



Northern Illinois University

2018

ETHICS ORIENTATION FOR NEW HIRES

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 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 ethics training. For the purposes of ethics training, employees are defined as individuals who receive a paycheck from the university as well as Board of Trustee members. Employees who do not complete the training as directed may be subject to disciplinary action and those who fail to do so in compliance with the law may face administrative fines by the Illinois Executive Ethics Commission (EEC).

Ethics plays a central role in business and social settings alike, so it is important to understand and demonstrate the highest ethical standards.

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 training requirement.**
- **Employees (faculty, staff, etc.):** Permanent employees must complete an interactive, online course annually during a designated window. The university Ethics Officer will let you know when 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.

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, HRS

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” or
- (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.

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 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, 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.

Ill. 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 fast food restaurant recently opened near campus. As part of its marketing campaign, the restaurant provided gift cards for a free sandwich to all local and campus area businesses for distribution to staff and employees.

Though EO 15-09 prohibits the acceptance of gifts from a prohibited source, which of the following exceptions to the Gift Ban would allow university employees to accept these broadly distributed gift cards?

- A. The Educational Materials and Missions exception would allow employees to accept a gift card for a free sandwich without any documented business purpose.
- B. There are no applicable exceptions to the Gift Ban that would allow employees to accept the free sandwich gift cards.
- C. The General Public exception allows state and university employees to accept gifts that are opportunities, benefits, and services available on the same conditions as for the general public.

The correct response is C.

Explanation of the answer:

The exception that allows state and university employees to accept gifts that constitute opportunities, benefits, and services available on the same conditions as for the General Public could be applied in this scenario. Since local businesses and university units were provided the free sandwich gift cards and it was not specific to a particular university unit or a targeted employee, the population provided free sandwich gift cards would be considered the "General Public." As such, employees may accept and use the gift cards as long as there are not more restrictive university or departmental policies that would prohibit their acceptance.

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, accumulation of benefits, and sexual harassment. 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

When reviewing timesheets, Trish noted her employee Jen had not punched her time card at the mandatory clock station and, instead, had written in her start time. Since the employees within this unit work in multiple locations across the campus, Trish relies on the automated time clock system. When she confronted Jen, she admitted that she had not been truthful in the start time reported.

Aside from falsely reporting time, what policy and/or provision within the Ethics Act did Jen violate?

- A. Jen did not violate any policies. Time cards are simply a way to show an employee was present at work on a given date – not the actual time they arrived and left campus.
- B. Jen violated the time keeping policies of the university, as required by the Ethics Act.
- C. Jen violated privacy policies within the university.

The correct response is B.

Explanation of the answer:

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. The Ethics Act requires each agency, including state public universities, to adopt and implement personnel policies relating to work time requirements, documentation of time worked, documentation for reimbursement for travel on official State business, compensation, and the earning or accrual of State benefits for all State employees who may be eligible to receive those benefits. By clocking in and out of work each day, the employee is satisfying the time reporting requirements of the law and university policy. Falsifying time sheets is not only fraudulent but also is a violation of university policy and 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.

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

Due to a lack of supervision, Steve quickly discovered how to exert minimal effort without being noticed. Once he had cleaned bathrooms and emptied trash cans, he would go to the janitor's closet to nap, play on a cell phone, and watch videos on a tablet. Steve was disciplined for abusing university time and supervisory activities over all unit employees were increased.

Was the reason for discipline appropriate?

- A. Yes, the discipline was appropriate because as a university employee, Steve's compensated time is to be spent conducting university business. Employee compensated time is the university's most valuable and costly resource.
- B. No, the discipline was not appropriate because Steve was fulfilling the minimum requirements of his position.

The correct response is A.

Explanation of the answer:

University resources, including an employee's time, are to be used to conduct university business. Abusing time is considered a violation of the law as well as university policy, and employees can be disciplined for failure to comply with the law and policy.

