

2019 ETHICS TRAINING FOR NEW, SEASONAL, AND TEMPORARY EMPLOYEES:

A University Program for New Employees, Student Employees, Extra Help, and other Temporary or Part-Time Employees



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 Eastern Illinois University Board of Trustees.

Introduction to 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 the commencement of 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 ethics training, employees are defined as individuals who receive a paycheck from the university as well as Board of Trustee members. 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 administrative fines by the Illinois Executive Ethics Commission (EEC).

Ethics plays a central role in business and social settings alike, so it is important to understand and demonstrate the highest ethical standards. As employees the State of Illinois and its public universities, we share the responsibility to maintain the highest ethical standards in order to effectively and honestly serve the citizens of Illinois. Understanding our ethical obligations helps us to avoid the risk of misconduct and the appearance of impropriety.

Training Requirements

- **New Employees:** If you are a newly hired employee, you must complete this training to satisfy a clause in the law requiring ethics training within 30 days of the commencement of employment. During the first year of employment, employees must complete this ethics orientation program within 30 days, in addition to satisfying the annual ethics training requirement.
- **Seasonal/Temporary Employees:** If you are a student worker, extra help employee, or other temporary or part-time employee, this training is approved for your annual use.
- **Permanent Employees (faculty, staff, etc.):** Permanent employees must complete an interactive, online course annually during a designated window. The university Ethics Officer will let you know the dates and whether you are required to complete this course. This booklet is not a substitute for the interactive online training provided to permanent employees.
- **University Board of Trustees:** Public state university board members must complete an annual training program that is specifically designed for appointees.

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. Training is overseen by the OEIG and the EEC in consultation with the Office of the Attorney General.

Your University Ethics Office

Each university and every state agency has an ethics officer who serves as the liaison between the institution, the appropriate Inspector General and the EEC.

Some responsibilities of the university 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 EEC. University Ethics Officer work products are exempt from production in response to *Freedom of Information Act* (FOIA) requests.

The University Ethics Office reports administratively to the President of the University and the Board of Trustees. The Ethics Office is located in Blair Hall, Room 2102.

For more information on the University Ethics Office, training, and other processes, please visit: <http://www.eiu.edu/ethics/>.

Executive Ethics Commission / Inspector General

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

For additional information about the EEC, visit its website at: www2.illinois.gov/eec.

For university employees, the 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, waste, abuse, and violations of the *Ethics Act* and other laws, rules, and policies in governmental entities. The OEIG investigates allegations of misconduct by the employees, appointees, and elected officials under its jurisdiction. The OEIG also has responsibility for investigating alleged violations by those doing business with entities under its jurisdiction.

The OEIG's jurisdiction includes:

- The governor
- The lieutenant governor
- The board members and employees of and vendors and others doing business with the Regional Transit Boards (i.e., the RTA, the CTA, Metra, and Pace)
- The board members and employees of and vendors and others doing business with the state public universities

University Ethics Officer

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- All employees of and vendors and others doing business with 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)

To file a complaint with the OEIG, please use one of the following means:

- Call 866.814.1113;
- Fax 312.814.5479;
- TTY 888.261.2734;
- Log in to www.inspectorgeneral.illinois.gov and click on “complaints” or
- Mail your complaint to one of the OEIG offices:

OEIG

69 West Washington, Suite 3400
Chicago, Illinois 60602

OEIG

607 East Adams, 14th Floor
Springfield, Illinois 62701

For additional information about the OEIG, visit its website at: www.inspectorgeneral.illinois.gov.

Gift Ban

The gift ban section of the *Ethics Act* is highly relevant in a 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.

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 prohibited sources. Further, 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.

Under the Ethics Act gift ban, university employees are generally prohibited from intentionally accepting or soliciting gifts from 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 intentionally solicit or accept a gift from a prohibited source. Gifts are defined in the law as 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 government employment or the official position of an employee, member or officer. Some of the commonly occurring exceptions to this ban are as follows:

1. You pay market value for the gift.
2. 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 the

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.

