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2022 Ethics Act Training

A Southern Illinois University Program for undergraduate student workers, non-permanent employees, new employees, and employees returning from leave.

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 Southern Illinois University Board of Trustees.

Introduction to the Ethics Act Trainings

The *State Officials and Employees Ethics Act* (5 ILCS 430/5-10) (*Ethics Act*) requires university employees to complete, at least annually, two trainings: 1) an ethics training; and 2) a harassment and discrimination prevention training program, conducted by their university. It also requires that new employees complete these trainings 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 training. For the purposes of these training programs, employees are defined as individuals who hold appointments with the university as well as Board of Trustees 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. As employees of the State of Illinois and its public universities, we share the responsibility to maintain the highest ethical standards to effectively and honestly serve our students and the citizens of Illinois. Understanding our ethical obligations helps us to avoid the risk of misconduct and the appearance of impropriety.

Training Requirements

- **New Employees:** If you are a newly hired employee, trainings required by the *Ethics Act* must be completed within 30 days of the commencement of employment by law. **During the first year of employment, employees must complete the *Ethics Act* Orientation, in addition to satisfying the annual *Ethics Act* training requirements.**
- **Seasonal/Temporary Employees:** If you are an undergraduate student worker or extra help employee, this training is approved for your annual use.
- **Permanent Employees and Appointees (faculty, staff, etc.):** Permanent employees and appointees must complete an interactive, online course annually during a designated window. The university Ethics Officer will inform you of the required completion dates. The version of training used for undergraduate student workers and extra help is not a substitute for the interactive online training provided to permanent employees and 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 the *Ethics Act* training program. Ethics training is overseen by the OEIG and the EEC in consultation with the Office of the Attorney General. Harassment and discrimination prevention training is overseen by the OEIG and EEC.

University Compliance and Ethics Office

Each university and 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 Act* trainings; reviewing the Statement and Supplemental 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.

The University Ethics Office is part of the Office of Internal Audit, Compliance and Ethics, which reports functionally to the Board of Trustees and administratively to the University President. The Ethics Officer is located on the Carbondale campus and can be easily contacted at 844-597-6463 or ethics1@siu.edu.

For more information on the University Ethics Office, training, and other processes, please visit: www.siusystem.edu/ethics.

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Executive Ethics Commission (EEC)

The EEC seeks to promote ethics in public service and ensures that the state's business is conducted with efficiency, transparency, fairness, and integrity. The EEC is an independent nine-person commission whose members are appointed by the Governor (5), Attorney General (1), Secretary of State (1), Treasurer (1) and Comptroller (1). The EEC's jurisdiction extends to employees of the executive branch, traditional state agencies and boards, as well as state universities and the regional transit boards.

The EEC has a number of responsibilities including conducting hearings and issuing determinations related to the *Ethics Act*, appointing Special Executive Inspectors General, providing independent oversight of the state procurement process and overseeing training for state employees under its jurisdiction. The EEC is also responsible for the preparation, redaction and discretionary publication of OEIG and other Executive Inspectors Generals' summary reports, which are an invaluable tool in promoting transparency and deterring future employee misconduct.

For additional information about the EEC or its decisions and procedures, visit its website at: <https://www2.illinois.gov/eec/Pages/default.aspx>.

Office of Executive Inspector General (OEIG)

For university employees, which includes board members, 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.

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 of governmental entities. The OEIG investigates allegations of misconduct by employees, appointees, and elected officials, and those doing business with entities under its jurisdiction, including traditional state agencies and boards, as well as state universities and the regional transit boards.

The OEIG maintains the confidentiality of the identity of all complainants, unless the individual consents to the disclosure or the law otherwise requires the disclosure of their name (5 ILCS 430/20-90).

For additional information about the OEIG or its investigative process and procedures, visit its website at: www.inspectorgeneral.illinois.gov.

Part I. Ethics Training

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.

Under the *Ethics Act* gift ban, university employees are generally prohibited from intentionally accepting or soliciting gifts from prohibited sources. You, as well as any member of your immediate family living with you, must abide by the gift ban 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:

- You pay market value for the gift.
- 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 the University of Illinois System, Illinois State University, Northern Illinois University, and the Southern Illinois University System, this authority has been delegated to the university Ethics Officer.
- The gift is from a relative.
- The offering is provided on the basis of personal friendship, not in expectation of an official act.
- The gifts are from another university employee or an employee of another governmental entity.
- Bequests, inheritances, and other transfers at death.