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, sexual harassment 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](#)

KNOWLEDGE CHECK

Steve's friend Frank, who has recently been promoted to a supervisory position, confides in Steve that he's also facing some problems, since he hired his son to work under his supervision.

Could Frank's decision to hire his son violate university policies?

- A. Yes, there are specific policies related to nepotism and hiring that Frank must be aware of and follow.
- B. *No, as long as his son was the most qualified candidate, his son can work under his supervision without any additional considerations.*

The correct response is A.

Explanation of the answer:

University employees must adhere to all policies, including those related to nepotism and hiring. Employees should refer to the Policies tab for additional information related to adherence with university nepotism and personnel policies.

Sexual Misconduct (including Sexual Harassment)

To provide a safe and welcoming educational and work environment and to establish standards of conduct for all members of the campus community, the university prohibits sexual misconduct, which includes sexual harassment, sexual assault, sexual exploitation, stalking, dating violence and domestic violence. Some examples of sexual misconduct include requests for sexual favors; unwanted physical contact; remarks about a person's body or sexual relationships; and sexual jokes, stories or images in no way germane to the subject of the work environment.

Sexual harassment, which is a form of sexual misconduct, is defined in the *Ethics Act* as any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting said individual, or
3. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

The university prohibits and will not tolerate sexual misconduct, including sexual harassment, because such behavior violates the university's institutional values, adversely affects the university's community interest, and interferes with the university's mission. The university also prohibits

retaliation against any person who, in good faith, reports a violation the sexual misconduct policy, files a complaint, or otherwise participates in an investigation, proceeding, complaint, or hearing regarding sexual misconduct. Retaliation includes, but is not limited to harassment, discrimination, threats, job termination, adjustment in pay or responsibilities, or negative impact on academic progress.

Employees have multiple reporting options for addressing sexual misconduct, both internally and externally. When sexual harassment is alleged between two employees and **does not** involve a student, it can be reported anonymously to the OEIG, to an ethics officer, to your supervisor, or to the Department of Human Rights (IDHR). The contact information for the IDHR is listed below and the OEIG and ethics officer contact information can be referenced earlier in this document.

IDHR

The IDHR website is www.illinois.gov/dhr. It provides additional information about sexual harassment, filing a charge, the process for investigating and resolving an allegation, and other frequently asked questions.

IDHR offices:

Chicago

James R. Thompson
Center
100 W. Randolph St.
Suite 10-100
Chicago, IL 60601
312-814-6200
866-740-3953 (TTY)

Springfield

222 South College St.
Room 101A
Springfield, IL 62704
217-785-5100
866-740-3953 (TTY)

Marion

2309 W. Main St.
Marion, IL 62959
618-993-7463
866-740-3953 (TTY)

Please review the applicable university policy linked below addressing sexual misconduct including sexual harassment, the details regarding how and where to report an allegation of sexual misconduct, the consequences of a violation of the prohibition on sexual misconduct including sexual harassment and knowingly making a false report. It is important to note that a person intentionally making a false report alleging sexual harassment to the OEIG, EEC, or certain law enforcement agencies or officials, could be charged with a misdemeanor.

NIU's Policy: <http://www.niu.edu/aaec/pdf/Title-IX-Sexual-Misconduct-Policy.pdf>

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

Henrietta is a grounds worker for the university and also maintains a private landscaping business.

If Henrietta has a job close to her planned university work that day, can she simply go conduct the second job when work is slow?

- A. Yes, Henrietta can conduct the work as long as her assigned university duties are complete.
- B. No, Henrietta may not conduct an income-producing activity during university compensated time as this would be considered a conflict of interest.

The correct response is B.

Explanation of the answer:

Work related to secondary positions, if permissible, must be conducted outside of university compensated time, unless benefit time has been requested and approved. Henrietta would need to charge benefit time and use her own transportation and materials to conduct any responsibilities related to a second position during her university compensated hours.