3. The gift is from a relative.
4. The offering is provided on the basis of personal friendship, not in expectation of an official act.
5. The gifts are from another university employee or an employee of another governmental entity.
6. Bequests, inheritances, and other transfers at death.

There are additional exceptions listed in the *Ethics Act*, but the most frequently occurring exceptions are detailed above. Ill. Exec. Order No. 15-09 (Jan. 13, 2015) further restricts gift acceptance by state and public university employees, prohibiting the solicitation or acceptance of any gift from a prohibited source unless one of the above exceptions is met.

Per Ill. Exec. Order No. 15-09, food and beverage provided by a prohibited source may only be accepted when provided as a de minimis meal or refreshment at a business meeting or reception attended by the employee in the course of their official duties.

Please note, the restrictions identified in Ill. Exec. Order No. 15-09 do not apply to students in positions that are exclusive to enrolled students, such as graduate assistants, medical residents, teaching assistants, and undergraduate student workers. They may still accept gifts meeting the exceptions, in addition to smaller items from a prohibited source totaling less than \$100/calendar year, and meals not exceeding \$75 in value per calendar day.

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>.

Ill. Exec. Order No. 15-09 can also be referenced at:

https://www2.illinois.gov/Pages/government/execorders/2015_9.aspx.

Any gift offered in an effort to influence the official actions of an employee, even if it is permissible by an exception to the gift ban provisions, is inappropriate and possibly illegal, and must not be accepted. If in doubt, call your university Ethics Officer if you have any questions or concerns regarding a gift.

Corrective Action if a Gift from a Prohibited Source was Accepted

If you unknowingly accept a gift from a prohibited source, you do not violate the law if you promptly do any of the following:

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

Knowledge Check

Felisha works in a university lab and is responsible for filling all supply orders. One of the vendors she frequently uses to purchase lab supplies offers free promotional gifts on orders totaling over \$500. Each time Felisha purchases \$500 of product, she is able to choose from a variety of personalized items free of charge. The items include coffee mugs, t-shirts, hats, pet supplies and other goods that do not have a university

purpose. Since the items are only available if a \$500 purchase is made, Felisha feels she is able to accept the items.

May Felisha accept the items?

Yes, Felisha may accept the gifts without taking further action to comply with the *Ethics Act*.

No, Felisha should not accept the gifts unless she promptly takes further action to accept the gifts in compliance with the *Ethics Act*.

The Correct response is No.

Explanation of the Answer:

Unless Felisha takes further action, she would be in violation of EO 15-09 if she accepts the items. The Ethics Act allows gifts to be accepted that are less than \$100 cumulative value in a calendar year. However, EO 15-09 (https://www2.illinois.gov/Pages/government/execorders/2015_9.aspx) effectively places a \$0 tolerance/acceptance on gifts. When it comes to promotional items such as pens, mouse pads, or other office accessories that come with an order, employees are permitted to use those items in the office as university property but cannot take them home or with them when they leave the university. Personally accepted items with no business purpose should not be accepted. If accepted, to correct the acceptance, the employee, Felisha in this instance, would need to return the gift, or make a donation of the gift or an amount equal to the fair market value of the item to a registered 501(c)3 not for profit 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 university employee you are required by law to periodically submit time sheets documenting the time spent each day on official 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. Falsification may be considered fraud and or theft of resources punishable by discipline up to and including termination.

Knowledge Check

The standard work day for the employees Jane supervises is 8 a.m. to 4:30 p.m., Monday through Friday. Lately, one of Jane’s employees, Candace, has been coming in to work at 6 a.m. and leaving at 2:30 p.m., so she can train for an upcoming marathon. Candace has received approval for this short-term schedule change through Human Resources and her supervisor, Jane.

Even though Candace records a full day’s work each day, would she be considered in violation of the *Ethics Act* as a result of the alternate work schedule?

Yes, working an alternate schedule violates the time reporting policies required by the *Ethics Act*.

No, the *Ethics Act* does not prohibit working an alternate schedule.

The correct response is No.