There are additional exceptions in the *Ethics Act*, but the most frequently occurring exceptions are detailed above.

Illinois Executive Order 15-09 (EO 15-09) 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 EO 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 EO 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 *Ethics Act* exceptions, in addition to smaller items from a prohibited source totaling less than \$100 per 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:
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ChapterID=2&ActID=2529>.

EO 15-09 can also be referenced at:
https://www2.illinois.gov/Pages/government/execorders/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. Call your university Ethics Officer if you have any questions or concerns regarding a gift.

Corrective Action if a Gift from a Prohibited Source is Accepted

If you 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 market value of the gift to an appropriate 501(c)3 charitable organization.

Knowledge Check

Jodi has worked as an undergraduate student worker in the library circulation area her junior and senior year. Since she is graduating next week, a few of the permanent staff in the unit have compiled personal funds to purchase a gift card for Jodi to thank her for her service.

Would accepting the gift card be a violation of the gift ban?

- A. Yes, Jodi would be in violation of the law if she accepted the gift card from coworkers.
- B. No, Jodi may accept the gift from her coworkers.

The correct response is No, B.

Explanation of the Answer:

Only those gifts that are given to an employee by a prohibited source are restricted under the Ethics Act. The use of personal funds by coworkers to purchase a send-off gift would not constitute a violation of the gift ban because coworkers are not considered prohibited sources.

Personnel Policies

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. Falsification may be considered fraud and/or theft of resources punishable by discipline up to and including termination.

Knowledge Check

Two employees, who work in the same unit, carpool together to work each day. To save time, their standard routine has always been that one clocks them both in while the other parks the car.

Is the process of one person clocking in both employees appropriate since they both arrive at the same time?

- A. Yes, employees may clock others into or out of work.
- B. No, each employee is responsible for clocking themselves into/out of work.

The correct response is No, 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. In this scenario, both employees would need to clock in individually to account for their own time, as it would be inappropriate for one person to clock in for both employees.

Southern Illinois University Carbondale (including School of Medicine) time reporting policies can be found at:

- SIUC <https://laborrelations.siu.edu/ethics-links/official-ethics-act.php>
- SOM <https://thehive.siumed.edu/Interact/Pages/Content/Document.aspx?id=4293&SearchId=0>

As you will read in the next section, employees are expected to be honest and truthful in all communications, whether oral or written. This includes, but is not limited to, documents such as timecards, records, reports, and email communications.

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.

Prohibited Political Activity

The *Ethics Act* goes into significant detail regarding specific political activities that are prohibited. The basic definition of prohibited political activity includes activities 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 of personal views in any way representing the university's position, employees should avoid attending 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).

Knowledge Check

A Department Head sent a message on the unit listserv encouraging everyone to vote and providing a listing of locations where individuals could register to vote in the upcoming election. There was no discussion of candidates or political parties in the message.

Was it a prohibited political activity to send the message via a university listserv?

- A. Yes, this is prohibited political activity.
- B. No, this would not be considered prohibited political activity.

The correct response is No, B.

Explanation of the Answer:

Prohibited political activities are very specifically defined in the law and do not include non-partisan efforts. It would not be a violation of the prohibited political activities provisions to send this communication. However, it is important the sender understand any restrictions on the listserv itself, to avoid violating unit or university policies and procedures. Concerns related to what can and cannot be sent on a listserv are best addressed through the listserv management.

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.

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.

Knowledge Check

Jordan unintentionally accepted a contribution to a political campaign when a coworker delivered it to the campus office. Though Jordan immediately returned the contribution, Jordan is concerned they may still have violated the *Ethics Act*.

Did Jordan violate the *Ethics Act*?

- A. Yes, because Jordan accepted a political contribution.
- B. No, because Jordan did not intentionally accept the contribution and promptly returned the donation.

The correct response is No, B.

Explanation of the Answer:

Political contributions cannot be intentionally solicited, accepted, offered, or made by an employee or official on state property, which includes university property. As long as reasonable and timely action is taken to return the contribution to its source, an employee's inadvertent solicitation, acceptance, offer, or making of a contribution is not a violation of the Ethics Act.