Conflicts Related to Procurement

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

Public aid payments	Ministerial duties	Licensed professionals
Teaching	Child and family services	

For greater detail on the above exceptions, employees should contact their university procurement specialist or review the Illinois *Procurement Code* <http://www.ilga.gov/legislation>. Employees convicted of violating the conflict provision are considered guilty of a business offense and may be fined between \$1,000 and \$5,000.

PROHIBITED POLITICAL ACTIVITY

The *Ethics Act* goes into significant detail, listing specific political activities that are prohibited. The basic definition of prohibited political activity includes activities that are in support of or in connection with any campaign for elective office or any political organization, or those activities that are either in support of or in opposition to a referendum question.

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

Prohibited political activity includes, but is not limited to: soliciting campaign contributions or votes, assisting at the polls, circulating petitions, and hosting rallies for candidates for elective office. Though these activities are not allowable during compensated time, they are permissible if you are outside of that time and are not using university property or resources, such as, but not limited to, telephones, vehicles, tools, copiers, fax machines, email accounts, and computers. Additionally, to avoid any misconception their personal views are in any way representative of the university’s position, employees should not attend political events in a university-issued uniform.

You may be involved in these types of political activities during your typical work hours if you use vacation, personal, or compensatory time off to perform the activity and do not intentionally misappropriate any state property or resources.

Examples of prohibited activities range from things as simple as placing a campaign contribution jar on an office desk for a candidate's fund, to actively soliciting votes for a candidate, or a political party, while on work time, or using university email to distribute campaign materials or solicit campaign contributions. Additionally, the *Ethics Act* states it is illegal for any supervisor to intentionally misappropriate the services of any university employee by requiring that employee to perform any prohibited political activity as part of their job duties, as a condition of their employment, or during any time off that is compensated by the university (such as vacation, personal, or compensatory time off).

Prohibited Offer or Promise: You or a candidate for executive or legislative branch office may not promise anything of value related to university business or state government in consideration for a contribution to a political committee, political party or other entity that has as one of its purposes, the financial support of a candidate for elective office. If you are offered anything of value for your engaging in prohibited activity, such offer must be reported to the university Ethics Officer or the OEIG.

- **What is "anything of value related to university business"?**
Examples of this include job positions or appointments at the university, promotions, salary increases, the award of a contract, title changes, increased paid time off, or other employment benefits.

KNOWLEDGE CHECK

Rayden was reviewing his work email and saw a message, from the director of his unit, encouraging unit employees to reach out to their state officials and representatives to explain the importance of their unit, its accomplishments, and to request funding for the coming fiscal year.

Is this communication, sent from a unit director, a prohibited political activity?

- A. No, the communication is not a prohibited political activity, based on the definition provided in the *Ethics Act*.
- B. No, prohibited political activity is not part of the Ethics Act.
- C. Yes, *this communication is a violation of the Ethics Act because sending an email related to funding is defined as a prohibited political activity in the law.*

The correct response is A.

Explanation of the answer:

Contacting legislators about proposed legislation is not prohibited by the Ethics Act, so the email would not be in violation of the law. It is a preferred practice to have employees use their personal cell phones or email accounts when contacting legislators, either before work hours, after work hours, or during any normally scheduled lunch or break using a work computer. Employees would need to be mindful of their university appropriate use policy when composing and sending these messages.

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

Sara would like to file a report with the OEIG regarding a potential violation of the *Ethics Act*.

What options exist for filing a report with the OEIG?

- A. Sara can call the OEIG to file her report.
- B. Sara can file a report online with the OEIG.
- C. Sara can write a letter to the OEIG and send it via mail or fax.
- D. All of the above are options available for filing a report with the OEIG.

The correct response is D.

Explanation of the answer:

A complaint may be filed with the OEIG in writing or orally. More information related to filing can be found on the OEIG's website in their Frequently Asked Questions section at: <https://www.illinois.gov/oeig/about/Pages/faq.aspx#q4>.

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.

The OEIG will not infringe upon a university employee's right to seek advice from their university Ethics Officer on the interpretation and implementation of the *Ethics Act*, or to seek advice from private legal counsel.