Explanation of the Answer:

This is not a violation of the Ethics Act; however, university personnel policies must be followed with respect to work schedules and alternate work arrangements. The Ethics Act requires each agency, including state public universities, to adopt and implement personnel policies relating to work time requirements, 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. It does not, however, designate the exact hours each day an employee is required to work. Employees who wish to work alternate work schedules will need to follow university procedures to request and obtain advance approval.

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.

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.

Knowledge Check

Damien just started working at the university and his supervisor overlooked authorizing access to a university system he needs to conduct his work. It will take 24 hours for Damien to gain access, so in the interim, his supervisor has asked a graduate student for her net ID and password to allow Damien to begin inputting data immediately.

Is it a security violation and a misuse of university resources for the graduate student to provide this information to her supervisor for Damien's use?

Yes, it is a misuse of resources to share ID's and passwords.

No, sharing ID's and passwords is not a misuse of university resources.

The correct answer is Yes

Explanation of the Answer:

It is a misuse of university resources and a violation of university policies to share net ID's and passwords. Additionally, the sharing of ID's and passwords can put employees at risk, as each action taken under their net ID is ultimately tied to them. In this scenario, it is also an abuse of authority for a supervisor to request for a subordinate to violate university policies. The supervisor should work through existing policies and procedures to obtain Damien's access to the system. Employees who are asked to share their ID and password should escalate their concern up through their reporting line or report the matter to the campus privacy/security officer.

Adherence to Policies

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:

<http://castle.eiu.edu/auditing/igplisting.php>

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 University. These conflicts need to be disclosed, according to the appropriate university policy, and adequately 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 university Ethics Officer as necessary.

The University's policy on conflicts with regard to outside employment can be found at:

<http://castle.eiu.edu/auditing/022.php>.

The policy on Conflicts of Interest in Employment is at: <http://castle.eiu.edu/auditing/011.php> .

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

Grant works in the student health center as a nurse and has been offered an evening position outside of the University, working as a home health nurse.

Does this opportunity pose a potential conflict of interest?

Yes, this is a potential conflict of interest that should be further considered.

No, having a second position outside of the University is not considered a conflict of interest.

The correct response is Yes.

Explanation of the answer:

Grant should notify his supervisor in writing of this second position and obtain approval before accepting the work. The University does not seek to regulate positions outside of the University, provided they do not interfere with an employee's ability to conduct their work responsibilities. The disclosure of such outside positions helps to ensure a plan is in place. For example, if Grant accepted the night shift position and was therefore unable to come to work on time or unable to stay awake during the day, this would be a conflict that disrupted Grant's ability to conduct his university work and as such, would be a conflict that could not be managed. Employees should also verify that their unit does not have stricter policies related to conflicts of interest that would prevent second positions outside of the University.

Conflicts Related to Procurement

As it relates to the Illinois Procurement Code (30 ILCS 500/50-13), no employee making greater than 60% of the governor's salary, or their spouse or minor children, may acquire a contract that is wholly or partially paid using funds appropriated by the General Assembly. There are a few exceptions to this provision, notably:

- Public aid payments
- Ministerial duties licensed professionals
- Teaching
- Child and family services

For greater detail on the above exceptions, employees should contact their university procurement specialist or review the Illinois Procurement Code (www.ilga.gov/legislation/ilcs/ilcs3.asp?ChapterID=7&ActID=532).

Employees convicted of violating the conflict provision are considered guilty of a business offense and may be fined between \$1,000 and \$5,000.

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 or in connection with any campaign for elective office or any political organization, or those activities that are either in support of or in opposition to a referendum question.

University employees may not intentionally perform any prohibited political activity during any compensated time other than vacation, personal, or compensatory time off and they may not intentionally misappropriate any state property or resources (including university property or resources) by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization or referendum question.

Prohibited political activity includes, but is not limited to: soliciting campaign contributions or votes, assisting at the polls, circulating petitions, and hosting rallies for candidates for elective office.

Though these activities are not allowable during compensated time, 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. Additionally, to avoid any misconception their personal views are in any way representative of the university's position, employees should not attend political events in a university-issued uniform.