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, broadcasts aired on radio or television, printed in a newspaper or magazine or on a bulletin board or electronic message board. 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, that are not in furtherance of the person's official duties, if any portion of the advertising is paid for using state funding.

Rights and Responsibilities in Investigations

University employees who become involved in an investigation conducted by the OEIG have both rights and responsibilities.

As a university employee, you have an obligation to cooperate in OEIG 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.

You can find rules governing OEIG investigations on the OEIG's website at:
www.inspectorgeneral.illinois.gov.

Whistleblower Protection

The *Ethics Act* (5 ILCS 430/15), the *Whistleblower Act* (740 ILCS 174), 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*.

Retaliation

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 a 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.

Any employee experiencing retaliation can report to their supervisor, university Ethics Officer, or the OEIG.

Under the *Ethics Act*, any employee who commits retaliation in violation of the *Ethics Act* may be subject to discipline or discharge.

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 these laws, 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 costs, expert witness fees, and reasonable attorney's fees.

Knowledge Check

Maritza was called to participate in an investigation but did not make the initial report. Maritza is concerned her supervisor may fire her for her involvement in an investigation.

Can the supervisor fire Maritza for participating and cooperating with the investigation?

- A. Yes, the supervisor may fire Maritza for her participation and cooperation.
- B. No, under the *Ethics Act* retaliation for participation in an investigation is prohibited.

The correct response is No, B.

Explanation of the answer:

Regardless of whether Maritza made the original complaint or not, retaliation is prohibited against employees who provide information to or testify before any public body conducting an investigation, hearing or inquiry into any violation of the law, rule or regulation by any state (university) agency or employee. Additionally, the Ethics Act also mandates employees cooperate with investigations, so Maritza must participate in the interview.

Reporting Violations of the *Ethics Act*, 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,
- the Internet at: www.inspectorgeneral.illinois.gov,
- a telecommunications device for the deaf at 888-261-2734, or
- mailing a completed complaint form to: Office of Executive Inspector General for the Agencies of the Illinois Governor, Attention Complaint Division, 69 West Washington Street, Suite 3400, Chicago, IL 60602.

You may report alleged violations to the OEIG anonymously.

Internally, you may report a non-emergency violation of law, rule, or regulation to any of the following:

- SIUC – Labor and Employee Relations at [\(618\) 453-2474](tel:6184532474) or LER@siu.edu
- SOM – SOM Compliance at [\(800\) 910-6707](tel:8009106707) or compliance@siumed.edu
- Any campus - [844-597-6463](tel:8445976463) or ethics1@siu.edu

In the event of an emergency, such as those involving the illegal possession or use of a weapon, you should contact the police.

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
- Intentionally perform an act in excess of the employee’s lawful authority with intent to obtain a personal advantage for themselves or another; or
- Knowingly accept or purposefully solicit a fee or reward for the performance of any act 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, can place an employee in violation of the law as well. Specifically, bribes must be reported to the Illinois State Police, and failure to report may result in possible criminal charges.

Revolving Door Prohibition

The revolving door prohibitions impact a small number of university employees annually. Under the *Ethics Act*, if during the year preceding departure of state/university employment, the employee participated personally and substantially in awarding of contracts to vendors with a cumulative value totaling \$25,000 or more, or the fiscal administration of such contracts, the employee, spouse, or immediate family members living with the employee, is prohibited from accepting non-state employment from that vendor for a one-year period immediately following termination of state/university employment.

By law, there are two groups of employees primarily subject to these restrictions.

- The President or members of the Board of Trustees (referred to as H list parties).
- Employees in positions the university has identified as having the authority to participate personally and substantially in contracting decisions, or the fiscal administration of contracts (referred to as C list employees). If you are a C list employee, you will be/would have been notified of this status by your university Ethics Officer and you will/would have confirmed, in writing, your receipt of the notification.

H list parties are prohibited from accepting employment or receiving compensation or fees for services from certain individuals or entities for a full year after ending their university position. This restriction is in place regardless of whether the H list party was involved in the contract decision or not [5 ILCS 430/5-45(h)].

