

ETHICS ORIENTATION FOR NEW HIRES NORTHERN ILLINOIS UNIVERSITY EMPLOYEES

Revised 2012

This training course has been developed in accordance with requirements of the *State Officials and Employees Ethics Act* (5 ILCS 430/5-10). It has been developed for this purpose under the direction of the University of Illinois and modified for Northern Illinois University.

INTRODUCTION

Unless you are just joining the University, you have likely participated in or heard about "ethics training." This training document will cover the main elements of the *State Officials and Employees Ethics Act* (5 ILCS 430, available at www.ilga.gov/legislation/ilcs/ilcs.asp) and other ethics-related laws and policies applicable to state employees. The *State Officials and Employees Ethics Act* (*Ethics Act*) requires all Northern Illinois University employees to complete ethics training at least once each calendar year.

WHY TRAIN?

Not only does the law require you to complete ethics training each year, but ethics plays a central role in business and social settings alike, so it is important to understand and demonstrate the highest ethical standards. **Please note that in the first year of employment, employees are expected to complete an ethics training orientation program in addition to satisfying the annual ethics training requirement.**

Training Requirement

- **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 the first 30 days of your hire date.
- **Employees (faculty, staff, students, etc.):** must complete an interactive, online course annually during a designated window. The University Ethics Officer will let you know the training dates and whether you are required to complete this course.
- **University Board of Trustees:** Public state university board members must complete an annual training program that is specifically designed for appointees.

The Inspector General requires training and understanding of the following subject areas.

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ETHICS OFFICERS

Each University and every state agency has an Ethics Officer who serves as the liaison between the institution, the appropriate Inspector General and the Executive Ethics Commission. Some responsibilities of the Ethics Officer include: developing and/or administering annual ethics training; reviewing the Statement of Economic Interests forms for officers and certain other employees; and providing guidance on interpretation and implementation of the *Ethics Act*. Interpretation of the *Ethics Act* is based on court decisions, Attorney General opinions, and the findings and opinions of the Executive Ethics Commission. Ethics Officer work products are exempt from *Freedom of Information Act (FOIA)* requests. At NIU, the Ethics Officer is Steven D. Cunningham, Vice President, Human Resources and Compliance, 815-753-6021; Ethics Training Administrators, Deborah Haliczzer, and Karen Smith, HRS Employee Relations 815-753-6039.

The Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) establishes the hours and training frequency and provides standards to guide the development of ethics training programs. The topics covered throughout the remainder of this document reflect these OEIG requirements.

ANNUAL ETHICS TRAINING

The *State Officials and Employees Ethics Act* (5 ILCS 430/5-10) requires university employees to complete, at least annually, an ethics training program conducted by their university. It also requires that new employees complete ethics training within 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 the 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, and Board of Trustee appointees. Employees who do not complete the training as directed may be subject to disciplinary action and those who fail to do so in compliance with the law may face an administrative fine by the Executive Ethics Commission.

GIFT BAN

The gift ban section of the *Ethics Act* is highly relevant in the University environment. As a result of the University's diverse mission, employees at all levels may be presented with gifts (e.g., gratuity, discount, entertainment, hospitality, loan, forbearance, item having monetary value, honoraria related to employment or position, etc.) from a prohibited source.

“If in doubt, call your Ethics Officer before accepting a gift.”

Current vendors, along with their spouses and immediate family members living with the vendor, as well as those who are interested in doing work for the University, are considered to be prohibited sources. Further, a prohibited source is any individual or entity that conducts or seeks to conduct business with the University or any other state agency. Most importantly, those seeking official

action or who have interests that may be substantially affected by the performance or non-performance of the official duties of a University employee or the University are considered prohibited sources.

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 may solicit or accept a gift 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 order for you to be able to solicit or 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 less than \$100 in gifts, cumulatively, from a single prohibited source during a calendar year).
- You pay market value for the gift.
- The offering is of educational materials and missions and is all of the following: classified as one that has a close connection to your employment, predominately benefits the public, furthers your University's mission, and is approved in advance of acceptance, if practical, by the University Ethics Officer. Post acceptance approval is required if advance approval was not practical.
- The gift is from a relative.
- The offering is provided on the basis of personal friendship, not in expectation of an official act.
- The gift is food and beverage not exceeding \$75 total value in a single calendar day (the food and beverage must be catered and consumed at the event location).
- The gifts are between University employees, Universities or state agencies, or departments.
- Bequests, inheritances, and other transfers at death.