The full text of the rules governing OEIG investigations may be found at the EEC's website: 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 Illinois *Human Rights Act*, it is a civil rights violation to retaliate against someone who has opposed that which he or she reasonably and in good faith believes to be unlawful discrimination, sexual harassment in employment or sexual harassment in elementary, secondary, and higher education, discrimination based on citizenship status in employment, because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Act, or because he or she has requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by this Act.

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

While reviewing a meal reimbursement request submitted by his supervisor, Neil discovers the meal total for the number of individuals on the receipt exceeds allowable totals. When he points this out to his supervisor, the supervisor adds an additional attendee name to the receipt who Neil knows was not present at the meal. Neil decides to report his dilemma to the university Ethics Officer.

Upon reporting his concerns of the believed violation of the law and university policy, what protections is Neil afforded?

- A. He is protected against retaliation.

- B. He is protected under the law and university policy.
- C. He is only protected if his allegation of false reporting turns out to be validated.

The correct response is A & B.

Explanation of the answer:

Neil is granted whistleblower protections under both the law and university policy. This means he cannot be retaliated against for his reporting of a perceived violation of the law or university policy.

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, including 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, or teaching assistants).

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 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

Kent was personally and substantially involved in awarding a \$250,000 contract to vendor ABC last month. Today, a representative from vendor ABC has reached out to Kent regarding an open sales position within the company.

If vendor ABC is a State of Illinois agency, can Kent accept the employment without taking further action?

- A. Yes, the revolving door prohibitions only apply to non-state agencies.
- B. No, he may not accept employment because the contract was over \$25,000 in value.

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. However, the revolving door prohibitions only apply to non-state employment.

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.

KNOWLEDGE CHECK

Shortly after completing the online Supplemental Statement of Economic Interests form, Dana received a notification regarding the Statement of Economic Interests form from the Office of the Secretary of State. Presuming these forms were one and the same, Dana discarded the second communication.

Has Dana satisfied all state economic interests filing requirements?

- A. Yes, there is only one required disclosure form and employees may choose to file it either with the EEC or the Office of the Secretary of State.
- B. No, the Statement of Economic Interests form and Supplemental Statement are two separate disclosures, filed in two separate locations. Dana must complete them both or risk being assessed a daily late filing penalty by the Office of the Secretary of State.

The correct response is B.

Explanation of the answer:

The Statement of Economic Interests is a disclosure form required by the Governmental Ethics Act to be filed with the Office of the Secretary of State. As a result of Executive Order 15-09, those employees required to file a Statement of Economic Interests form must also file a Supplemental Statement of Economic Interests form with the EEC.

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>.

Anticompetitive practices

Per Illinois Procurement Code (30 ILCS 500/50-40), any existing vendor or contractor, state or university employee, elected official, or individual involved in an ongoing procurement matter with the state or university who suspects collusion or other anticompetitive practice among any bidders, offeror, potential contractors, contractors, or employees of the state, must notify the Attorney General and the Chief Procurement Officer of their concerns.

Confidentiality

Per Section 50-45 of the Procurement Code, any chief procurement officer, State purchasing officer, designee, or executive officer who willfully uses or allows the use of specifications, competitive solicitation documents, proprietary competitive information, contracts, or selection information to compromise the fairness or integrity of the procurement or contract process shall be subject to immediate dismissal and possible criminal prosecution.

Negotiations

Section 50-15 of the Procurement Code further states that a state employee, including public university employees, cannot be involved in the negotiation of contracts with any firm, partnership, association or corporation where the state employee currently has a contract for future employment or is contracting or negotiating their own future employment.

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* including, but not limited to, making intentional false, frivolous, or bad faith allegations. A person who violates the *Ethics Act* prohibition on sexual harassment may be fined up to \$5,000 per offense, in addition to being subject to discipline or discharge, and potentially other fines or penalties. 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

**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

2018 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