C list employees must go through a determination process with the OEIG before accepting the employment offer. More information regarding the determination process, decisions, appeal options, and forms for submitting notification to the OEIG regarding a non-state/university employment offer may be found at www.inspectorgeneral.illinois.gov. OEIG determinations may be appealed to the EEC within 10 calendar days by the person subject to the determination or the Attorney General. OEIG determinations are not considered final until the EEC has made a determination or the 10-day window to appeal the OEIG’s determination has expired.

If an employee accepts non-state employment in violation of the revolving door prohibitions, they may be subject to significant fines.

Knowledge Check

What is the difference between a C List and an H List employee, as it relates to the revolving door procedures?

- A. C List employees undergo a process to determine if they may accept certain employment offers during the year following their termination of university employment, but there is no process in place for H List employees because they have broader restrictions in employment opportunities for one-year following university employment regardless of participation in contract decisions.
- B. There is no difference between C List and H List employees.

The correct response is A, C list employees have a determination process.

Explanation of the Answer:

The revolving door prohibitions only generally affect a select group of university employees. Individuals subject to the prohibitions are notified by their ethics officer and are required to confirm their receipt of this notification. Prior to seeking and accepting non-state employment, individuals classified as being on the C List must seek a determination from the OEIG to accept non-state employment in the year following their termination of employment with the

University. H List parties, which include members of the Board of Trustees and the university President, are prohibited from accepting employment or receiving compensation or fees for services from certain individuals or entities for a full year after ending their university position, regardless of whether the H list party was involved in the contract decision or not. There is no determination process for H List parties.

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 University of Illinois employees is required to submit this form by May 1st annually. In 2020, the filing process moved online. Those individuals required to file are notified early each spring via email (for those who filed online in a prior year) or a home mailing (those filing for the first time are sent a mailing to their home address containing their account and password detail).

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 certain employee Statements prior to submitting them to the Secretary of State for filing and this is managed through the online filing process. For more detail, please contact your university Ethics Officer. You may also refer to Section 4A-101 of the Illinois *Governmental Ethics Act*.

Illinois Exec. Order 15-09 also requires this population to file a Supplemental Statement of Economic Interests form online with the EEC. The Supplemental Statement does NOT require university Ethics Officer review and is due May 1st annually. The Supplemental Statement of Economic Interests should be filed with the EEC and not the Secretary of State.

Procurement Communications Reporting

Illinois procurement laws require university employees to follow specific processes and requirements to protect the integrity of the procurement process.

To provide greater transparency in state procurement matters, university employees who are personally and substantially involved in communications related to a purchasing decision that could materially impact the outcome of an active procurement matter, may have an obligation to document that communication in the web-based Procurement Communications Reporting System (PCRS) [IL Procurement Code, 30 ILCS 500/50-39].

There are some exceptions that do not require documentation in the PCRS system, including, but not limited to, any communication held in or posted to a public forum including posting on

the Illinois Procurement Bulletin, communications that are privileged, protected, or confidential by law, or are about general procedural steps. For more information on the reporting process, please contact your university Ethics Officer.

Any university employee who suspects collusion or other anticompetitive practice among any bidders, offerors, contractors, or employees of the state, must notify the Attorney General, the OEIG, and the Chief Procurement Officer. Additionally, any chief procurement officer, state purchasing officer, designee, or executive officer who willfully compromises the fairness or integrity of the procurement or contract process may be subject to immediate dismissal and possible criminal prosecution [30 ILCS 500/50-40 and 45].

State employees, 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 [30 ILCS 500/50-15].

Penalties within the *Ethics Act*

Employees who violate the *Ethics Act* may be penalized both internally and externally. Within the university, penalties may include administrative action up to and including termination of employment. Externally, the EEC may levy administrative fines of up to \$5,000 for certain violations of the *Ethics Act* and criminal or illegal acts, such as bribery or official misconduct, may result in criminal prosecution.

Part II. Harassment and Discrimination Prevention Training

Harassment and Discrimination

The *Ethics Act* states all persons have a right to work in an environment free from sexual harassment. Additionally, all employees and appointees are prohibited from sexually harassing any person, regardless of their employment relationship or lack thereof.

