

ETHICS TRAINING FOR Seasonal/Temporary NORTHERN ILLINOIS UNIVERSITY EMPLOYEES

Revised September 2010:

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." In prior years, this instruction was delivered by the Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG). The 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, available at www.ilga.gov/legislation/ilcs/ilcs.asp), which was passed in November of 2003. The *State Officials and Employees Ethics (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 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.

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 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.
- **Seasonal/Temporary employees:** This training is approved for annual use by some Seasonal or Temporary employees.
- **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 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 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 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.

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 state agency. 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. The *Ethics Act* establishes the training frequency and general standards. 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 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 opportunities and gifts from vendors that either do business with or are seeking to do business with the University.



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. 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 your University'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 University employees, 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 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 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.

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.

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.

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 *State Officials and Employees Ethics Act* amended the *Governmental Ethics Act* to require 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).

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 respective 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.

Examples of Potential 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 interests 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.

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 any activities that are in support of a specific candidate, political party, or referendum while conducting 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 using 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.

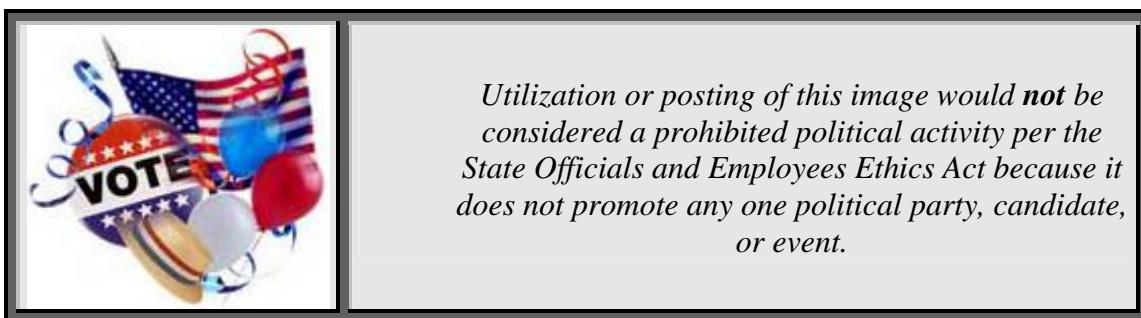
Prohibited Offer or Promise: You cannot promise anything of value related to University business in consideration for a contribution to a political committee, political party or candidate for political office. If you are offered anything of value for your engaging in prohibited activity, such offer must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

- **What is "anything of value related to University business"?**
Examples of this include job positions or appointments at the University, promotions, salary increases, the award of a contract, 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.*



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.

Retaliatory Action

The University cannot retaliate or threaten retaliation 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, including but not limited to violations of the *Freedom of Information Act*, by any officer, member, University employee, state agency, or the University.
- Assisting or participating in a proceeding to enforce the *Ethics Act*.

Retaliatory action is defined as reprimand, discharge, suspension, demotion, 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. Employees may bring a civil action to seek reinstatement and/or damages for illegal retaliation.

REVOLVING DOOR PROHIBITION

The revolving door prohibition applies to identified officers, board members, state employees, or immediate family members living with such persons who, within a period of one year immediately after termination of State employment or appointment, knowingly accept employment or receive compensation or fees for services from a person or entity if the State employee/appointee, during the year immediately preceding termination of State employment:

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

For individuals in positions identified as being subject to the revolving door prohibitions, there is a determination process through the Inspector General's Office that may allow the otherwise prohibited employment or compensation. Please note there is no exception or determination process for the President, Chief Procurement Officer, and appointed members of the Board of Trustees due to the nature of their State positions; they are strictly prohibited from revolving door employment. If you have questions regarding the revolving door prohibition, you should contact your University Ethics Officer or see the Executive Inspector General's web site at: www.inspectorgeneral.illinois.gov.

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.

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 allege

violations of the *Ethics Act*, 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.

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 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 allegations of misconduct by the employees, appointees, elected officials, and state vendors under its jurisdiction. The OEIG may also initiate investigations without receipt of a specific complaint.

The OEIG's jurisdiction includes State Public Universities, 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 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.

COOPERATING WITH INVESTIGATIONS

If you are asked 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 fully and 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. You may also reference the Executive Ethics Commission's related brochure at: www.eec.illinois.gov/documents/EMPLOYEE_RIGHTS-BRO.pdf.

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)*.

Failure to cooperate in an OEIG investigation is grounds for disciplinary action, up to and including dismissal.

Effective July 1, 2008, requests for documents and materials from 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/University business including prohibited offers or promises. 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 Disabled (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.

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.

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 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

2010 ETHICS TRAINING FOR Seasonal/Temporary 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
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