You may be involved in these types of political activities during your typical work hours if you use vacation, personal, 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 candidate, or a political party, while on work time, or using university email to distribute campaign materials or solicit campaign contributions. Additionally, the *Ethics Act* states 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 executive or legislative branch office may not promise anything of value related to university business or state government in consideration for a contribution to a political committee, political party or other entity that has as one of its purposes, the financial support of a 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 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.

Knowledge Check

While making his rounds to check on projects, Tom notices several political signs hanging in student dorm windows. He is not surprised by this, considering the election is just weeks away, but wonders:

Is it a violation of the prohibited political activities provisions of the Ethics Act for students to post political signs in their dorm room windows?

Yes, hanging signs anywhere on campus is a violation of the prohibited political activities provisions within the law.

No, hanging signs in dorm windows is not a violation of the prohibited political activities provisions within the law.

The correct response is No.

Explanation of the Answer:

Students and their living spaces are not subject to the Ethics Act. As such, the items posted in dorm rooms and windows would not violate the law provided the postings are not in violation of any student codes or policies.

Contributions on University Property: Political campaign contributions may not be intentionally solicited, accepted, offered or made on state or university property, unless rented or leased, by public officials, state or university employees, candidates for elective office, lobbyists, or officers, employees or agents of any political organization.

- **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.

Public Service Announcements

Section 5-20 of the *Ethics Act* discusses public service announcements as they relate to political officials. Universities receive state funding and as such, are prohibited from using the proper name, image, or voice of any executive branch constitutional officer or member of the General Assembly in any advertisements, such as billboards, brochures, or media presentations produced using state funding. Additionally, executive branch constitutional officers or members of the General Assembly may not appear, by name or image, in any promotional items, such as bumper stickers, lapel pins, buttons, magnets, stickers, or other similar materials, if any portion of the advertising is paid for using state funding.

Reporting Violations of Law, Rule, Regulation, or Policy

If you witness misconduct or have evidence of it, you should report it to the proper authorities.

To report a non-emergency violation of law, rule, or regulation, you should contact the OEIG via its toll-free Hotline at 866-814-1113. Questions and/or reports of alleged violations may also be submitted to the OEIG 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 (TDD) at 888-261-2734. Alleged violations may be reported to the OEIG anonymously.

In the event of an emergency situation such as those involving the illegal possession or use of a weapon, you should contact the Illinois State Police or other police agency that can provide the fastest response (for example, by dialing “911”).

Rights and Responsibilities in Investigations

University employees who become involved in an investigation conducted by the OEIG have both rights and responsibilities. As a university employee, you have an obligation to cooperate in such investigations.

You must participate in interviews as requested, tell the truth, and not withhold information. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements, and is grounds for disciplinary action, including dismissal.

In the course of an investigation, investigators may request information from any person when the information is deemed necessary for the investigation. The executive inspector general may issue subpoenas to compel the attendance of witnesses and the production of documents and other items for inspection and copying.

The OEIG may compel any university employee to truthfully answer questions concerning any matter related to the investigation. If the OEIG has compelled the interview, no statement or other evidence therefrom may be used against the employee in any subsequent criminal prosecution, unless the employee consents.

Requests for production or viewing of documents or physical objects under state public university control must be made in writing by the OEIG. 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 EEC relative to such rights or protections.

As a university employee, you have various additional rights during investigations, including, but not limited to 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.

Criminal vs. Administrative Investigations

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.

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 union representative, or coworker uninvolved in the investigation, and an attorney.

It is the policy of the OEIG, however, that OEIG investigators will present the interviewee with an OEIG form outlining the interviewee’s rights unless OEIG investigators reasonably believe at the time of an interview that there are no circumstances under which an interviewee will be subject or likely to face discipline or adverse action.

Investigators may not infringe upon a university employee’s right to seek advice from their university 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 website:

<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 university Ethics Officer with any questions you may have regarding OEIG processes or compliance with state and federal laws, as the university Ethics Officer is the designated liaison between the university and the OEIG.