The *Illinois Human Rights Act* as well as other laws and university policies prohibit harassment and discrimination on the basis of someone's actual or perceived membership in one or more of the following protected classes (as defined by the *Illinois Human Rights Act*):

Marital Status

The legal status of being married, single, separated, divorced, or widowed.

Sex

The status of being male or female.

Sexual Orientation

The actual/perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether traditionally associated with the person's designated sex at birth or not.

National Origin

The place in which a person or one of his or her ancestors was born.

Order of Protection Status

A person protected under an order of protection issued pursuant to certain statutes, or an order of protection issued by a court of another state.

Citizenship Status

The status of being: (1) a born U.S. citizen; (2) a naturalized U.S. citizen; (3) a U.S. national; or (4) a person born outside the U.S. and not a U.S. citizen who is not an unauthorized alien and who is protected from discrimination under a federal law.

Age

The chronological age of a person who is at least 40 years old. In the case of training and apprenticeship programs, age means a person who is 18 but not yet 40 years old.

Pregnancy

Pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth.

Disability

A determinable physical or mental characteristic of a person, including one that necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic is unrelated to the person's ability to perform the duties of a particular job or position. This also includes unlawful discrimination against an individual because of the individual's association with a person with a disability.

Religion

All aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he or she is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

Military Status

A person's status on active duty in or status as a veteran of the armed forces of the U.S., status as a current member or veteran of any reserve component of the armed forces of the U.S., or status as a current member or veteran of the Illinois Army National Guard or Illinois Air National Guard.

Unfavorable Military Discharge

Discharges from the Armed Forces of the U.S, their Reserve components, or any National Guard or Naval Militia which are classified as RE-3 or the equivalent, but does not include those characterized as RE-4 or "Dishonorable".

Work Authorization Status

The status of being a person born outside of the United States, and not a U.S. Citizen, who is authorized by the federal government to work in the United States.

Harassment Defined

Harassment means any unwelcome conduct on the basis of an individual's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, unfavorable discharge from military service, citizenship status or work authorization status that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. For harassment, working environment is not limited to a physical location an employee is assigned to perform his or her duties. [775 ILCS 5/2-101(E-1)].

Examples of conduct that could amount to harassment if based on a person's actual or perceived membership in one or more protected classes include:

- offensive jokes;
- slurs;
- epithets or name calling;
- physical assault(s);
- threats;
- intimidation, ridicule or mockery;
- insults or put-downs;
- offensive objects or pictures;
- deliberate touching, leaning over, or cornering;
- offensive looks or gestures; and/or
- letters, telephone calls, personal e-mails, texts, or other materials of an offensive nature.

Knowledge Check

Drew received an email from a coworker with a joke regarding a particular race. When Drew approached their coworker to tell them they found the joke offensive, the coworker said it was okay for them to send the joke since they were part of the racial group included in the joke.

Is it appropriate for the coworker to make the joke?

- A. Yes, it's okay to make racial jokes if participants are of the racial group included in the joke.
- B. No, being a member of the racial group in the joke doesn't make racial jokes okay.

The correct response is No, B.

Explanation of the Answer:

Racial jokes are inappropriate regardless of whether the individual telling the joke is a member of the protected class. Harassment depends on how the conduct is received, not just on intent, regardless of whether the individual participating in the activity considers themselves to be part of the subject group or does not consider the content to be unwelcome. Such behavior may be considered harassment in the workplace because it may have the effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual Harassment 5 ILCS 430/5-65(b)

Sexual harassment means 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 such 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 working environment. The phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties and does not require an employment relationship.

Under the *Illinois Human Rights Act*, if the employer becomes aware of the harassing behavior and fails to take reasonable corrective measures, they will be held responsible for the sexually harassing or harassing behavior of a nonemployee, nonmanagerial employee, or nonsupervisory employee. Sexual harassment of or by non-employees, such as contractors and consultants, is also prohibited.

Types of Sexual Harassment

Quid pro quo and hostile work environment are two types of sexual harassment. They are described as follows:

- Quid pro quo sexual harassment occurs when a manager or supervisor communicates to a subordinate that in order for them to receive a promotion, raise, preferred assignment, or other type of job benefit – or to avoid something negative like discipline or an unpleasant assignment – the subordinate must do something sexual in return.
- Hostile work environment sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual's work performances or creating an intimidating, hostile, or offensive working environment.

