



CHAPTER 2	SECTION NO.
College Personnel – Personnel General	2.13
REFERENCE	<i>Adopted: October 12, 2010</i>
2.13.12 Ethics, Gift Ban & Prohibited Political Activity	<i>Reviewed: September 14, 2010; December 11, 2012, November 8, 2022</i>
	<i>Revised: December 11, 2012, November 8, 2022</i>

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It is the policy of Kishwaukee College to have all employees and officials act in accordance with the Illinois State Gift Ban Act, 5ILCS 430/10-10.

(5 ILCS 430/10-10)

Gift Ban. Except as otherwise provided in this Article, no officer, member or State 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 an immediate family living with the officer, member or State employee. No prohibited source shall intentionally offer or make a gift that violates this Section.

The Board of Trustees desires to maintain a policy which fully complies with the requirements of the Prohibited Political Activity and State Gift Ban Act.

PREAMBLE

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003, codified at 5 ILCS 430/1-1 and following), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units “in a manner no less restrictive” than the provisions of the Act; and

WHEREAS, it is the clear intention of the Act to require units of local government and community college districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government, school districts, and community college districts to penalize policy violations; and

WHEREAS, this Policy has been adopted in order to and shall be construed in a manner so as to comply with the requirements of the Act.



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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF KISHWAUKEE COLLEGE DISTRICT NO. 523, BOONE, DEKALB, KANE, LASALLE, LEE, OGLE, AND WINNEBAGO, COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: The Policy Manual of the Board of Trustees is hereby amended by the addition of the following provisions:

ARTICLE 1: DEFINITIONS AND GENERAL PROVISIONS

Section 1-1. For purposes of this Policy, the following terms shall be given these definitions or, if different from time to time, then as defined by the State Officials and Employees Ethics Act (codified at 5 ILCS 430/1-1 and following):

"Board of Education" means the Board of Trustees of Kishwaukee College No. 523, BOONE, DEKALB, KANE, LASALLE, LEE, OGLE, AND WINNEBAGO Counties, Illinois.

"Arms-Length Transactions" are those in which a business transaction is open, above-board and does not result from inside manipulation.

"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, (ii) relating to collective bargaining, 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 a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

"Collective bargaining" has the same meaning as contemplated by the Illinois Educational Labor Relations Act (115 ILCS 5/1 and following).

"Commission" means a three-member panel appointed by the Board Chair to investigate complaints alleging violations of the Gift Ban.

"Compensated time" means, with respect to an employee, any time worked by or credited to the 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 a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

"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 his or her employment.

"Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by Kishwaukee College, whether on a full- time or part-time basis or pursuant to a contract, whose 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, but does not include a volunteer or an independent contractor.



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"Employer" means Kishwaukee College.

"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.

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

"Officer" means a person who holds, by election or appointment, an office created by statute or law, regardless of whether the officer is compensated for service in his or her official capacity. The term "officer" includes all members of the Board of Trustees.

"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 (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, 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 (10 ILCS 5/9-3), as the case may be, 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 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 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.



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- 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: is seeking official action by the employee or by another employee directing the employee; does business or seeks to do business with the employee or another employee directing the employee; conducts activities regulated by the employee or by another employee directing the employee; has interests that may be substantially affected by the performance or non-performance of the official duties of the employee; or is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act.

"Related Party Transaction" is any transaction involving an exchange of goods, services or money between the college and a related party. A related party will be considered any member of the immediate family of a member of the Board of Trustees or an employee. Additionally, a related party will be any entity organization or unit of government which would be required to be identified on the Statement of Economic Interests filed annually with the County Clerk by a particular Board member or employee.

Section 1-2. Construction. This Policy shall be construed in a manner consistent with the provisions of the State Officials and Employees Ethics Act (codified at 5 ILCS 430/1-1 and following). This Policy is intended to impose the same but not greater restrictions than the Act.

ARTICLE 5: PROHIBITED POLITICAL ACTIVITIES

Section 5-1. Prohibited political activities.

- a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of Kishwaukee College 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 (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).
- 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 Section prohibits activities that are permissible 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 which are not prohibited by this Policy.



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- e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of 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.

ARTICLE 10: GIFT BAN

Section 10-1. Gift ban. Except as permitted by this Article, 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 herein, or which is otherwise prohibited by law. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 10-2 Exceptions. Section 10-1 is not applicable 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 employee pays the market value or anything not used and promptly disposed of as provided in Section 5.
- 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 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 employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the employee and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the employee shall consider the circumstances under which the gift was offered, such as: (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 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 employee 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 provided as a “contribution” under the definition of the term offered above, 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. For the purposes of this Section, “catered” means food or refreshments that are purchased ready to consume which are delivered by any means.

