



# Northern Illinois University

## Ethics and Accountability in the Workplace Policy

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### 1. Statement of Purpose

Northern Illinois University (“NIU”) is committed to advancing ethical behavior throughout the workplace and campus community. Consistent with the university’s mission, the Ethics and Accountability in the Workplace Policy (“Policy”) outlines expectations of university employees as public servants, supported by and accountable to the people of the State of Illinois. Portions of this policy have been derived from the Illinois State Officials and Employee Ethics Act, 5 ILCS 430 (“Ethics Act”), Whistleblower Act (740 ILCS 174), Illinois Administrative Code, State of Illinois’ Code of Personal Conduct, and the Office of Executive Inspector General (“OEIG”) Investigation Policy and Procedures Manual.

This policy applies to all employees, defined as any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of the university with regard to the material details of how the work is to be performed or any appointed trustee or board member. 5 ILCS 430/1-5.

### 2. Principles of Ethical Conduct

The principles contained throughout this policy guide the conduct of employees engaging in duties and responsibilities related to their university employment, regardless of whether the conduct is specifically described within this policy or other policies, laws, or regulations.

Every university employee has a responsibility to the people of the State of Illinois to act with integrity, treat individuals within and outside of our campus community with dignity and respect, and to promote the vision, mission, and values of the university. University employees hold a position of public trust and are expected to conduct themselves in a responsible and professional manner. Public service is based in fairness and honesty, and is not to be abused for private gain. Taxpayer resources must be safeguarded to avoid waste, fraud, abuse, and corruption. Employees must not interfere with the good faith reporting of unethical conduct. Individuals who report such conduct are protected.

### 3. Specific Instances of Unethical Conduct

The following are specific instances of unethical conduct that employees are prohibited from engaging in:

- a. **Gift ban:** Soliciting or accepting a gift(s) from an entity or organization seeking official action from or doing business with the university, or whose interests may be substantially affected by the performance or nonperformance of the employee’s duties. More information on the gift ban is found in Section 9.
- b. **Misuse of State Resources:** Using State property for private, personal, financial, or political gain, or other unauthorized use. State property includes time, monies, and physical items (including electronics). Improper work time reporting constitutes misuse of state resources.
- c. **Dishonesty or Deception:** Knowingly or intentionally making any materially false statement or misrepresentation on any official record, or falsifying or knowingly failing to correct false information contained in an official record or document related to the performance of job duties.
- d. **Breach of Confidentiality:** Failing to safeguard confidential information, or violating confidentiality requirements related to employment or service to the university.

- e. **Prohibited Political Activity:** Engaging in prohibited political activity during any compensated time, excluding vacation, personal, or compensatory time off, or intentionally misappropriating any State property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization. More information on prohibited political activity is found in Section 10.

Note: Consistent with the Ethics Act, the university's [Nondiscrimination, Harassment and Retaliation Policy and Complaint Procedures](#) and the [Sexual Misconduct Policy and Complaint Procedures](#) prohibit sexual harassment, harassment and discrimination. 5 ILCS 430/5-65.

#### **4. Reporting Unethical Conduct**

According to Illinois Executive Order 2016-04 (February 26, 2016), university employees must promptly report actual or suspected misconduct that they become aware of during the course of their employment. Additionally, any student, volunteer or third-party has the right to submit a report. Reports are made to the university's ethics officer or to the OEIG. The contact information for each may be found below:

University Ethics Officer  
[NIUEthicsOfficer@niu.edu](mailto:NIUEthicsOfficer@niu.edu)  
Health Services 230  
815-753-5560  
[go.niu.edu/ethics-report](http://go.niu.edu/ethics-report)

Office of the Executive Inspector General for the Agencies of the Illinois Governor (OEIG)  
69 W. Washington St.  
Suite 3400  
Chicago, IL 60602  
Phone: 312-814-5600, 866-814-1113  
888-261-2734 (TTY)  
Fax: 312-814-5479  
[www.illinois.gov/oeig](http://www.illinois.gov/oeig)

Anonymous reporting: University Ethics Report online at [go.niu.edu/ethics-report](http://go.niu.edu/ethics-report).

State employees must also immediately report [bribery](#), as defined by the Illinois Code of Criminal Conduct, to the Illinois State Police. Failure to report is a Class A misdemeanor. The Illinois State Police may be contacted at [ISP.CONTACT@Illinois.gov](mailto:ISP.CONTACT@Illinois.gov). The university's Department of Police and Public Safety may assist in contacting the Illinois State Police.

