



NEW TRIER TOWNSHIP HIGH SCHOOL DISTRICT 203

Board of Education Policy 5-130

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PERSONNEL

GIFTS TO STAFF MEMBERS ETHICS POLICY

This policy has been adopted pursuant to the requirements of the State Officials and Employees Ethics Act. All terms contained within this Policy shall be interpreted consistent with the Act. Section I addresses prohibited political activity. Section II sets forth restrictions on the acceptance of gifts by members and employees of the Board of Education. Section III addresses the implementation of this Policy.

I. Prohibited Political Activities

- (a) Employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). Employees shall not intentionally misappropriate any District property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.
- (b) At no time shall any member or employee intentionally misappropriate the services of any employee by requiring that employee to perform any prohibited political activity (i) as part of that employee's duties, (ii) as a condition of employment, or (iii) during any time off that is compensated by the Board (such as vacation, personal, or compensatory time off).
- (c) An employee shall not be required at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

- (d) An employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee's participation in any prohibited political activity.
- (e) Nothing in this section prohibits activities that are otherwise appropriate for an employee to engage in as a part of his or her official employment duties or activities that are undertaken by an employee on a voluntary basis as permitted by law.
- (f) No person in a position that is subject to recognized merit principles of public employment shall be denied or deprived of Board employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

For the purposes of this policy, “**Prohibited political activity**” means:

- (a) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (b) 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.
- (c) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.
- (d) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (e) 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 for political purposes or for or against any referendum question.
- (f) 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.
- (g) 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.

- (h) 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.
- (i) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (j) 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.
- (k) 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.
- (l) Campaigning for any elective office or for or against any referendum question.
- (m) Managing or working on a campaign for elective office or for or against any referendum question.
- (n) Serving as a delegate, alternate, or proxy to a political party convention.
- (o) Participating in any recount or challenge to the outcome of any election.

II. Gift Ban

A. Prohibition

Except as otherwise provided in this Policy, no member or employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation. This ban applies to and includes the spouse of and immediate family living with the member or employee. No prohibited source shall intentionally offer or make a gift that violates this Policy.

For the purposes of this policy, “**prohibited source**” means any person or entity who:

- (1) is seeking official action (i) by the member or (ii) in the case of an employee, by the employee or by the member or other employee directing the employee;

- (2) does business or seeks to do business (i) with the member or (ii) in the case of an employee, with the employee or with a member or other employee directing the employee;
- (3) conducts activities regulated (i) by the member or (ii) in the case of an employee, by the employee or by a member or other employee directing the employee;
- (4) has interests that may be substantially affected by the performance or nonperformance of the official duties of the member or employee; or
- (5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members.

B. Exceptions

The restrictions set forth in the “Gift Ban” section of this Policy do not apply to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the member or employee pays the market value.
- (3) Any (i) contribution that is lawfully made under the Election Code, or (ii) 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 Board business that is not otherwise covered or reimbursed by the Board, when attendance at the meeting is approved by the Board or the Superintendent.
- (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 member or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the member or employee and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the member or employee shall consider the circumstances under which the gift was offered, including:
 - (i) 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;
 - (ii) whether to the actual knowledge of the member or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - (iii) whether to the actual knowledge of the member or employee the individual who gave the gift also at the same time gave the same or similar gifts to other members or employees.
- (8) Food or refreshments not exceeding \$75 per person in value on a single calendar day, provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared, or (ii) catered.
- (9) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the member or employee as an office holder or employee) of the member or employee, or the spouse of the member or employee, if the benefits have not been offered or enhanced because of the official position or employment of the member or employee, and are customarily provided to others in similar circumstances.

- (10) Any gift given to a member or employee of the Board by another member or employee of the Board, and any gift given to a member or employee of the Board by a member, officer, or employee of another State agency, federal agency or 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 exception listed in this Section is mutually exclusive and independent of any other.

C. Disposition of Gift

A member or employee does not violate this Policy if the member or employee promptly takes reasonable action to return the prohibited gift to its source or gives the gift or an amount equal to its value to a charitable organization that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

III. Implementation

A. Procedures and Guidelines

- (1) The Superintendent, consistent with the terms and provisions of the Act and this Policy, shall prepare rules, procedures and guidelines for implementation of this Policy.
- (2) The Superintendent shall be responsible for disseminating this Policy and any implementing rules, procedures, and guidelines and making them available to all employees within ten (10) business days after its adoption. The Superintendent is also responsible for making all new employees and board members aware of this Policy and its implementing rules, procedures and guidelines on or at the time of the assumption of their positions.