Whistle Blower Protection

The *Ethics Act*, the *Whistleblower Act*, and university policy, protect 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 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 the employee reasonably believes is in violation of a law, rule, or regulation.
- Providing information to or testifying before a public body about any violation of the law, rule, or regulation, by any officer, member of the General Assembly, university or state employee, state agency, or the university.
- Assisting or participating in a proceeding to enforce the *Ethics Act*.

Under the *Ethics Act*, 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.

In addition, under the *Ethics Act*, any employee who commits retaliation in violation of the Act may be subject to discipline or discharge.

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.

If an employer retaliates against an employee in violation of the *Whistleblower Act*, the employee may bring a civil action against the employer that results 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.

Knowledge Check

Patrick reported a policy violation made by one of his co-workers, and the co-worker was disciplined as a result of the reported policy violation. Since being disciplined, Patrick feels his co-worker is intentionally excluding him from lunch and has separated him from any non-business conversations or activities involving their team of co-workers. Patrick feels this exclusion is retaliation for his reporting his co-worker to their supervisor. When the Ethics Officer explained Patrick was not being retaliated against as defined within the *Ethics Act*, Patrick was shocked.

Which of the following did the Ethics Officer provide as his reasoning?

- A. The Ethics Officer explained that only employees who serve as deans, directors, or department heads are afforded whistleblower protections under the *Ethics Act*.
- B. The Ethics Officer explained that the actions constituting retaliation under the law do not include changed social interactions or exclusion in social settings.
- C. The Ethics Officer explained that by definition, no retaliation took place, but there may still be some issues to be addressed by unit management or Human Resources.
- D. Both B and C include information provided to the employee by the university Ethics Officer.

The correct response is D.

Explanation of the Answer:

Retaliation is very specifically defined in the law as reprimand, discharge, suspension, demotion, denial of promotion or transfer, or a change in the terms and conditions of employment. In order for an action to be considered retaliatory, it must be taken as a direct result of an employee's participation in a protected activity. Protected activities are: disclosing or threatening to disclose any practice, activity, or policy the employee believes to be a violation of law, rule or regulation.

Official Misconduct

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

- Intentionally or recklessly fail to perform a mandatory duty as required by law; or
- Knowingly perform an act which the employee knows to be forbidden by law to perform; or
- Perform an act in excess of employee's 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 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, such as a bribe, can place an employee in violation of the law as well.

Revolving Door Prohibition

Under the Ethics Act revolving door provisions, for one year after leaving university employment, all university employees, and their spouses or immediate family members living with them, are prohibited from accepting employment with an entity with whom they participated personally and substantially in certain contracting, licensing, or regulatory decisions within the previous year. [5 ILCS 430/5-45(a) and (b)]. The university does not generally make professional licensing or regulatory decisions but does make contracting decisions.

Under these prohibitions, if during the year preceding departure of state/university employment, the employee participated personally and substantially in awarding of contracts to vendors with a cumulative value totaling \$25,000 or more, the employee, spouse, or immediate family members living with the employee, is prohibited from accepting non-state employment from that vendor for a one year period immediately following termination of state/university employment.

By law, there are two groups of employees primarily subject to these restrictions.

- The President or members of the Board of Trustees (referred to as H list parties).
- Employees in positions the university has identified as having the authority to participate personally and substantially in contracting decisions (referred to as C list employees). If you are a C list employee, you would have been notified of this status by your university Ethics Officer and you would have confirmed, in writing, your receipt of the notification.

H list parties are prohibited from accepting employment or receiving compensation or fees for services from certain individuals or entities for a full year after ending their university position. This restriction is in place regardless of whether the H list party was involved in the contract decision or not. [5 ILCS 430/5-45(h)]

C list employees must go through a determination process with the OEIG before accepting the employment offer.

More information regarding the determination process, decisions, appeal options, and forms for submitting

notification to the OEIG regarding a non-state/university employment offer may be found at www.inspectorgeneral.illinois.gov. OEIG determinations may be appealed to the EEC within 10 calendar days by the person subject to the determination or the Attorney General. OEIG determinations are not considered final until the EEC has made a determination or the 10 day window to appeal the OEIG's determination has expired.

If an employee accepts non-state employment in violation of the revolving door prohibitions, they may be subject to a fine.