#### **5. Whistleblower Protections**

The Ethics Act, Whistleblower Act, and university policy protect employees who, in good faith, report or threaten to report an act or omission they believe to be an actual or suspected violation of law, policy or procedure. The protection against retaliation also extends to witnesses and the respondent, and includes individuals who are closely related to or associated with the reporting party, witnesses and/or the respondent.

The university and individual employees cannot retaliate or threaten to retaliate against an employee for engaging in any of the following protected activities:

- Disclosing or threatening to disclose any practice or action an employee reasonably believes is in violation of the law, regulation or university policy;
- Providing information or testifying about any violation of the law or policy; and
- Assisting or participating in a proceeding to enforce the Ethics Act or this policy.

Retaliatory acts include reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any state employee, or the threat thereof, which is taken in retaliation for that employee's involvement in a protected activity. Retaliatory acts also include materially adverse actions that would dissuade a reasonable person from engaging in a protected activity. It is not a violation if the employer can demonstrate the same personnel action would have been taken regardless of the engagement in a protected activity. Retaliation may occur regardless of whether the conduct is determined to be in actual violation of law, regulation or policy.

Additionally, attempts to influence an individual's participation in a proceeding may also constitute an act of retaliation and could be treated as a separate and independent violation of this Policy. This includes, but is not limited to, persuading or pressuring an individual to not participate in a proceeding, to not fully cooperate in a proceeding, or to provide certain information during a proceeding.

If an employee experiences what they believe to be retaliation, they have a right and are encouraged to file a report or complaint using the procedures described below and/or contact the ethics officer or the OEIG immediately.

## **6. Investigations**

These investigative procedures are established to ensure a transparent and consistent approach to responding to reports of unethical conduct involving employees of the university. These investigative procedures may occur independent of any other grievance/complaint process provided for elsewhere by the university, including but not limited to, the non-union faculty/staff grievance process, grade appeal, collective bargaining/union grievance, student grievance, sexual misconduct complaint, or discrimination/harassment/retaliation complaint.

The reporting party, respondent, witnesses, and any other member of the university community should not take accusations of unethical conduct lightly as they are serious events. Bad faith reporting, allegations known to be untrue, intentionally providing information known to be false, failure/refusal to cooperate with an investigation, or the intentional breach of confidentiality could subject an employee to disciplinary action, up to and including suspension, expulsion, or termination.

### **Grounds**

A report may be filed based on one or more allegations of unethical conduct as outlined in Section 3 of this policy. A report may also pertain to conduct that is not explicitly stated above, as the Ethics and Compliance Office has the discretion to engage in the investigative process and make findings, if appropriate, related to allegations of conduct that pertain to other university policies and/or state or federal laws and regulations that are not explicitly contained within this policy (e.g. conflict of interest, nepotism, health and safety violations, etc.).

### **Filing a Report**

A report of unethical conduct may be filed online at [go.niu.edu/ethics-report](http://go.niu.edu/ethics-report). An individual may also file a report by contacting the ethics officer via email or telephone.

**Anonymous Report**

A report may be submitted anonymously. Anyone filing an anonymous report must provide sufficient detail about the allegations in order for an appropriate level of action to be taken. Submitting a report anonymously may limit the ability to fully investigate the alleged conduct. Anonymous reports may be submitted online at [go.niu.edu/ethics-report](http://go.niu.edu/ethics-report).

**Criminal Conduct**

If a report alleges conduct that may constitute a crime, the report may be referred to the appropriate law enforcement agency. A law enforcement agency may proceed separately and independently of an ethics inquiry or investigation. This policy also does not affect, supersede, or otherwise impact rights afforded by applicable laws and regulations pertaining to alleged criminal conduct. If the individual alleged to have engaged in wrongdoing (the respondent) is required to make statements during an ethics inquiry or investigation, the statements cannot be used against them during subsequent criminal proceedings.

**Scope of Investigation**

After a report has been submitted, an investigation may be opened if the report contains enough information to demonstrate a violation of law or policy. The ethics officer, or designee, may also conduct an initial inquiry of the matter to determine whether an investigation is warranted. In the alternative, the report may be referred to the appropriate university official(s) for resolution. The ethics officer, or designee, retains the discretion to determine the scope of the inquiry or investigation and steps taken in response to the report.

**Statement of Time Frame Limitations**

An investigation may not be initiated more than one year after the most recent act of the alleged violation or of a series of alleged violations, except where there is reasonable cause to believe that fraudulent concealment has occurred. Fraudulent concealment is defined as an affirmative act or representation intended to prevent discovery of the alleged conduct.

