

ETHICS ACT POLICY

I. General

In accordance with the *State Officials and Employees Act*, it is the policy of this School District to adhere to the legal requirements set forth below regulating the ethical conduct, political activities, and the solicitation and acceptance of gifts by school officials and employees.

The Superintendent is authorized to establish rules and regulations to implement this policy as may be deemed necessary.

(continued)

Legal Reference: *State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq.*
(P.A. 93-615, as amended by P.A. 93-617)

Board Adoption Date: May 17, 2004

Definitions

- A. “Campaign for elective office” means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or vice-presidential electors, but does not include activities: (1) relating to the support or opposition of any executive, legislative, or administrative action; (2) relating to collective bargaining; or (3) that are otherwise in furtherance of the person’s official duties.
- B. “Compensated time” means any time worked by or credited to an employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Policy, does not include any designated holidays, vacation periods, personal time, compensatory time off, or any period when the employee is on leave of absence. With respect to employees or officers whose hours are not fixed, “compensated time” includes any period of time when the officer or employee is executing his or her official duties, regardless of location.
- C. “Employee” means any person employed in this District, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of the District with regard to the material details of how the work is to be performed. Employees include both certificated and non-certificated personnel, but do not include independent contractors.

- D. "*Employer*" means the Board of Education of Somonauk Community Unit School District No. 432.
- E. "*Gift*" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value, including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to employment by the District or the official position of an officer or employee.
- F. "*Officer*" means a person who holds, by election or appointment, an office created by statute, regardless of whether the officer is compensated for service in his or her official capacity. The term "officer" includes school board members.
- G. "*Political activity*" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (1) relating to the support or opposition of any executive, legislative, or administrative action; (2) relating to collective bargaining; or (3) that are otherwise in furtherance of the person's official duties.
- H. "*Political organization*" means a party, committee, association, fund, or other organization that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the *Election Code* (10 ILCS 5/9-3), but only with regard to those activities that require such filing.
- I. "*Prohibited political activity*" means the activities set forth in Section III below.
- J. "*Prohibited source*" means any person or entity who (1) is seeking official action by an officer, an employee, or by the officer or another employee directing that employee; (2) does business or seeks to do business with the officer, an employee, or with the officer or another employee directing that employee; (3) conducts activities regulated by the officer, an employee, or by the officer or another employee directing that employee; or (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

III. Prohibited Political Activities

- A. No officer or employee shall intentionally perform any prohibited political activity (see III.E below) during any compensated time (see II.B above). No officer or employee shall intentionally use any property or resources of the School District in connection with any prohibited political activity.
- B. At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity as part of that officer's or

employee's duties, as a condition of employment, or during any compensated time off (such as holidays, vacation, or personal leave).

- C. No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
- D. Nothing in this Policy prohibits activities that are otherwise appropriate for an officer or employee to engage in as part of his or her official duties or activities that are undertaken by an officer or employee on a voluntary basis that are not prohibited by this Policy.
- E. For purposes of this Policy, "prohibited political activity" means:
 - 1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
 - 2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
 - 3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
 - 4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office (see II.A above) or on behalf of a political organization for political purposes or for or against any referendum question.
 - 5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization (II.H above) for political purposes or for or against any referendum question.
 - 6. Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
 - 7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.
11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

IV. Gift Ban

- A. Except as authorized under this Policy, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any prohibited source, as defined in II.E and J above, or which is otherwise prohibited by law or policy. No prohibited source shall intentionally offer or make a gift that violates this gift ban provision.
- B. The following are *exceptions* to the ban on gifts:
 1. Opportunities, benefits, and services that are available on the same conditions as for the general public;
 2. Anything for which the employee, officer, or his or her spouse or immediate family member pays the fair market value;
 3. Any (1) contribution that is lawfully made under the *Election Code* or (2) activities associated with a fundraising event in support of a political organization or candidate;

4. Educational materials and missions;
5. Travel expenses for a meeting to discuss school district business;
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée;
7. Anything provided by an individual on the basis of a personal friendship, unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of a personal friendship;

In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

- a. the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and
 - b. whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - c. whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (1) consumed on the premises from which they were purchased or prepared or (2) catered. "Catered" means food or refreshments that are purchased ready to consume which are delivered by any means;
 9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of the officer or employee), of the officer or employee or his or her spouse if the benefits have not been

offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances;

10. Intra-governmental and inter-governmental gifts. “Intra-governmental gift” means any gift given to an officer or employee from another officer or employee, and “inter-governmental gift” means any gift given to an employee or an officer by an officer or employee of another governmental entity;
11. Bequests, inheritances, and other transfers at death;
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the gift ban exceptions listed in this Section IV.B is mutually exclusive and independent of every other.

- C. An officer or employee, his or her spouse, or an immediate family member living with the officer or employee, does not violate this Policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the *Internal Revenue Code*, as amended.

V. Inquiries, Complaints, and Penalties

- A. Anyone who believes that an individual covered by the Policy has violated its prohibitions may submit a written report detailing the incident to the Superintendent of Schools. If the designated administrator is the subject of the complaint, the report should be submitted to the Director of Special Education. The Board shall review the appointment of the designated administrator and alternate on an annual basis.
- B. Upon receipt of a complaint, the Superintendent of Schools will investigate the matter and issue a report and recommendations to the Board. For complaints involving conduct of employees, the designated administrator’s report and recommendations shall include recommendations as to any employee discipline or discharge.
- C. As provided in the *State Officials and Employees Ethics Act*, any individual who intentionally violates any provision of the Prohibited Political Activities section of this Policy (Section III) may be punished by a term of incarceration in a penal institution

other than a penitentiary for a period of not more than 364 days and may be fined in an amount not to exceed \$2,500.

- D. Any individual who intentionally violates any provision of the Gift Ban section of this Policy (Section IV) may be subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- E. Any person who intentionally makes a false report alleging a violation of any provision of this Policy to the local enforcement authorities, the State's Attorney, or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days and may be fined in an amount not to exceed \$2,500.
- F. In addition to any other penalty that may be applicable under law, whether criminal or civil, an employee who intentionally violates any provision of this Policy may be subject to discipline or discharge.

Legal Reference: State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq. (P.A. 93-615, as amended by P.A. 93-617

ADOPTED: 05/17/04