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- 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 employee as an office holder or employee) of the employee or the spouse of the employee, if the benefits have not been offered or enhanced because of the official position or employment of the employee and are customarily provided to others in similar circumstances or customarily provided by a prospective employer in connection with bona fide employment discussions or provided by a political organization in connection with a fund-raising or campaign event sponsored by that organization.
- 10) Intra-college and inter-governmental agency gifts. For the purpose of this Resolution, “intra-college gifts” means any gift given to an employee of the College from another employee of the College. “Inter-governmental gifts” means any gift given to an employee of the College from any other governmental entity, be it federal, state or local or employee thereof.
- 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.
- 13) Opportunities and benefits that are:
 - a) available to the public or to a class consisting of all employees, whether or not restricted on the basis of geographic consideration
 - b) offered to members of a group or class in which membership is unrelated to employment or official position
 - c) offered to members of an organization such as an employee's association or credit union, in which membership is related to employment or official position and similar opportunities are available to large segments of the public through organizations of similar size
 - d) offered to any group or class that is not defined in a manner that specifically discriminates among government employees on the basis of branch of government or type of responsibility or on a basis that favors those of higher rank or rate of pay
 - e) in the form of loans from banks and other financial institutions on terms generally available to the public
 - f) in the form of reduced membership or other fees for participation in organization activities offered to all government employees by professional organizations if the only restrictions on membership relate to professional qualifications.
 - g) A plaque, trophy or other item that is substantially commemorative in nature and that is extended for presentation
 - h) Golf or tennis; food or refreshments of nominal value and catered food or refreshments; meals or beverages consumed on the premises from which they were purchased.
 - i) Donations of products from an Illinois company that are intended primarily for promotional purposes, such as display or free distribution and are of minimal value to any individual recipient.
 - j) An item of nominal value such as a greeting card, baseball cap or T-shirt.

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14) Attendance at Events.

- (a) An employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception or similar event, provided by the sponsor of the event, if:
 - (i) the employee participates in the event as a speaker or a panel participant, by presenting information related to government or by performing a ceremonial function appropriate to the employee's official position or employment; or
 - (ii) attendance at the event is appropriate to the performance of civic affairs in Illinois or the official duties or representative function of the employee.
- (b) An employee who attends an event described in subsection (a) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual.
- (c) An employee or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.
- (d) For purposes of this Section, the term "free attendance" may include waiver of all or part of a conference or other fee, the provision of transportation or the provision of food, refreshments, entertainment and instructional materials furnished to all attendees as an integral part of the event.

Each of the exceptions listed in this Section is mutually exclusive and independent of each other.

Section 10-3 Disposition of gifts. 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 of 1986, as now or hereafter amended, renumbered, or succeeded.

Reimbursement.

- 1) A reimbursement (including payment in kind) to an employee from a private source other than a registered lobbyist or agent of a foreign principal for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, fact finding trip or similar event in connection with the duties of the employee as an office holder or employee shall be deemed to be a reimbursement to the governmental entity and not a gift prohibited by this Resolution if the employee:
 - (a) discloses the expenses reimbursed or to be reimbursed and the authorization to the College President or, if the employee is the College President, the Board, within 30 days after the travel is completed; and
 - (b) receives advance authorization from either the College President or Board, whichever is applicable, to accept reimbursement.
- 2) For purposes of subsection (a), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of an employee as an office holder or employee.



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- 3) Each advance authorization to accept reimbursement shall be signed by the College President or the Board if the employee in question is the College President and shall include:
 - (a) the name of the employee;
 - (b) the name of the person who will make the reimbursement;
 - (c) the time, place and purpose of the travel; and
 - (d) a determination that the travel is in connection with the duties of the employee as an employee and would not create the appearance that the employee is using public employment for private gain.

- 4) Each disclosure made under subsection (a) of expenses reimbursed or to be reimbursed shall be signed by the College President and shall include:
 - a) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;
 - b) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;
 - c) a good faith estimate of total meal expenses reimbursed or to be reimbursed;
 - d) a good faith estimate of the total of other expenses reimbursed or to be reimbursed; and
 - e) a determination that all those expenses are necessary transportation, lodging and related expenses.

Related Party Transaction. All transactions with related parties are to be carried out on an arms-length basis.

ARTICLE 15: ETHICS ADVISOR

Section 15-1. The President of the College, with the advice and consent of the Board of Trustees, shall designate an Ethics Advisor for Kishwaukee College. The duties of the Ethics Advisor may be delegated to an officer or employee of Kishwaukee College. **The Ethics Advisor has been designated as the President of the College.**

Section 15-2. The Ethics Advisor shall provide guidance to the officers and employees of Kishwaukee College concerning the interpretation of and compliance with the provisions of this Policy and State ethics laws. interpretation and implementation of this Act. The Ethics Advisor shall perform such other duties as may be delegated by the Board of Trustees.

Further Restrictions.

The Board of Trustees may adopt or maintain policies that are more restrictive than those set forth in this Resolution and shall continue to follow any existing policies, statutes or regulations that are more restrictive or are in addition to those set forth in this Resolution.