A full listing of the exceptions provided within the *Ethics Act* can be found at:
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ChapterID=2&ActID=2529>.

Any gift offered in an effort to influence the official actions of an employee is inappropriate and must not be accepted. If in doubt, call your Ethics Officer if you have any questions or concerns regarding a gift. 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. University-wide policies can be found at: <http://www.compliance.niu.edu/>. Employees should refer to their department for additional policies and procedures.

What to do with Prohibited Gifts Accepted Unintentionally:

If you unintentionally accept a gift from a prohibited source, you may correct 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 IRS recognized charitable organization.
- Make a contribution equal to the value of the gift to a 501(c)3 IRS recognized charitable organization.

If you unintentionally accept a prohibited gift, maintain documentation of how you complied with the law in anticipation of potential questions in the future.

Knowledge Check:

Recently, several University vendors were on campus for employees to sample and learn more about their products. The vendors provided employees with key chains, lanyards, pens, and memo pads. Employees provided their business cards at the door to allow vendors to contact them following the expo. Unknown to attendees, those business cards were used to enter them into a drawing being held for a new laptop that was donated by one of the vendors. Louise won the drawing when her business card was randomly selected from the population of attendees.

What options does Louise have related to the laptop?

- A. Louise can refuse the gift.

- B. Louise can make a charitable donation equal to the fair market value of the laptop.
- C. Louise can donate the laptop to a charitable organization.
- D. Louise can accept the laptop and take no further action.

The correct responses are: A, B, and C.

Explanation:

Since Louise was unaware her business card would be used to enter her into the drawing, her receipt of the gift was unintentional, and because the laptop is a gift valued at equal to or greater than \$100, the limit established by the Ethics Act, Louise has several options. She can return the laptop to the vendor, make a charitable donation equal to the fair market value of the laptop, or donate the laptop to a charitable organization. Louise should maintain documentation of whatever action she chooses.

Please Note: The gift ban is not written to allow an employee to donate only the portion of the gift that exceeds the allowable limit. Instead, it requires that the full amount of the gift be donated. In this scenario, Louise must donate the full value of the laptop – not the full value minus the \$100 allowance provided within the gift ban exceptions.

PERSONNEL POLICIES

The *Ethics Act* also requires the 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 university employee, you are required by law to periodically submit time sheets documenting the time spent each day on official state business to the nearest quarter hour. Your department can assist you in explaining the standard practice within your unit. This information must be detailed and truthful. Any falsification is considered fraud and is a theft of resources punishable by discipline up to and including termination.

USE OF STATE PROPERTY AND RESOURCES

University policy and good business practice do not allow for the use of University resources, including both tangible and intangible goods, such as equipment and time, to be misappropriated for non-business purposes. In the following two sections, Conflicts of Interest (which include, among other things, second jobs outside the University) and Prohibited Political Activities will be discussed. Though these aspects are highlighted with special distinction in this training program, it is important to remember that any improper use of University property, equipment, or time while working, violates University policy and procedure.

ADHERENCE TO POLICIES

Additionally, as employees, it is important to be aware of and review institutional policies related to technology use, telephone use, procurement, hiring practices, and more, to better understand our role as stewards of the University and its resources. It is important to note that as employees, we are governed by a multitude of state, campus, and departmental policies, and it is our responsibility to become educated in these areas to allow us to make informed decisions in the best interest of the University. More information specific to policies can be found at:

