

2017- ETHICS ORIENTATION FOR NEW HIRES

NORTHERN ILLINOIS UNIVERSITY 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 Board of Trustees of the University of Illinois and modified for Northern Illinois University.

Introduction to Ethics Training

The *State Officials and Employees Ethics Act (5 ILCS 430/5-10) (Ethics Act)* 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 online 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).

Not only does the law require you to complete ethics training each year, but ethics plays a central role in business and social settings alike, so it is important to understand and demonstrate the highest ethical standards.

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 the orientation program, in addition to satisfying the annual ethics online training requirement.***

Permanent Employees (faculty, staff, student employees, extra help, etc.): NIU 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.

University Board of Trustees: Public university board members must complete an annual training program 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 and Compliance 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.

NIU Ethics Officer

James Guagliardo, University Legal Services
815-753-9517 or EthicsOfficer@niu.edu

NIU Ethics Training Administrator

Karen Smith, Ethics Training Office

For more information on training and other processes:
815-753-9192 or email EthicsTraining@niu.edu.

Executive Ethics Commission / Inspector General

The 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, which includes appointees, 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

- 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:

- (1) Call 866.814.1113;
- (2) Fax 312.814.5479;
- (3) TTY 888.261.2734;
- (4) Log in to www.inspectorgeneral.illinois.gov and click on “complaints”
- (5) 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.

Knowledge Check

Cam is peripherally involved in a matter being investigated by the OEIG and even though he's sure he didn't do anything wrong, he's worried about his upcoming interview with an investigator.

Where should Cam go for advice?

- A. Cam should contact his university Ethics Officer.
- B. Cam should speak to his coworkers about his concerns and what he knows about the investigation.

The correct response is A.

Explanation of the answer:

Employees are always allowed to seek advice from their university Ethics Officer or from private legal counsel regarding investigations into potential Ethics Act violations. Employees should not discuss the matter with their coworkers, as it may impact the confidentiality and outcome of the investigation.

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, including appointees, 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 do business or seek to do business with the university, are considered to be 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.

You, as well as any member of your immediate family living with you, must abide by the gift ban and the exceptions included within the law when offered 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 by the Executive Director of the EEC or a delegate. For Northern Illinois University, this authority has been delegated to the university Ethics Officer.
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: www.ilga.gov/legislation/ilcs/ilcs3.asp?ChapterID=2&ActID=2529.

III. Exec. Order No. 15-09 can also be referenced at:
https://www.illinois.gov/Government/ExecOrders/Pages/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.

Gifts from Prohibited Sources

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

A recently hired dean receives a welcome package from a vendor that does significant business with her college. She recalls from her ethics orientation training she cannot personally accept gifts from a university vendor since they are a prohibited source, but contacts the ethics officer to better understand her options in regard to handling the gift.

Which of the following is not an option the ethics officer provides the dean?

- A. The ethics officer states the dean may return the gift and explain the restrictions under the law.
- B. The ethics officer explains that if the dean would like to accept the gift personally, she must either make a donation equal to the market value of the gift or donate the gift itself to a 501(c)3 IRS recognized charitable organization of her choice.
- C. The ethics officer tells the employee there are no restrictions on prohibited gifts.

The correct response is C.

Explanation of the answer:

The gift ban within the Ethics Act restricts acceptance of gifts by university employees from a prohibited source without taking further action. They must donate the prohibited gift to a charity of their choice, make a donation equal to the full market value of the gift and keep the item, or return the gift to the prohibited source. EO 15-09 places a more significant limitation on gift acceptance. This means employees cannot accept a gift from a prohibited source without a related donation. Employees should maintain documentation to show how they complied, such as a tax receipt or cancelled check for their donation.

Personnel Policies

The *Ethics Act* also requires the university to implement personnel policies related to work time requirements, documentation of time worked, documentation for reimbursement for travel on 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

Luis handles all time card entry within the unit. After he has submitted and received approval for all time cards for the upcoming pay period, a departmental employee approaches him and asks for his hours to be adjusted to reflect less benefit time usage.

In what section of the Ethics Act would the time recording requirements be found?

- A. There is no mention of time reporting requirements in *the Ethics Act*.
- B. The “Personnel Policies” section contains this information.
- C. The revolving door prohibitions section explains this requirement.

The correct response is B.

Explanation of the answer:

The law requires personnel policies be developed and implemented within each state agency, including public universities, to satisfy the requirement that employees account for their time spent on university business to the nearest quarter of an hour (5 ILCS 430/5-5(c)). In addition to serving as a mechanism for paying employees, the time reporting policy requirement is designed to track time spent conducting university business, in compliance with the Ethics Act.

