KASKASKIA COLLEGE

PROHIBITED POLITICAL ACTIVITIES AND GIFT BAN POLICY

Policy Number: 4.4200
Subject Area: Personnel
Adopted: 05/20/2004
Revised: 05/20/2004

This policy is implemented in accordance with the State Officials and Employees Ethics Act (PA 93-615).

DEFINITIONS
For purposes of this policy, the following terms shall be given these definitions:

Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities
(i) relating to the support or opposition of any executive, legislative, or administrative action,
(ii) relating to collective bargaining, or
(iii) that are otherwise in furtherance of the person's official duties.

Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

Compensated time means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this policy, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence.

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

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

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

Employee means a person employed by Kaskaskia College, whether on a fulltime or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

Employer means Kaskaskia College

Gift means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

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

Officer means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

Political activity means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities relating to the support or opposition of any executive, legislative, or administrative action, relating to collective bargaining, or that are otherwise in furtherance of the person's official duties.

Political organization means a party, committee, association, fund, or other organization (whether or not incorporated) that is required

to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

Prohibited political activity means:

- Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser,
- political meeting, or other political event.
- Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- Preparing or reviewing responses to candidate questionnaires.
- Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- Campaigning for any elective office or for or against any referendum question.
- Managing or working on a campaign for elective office or for or against any referendum question.
- Serving as a delegate, alternate, or proxy to a political party convention.
- Participating in any recount or challenge to the outcome of any election.

Prohibited source means any person or entity who:

- is seeking official action
    - by an officer or
    - by an employee, or by the officer or another employee directing that employee;
- does business or seeks to do business
    - with the officer or
    - with an employee, or with the officer or another employee directing that employee;
- conducts activities regulated
    - by the officer or
    - by an employee, or by the officer or another employee directing that employee; or
- has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

PROHIBITED POLITICAL ACTIVITIES

- No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of Kaskaskia College in connection with any prohibited political activity.
- At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity
    - as part of that officer or employee's duties,
    - as a condition of employment, or
    - during any compensated time off (such as holidays, vacation or personal time off).
- No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
- nothing in this Section prohibits activities that are permissible for an officer or
- employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this policy.
- No person either
    - in a position that is subject to recognized merit principles of public employment or
    - in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

GIFT BAN

Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

Exceptions. The above paragraph is not applicable to the following:

- Opportunities, benefits, and services that are available on the same conditions as for the general public.
- Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- Any

    - contribution that is lawfully made under the Election Code or
    - activities associated with a fundraising event in support of a political organization or candidate.
- Educational materials and missions.
- Travel expenses for a meeting to discuss business.
- A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, motherin-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- ? Food or refreshments not exceeding $75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- Bequests, inheritances, and other transfers at death.
- Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than $100.

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

Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

PENALTIES

- A person who intentionally violates any provision of Section 1 of this Policy may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed $2,500.
- A person who intentionally violates any provision of Section 2 of this Policy is subject to a fine in an amount of not less than $1,001 and not more than $5,000.
- Any person who intentionally makes a false report alleging a violation of any provision of this Policy to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed $2,500
- .A violation of Section 1 of this Policy shall be prosecuted as a criminal offense by an attorney for Kaskaskia College by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of Section 2 of this policy may be prosecuted as a quasi-criminal offense by an attorney for Kaskaskia College through the designated administrative procedure.

In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Section 1 or Section 2 of this Policy is subject to discipline up to, and including, discharge.

This Ordinance shall be in effect upon its passage, approval and publication and as provided by law.

Approval History: Replaces Prohibited Political Activities and Gift Ban Policy 2.42 approved 05/20/2004