www.niu.edu/board/regs/sectionII.shtml#anchor803627

www.its.niu.edu/its/policies/sasp.shtml

<http://its.niu.edu/its/policies/au.shtml>

www.compliance.niu.edu/TimeReporting/About SOEEA.cfm

www.niu.edu/board/regssectionII.shtml#anchor803627

www.niu.edu/procurement/policies/index.shtml

www.compliance.niu.edu/Ethics/Procurementcommunications.cfm

STATEMENT OF ECONOMIC INTERESTS

The Statement of Economic Interests form is a disclosure required by the *Illinois Governmental Ethics Act* to be filed with the Office of the Secretary of State. A small percentage of University employees are required to submit this form by May 1st annually. The University coordinates this process with the Secretary of State, providing the mailing addresses for all employees who are required to file. Those individuals required to file are notified early each spring via the address provided to the Secretary of State. The *Governmental Ethics Act* identifies certain categories of individuals who are required to file a Statement of Economic Interests form, including but not limited to: members of the Board of Trustees; deans, directors, and department heads; persons who have supervisory authority over, or direct responsibility for the formulation of contracts; persons who supervise 20 or more University employees; and employees who have responsibility with respect to the procurement of goods and services. The *Ethics Act* requires that University Ethics Officers review employee Statements prior to submitting them to the Secretary of State for filing. Please refer to your University Ethics Officer for more detailed filing instructions. You may also refer to Section 4A-101 of the *Illinois Governmental Ethics Act* (5 ILCS 420).

Knowledge Check:

Kenny has heard that some of his colleagues are filing a Statement of Economic Interests form and wonders if everyone is required to do so.

Are all University employees required by law to complete a Statement of Economic Interests form annually?

- A. Yes, all University employees are required to file a Statement of Economic Interests form.
- B. No, not all University employees are required to file a Statement of Economic Interests form.

The correct response is B.

Explanation of the answer:

The law defines those individuals who must complete a Statement of Economic Interests form annually, but the requirement does not apply to all employees. In fact, those who are required to file are only a fraction of the total University population. If you are required to file a Statement of Economic Interests form, the Office of the Secretary of State will mail a form to you in mid-March, annually. Typically, these forms are mailed to your home mailing address on record with the University. Completed forms should be returned to your University Ethics Officer as directed, prior to the submission deadline.

PROCUREMENT COMMUNICATIONS REPORTING REQUIREMENT

Another requirement of state law, derived from the Illinois Procurement Code (30 ILCS 500/50-39), states that employees receiving communications, written or oral, that impart or request material information or make a material argument regarding potential action concerning a procurement matter (e.g., application, contract, project, or proposal) must report that written or oral communication to the Procurement Policy Board via its Web site at: <http://pcrs.illinois.gov>. Each University employee who is party to a reportable discussion is required to file a report. This reporting requirement does not involve communications related to existing contracts unless a change order is being discussed or the contract is being renegotiated.

For further instructions related to the reporting process, including instructions for completing the form itself, please visit the Procurement Policy Board's Web site. The reports will be published for public viewing at:

<http://pcrs.illinois.gov>. If you believe you have been involved in a communication with an outside party that requires reporting, please consult your University Ethics Officer to ensure your compliance with the Illinois Procurement Code. Further information is available on the University website at:

www.niu.edu/procurement/policies/index.shtml

www.compliance.niu.edu/Ethics/Procurementcommunications.cfm

.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 University. These conflicts need to be disclosed, according to the appropriate University 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.

The University's Policy on Conflicts of Commitment and Interests for Academic Professional employees can be found at: www.niu.edu/board/regs/sectionII.shtml#anchor803627

Examples of Conflicts of Commitment and/or Interest:

- You have or your spouse has a University contract or a significant financial interest in a company doing business with the University.
- An opportunity for you to advance personally conflicts with the action that would be in the best interest of the University.
- You have a conflicting interest, such as a second position outside of the University that interferes with your ability to satisfy your University duties and responsibilities.
- You abuse your position and authority to divert University business to a private interest or for personal financial gain.

Knowledge Check:

Peter is part of the University's civil service staff. He's also an Illinois High School Association (IHSA) certified referee, and he's employed by local high schools to officiate games outside of his regular responsibilities for the University. Peter earns between \$50 and \$75 per event and officiates several evening sporting events each week.

May Peter list his University telephone number and address in the IHSA records so he can be notified promptly of any schedule changes or cancellations?

- A. Yes, Peter can use whichever information he deems most convenient.
- B. No, Peter may not use University property for an outside income-producing activity.

The correct response is B.