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.

Knowledge Check

Jack is collecting records to assist in the university’s response to a *Freedom of Information Act* (FOIA) public document request. In reviewing the information provided, Jack views a document he feels will subject the university to negative media publicity.

Can Jack simply destroy the document to avoid placing the university in a position to receive negative media publicity?

- A. Yes – Jack’s responsibility, first and foremost, is to protect the university at all costs – even if it means destroying documents.
- B. No – Jack must provide all relevant documents in response to the request, even if it means the university will receive negative publicity.

The correct response is B.

Explanation of the answer:

Employees must be truthful and complete in all oral and written communications. As such, in responding to a FOIA request, any record pertaining to public business must be provided if it is considered responsive to the request, regardless of the record's location, form or potential impact on the university. Similarly, if there is a litigation hold (retention requirement related to legal action) or other preservation requirement, the employee must honor the request and not delete or effectively destroy any communications or documentation that is to be retained. Employees should consult their university FOIA office with any questions about responding to a FOIA request.

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, for non-university 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 any improper use of university property, equipment, or time while working, violates university policy and procedure.

Knowledge Check

Connor's personal vehicle is in the body shop having some repairs. Instead of renting a loaner car to use during the week his car is being repaired, Connor decides he can simply use a university vehicle to transport himself to and from work and run errands in the evenings.

How would using a university vehicle in this matter be considered a misuse of university resources?

- A. A university vehicle is university-owned property and as such, should only be used to conduct university business.
- B. None of the elements in the above scenario depict a misuse of university resources.

The correct response is A.

Explanation of the answer:

It is a misuse of university resources to use a university vehicle for personal errands and travel. Each institution has specific policies related to the appropriate use of university vehicles and employees are responsible for being knowledgeable on and understanding the rules governing their use of university vehicles/resources.

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:

[NIU Board of Trustees Regulations, Section II, General Obligations and Administrative Rules](#)

[NIU System Access and Security Policy](#)

[NIU Acceptable Use Policy](#)

[NIU State Officials and Employees Ethics Act Work Time Reporting](#)

[NIU Policy on Family Relationships, Board of Trustees Regulations](#)

[NIU Procurement Policies and Procedures](#)

[NIU Policy on Procurement Communications](#)

[NIU Affirmative Action and Diversity Resources Non-Discrimination and Harassment Policy and Complaint Procedures](#)

Knowledge Check

Tammy was recently promoted within her unit and is now in a supervisory role. As a result of her recent promotion, Tammy will now be in a role where she is supervising her son-in-law. Tammy recalls the supervision of family members by other family members is restricted by policy, but is not sure if the restriction extends to her in-laws as well.

What campus policy can Tammy reference to determine what restrictions exist and the extent of those restrictions?

- A. Tammy can reference her campus time reporting policies.
- B. Tammy can reference her campus procurement policies.
- C. Tammy can reference her campus nepotism policies.

The correct response is C.

Explanation of the answer:

Each campus has nepotism policies in place to address the employment of family members. Tammy should reference the policy for her campus to determine what disclosure or further action must be taken in regard to her recent promotion.

University employees are expected to be aware of and comply with all university and departmental policies and procedures. Violations of existing policies and procedures will be handled in accordance with established disciplinary procedures. Typically, these types of matters should be reported to the employee's supervisor, Human Resources, or the university Ethics Officer. The discipline is handled through coordination between Human Resources and the unit.

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 of Commitment and Interests for Academic Professional employees can be found at: <http://www.niu.edu/board/regs/sectionII.shtml>.

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

Jenna's husband runs an in-home daycare for grade school children before and after school. He has a few openings heading into the coming school year, so Jenna has sent a unit-wide email to let people know about the childcare opportunities.

Is sending an email regarding her husband's business considered a potential or actual conflict of interest?

- A. No, Jenna can only have a potential or actual conflict of interest if it relates to her own outside employment.
- B. Yes, if Jenna sends a communication promoting her spouse's outside income-producing activity, this would be considered a conflict of interest.

The correct response is B.

Explanation of the answer:

In this scenario, since her husband's business generates personal income, it is a conflict of interest for Jenna to advertise these openings, which would ultimately result in a personal benefit to her. Conflicts (such as a second business), by university policy, are often required to be disclosed in writing and approved, managed, or denied through employee reporting lines. If Jenna had a second position outside of the university, she would likely need to disclose this in compliance with policy. Additionally, work related to a second position must be conducted entirely outside of university working hours and no university resources - including time and office space - can be used to conduct the income-producing activity. Please check with your university Ethics Officer regarding the disclosure requirements for your institution.