B. Ethics Advisor

The Board may appoint an Ethics Advisor for the School District. The Ethics Advisor shall provide guidance to members and employees concerning the interpretation of, and compliance with, this Policy. If no

Ethics Advisor is appointed, the regularly retained attorney of the School District shall serve as the Ethics Advisor.

C. Filing of Complaints

Complaints regarding the violation of this policy shall be filed with the Superintendent or the Board President pursuant to the rules, procedures and guidelines established by the Superintendent. Properly filed complaints shall be reviewed in accordance with the procedures established by the Superintendent. Such procedures may allow the Board itself to determine whether a violation has occurred or allow for the appointment of a three person Ethics Commission to review complaints.

If it is determined that a violation has occurred, the Board may impose a penalty consistent with State law and this Policy and as deemed appropriate under a totality of the circumstances.

Administrative Procedures for the Enforcement of the State Officials and Employees Ethics Act

These procedures implement Board Policy 5-130 and establish additional definitions and the process for filing and reviewing complaints for violations of the Policy.

Definitions

The following definitions shall be used to define the terms set forth within the District's Ethics policy."

"Appointee" means a person appointed to a position in or with the Board, regardless of whether the position is compensated.

"Administrative action" means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual arrangement, purchasing agreement or other delegated legislative or quasi- legislative action to be taken or withheld by any executive agency, department, board or commission of the State.

"Board" means the duly elected and constituted Board of Education of New Trier Township High School District 203 and any committees thereof.

"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 (i) relating to the support or opposition of any executive, legislative, or administrative action (as defined herein), (ii) relating to collective bargaining (as defined herein), or (iii) that are otherwise in furtherance of the person's official duties.

“Candidate” means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election.

“Catered” means food or refreshments that are purchased ready to eat and delivered by any means.

“Collective bargaining” means bargaining over terms and conditions of employment, including hours, wages, and other conditions of employment, as detailed in the Illinois Educational Labor Relations Act.

“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 employment with the Board, but does not include any designated holidays or any period when the employee is on a leave of absence.

“Compensatory time off” means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment with the Board.

“Contribution” means

- (1) a gift, subscription, donation, dues, loan, advance, or deposit of money or anything of value, knowingly received in connection with the nomination for election or election of any person to public office or in connection with any question of public policy;
- (2) the purchase of tickets for fund-raising events, including but not limited to dinners, luncheons, cocktail parties, and rallies made in connection with the nomination for election or election of any person to public office or in connection with any question of public policy;
- (3) a transfer of funds between political committees; and
- (4) the services of an employee donated by an employer, in which case the contribution shall be listed in the name of the employer, except that any individual services provided voluntarily and without promise or expectation of compensation from any source shall not be deemed a contribution; but

(5) does not include –

- (a) the use of real or personal property and the cost of invitations, food, and beverages voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate related activities; provided the value of the service provided does not exceed an aggregate of \$150 in a reporting period; or
- (b) the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

“Employee” means (i) any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, including, but not limited to, the superintendent, assistant superintendents, directors, supervisors, principals and certified staff, or (ii) any appointee.

“Executive action” means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a State entity of a rule, regulation, order, decision, determination, contractual arrangement, purchasing agreement or other quasi- legislative or quasi-judicial action or proceeding.

“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 government employment or the official position of an employee or officer.

“Leave of absence” means any period during which an employee does not receive (i) compensation for Board employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the Board.

“Legislative action” means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or passage or defeat of any bill, amendment, resolution, report, nomination, administrative rule or other matter by either house of the General Assembly or a committee thereof, or by a legislator. Legislative action also means the action of the Governor in approving or vetoing any bill or portion thereof, and the action of the Governor or any agency in the development of a proposal for introduction in the legislature.

“**Member**” means an elected or appointed member of the Board of Education of New Trier Township High School District 203.

“**Political**” means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as defined herein), (ii) relating to collective bargaining (as defined herein), or (iii) that are otherwise in furtherance of the person's official duties.

“**Political organization**” means a party, committee, association, fund, or other organization (whether or not incorporated) 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, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

“**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 any thing 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 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 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.

