

POLICY BOARD/EXECUTIVE COMMITTEE

2:105 Ethics and Gift Ban

Prohibited Political Activity

The following precepts govern political activities being conducted by Cooperative employees, Policy Board or Executive Committee members:

1. No employee shall intentionally perform any *political activity* during any *compensated time*, as those terms are defined herein.
2. No Policy Board or Executive Committee member or employee shall intentionally use any Cooperative property or resources in connection with any political activity.
3. At no time shall any Policy Board or Executive Committee member or employee intentionally require any other Policy Board or Executive Committee member or employee to perform any political activity: (a) as part of that Policy Board or Executive Committee member's or employee's duties, (b) as a condition of employment, or (c) during any compensated time off, such as, holidays, vacation, or personal time off.
4. No Policy Board or Executive Committee member or employee shall be required at any time to participate in any political activity in consideration for that Policy Board or Executive Committee member 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 Policy Board or Executive Committee member or employee be awarded additional compensation or any benefit in consideration for his or her participation in any political activity.

A Policy Board or Executive Committee member or employee may engage in any activity that: (1) is otherwise appropriate as part of his or her official duties, or (2) is undertaken by the individual on a voluntary basis that is not prohibited by this policy.

Limitations on Receiving Gifts

Except as permitted by this policy, no Policy Board or Executive Committee member or employee, and no spouse of or immediate family member living with a Policy Board or Executive Committee member or employee shall intentionally solicit or accept any *gift* from any *prohibited source*, as those terms are defined herein, or that is otherwise prohibited by law or policy. No prohibited source shall intentionally offer or make a gift that violates this policy.

The following are exceptions to the ban on accepting gifts from a prohibited source:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the Policy Board or Executive Committee member or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any: (a) contribution that is lawfully made under the Election Code, or (b) 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 recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other Policy Board or Executive Committee members or employees, or their spouses or immediate family members.
8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are: (a) consumed on the premises from which they were purchased or prepared; or (b) catered. Catered means food or refreshments that are purchased ready to consume, which are delivered by any means.
9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of a Policy Board or Executive Committee member or employee), if the benefits have not been offered or enhanced because of the official position or employment of the Policy Board or Executive Committee member or employee, and are customarily provided to others in similar circumstances.
10. Intra-governmental and inter-governmental gifts. Intra-governmental gift means any gift given to a Policy Board or Executive Committee member or employee from another Policy Board or Executive Committee member or employee, and inter-governmental gift means any gift given to a Policy Board or Executive Committee member or employee from an officer or employee of another governmental entity.
11. Bequests, inheritances, and other transfers at death.
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the listed exceptions is mutually exclusive and independent of every other.

A Policy Board or Executive Committee member or employee, his or her spouse or an immediate family member living with the Policy Board or Executive Committee member 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 26 U.S.C. §501(c)(3).

Enforcement

The Executive Committee Chairperson and Director shall seek guidance from the Cooperative attorney concerning compliance with and enforcement of this policy and State ethics laws. The Executive Committee Board may, as necessary or prudent, appoint an Ethics Advisor for this task.

Written complaints alleging a violation of this policy shall be filed with the Director or Executive Committee Chairperson. If attempts to correct any misunderstanding or problem do not resolve the matter, the Director or Executive Committee Chairperson shall, after consulting with the Cooperative attorney, either place the alleged violation on a Executive Committee meeting agenda for the

Executive Committee 's disposition or refer the complainant to Cooperative policy 2:260, *Uniform Grievance Procedure*. A Policy Board or Executive Committee member who is related, either by blood or by marriage, up to the degree of first cousin, to the person who is the subject of the complaint, shall not participate in any decision-making capacity for the Policy Board or Executive Committee . If the Executive Committee finds it more likely than not that the allegations in a complaint are true, it shall notify the State's Attorney and/or consider disciplinary action for the employee.

Definitions

Unless otherwise stated, all terms used in this policy have the definitions given in the State Officials and Employees Ethics Act, 5 ILCS 430/1-5.

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.
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.

With respect to an employee whose hours are not fixed, *compensated time* includes any period of time when the employee is on premises under the control of the Cooperative and any other time when the employee is executing his or her official duties, regardless of location.

Prohibited source means any person or entity who:

1. Is seeking official action by: (a) a Policy Board or Executive Committee member, or (b) an employee, or by the Policy Board or Executive Committee member or another employee directing that employee;
2. Does business or seeks to do business with: (a) a Policy Board or Executive Committee member, or (b) an employee, or with the Policy Board or Executive Committee member or another employee directing that employee;
3. Conducts activities regulated by: (a) a Policy Board or Executive Committee member, or (b) an employee or by the Policy Board or Executive Committee member or another employee directing that employee;
4. Has an interest that may be substantially affected by the performance or non-performance of the official duties of the Policy Board or Executive Committee member or employee;
5. Is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or
6. Is an agent of, a spouse of, or an immediate family member living with a prohibited source.

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 a Policy Board or Executive Committee member or employee.

Complaints of Sexual Harassment Made Against Policy Board and/or Executive Committee Members by Elected Officials

Pursuant to the State Officials and Employees Ethics Act (5 ILCS 430/70-5), members of the Policy Board, Executive Committee, and other elected officials are encouraged to promptly report claims of sexual harassment by a Policy Board or Executive Committee member. Every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available. If the official feels comfortable doing so, he or she should directly inform the individual that the individual's conduct or communication is offensive and must stop.

Policy Board, Executive Committee members, and elected officials should report claims of sexual harassment against a member of the Policy Board and/or Executive Committee to the respective Board or Committee Chairperson or Director. If the report is made to the Director, the Director shall promptly notify the Chairperson, or if the Chairperson is the subject of the complaint, the Vice Chairperson. Reports of sexual harassment will be confidential to the greatest extent practicable.

When a complaint of sexual harassment is made against a member of the Policy Board or Executive Committee by another Policy Board or Executive Committee member or other elected official, the Director shall appoint a qualified outside investigator who is not a Cooperative employee or Policy Board or Executive Committee member to conduct an independent review of the allegations. The investigator shall prepare a written report and submit it to the Policy Board or Executive Committee.

If a Policy Board or Executive Committee member has engaged in sexual harassment, the matter will be addressed in accordance with the authority of the Policy Board or Executive Committee.

The Director will post this policy on the Cooperative website and/or make this policy available in the Cooperative's administrative office.

LEGAL REF.:

105 ILCS 5/22-93.

5 ILCS 430/, State Officials and Employees Ethics Act.

10 ILCS 5/9-25.1, Election Interference Prohibition Act.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 2:260 (Uniform Grievance Procedure), 4:60 (Purchases and Contracts), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest)

EXECUTIVE COMMITTEE APPROVAL: January 11, 2023

POLICY BOARD APPROVAL: August 10, 2022

Tazewell-Mason Counties Special Ed Association