ARTICLE 20: ETHICS COMMISSION

Section 20-1. There is hereby created a commission to be known as the Ethics Commission Kishwaukee College. The Commission shall be comprised of three members appointed by the President of the College with the advice and consent of the Board of Trustees. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of Kishwaukee College. The Ethics Commission may be appointed to serve on an ongoing or on an ad hoc basis.

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Section 20-2. Where appointed to serve on an ongoing basis, at the first meeting of the Ethics Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve 2-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to 2-year terms. Commissioners may be reappointed to serve subsequent terms. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any two commissioners. A quorum shall consist of two commissioners, and official action by the commission shall require the affirmative vote of two members.

Section 20-3. The President of the College, with the advice and consent of the Board of Trustees, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Vacancies shall be filled in the same manner as original appointments.

Section 20-4. This Commission shall have the following powers and duties:

- 1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- 2) Upon receipt of a signed, written complaint, to investigate, conduct research, conduct hearings and deliberations, issue recommendations and impose a fine. The commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Resolution and not upon its own prerogative.
- 3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated this Resolution.
- 4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of Kishwaukee College to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.
- 5) The powers and duties of the Commission are limited to matters clearly within the purview of this Resolution.

Section 20-5.

- a) **Complaints alleging a violation of this Policy shall be filed through the reporting hotline, as found on the college's public website, or directly to the Ethics Advisor, as described in Article 15 of this policy.**
- b) The Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall also send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.
- c) Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Policy, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent required by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on cause to proceed within ten business days after such meeting.



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If the complaint is deemed sufficient to allege a violation of Article 10 of the Policy and there is a determination of cause, then the Commission’s notice to the parties shall include a hearing date scheduled within four weeks thereafter. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of Article 5 of this Policy Ordinance, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

- d. On the scheduled date and upon at least 48 hours’ public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
- e. Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline or reprimand to the alleged violator and to the President of the College. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.
- f. A complaint alleging the violation of this Policy must be filed within one year after the alleged violation.

ARTICLE 25: PRESIDENT OR BOARD ACTION ON RECOMMENDATION OF COMMISSION

Section 25-1. Penalties. Upon receipt of a recommendation from the Ethics Commission, the Board of Trustees may initiate disciplinary or discharge action against an employee who intentionally violates any provision or discharge against an employee who intentionally violates any provision of Article 5 or Article 10 of this Policy in accordance with applicable procedures.

- a) The Commission may recommend to the President or Board of Trustees disciplinary action against the employee it determines to be in violation of this Act. The recommendation may prescribe the following courses of action:
 - i. A reprimand.
 - ii. To cease and desist the offensive action.
 - iii. A return or refund of money or other items or an amount of restitution for services, received in violation of this Resolution.
 - iv. Dismissal, removal from office, impeachment or expulsion.
 - v. Donation to a charity of an amount equal to the gift.
- b) The local ethics commission may impose a fine of up to \$1,000 per violation to be deposited into the General Revenue Fund of the College.
- c) The Board of Trustees or the President may take disciplinary action against the employee as recommended by the Commission or as it deems appropriate, to the extent it is constitutionally and legally permissible for the Board or President to take that action. The College shall make its action or determination to take no action, available to the public.

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- (d) If after a hearing the Commission finds no violation of this Resolution, the Commission shall dismiss the complaint.
- (e) Review. The Commission's decision to dismiss a complaint or its recommendation is not a final administrative decision, but its imposition of a fine is a final administrative decision subject to judicial review under the Administrative Review Law of the Code of Civil Procedure.
- (f). Severability. If any provision, clause, sentence, paragraph, section or part of this Resolution or the application thereof to any person or circumstance, is adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Resolution and the application of such provision to other person or other circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered and to the person or circumstances involved. It is declared to be the legislative intent of the Board of Trustees of Kishwaukee College that this Resolution would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not have been included.

Previous Policies and Resolutions. All other resolutions, policies, or parts thereof in conflict with or inconsistent with the provisions of this Resolution are hereby repealed to the extent of any such conflict or inconsistency.

Future Amendments to State Gift Ban Act. Any amendment to the State Gift Ban Act (5 ILCS 425/1 et seq.) that becomes effective after the passage of this Resolution shall be incorporated into this Resolution by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Resolution by reference without formal action by the Board of Trustees.

Future Declaration of Unconstitutionality of State Gift Ban Act.

- (a) If the Illinois Supreme Court declares the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional in its entirety, then this Resolution shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearing's. The Resolution shall be deemed repealed without further action by the Board of Trustees if the Act is found unconstitutional by the Illinois Supreme Court.
- (b) If the Illinois Supreme Court declares part of the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this Resolution shall remain in full force and effect; however, that part of this Resolution relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Board of Trustees.

SECTION 2: This Policy shall be in effect upon its approval by the Board of Trustees. *Formerly Ethics Policy/State Gift Ban Act Effective Date. July 13, 1999.*