Explanation of the answer:

Using his University telephone to conduct business related to a second position outside of the University is not appropriate and presents a conflict of interest. If Peter supplied his University phone number in the past, he should immediately replace the number and any other information he may have provided (such as University email) with personal contact information.

Similarly, it would be inappropriate for an employee working as a private consultant or an independent salesperson (Mary Kay, Avon, Tastefully Simple, etc.) to promote this type of outside business or solicit sales during University time or while using University resources.

PROHIBITED POLITICAL ACTIVITY

The *Ethics Act* goes into significant detail, listing specific political activities that are prohibited. The basic definition of prohibited political activity includes activities that are in support of a specific candidate or political organization, or those activities that are either in support of or in opposition to a referendum, while conducting University business, using University property or resources, or acting as a representative of the University. 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 elective office. Though these activities are not allowable while conducting your work duties, they are permissible if you are outside of that time and are not using University property or resources, such as, but not limited to, telephones, vehicles, tools, copiers, fax machines, email accounts, and computers. You may be involved in these types of political activities during your typical work hours if you use vacation or compensatory time off to perform the activity and do not intentionally misappropriate any state property or resources. 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* states that it is illegal for any supervisor to intentionally misappropriate the services of any university employee by requiring that employee to perform any prohibited political activity as part of their job duties, as a condition of their employment, or during any time off that is compensated by the university (such as vacation, personal, or compensatory time off).

Prohibited Offer or Promise: You or a candidate for elective office cannot promise anything of value related to University business in consideration for a contribution to a political committee, political party or candidate for elective office. If you are offered anything of value for your engaging in prohibited activity, such offer must be reported to the University Ethics Officer or the OEIG.

- **What is "anything of value related to University business"?**
Examples of this can include job positions or appointments at the University, promotions, salary increases, the award of a contract, title changes, increased paid time off, or other employment benefits.

Contributions on 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 the University. This includes an office of the state or 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 University by a private person or entity is not state or University property. For example, a privately owned restaurant within a state/University building or a private party being held in a part of a state/University building that the private person has rented for the evening would not be considered state or 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.*



Knowledge Check:

Kendra would like to post the image to the left on her office door during the upcoming elections.

Would this be permissible per the Ethics Act?

- A. Yes, Kendra would be allowed to post the image.
- B. No, posting the image would put Kendra in violation of the *Ethics Act*.

The correct response is A.

Explanation of the answer:

*Utilization or posting of this image would **not** be considered a prohibited political activity per the Ethics Act because it does not promote any political organization or candidate for elective office or is not for or against any referendum question.*

WHISTLE BLOWER PROTECTION

The *Ethics Act*, as well as 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.

Protected Activities

The University or an employee of the University cannot retaliate or threaten retaliation against you for engaging in any of the following protected activities:

Under the *Ethics Act*:

- Disclosing or threatening to disclose to a supervisor or a public body, any practice, activity, or policy of a state or university employee or state agency or university that you reasonably believe is in violation of the law.
- Providing information to or testifying before a public body about any violation of the law, rule, or regulation, including but not limited to violations of the *Freedom of Information Act*, disclosing to a supervisor or public body, any practice, activity, or policy of a state or university employee, by any officer, member, University employee, state agency, or the University.
- Assisting or participating in a proceeding to enforce the *Ethics Act*.

Under the *Whistleblower Act*:

- It is generally unlawful for any employer to retaliate or threaten retaliation for an employee's disclosure of information to a government or law enforcement agency if the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation. Violation of this Act is a Class A misdemeanor.

Retaliatory action is defined as reprimand, discharge, suspension, demotion, or denial of promotion or transfer, or change in the terms or conditions of employment of any State employee, which is taken in retaliation for involvement in protected activity. It is not a violation if the employer can demonstrate, by clear and convincing evidence, the same personnel action would have been taken even in the absence of the protected activity.

Individuals who take retaliatory action against whistle blowers are subject to disciplinary action up to and including discharge by the University, in addition to potential administrative action by the Executive Ethics Commission.

If an employer retaliates against an employee in violation of the Whistleblower Act, the employee may bring a civil action against the employer that may result in:

- reinstatement of employment and seniority rights;
- back pay, with interest; and,
- compensation for any damages including litigation cost, expert witness fees, and reasonable attorney's fees.