Sexual harassment is not limited to overt sexual advances and requests to engage in sexual acts. Examples of behavior that might be sexually harassing include:

- actual or attempted rape or sexual assault;
- pressure for sexual favors;
- deliberate touching, leaning over, or cornering;
- sexual looks or gestures;
- letters, telephone calls, personal e-mails, texts, or other materials of a sexual nature;
- pressure for dates;
- sexual teasing, jokes, remarks, or questions;
- reference to an adult as a “girl,” “hunk,” “doll,” “babe,” or “honey”;
- whistling at someone;
- sexual comments, innuendos, or stories;
- work discussions turning to sexual topics;
- sexual fantasies, preferences, or history being asked about;
- sexual comments about a person’s clothing, anatomy, or looks;
- kissing sounds, howling, and smacking lips;
- talking about, telling lies, or spreading rumors about a person’s personal sex life;
- neck and/or shoulder massage;
- touching an employee’s clothing, hair, or body;
- hanging around a person uninvited;
- hugging or kissing;
- patting, stroking, or pinching;
- touching or rubbing oneself sexually in the presence of another person;
- standing close to or brushing up against a person;
- looking a person up and down;
- sexually suggestive posters, cartoons, websites, or magazines displayed in the workplace or shown to someone;
- playing sexually suggestive or graphic videos or music; and
- making sexual gestures with hands or through body movements

Sexual harassment is not just in person and can involve activities online or through electronic communications. Examples of behaviors that can constitute unwelcome sexual conduct include but are not limited to:

- requests/demands for sex;
- sexually graphic or inappropriate pictures;
- sexually graphic or inappropriate videos;
- sexually offensive language or comments;
- unwanted flirting;
- unwanted requests for dates; and
- cyber stalking

Knowledge Check

During the annual review period for James’s staff, he arranges a dinner and pays for it personally, as a thank you for their dedication to the team and to go over their annual evaluation in a more casual environment. Tania does not feel comfortable going to dinner, given some of James’ comments in the office. When she told James, “No, thank you” his response was, “Come on, it’s not like I am planning to have sex with you after dinner, but it couldn’t hurt your evaluation.”

Could James's statement be sexual harassment?

- A. Yes, because of the sexual comments made in a conversation related to the annual performance review, an employee could reasonably be concerned that not attending the dinner could affect their performance review.
- B. No, because James did not explicitly say that Tania's performance review will be impacted.

The correct answer is Yes, A.

Explanation of the Answer:

This is an example of quid pro quo sexual harassment because a supervisor has implied to a subordinate that a sexual act may result in a job benefit or positive annual performance review.

Unlawful Discrimination

Unlawful discrimination is discrimination against a person because of his or her actual or perceived:

- race
- color
- religion
- national origin
- ancestry
- age
- sex
- marital status
- order of protection status
- disability
- military status
- sexual orientation
- pregnancy
- unfavorable discharge from military service
- work authorization status

Definitions as provided within the *Illinois Human Rights Act* at [775 ILCS 5/1-103](#) are listed in detail in the [Harassment and Discrimination](#) header at the start of this section.

Conduct may amount to unlawful discrimination if, based on a person's actual or perceived membership in one or more of the protected classes outlined previously, an employer takes action involving:

- recruitment
- hiring
- promotion
- demotion
- selection for training or apprenticeship
- renewal of employment
- discharge
- discipline
- tenure of terms
- privileges
- other conditions of employment

This does not prevent an employer from taking employment action for another reason unrelated to an applicant's or employee's membership in a protected class.

The *Illinois Human Rights Act* also prohibits other discriminatory acts in employment, including:

- prohibiting employees from speaking their native language, when unrelated to work duties;
- certain immigration-related practices. For example, it is a civil rights violation for an employer to use more or different documents than are required under certain federal laws or to refuse to honor documents that on their face appear to be genuine;
- imposing conditions that would require an employee to violate a sincerely-held religious practice. For example, not allowing an employee to wear religious clothing or accessories in the workplace;
- failure to offer employees reasonable accommodations related to pregnancy or childbirth; and
- discrimination based on age in training and apprenticeship programs.