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

Maya read an article about an employee who used a university computer to send political emails during work. She wondered whether the activity would have been a violation of the law if it had been sent on personal time, not using university networks, computers, or accounts.

Would this have been considered prohibited political activity?

- A. Yes - state employees can never send a political email or participate in any political activities, regardless of their method of communication.
- B. No - the *Ethics Act* doesn't restrict political activities conducted using personal time and non-university resources.

The correct response is B.

Explanation of the answer:

Employees cannot participate in any prohibited political activity while at work or using university resources. However, political activities conducted during personal time or by using approved benefit time are not considered violations of the Ethics Act. Employees cannot accept, solicit, make or offer any contribution for a political campaign on state property, which includes university buildings and facilities. If a building is rented under a standard rental agreement or contract, political contributions can be solicited and accepted for the duration of the rental without violating the Ethics Act.

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 deaf (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”).

Knowledge Check

Chandra believes she witnessed her supervisor involved in a potential violation of the *Ethics Act*.

Is she required to report this concern to both the OEIG and her university Ethics Officer?

- A. Yes - she must report to both her university Ethics Officer and the OEIG; reporting to just one is insufficient.
- B. No - Employees should report to the university Ethics Officer or the OEIG, but reporting to both is not required.

The correct response is B.

Explanation of the answer:

Employees have an ethical obligation to report believed or actual violations of the law. However, their obligation revolves around a responsibility to report the information to an individual or agency with the ability to follow-up on the reported allegation. It is only necessary to make this report to one party.

Rights and Responsibilities in Investigations

University employees who become involved in an investigation conducted by the Executive Inspector General 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.

In particular, the Executive Inspector General may request that any university employee truthfully answer questions concerning any matter related to the investigation. If so requested, 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 an Executive Inspector General. 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 interviewee shall 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 interviewee shall be presented a form that outlines the interviewee's rights during the interview, including the right to the presence of an attorney, union representative, or coworker uninvolved in the investigation.

It is the policy of the OEIG 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.

No EIG or investigator shall 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: 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 should 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.

Whistleblower Protection

The *Ethics Act*, the *Whistleblower Act*, Executive Order 16-04, 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:

- 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 retaliation 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.

Individuals who take retaliatory action against whistleblowers are subject to disciplinary action up to and including discharge by the university, in addition to potential administrative action by the EEC.

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 may result 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

Alice is concerned if she makes a report, her supervisor may take adverse employment action against her.

How is Alice protected after making a report?

- A. She's protected against reprimand, discharge or suspension as a result of her report.
- B. She's protected against the denial of a promotion or transfer because she made a report.
- C. She's protected against any negative action taken, for any reason.
- D. Both A and B are correct.

The correct response is D.

Explanation of the answer:

When Alice makes a report of a potential violation, she is protected by two statutes against retaliation for making the report. Retaliation is defined as reprimand, discharge, suspension, and the denial of a promotion or a transfer due to involvement in a protected activity. A protected activity is the reporting of any believed act of wrongdoing or violation of law, policy, or rule. Whistleblower protection does not, however, protect an employee against actions taken for poor performance on her part or actions that are unrelated to the protected whistleblowing. Those employment actions that would have taken place, regardless of involvement in a protected activity, are not considered to be retaliatory.

Official Misconduct

The Illinois *Criminal Code of 2012* (720 ILCS 5/33-3) 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 the 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

The Revolving Door Prohibition (5 ILCS 430/5-45) applies to all employees, including appointees, and states no employee shall within a period of one year immediately after termination of State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the officer, member, or State employee, during the year immediately preceding termination of State employment, participated personally and substantially in the award of State contracts, or the issuance of State contract change orders, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary. That provision also applies to spouses and immediate family members living with the State employee.

University employees whose job positions, by nature of their duties, may have the authority to participate personally and substantially in the award of state contracts or in regulatory or licensing decisions (C-List employees), are required to notify the OEIG prior to accepting an offer of non-state employment they received during their state employment or during the year following their termination of state employment. University employees who fall into that category are instructed in writing by their university Ethics Officer and are required to confirm acknowledgment of those requirements. Employees on the C-List must seek a determination from the OEIG prior to accepting any non-state job offer. If you are unsure whether the requirement to seek a determination applies to you, please contact your university Ethics Officer.

Additionally, per Ill. Exec. Order No. 15-09, no state employee or appointee can negotiate for employment or compensation with any person or entity lobbying their agency of current employment.

