer.

## THANK YOU!

Thank you for completing your annual ethics training as required by the *Ethics Act*. Please note ethics training is required annually, based on the calendar year. Continued employment as an undergraduate student worker, temporary extra help employee, or other non-permanent employee will require you to complete this program again in the coming calendar year.

To be properly credited for participating in ethics training, please complete and return the signature page to the Illinois State University Ethics Office via campus mail or United States mail at:

**University Ethics Office  
208 Hovey Hall  
Campus Box 1280  
Illinois State University  
Normal, Illinois 61790**

*Original signed forms are required; faxed copies cannot be accepted.*

If you have any questions or concerns, please contact the University Ethics Office via email at: [ethics@IllinoisState.edu](mailto:ethics@IllinoisState.edu) or by phone at: 309-438-3383.

# Illinois State University

I acknowledge that I have carefully read and reviewed all of the subject matter contained in the

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**I certify that I understand that my failure to comply with the laws, rules, policies and procedures referred to within this training course may result in disciplinary action up to and including termination of University employment, administrative fine, and possible criminal prosecution, depending on the nature of the violation.**

\_\_\_\_\_  
Name  
(print: last name, first name, middle initial)

\_\_\_\_\_  
Date of Birth  
(mm/dd)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department

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