**Notification to the OEIG**

Pursuant to Executive Order 2016-04, the university, through the ethics officer, or designee, is required to promptly notify the OEIG of any allegations of misconduct after receiving such information. Any course of action taken by the OEIG may proceed separate and independent of a university administrative investigation.

**Notice of Investigation**

The respondent will be notified of the investigation via university-issued email. The notice shall contain the following information, if known: date(s) of alleged policy violation(s); description of alleged conduct; information on the availability of support persons; and section of university policy, or state or federal law alleged to have been violated. If the information contained within the report may reasonably lead to discipline, the respondent shall be presented a form that outlines their rights during the investigative process.

**Role of Investigator**

The investigator is a neutral factfinder and will investigate in an objective manner. If, for any reason, the respondent believes the assigned investigator is incapable or unwilling to investigate in a manner set forth within this policy, they must notify the university's ethics officer so that appropriate action may be taken.

### **Support Persons**

The respondent is permitted to have a support person present during any interview or meeting. The support person must be uninvolved in the alleged incident(s) and cannot be a witness or co-respondent. Support persons are not permitted to speak on behalf of the respondent. The assigned investigator must be notified in writing in advance of the presence of a support person to ensure there are no conflicts of interest with the support person's presence. The assigned investigator must also be notified in advance in writing of the presence of an attorney.

### **Union Representation**

If the respondent is a member of a union, they have the right to have union representation present during any interview or meeting. Union representation may be in addition to a support person. The assigned investigator must be notified in writing in advance of the presence of a union representative.

### **Accommodations**

NIU is committed to providing an accessible investigative process. Any party or witness requiring an accommodation during the investigative process due to a disability should contact the Ethics and Compliance Officer or investigator as soon as possible.

### **Standard of Evidence**

If a formal investigation occurs, a determination will be made by a preponderance of the evidence ("more likely than not") whether the alleged conduct occurred and whether it constitutes a violation of university policy, or state or federal law.

### **Confidentiality**

The respondent and others involved in the investigative process are required to keep information learned as part of the process confidential (e.g. information not known to a party prior to an interview but made known during an interview). This does not prohibit a respondent from seeking assistance from a support person, union representative, attorney, or other third-party to prepare a defense.

Information pertaining to the course of action taken in response to a report and/or pertaining to any resulting employment action may be kept confidential from the reporting party. The reporting party, at the discretion of the investigator, may receive updates on the status of the investigation, including whether an investigation is active or resolved. Lastly, the reporting party may have additional rights in response to a report in certain limited types of cases, such as sexual harassment.

An employee is not required to inform their supervisor about the reporting of alleged misconduct, being considered a respondent or witness in an investigation, or the existence of a report in general. However, ECO may inform the respondent's supervisor or division or department head that an investigation is being conducted prior to its conclusion, if warranted by the facts of the case. For example, if the respondent is placed on administrative leave pending investigation, the supervisor will be made aware for scheduling purposes.

Due to the nature of proceedings, no audio or video recording of any kind is permitted during any meeting, interview, or proceeding with ECO.

### **Final Report**

Upon completion of a formal investigation, a final report will be written summarizing the background of the investigation, the allegations, investigative steps taken, and findings made. The respondent will

receive a copy of the final report. ECO reserves the right to make recommendations, which may relate to the respondent of the investigation and/or other issues and concerns discovered during the course of the investigation. If recommendations are made, the respondent's division or department head will receive a copy of the final report along with the recommendations. The reporting party will not receive a copy of the final report, but may receive correspondence informing them of the status of the report.

### **Harassment, Discrimination and Sexual Misconduct Complaints**

Complaints alleging an employee has engaged in harassment, discrimination, and/or sexual misconduct may be investigated in accordance with the university's [Nondiscrimination, Harassment and Retaliation Policy and Complaint Procedures](#) and the [Sexual Misconduct Policy and Complaint Procedures](#).

## **7. Appeals**

The official findings of an investigation may be appealed by the respondent by submitting a written request of appeal to the Executive Vice President and Provost, or designee, within five business days after the date of the written report regarding the investigation. Appeals may be submitted online at [go.niu.edu/appeals](http://go.niu.edu/appeals).

Appeals may be made *only* on the following grounds:

- A material deviation from these procedures affected the outcome of the case.
- New and relevant information is available that was not available, with reasonable diligence and effort, at the time of the investigation that could reasonably affect the investigation finding(s).
- The outcome was significantly contrary, unsupported, and unreasonable to the weight of the evidence presented.