Knowledge Check

Though the revolving door prohibitions primarily focus on those employees who are personally and substantially involved in the award of contracts with a cumulative value totaling \$25,000 or more in the year preceding their termination of university employment, the penalties for violating the prohibitions are severe.

Which of the following accurately describe potential penalties for violating the revolving door prohibitions of the *Ethics Act*?

- A. The former employee may be forced to quit their new job.
- B. The former employee will not receive any penalties.
- C. The EEC may levy a fine against the former employee.

The correct response is C.

Explanation of the Answer:

If a former employee is found to have violated the revolving door prohibitions, the EEC may levy a fine, directly to the employee, of up to three times the annual compensation of the former employee's new position.

Statement of Economic Interests

The Statement of Economic Interests form is a disclosure required by the Illinois Governmental *Ethics Act* (5 ILCS 420) to be filed with the Office of the Secretary of State. A select population of University of Illinois employees is 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 Illinois Governmental *Ethics Act* identifies certain categories of individuals who are required to file a Statement of Economic Interests form (Statement), 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*.

Ill. Exec. Order 15-09 also requires this population to file a Supplemental Statement of Economic Interests form with the EEC. The Supplemental Statement does NOT require university Ethics Officer review and is due May 1st annually. The Supplemental Statement of Interests should be filed with the EEC and not the Secretary of State.

Procurement Communications Reporting

Illinois procurement laws require university employees to follow specific processes and requirements in an effort to protect the integrity of the procurement process.

To provide greater transparency in state procurement matters, university employees who are personally and substantially involved in communications related to a purchasing decision that could materially impact the outcome of an active procurement matter, may have an obligation to document that communication in the web-based Procurement Communications Reporting System (PCRS). [IL Procurement Code, 30 ILCS 500/50-30].

There are some exceptions that do not require documentation in the PCRS system, including, but not limited to, any communication held in or posted to a public forum including posting on the Illinois Procurement Bulletin, communications that are privileged, protected, or confidential by law, or are about general procedural steps. For more information on the reporting process, please contact your university Ethics Officer.

Any university employee who suspects collusion or other anticompetitive practice among any bidders, offerors, contractors, or employees of the state, must notify the Attorney General, the OEIG, and the Chief Procurement Officer. Additionally, any chief procurement officer, state purchasing officer, designee, or executive officer who willfully compromises the fairness or integrity of the procurement or contract process may be subject to immediate dismissal and possible criminal prosecution. [30 ILCS 500/50-40 and 45].

State employees, including public university employees, cannot be involved in the negotiation of contracts with any firm, partnership, association or corporation where the state employee currently has a contract for future employment or is contracting or negotiating their own future employment [30 ILCS 500/50-40].

Penalties within the Law

Penalties for violations of ethics-related laws, rules, and policies by university employees are dependent upon the specific circumstances. Penalties may include administrative action up to and including termination of employment. In addition, the EEC 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. If you have any questions or concerns, you can always contact your university Ethics Officer.

Thank You for your Compliance!

Thank you for completing your ethics training as required by the *Ethics Act* each calendar year. Please note that continued employment will require you to complete ethics training each calendar year. If you completed this training because you are a new full-time employee or a full-time employee who has just returned from a leave of absence, you will also be required to complete the on-line training when it is available in the fall.

To receive credit for participating in ethics training, you may complete, print, sign, and return the next page to Human Resources, 2010 Old Main.

If you have any questions or concerns with the training submission, please contact Human Resources at 217-581-3514 or Linda Holloway at lholloway2@eiu.edu , 217-581-6047.

Other questions or concerns may be directed to Laura McLaughlin via email at: ethicsofficer@eiu.edu or at 217-581-7249.

Thank You for your Compliance!

Thank you for completing your ethics training as required by the *Ethics Act*. Please note that continued employment as an undergraduate student worker, extra help employee, or medical resident will require you to complete ethics training **each** calendar year.

If you have any questions or concerns, please contact the University Ethics and Compliance Office via email at: ethicsofficer@eiu.edu or on the Ethics Line at: 866-758-2146.