Unlawful discrimination occurs when an employer takes a discriminatory employment action because of an applicant's or employee's actual or perceived membership in one of the protected classes above. However, it does not prevent an employer from taking employment action for another reason unrelated to an applicant's or employee's membership in a protected class.

Reporting Sexual Harassment, Harassment, and/or Discrimination

Any employee who witnesses, is subjected to, or becomes aware of sexual harassment, harassment, and/or discrimination should immediately report the incident. That report can be made to the employee's supervisor, university Ethics Officer, the OEIG, and/or the Illinois Department of Human Rights (IDHR).

Earlier in this training, you were provided with information regarding the OEIG and how to contact their office. "Harassment" and "unlawful discrimination" are not specific violations of the *Ethics Act*, regardless, the OEIG does investigate those allegations. As mentioned previously, the OEIG can be reached via:

- toll-free hotline at 866-814-1113,
- the Internet at: <http://www.inspectorgeneral.illinois.gov>, or
- a telecommunications device for the deaf at 888-261-2734
- mailing a completed complaint form to: Office of Executive Inspector General for the Agencies of the Illinois Governor, Attention Complaint Division, 69 West Washington Street, Suite 3400, Chicago, IL 60602

Remember, as discussed earlier, you may always contact your University Title IX Coordinator at (618) 453-4807 or equity@siu.edu or University Ethics Officer at ethics1@siu.edu to report a concern.

If you choose to make a report to your supervisor, your supervisor may have an obligation to inform the applicable Title IX Coordinator or the Office for Access & Equity, Office of Access and Equal Opportunity, or Office of Diversity, Equity, & Inclusion.

The IDHR is a state agency that administers the *Illinois Human Rights Act*. Individuals can report an allegation of sexual harassment, harassment, and/or discrimination to the IDHR by filing a charge within 300 days of the alleged incident. The IDHR website (<https://www2.illinois.gov/dhr/Pages/default.aspx>) provides additional information about harassment and discrimination, filing a charge, the process for investigating and resolving an allegation, and other frequently asked questions.

The IDHR operates a helpline for reporting sexual harassment and discrimination. The helpline number is 1-877-236-7703. All communication submitted to the IDHR through the helpline, including by Internet, is confidential and exempt from disclosure under the *Freedom of Information Act*. You may access the Complainant Information Sheet obtained on the IDHR website at <https://www2.illinois.gov/sites/sexualharassment/Pages/default.aspx>. It requires detailed information, including contact information, employer information, and the most recent date of the alleged conduct.

A person filing a charge may also provide witness information and copies of relevant documents. If you prefer to file a complaint in person, offices are available as follows:

Chicago

100 W. Randolph St.,
Ste.10-100
Chicago, IL 60601
312-814-6200
866-740-3953 (TTY)

Springfield

535 W. Jefferson, 1st Floor
Springfield, IL 62702
217-785-5100
866-740-3953 (TTY)

Marion

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

Knowledge Check

Dr. Smith and Nurse Wood work on the same floor. Whenever Dr. Smith is alone with Nurse Wood, Dr. Smith tells sexual jokes and makes comments about Nurse Wood's body. It's even worse if they end up alone in the elevator together, which often happens at the beginning and end of shifts. Nurse Wood has felt forced to take the stairs and has been late to work in their efforts to avoid contact with Dr. Smith. The sexual comments and pervasive nature of Dr. Smith's behaviors has impacted Nurse Wood's ability to feel comfortable at work.

How can Nurse Wood report this sexual harassment?

- A. Nurse Wood can report this issue to the University office designated to address matters of access and equity.
- B. Nurse Wood can contact the OEIG.
- C. Nurse Wood can contact the IDHR.
- D. All of the above.

The correct answer is D, All of the above.

Explanation of the Answer:

Employees who have concerns related to sexual harassment can report their concerns internally to the University office designated to address matters of access and equity, as well as other offices listed above in this training, or externally to the OEIG or the IDHR.

Whistleblower Protection

In addition to the *Ethics Act* (5 ILCS 430/15), the *Whistleblower Act* (740 ILCS 174), Executive Order 16-04, and university policy, the *Illinois Human Rights Act* [775 ILCS 5/6-101(A)] also protects 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.