The Executive Vice President and Provost, or designee, will render a decision about the appeal within seven business days after the date the written appeal is received.

The Executive Vice President and Provost, or designee, may extend the time to render an appeal decision when unusual circumstances arise. The respondent will be informed of the extension of time along with the date in which the appeal decision will be rendered.

## **8. Training**

Employees are required to complete ethics training within thirty days of hire and on an annual basis thereafter. Failure to complete a training will result in the employee's name being included in an annual report to the Executive Ethics Commission ("EEC") and the OEIG, and may result in discipline or other administrative action. 5 ILCS 430/5-10, 430/5-10.5.

All classifications of employees (faculty, instructors, civil service, supportive professional staff, extra help, student employees, graduate/teaching assistants) and employees on sabbatical, educational or unpaid leave are required to complete the trainings. If an employee is on approved Family and Medical Leave Act ("FMLA") or disability leave during the time in which the training is made available, they are not required to complete the training.

## **9. Revolving Door**

The revolving door provision prohibits State employees (which includes university employees), and their spouse or immediate family members living with them, within a period of one year immediately after termination of State employment, from knowingly accepting employment or receiving compensation from a person or entity if the State employee, during the year immediately preceding termination of State employment, participated personally and substantially in the award of State contracts with a cumulative



value of \$25,000 or more to that person or entity offering employment, or in making a regulatory or licensing decision that directly applies to that person or entity offering employment.

Employees who engaged in the above activities are required to contact the OEIG before accepting non-State employment.

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 EEC. 5 ILCS 430/50-5.

The university's ethics officer should be contacted for assistance with this process, at [NIUEthicsOfficer@niu.edu](mailto:NIUEthicsOfficer@niu.edu) or 815-753-5560.

### **10. Gift Ban**

The gift ban helps prevent outside influence, or the appearance of outside influence, on state employees. State employees (including university employees), and their spouses and immediate family members living with them, are not allowed to solicit or accept gifts from prohibited sources. 5 ILCS 430/10-10 and Ill. Exec. Order No. 15-09 (January 13, 2015).

A gift is a tangible or intangible item of monetary value, including cash, food and drink, gift cards and gift baskets, discounts, loans, honorarium, hospitality, gratuity, complimentary registration fees and travel expenses. 5 ILCS 430/1-5.

If a gift is solicited or accepted, the employee must contact the ethics officer. The ethics officer will advise the employee whether the provider of the gift is considered a prohibited source and, if so, whether an exception to the gift ban applies, and/or appropriate next steps to ensure compliance with the Ethics Act.

A prohibited source meets any of these criteria:

- Does or seeks to do state business with an employee or the university;
- Conducts activities regulated by an employee or the university;
- Has interests that may be significantly affected by an employee's job duties; or
- Is registered or is required to be registered as a lobbyist.

Exceptions to the gift ban include:

- Opportunities, benefits and services available to the general public under the same conditions.
- Gifts for which an employee paid market value.
- Educational materials connected to an employee's job or the mission of the university that benefit the public. Use of this exception must be approved in advance by the ethics officer.
- Travel expenses for a meeting to discuss state business that is connected to an employee's job, and benefits the public. Use of this exception must be approved in advance by the ethics officer.
- Gifts given to an employee by a relative or friend.
- Food or drink at a meeting or reception an employee attended as part of their job.
- Benefits related to outside business or employment activities.
- Gifts within the same state agency or between two different state agencies.
- Bequests, inheritances and other transfers at death. 5 ILCS 430/10-15.

If a gift is determined to be prohibited, it may be disposed of by engaging in any of the following actions: (1) Return the gift to the sender; (2) Donate the gift to a 501 (c)(3) charity; or (3) Keep the gift and donate a monetary amount equal to the value of the gift to a 501 (c)(3) charity. Employees should retain

documentation showing how prohibited gift was disposed in compliance with one of the three options listed above.

### **11. Prohibited Political Activity**

State employees are not permitted to intentionally perform prohibited political activity during compensated time, excluding vacation, personal, or compensatory time off. State property and/or resources, including the use of university email, shall not be used to engage in political activity. This prohibition is found in the Ethics Act, [Board of Trustee's Regulation Section II, Subsection B, Item 4](#), and [Board of Trustee's Regulation Section III, Subsection A, Item 2\(a\)\(5\)](#).