REVOLVING DOOR PROHIBITION

The Revolving Door Prohibitions state that no employee who participated personally or substantially in contract (\$25,000 or more) or licensure decisions can, within a year of leaving state employment, accept compensation or employment with a vendor of the state of Illinois. The prohibitions also apply to spouses and immediate family members living with the former employee.

Individuals subject to certain of the Revolving Door Prohibitions are notified of the restrictions and determination requirements by their Ethics Officer and are required to confirm acknowledgment of these restrictions and requirements. Employees subject to non-state employment restrictions are required to seek a determination from the Inspector General as to whether employment or compensation may be accepted from certain employers during the year immediately following termination of their University employment.

Specific instructions and forms related to the revolving door process for those who are subject to the Revolving Door Prohibitions can be found at: www.inspectorgeneral.illinois.gov. It is important to remember that the prohibitions only apply to a small number of University employees. If this prohibition applies to you, your Ethics Officer has likely already informed you of this restriction. To determine if the prohibitions apply to you, please contact your University Ethics Officer.

Please note there is no exception or determination process for the President, Chief Procurement Officer, State Purchasing Officer, and members of the Board of Trustees. Due to the nature of their State positions, they are strictly prohibited from revolving door employment. Employees eligible for the waiver determination process are provided with a notification and acknowledgment developed by the Office of the Governor. If you have questions regarding the revolving door prohibition, you should contact your University Ethics Officer or see the OEIG's Web site at: www.inspectorgeneral.illinois.gov for instructions and forms necessary to seek a determination.

If an employee is found to be in violation of the revolving door prohibitions, a fine of up to three times the total compensation that would have been obtained may be levied by the Executive Ethics Commission.

Knowledge Check:

When Joseph's wife is transferred out of state, he leaves the University. Immediately, he has a job offer from a vendor he recently worked with at the University on a very large contract.

Could accepting the job be a problem?

- A. Yes, accepting the job could be a problem.
- B. No, Joseph can accept the employment without any problems.

The correct response is A.

Explanation of the answer:

The revolving door prohibitions are a section of the Ethics Act that may be applicable in Joseph's case. These prohibitions are only applicable to a select group of University employees. Revolving door prohibitions restrict identified employees and their immediate family living with them from accepting non-state employment if they participated personally and substantially in awarding a contract of \$25,000 or more, including change orders, within the previous year. Prior to accepting such non-state employment, these individuals should consult the University Ethics Officer regarding the OEIG's process for seeking a determination regarding such opportunities.

TRUTHFUL ORAL AND WRITTEN STATEMENTS

As a University employee, you must be honest in all communications, regardless of whether they are oral or written. This includes, but is not limited to all work products, documents, conversations, and electronic communications. To avoid violating any law, rule, or policy, or intentionally committing fraud, be sure to fully review and complete your documents. Knowingly providing false, inaccurate, or incomplete information is punishable up to and including termination of employment.

Knowledge Check:

Through a regularly scheduled internal audit, Lisa learns that Ned, an employee under her supervision, has falsified his time reports.

Should Lisa consult with Human Resources and begin appropriate disciplinary action?

- A. Yes, because falsification of timecards is considered a theft of University resources.
- B. No, timecard falsification is not a violation of University policy.

The correct response is A.

Explanation of the answer:

Employees are expected to be honest and truthful in all communications, whether oral or written. This includes, but is not limited to documents such as timecards, records, reports, and email communications.

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. Falsification of timecards is considered a theft of University resources and is an action warranting disciplinary action up to and including dismissal.

Time reporting policies can be found at: [www.compliance.niu.edu/TimeReporting/About SOEEA.cfm](http://www.compliance.niu.edu/TimeReporting/About%20SOEEA.cfm)

EXECUTIVE ETHICS COMMISSION, EXECUTIVE INSPECTOR GENERAL

The Illinois Executive Ethics Commission (Executive Ethics Commission) is composed of nine appointed commissioners, each serving a four-year term. The Commission's duties include, but are not limited to: conducting administrative hearings on alleged violations of the *Ethics Act*, providing guidance to Ethics Officers, and overseeing ethics training for all employees of the executive branch of state government.