Retaliation

If there is retaliation resulting from a report of sexual harassment, harassment, or discrimination, the employee has an additional option beyond their supervisor, university Ethics Officer or the OEIG, of reporting to the IDHR, or to file a civil suit.

The *Illinois Human Rights Act* also states it is a civil rights violation to retaliate against a person who opposes that which they reasonably and in good faith believe to be unlawful discrimination or sexual harassment [775 ILCS 5/6-101(A)].

Penalties

There are serious consequences for engaging in unlawful discrimination, sexual harassment, and harassment, which may include being disciplined or terminated for violating the law or agency policies. Sexual harassment, harassment and unlawful discrimination can also be punishable with fines or penalties imposed by a state or federal agency or court. Any person who violates the *Ethics Act's* prohibition on sexual harassment may be fined up to \$5,000 per offense.

Engaging in sexual harassment, harassment, unlawful discrimination, and/or retaliation can subject an individual to proceedings before the Illinois Human Rights Commission or state or

federal courts. For example, individuals can file a state or federal charge against the person or entity and if they prevail, they may be entitled to one or more of the following remedies:

- Actual damages for injury or loss, including emotional damages
- Attorneys' fees and costs
- Backpay
- Obtaining a cease and desist order
- Fringe benefits
- Hiring
- Reinstatement
- Promotion
- Prejudgment interest

Any person who intentionally makes a false report to the OEIG, EEC, or to certain law enforcement agencies or officials is guilty of a misdemeanor, as well as receiving a potential fine of up to \$5,000 from the EEC for intentionally obstructing or interfering with an OEIG investigation.

Per the *Ethics Act*, the EEC may levy a fine of up to \$5,000 against any person who intentionally makes a false, frivolous, or bad faith allegation, including an allegation of harassment, discrimination, or sexual harassment, or who intentionally obstructs or interferes in an OEIG investigation. 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 and harassment and discrimination prevention training as required by the *Ethics Act*. Please note that continued employment as an undergraduate student worker or extra help employee, will require you to complete these *Ethics Act* trainings each calendar year.

To be properly credited for participating in ethics training, please follow these instructions:

SIUC Student Employees please return the signed form to:

Student Employment (Career Development Center)
Student Services Building, Ste 110, Mail Code 4703
1263 Lincoln Dr
Carbondale IL 62901

SIUC Employees (including GA, UGA, Extra Help, and Volunteers) please return the signed form to:

Human Resources
Mail Code 6520
900 S Normal Ave, Woody Hall, 1st Flr
Carbondale IL 62901

SOM Employees

SIU School of Medicine
Office of Human Resources
PO Box 19601
327 W Calhoun, Rm 104
Springfield IL 62794-9601

If you have any questions or concerns, please contact the University Ethics Officer, Michelle Taylor ethics1@siu.edu or 618-536-3461 or:

SIUC Ethics Training Administrator, Lori Foster LER@siu.edu or 618-453-2474;
SOM Ethics Training Administrator, Katherine Cohen kcohen65@siumed.edu or 217-545-8532

Remember, inspiring integrity at the Southern 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, sexual harassment, harassment, discrimination or other violations of federal law, state law, contractual agreements or University policy.



2022 Southern Illinois University Training Program for Student Workers, Non-Permanent Employees, New Employees, and Employees Returning From Leave

I certify that I have carefully read and reviewed the content of, and completed, the 2022 Ethics Act Training program for undergraduate student workers, non-permanent employees, new employees, and employees returning from leave. 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 (Last, First, Middle Initial):

Signature:

Today's Date:

Date of Birth (MMDD only):

Dawg Tag/University Identification Number:

To be properly credited for training completion, please complete and return this signature page to the following:

SIUC Student Employees:

Student Employment (Career Dev. Center)
Mail Code 4703
1263 Lincoln Dr, Ste 110
Student Services Building
Carbondale IL 62901

SIUC Employees

(including GA, UGA, Extra Help, Volunteers):

Human Resources
Mail Code 6520
900 S Normal Ave
Woody Hall 1st Flr
Carbondale IL 62901

SOM Employees:

SIU School of Medicine
Office of Human Resources
327 W Calhoun, Rm 104
PO Box 19601
Springfield IL 62794-9601