Political activity includes any activity in support of or in connection with any campaign for elective office or any political organization. Examples of prohibited political activity include, but are not limited to:<sup>1</sup>

- Participating in any political meeting, rally, or event.
- Campaigning for an elective office or for or against any referendum question.
- Soliciting contributions and/or votes on behalf of a political candidate.
- Distributing campaign literature or other campaign materials.

This prohibition does not include displaying political buttons, stickers, or patches while on University property, provided that such display by any member of the faculty in an instructional setting is for a purpose relevant to the subject of instruction; attending a partisan political rally, provided that the employee is not on duty; or displaying a partisan bumper sticker on their motor vehicle. Northern Illinois University Law, 110 ILCS 685/30-165.

### **12. Role of Ethics Officer**

Pursuant to the Ethics Act, the president of the university is required to appoint an ethics officer for the university. The university's ethics officer is charged, in large part, with the following responsibilities:

- Act as liaison between the university and the OEIG and between the university and the EEC.
- Review statements of economic interest and disclosure forms of university employees before they are filed with the Secretary of State and EEC.
- Provide guidance to university officers and employees in the interpretation and implementation of the Ethics Act, which the employee may in good faith rely upon.
- Evaluate and approve exceptions to the gift ban, including gifts related to educational materials and mission and travel expenses for a meeting to discuss state business, as authorized by the EEC.
- Investigate or otherwise address allegations of unethical conduct.
- Advise employees regarding conflicts of interest related to procurement and outside activities and employment.

### **13. Section 5-5 Policy Statements**

Section 5-5 of the Ethics Act requires the university to adopt and implement policies regarding work time requirements and reporting, documentation of time worked, documentation for reimbursement for travel on official State business, compensation, and the earning or accrual of State benefits for all State employees who may be eligible to receive those benefits. 5 ILCS 430/5-5. This policy and section provides this information. Additional requirements are found in other university policies (e.g. information on sexual harassment is located in the [Nondiscrimination, Harassment and Retaliation Policy and Complaint](#)

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<sup>1</sup> Additional activities that may be defined as prohibited political activity are found in the State Officials and Employees Ethics Act, 4 ILCS 430/1-5.

[Procedures](#) and the [Sexual Misconduct Policy and Complaint Procedures](#); information on compensation is found in the [Payroll and Compensation Policy](#)).

### **Work Time Requirements and Reporting**

Employees are required to report time spent each day to the nearest quarter hour on official State business and the accrual and utilization of State benefits. 5 ILCS 430/5-5. The university has developed procedures for employees to comply with this requirement and provide documentation of time worked. It shall be the responsibility of all university employees to comply with the procedures and employees will be held fully accountable for any violations of work time reporting.

Employees are not permitted to report time worked that is related to engagement in prohibited political activity, outside employment or personal activities. Employees must utilize available leave benefits, or declare personal time off without compensation, for any activity undertaken during their normal work schedule that would constitute prohibited political activity, outside employment or personal activities.

The documentation of time worked, as required by the Ethics Act, is completed depending on the category of employment.

<b>Category of Employment</b>	<b>Documentation</b>
Hourly/FLSA Non-Exempt Employees	Hourly Time Sheet Records
Salaried/FLSA Exempt Employees	Online SOEEA Work Time Reporting Portal
Faculty/Instructional Employees	Salaried Employee Benefits Usage Form

Hourly time sheets and benefit usage forms also capture an employee’s usage of benefits and are retained in hard copy format or electronically for two years.

### **Documentation for Travel and Accrual of Benefits**

Documentation requirements for reimbursement of official university travel expenses must comply with rules of the Higher Education Travel Control Board and relevant university Board of Trustees Regulations.

Documentation requirements for earning of compensation for services, and accrual of State benefits such as vacation, sick leave, bereavement leave, leaves of absence, holidays, unpaid personal leave, disability and retirement shall be maintained in accordance with applicable university policies and procedures. Eligible leave time benefit utilization shall be documented on applicable Benefits Usage Forms/Reports and Hourly Time Sheets.

## **14. Related Laws, Regulations and Guidance**

[United States Sentencing Commission Guidelines Manual, Chapter Eight, Part B, Subpart 2.1](#)

[State Officials and Employees Ethics Act](#)

[Illinois Governmental Ethics Act](#)

[Whistleblower Act](#)

[Illinois Procurement Code](#)

[Northern Illinois University Law](#)

[Illinois Criminal Code of Conduct](#)

[OEIG investigation Policy and Procedures Manual](#)

[Governor of Illinois Executive Order 15-09](#)

[Governor of Illinois Executive Order 16-04](#)

## **15. Procedural History**

First draft: May 17, 2021