For additional information about the Executive Ethics Commission, visit its Web site at: <http://www2.illinois.gov/eec>.

For 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 is an independent state agency. Its primary function is to investigate fraud, abuse, and violations of laws, rules, and policies in governmental entities. The OEIG also has responsibility for investigating alleged violations by those doing business with entities under its jurisdiction.

The OEIG's jurisdiction includes:

- the Office of the Governor;
- the Office of the Lieutenant Governor;
- the Regional Transit Boards (i.e., RTA, CTA, Metra, and Pace);
- the state public universities; and
- all state agencies and departments of the executive branch of state government, except for those agencies under the jurisdiction of other executive branch constitutional officers, specifically the Attorney General, the Comptroller, the Treasurer, and the Secretary of State (other Inspectors General have jurisdiction over the four executive branch constitutional officers not under the OEIG's jurisdiction, and the state legislature).

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.

REPORTING VIOLATIONS OF LAW, RULE, REGULATION, OR POLICY

To put an end to misconduct it is important if you witness misconduct or have evidence of it, you report it to the proper authorities. As a University employee, it is your ethical duty to report violations of laws, rules, or regulations by another University officer, employee, or other relating to 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**. Questions and/or reports of alleged violations may also be submitted via the Internet at: <http://www.inspectorgeneral.illinois.gov>. For those who require it, the OEIG may also be contacted toll-free via a telecommunications device for the disabled (TTD) at 888-261-2734.

Alleged violations may be reported to the OEIG anonymously. However, in many instances, investigations may be conducted more efficiently if investigators are provided the identity of the person who reported the matter so, if necessary, investigators may ask follow-up questions to obtain additional information.

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

If anyone attempts to improperly influence your official actions as a University employee, particularly if there is an attempt by anyone to have you or another employee act or fail to act in a manner that is unlawful or violates University policies, it is your responsibility to immediately report this matter to the appropriate authorities.

In certain instances, a University employee's failure to report a violation is in itself a violation of the law, as may be the case where an employee fails to report a bribe (720 ILCS 5/33-2).

RIGHTS AND RESPONSIBILITIES IN INVESTIGATIONS

University employees who become involved in an investigation conducted by the Office of Executive Inspector General or the Illinois Attorney General have both rights and responsibilities with respect to these important functions. As a University employee, you have an obligation to cooperate in such investigations. This means, among other things, you must participate in interviews as requested, tell the truth, not withhold information, and respect the confidentiality of any investigation. It is also important that you know of your various rights with respect to investigations.

By law, every University employee must cooperate with and provide assistance to the Executive Inspector General and her or his staff in the performance of any investigation. In particular public universities must, to the extent permitted by applicable laws and the rules governing the conduct of Executive Inspectors General, make their premises, equipment, personnel, books, records, and papers readily available to the Executive Inspector General.

In the course of an investigation, investigators may question any University officer or employee, and any other person transacting business with a University. Investigators may also, to the extent permitted by applicable laws and the rules governing the conduct of Executive Inspectors General, inspect and copy and books, records, or papers in the possession of a University, including those made confidential by law. Investigators must take care to preserve the confidentiality of information contained in responses to questions or books, records, or papers that is made confidential by law.

Requests for production or viewing of documents or physical objects under University control must be made in writing by an Executive Inspector General. If the recipient of such a request believes that the release of the subject matter of the request might violate existing rights under state or federal law, the recipient has the right to seek a determination from the Executive Ethics Commission relative to such rights or protections.

The Executive Inspector General may compel any University employee to truthfully answer questions concerning any matter related to performance of his or her official duties. If so compelled, no statement or other evidence there from may be used against an 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. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements.

When instructed by an OEIG investigator, a University employee who participates in an investigative interview should not inappropriately disclose any matter discussed during the interview, or even the existence of the investigation, except for example, when necessary to consult with private legal counsel.

As a University employee, you have various additional rights during investigations, including those resulting from EEC rules (2 Ill. Adm. Code Section 1620.300), which specify:

If investigators reasonably believe an employee who is the subject of the investigative interview will likely face discipline, the investigators must notify the employee whether the underlying investigation is criminal or administrative in nature.