If an employee, including appointees, terminates their employment with a state agency in Illinois, the prohibition expands to prohibit lobbying for any state agency, not just specifically the agency where they were employed during the previous year. As such, for one year following employment with a state agency in Illinois, an individual may not accept compensation for lobbying any state agency in Illinois. This prohibition does not apply to students whose employment is directly associated with their enrollment (e.g., undergraduate students, graduate students, teaching assistants, or medical residents).

Specific instructions and forms related to the revolving door process for those who are subject to the requirement to seek a determination can be found at: www.inspectorgeneral.illinois.gov.

Please note there is no notification requirement or determination process for the President and members of the Board of Trustees, among others. Due to the nature of their positions (H-List employees), they are strictly prohibited from accepting employment or compensation from persons or entities who are party to certain contracts or who were the subject of regulatory or licensing decisions by the university, regardless of whether the state employee or appointee participated personally and substantially in those awards or decisions.

If a current or former trustee accepts non-state employment in violation of the revolving door prohibitions, a fine of up to three times the total compensation that would have been obtained may be levied by the EEC.

Knowledge Check

Dennis is contemplating pursuing a career in independent consulting following his retirement from the university. As he discusses the possible options casually with his coworkers, one of them suggests he may need to speak to the university Ethics Officer regarding the revolving door prohibitions and whether or not he needs to seek a determination.

Which of the following must seek an OEIG determination prior to acceptance of non-state employment?

- A. Any employee who has been notified in writing by their university Ethics Officer that they are a C-List employee.
- B. University President.
- C. Member of the Board of Trustees.
- D. All of the above.

The correct response is A.

Explanation of the answer:

Employees who participate personally and substantially in the awarding of state contracts, or the issuance of state contract change orders, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary, are subject to the revolving door provisions of the Ethics Act and are termed C-List employees. This means, if the employee participated in such an award in the year immediately preceding termination of employment, for a period of one year following termination of state employment, the employee may not knowingly accept non-State employment from that vendor. This also applies to spouses and immediate family members living with the employee.

The University President and members of the Board of Trustees (H-List employees) are specifically prohibited from accepting employment or compensation from an entity the university has contracts with if the cumulative value is \$25,000 or more within the year preceding departure and for one year following.

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 Northern Illinois University 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*.

III. 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

Another requirement of state law, derived from the Illinois *Procurement Code* (30 ILCS 500/50-39), states that employees receiving communications, written or oral, that impart or request material information or make a material argument regarding potential action concerning an active procurement matter (e.g., application, contract, project, or proposal) must report that written or oral communication to the Procurement Policy Board via its website at: <https://pcrs.illinois.gov> unless the communication was held in or posted to a public forum (e.g., Illinois Procurement Bulletin).

If you believe you have been involved in a communication with an outside party that requires reporting, please consult your university Ethics Officer to ensure your compliance with the Illinois *Procurement Code*.

Further information regarding reporting exemptions and requests for access to the Procurement Policy Board website is available on the University Ethics and Compliance Office website at: http://www.niu.edu/ethics/resources/procurement_communications.shtml.

For further instructions related to the reporting process, including instructions for completing the form itself, please visit the Procurement Policy Board's website. The reports will be published for public viewing at: <https://pcrs.illinois.gov>.

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 for certain violations of the *Ethics Act*. Illegal acts, such as bribery or official misconduct, may result in 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*. 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 Ethics Training Administrator via email at: ethicstraining@niu.edu or call us at 815-753-9192.

**Remember, inspiring integrity at
Northern Illinois University
requires each and every
employee's dedication.**

**Please do your part by reporting
fraud, waste, abuse, mismanagement,
misconduct, conflicts of interest, lack of compliance,
or other violations of federal law, state law,
contractual agreements or University policy.**

Northern Illinois University

I certify that I have carefully read and reviewed the content of, and completed the

2017 Ethics Orientation Training for NIU Employees:

Furthermore, I certify that I understand my failure to comply with the laws, rules, policies, and procedures referred to within this training course may result in disciplinary action up to and including termination of state employment/appointment, administrative fines, and possible criminal prosecution, depending on the nature of the violation.

Name: _____
(PRINT: last name, first name, middle initial)

Signature: _____

Today's Date: _____

Date of Birth: _____

Department of Employment: _____

Please check one of the following:

New hire _____ (*new to university*)

Rehire _____ (*previous held a position at NIU*)

Additional job _____ (*work in more than one department in the university*)

volunteer _____ (*not being paid by the university*)

To be properly credited for participating in ethics training, please complete and return the signature page via campus mail, or fax to 815-753-0817.

NIU Ethics Training Administrator
HSC 7th Floor – 709
NIU
DeKalb, IL 60115