“Prohibited source ” means any person or entity who:

- (1) is seeking official action (i) by the member or (ii) in the case of an employee, by the employee or by the member or other employee directing the employee;
- (2) does business or seeks to do business (i) with the member or (ii) in the case of an employee, with the employee or with a member or other employee directing the employee;
- (3) conducts activities regulated (i) by the member or (ii) in the case of an employee, by the employee or by a member or other employee directing the employee;
- (4) has interests that may be substantially affected by the performance or nonperformance of the official duties of the member or employee; or
- (5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members.

“**Superintendent**” means the duly appointed and acting superintendent or interim superintendent of the District.

Enforcement

A. Filing Complaints

Any person wanting to file a complaint against any employee of the School District for violating the District’s Ethics Policy shall file such a complaint with the Superintendent. The complaint must be (i) in writing, (ii) signed and notarized, and (iii) specify which provision(s) of the Policy the employee has allegedly violated. Any complaint not filed in strict accordance with this Section shall not be investigated.

A person who seeks to file a complaint against a member of the Board or the Superintendent for violating the District’s Ethics Policy shall file such a complaint with the President of the Board. The complaint must be (i) in writing, (ii) signed and notarized, and (iii) specify which provision(s) of the Policy the member or Superintendent has allegedly violated. (In the event that the complaint is against the President of the Board, the complaint may be filed with the Vice President of Board.) Any complaint not filed in strict accordance with this Section shall not be investigated.

B. Investigation

Within 10 days of receipt, complaints shall be referred to an independent investigator for investigation. The independent investigator shall have 30 days to conduct his or her investigation; except that the Superintendent or Board President may, at the request of the independent investigator, extend the investigation period up to an additional 30 days for cause. The Superintendent or Board President shall also send a copy of the complaint, by certified mail, return receipt requested, to the alleged violator.

C. Reports

An independent investigator who conducts investigations pursuant to the District’s Ethics Policy shall prepare and submit to the Superintendent, President, as the case may be, a written report setting forth the nature of the investigation and the factual findings of the investigator. The investigator shall also make a finding as to whether the evidence is sufficient to support the violation alleged.

D. Penalties

(1) Based on the report issued pursuant to the “Reports” section above and any additional evidence produced pursuant to this section, the

Board shall determine whether sufficient evidence exists to support a finding that the member or employee has violated the District's Ethics Policy. If the Board concludes that a violation has occurred, it may impose a penalty, consistent with the Policy and its implementing rules and procedures, State law and Board resolutions and policies, on the violator, as it deems appropriate, based on the totality of the circumstances. If the violator is an employee other than the Superintendent, the Board may solicit the opinion of the Superintendent as to an appropriate penalty.

- (2) Before making any determinations or imposing any penalties under this Section, the Board shall provide the member or employee alleged to have violated the District's Ethics Policy with a copy of the report issued pursuant to the "Reports" section hereof. Within 14 days after his or her receipt of the report, the member or employee may request an opportunity to provide the Board with evidence that counters the allegation. Such a request shall be in writing and shall state whether the member or employee wishes to appear in person before the Board or whether the member or employee wishes to submit written evidence. Upon receipt of a request by a member or employee, the Board shall schedule a date and time for the member or employee to either appear before him or by which to submit written evidence, as the case may be. Such date shall be at least 14 days but not more than 30 days after receipt of the member's or employee's request. Any member or employee seeking to counter an allegation against him or her may submit for the Board's consideration any evidence that he or she believes relevant to refute the allegations. If the member or employee has requested an in person meeting, the member or employee may, at his or her expense, be accompanied by an attorney. The member or employee may, at his or her expense, also have an attorney submit written evidence on his or her behalf.
- (3) After any appearance or submission authorized under the preceding subsection (2), the Board shall make a determination whether sufficient evidence exists to support the complaint and, if so, impose a penalty. The Board shall vote on such matters no later than its next regularly scheduled meeting after the appearance or submission.

E. Confidentiality

To the fullest extent permitted by law, the names of persons filing complaints alleging a violation of the District's Ethics Policy, written reports prepared pursuant to the Policy and all documents related to employees' personnel files that may be used in investigations shall be treated as confidential and not disclosed. Further, to the fullest extent permitted by law, all deliberations related to any disciplinary actions stemming from alleged violations of the Policy shall be undertaken in confidence.

Adopted: 11/8/93

Revised: 8/24/98

Revised: 4/19/99

Revised: 6/7/04

Affirmed 4/17/2006