If the underlying investigation is **criminal** in nature, the subject interviewee must be presented a form that outlines the interviewee's rights during the interview, including **the right to the presence of an attorney, union representative, or coworker** uninvolved in the investigation.

If the underlying investigation is **administrative** in nature, the subject interviewee must be presented a form that outlines the interviewee's rights during the interview, including **the right to presence of a union representative, or coworker** uninvolved in the investigation.

In both criminal and administrative investigations, the subject interviewee must sign the above-mentioned form, attesting only to the fact that the form was presented to the interviewee and he or she was given the opportunity to read it.

Investigators may not infringe upon a University employee's right to seek advice from their ethics officer on the interpretation and implementation of the Ethics Act, or to seek advice from private legal counsel.

The full text of the rules governing OEIG investigations may be found at the EEC's Web site:

<http://www2.illinois.gov/eec>.

Even with OEIG's authority to request documents, the *Ethics Act* does not absolve the University and its employees from ensuring *Health Insurance Portability and Accountability Act* (HIPAA) and *Family Educational Rights and Privacy Act* (FERPA) sensitive information is appropriately protected. When responding to the OEIG, you may contact your Ethics Officer with any questions you may have regarding OEIG processes or compliance with state and federal laws, as the Ethics Officer is the designated liaison between the University and the OEIG.

Knowledge Check:

Henry, a University employee, is reluctant to participate in an OEIG investigation. He knows he must cooperate, so he answers the questions with which he feels comfortable. If he doesn't want to respond, he refuses to answer particular questions.

Is Henry's solution acceptable?

- A. Yes, Henry can selectively determine which questions he would like to answer.
- B. No, Henry must answer all questions, without presumption or inference.

The correct response is B.

Explanation of the answer:

University employees must cooperate with all OEIG investigations. Employees should respond to all inquiries truthfully, but are not expected to make any assumptions or guesses in situations where they truly do not know.

OFFICIAL MISCONDUCT

The *Illinois Criminal Code of 1961* (ILCS720/33-3) clearly indicates that any public officer or employee commits misconduct when, in their official capacity, they do any of the following:

- Intentionally or recklessly fail to perform a mandatory duty as required by law; or
- Knowingly perform an act the employee is forbidden by law to perform; or
- Perform an act in excess of their lawful authority with intent to obtain a personal advantage for themselves or another; or
- Solicit or knowingly accept for the performance of any act a fee or reward which the employee knows is unauthorized by law.

Any employee or public officer convicted of violating any provision of this section commits a Class 3 felony.

If anyone attempts to bribe you or improperly influence your official actions as a state public university employee, especially if there is an attempt to have you or another employee act in a manner that is unlawful or

is in violation of university policies, it is your responsibility to immediately report this matter to the appropriate authorities. In certain instances, failure to report a violation can place the informed employee in violation of the law as well.

PENALTIES WITHIN THE LAW

Penalties for violations of ethics-related laws, rules, and policies by University employee are dependent upon the specific circumstances.

Penalties may include administrative action up to and including termination of employment. In addition, the Executive Ethics Commission may levy administrative fines in the case of violations of the *Ethics Act*. Illegal acts, such as bribery or official misconduct, may result in referrals to the appropriate authorities for criminal prosecution, which, if substantiated, may result in jail time. If you have any questions or concerns, you can always contact your Ethics Officer

THANK YOU!

Thank you for completing your new hire ethics training as required by the *Ethics Act*. Please note ethics training is required annually, based on the calendar year.

If you have any questions or concerns, please contact the Ethics Training Administrator via email at: ethicstraining@niu.edu or call us at 815-753-6039.

Northern Illinois University

I certify that I have carefully read and reviewed the content of, and completed the

ETHICS ORIENTATION FOR NEW NIU EMPLOYEES:

Furthermore, I certify that I understand 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)

Signature: _____

Today's Date: _____

Date of Birth: _____
(mm/dd)

Department: _____

To be properly credited for participating in ethics training, please complete and return the signature page via campus mail, or fax to 815-753-0817.

NIU Ethics Training Administrator
HSC 7th Floor – 709
NIU
DeKalb, IL 60115

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