

## Ethics Policy of the City Colleges of Chicago

### **5.2.1 Purpose.**

The purpose of the Board Ethics Policy is to promote public confidence in the integrity of the City Colleges of Chicago by establishing consistent standards for the conduct of City Colleges of Chicago business by Board members and City Colleges of Chicago employees and contractors.

### **5.2.2 Definitions.**

Whenever used in this Policy, the following terms shall have the following meaning:

- (a) "Board" means the Board of Trustees of Community College District No. 508, County of Cook, State of Illinois.
  - (b) "Board action" and "Board activity" mean any and every activity undertaken by the Board itself or by any Board member or employee in furtherance of any decision, mandate or request of the Board.
  - (c) "Board contract" means any contract entered into pursuant to Board action of Trustees of the City Colleges of Chicago.
  - (d) "Board member" means any person serving as a member of the Board.
  - (e) "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.
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- (f) "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).

(g) "Collective bargaining" means bargaining over terms and conditions of employment, including hours, wages and other conditions of employment as defined in the Labor Relations Act (5 ILCS 315/3).

(h) "Contractor" means any person (including his/her agents or employees) acting within the scope of their employment doing business with the District.

(i) "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.

(j) "Compensation" means money, thing of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.

(k) "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.

(l) "Contract management authority" means personal involvement in or direct supervisory responsibility for the formulation or execution of a Board contract, including, without limitation, the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

(m) "Contribution" a gift, donation, dues, loan, advance or deposit of money or anything of value knowingly received in connection with the nomination for election of any person to public office as further defined by Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

(n) "District" means Community College District No. 508, County of Cook and State of Illinois.

(o) "Doing business" means any one or combination of sales, purchases, leases or contracts to, from, or with the Board in an amount in excess of \$5,000 in any twelve (12) consecutive months.

(p) "Employee" means a person employed by the District, whether on a full-time 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.

(q) "Employer" means the District.

(r) "Expenditure" means a payment, distribution, loan, advance, deposit, or gift of money or anything of value.

(s) "Familial relationship," identical to the definition of "Relative," exists when two persons are related by blood, law, or marriage.

(t) "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.

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

(v) "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.

(w) "Person" means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, whether or not operated for profit.

(x) "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 (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.

(y) "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.

(z) "Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs or other campaign material on behalf of any candidate for elective

office or for or against any referendum question.

advocate for changes in their terms and conditions of employment or academic

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

(aa) "Prohibited source" means any person or entity who:

(1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(4) has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee.

(bb) "Relative" means a person who is related to a Board member, employee, or spouse or any of the following whether by blood or by adoption: parent, child, brother or sister, aunt or uncle, cousin, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother, half-sister.

(cc) "Romantic relationship" exists when, without benefit of marriage, two persons as consenting partners [1] have a sexual union or [2] engage in partnering or courtship that may or may not have been consummated sexually.

(dd) "Seeking to do business" means [a] taking any action within the past 6 months to obtain a contract or business from the District which, if such action were successful, would result in the person doing business with the District; and [b] the contract or business sought has not been awarded to any person.

(ee) "Special interest" means any economic or other personal interest that is in any way distinguishable from the interests of the public generally and shall include the economic or other personal interest of a spouse; it may include, but is not limited to,

a romantic or familial relationship. The ownership, through purchase or inheritance, of less than 1% of the shares of stock in a corporation, parent or affiliate thereof, regardless of the value or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended, shall not be considered a special interest.

(ff) "Student officers" means students of the District holding elective or appointed offices.

### **5.2.3 Fiduciary Responsibility.**

(a) Employees, Board members, and Student officers shall at all times in the performance of their duties owe a fiduciary responsibility to the Board, to the students of the District and to the residents of the District.

(b) Nothing in this Policy shall be construed to prohibit any individual employee or groups of employees from exercising whatever individual or collective rights they may have through collective bargaining, the first amendment, or otherwise to schedules, programs or policies.

### **5.2.4 Improper Influence.**

No employee or Board member shall make or participate in making, or in any way attempt to use his position to influence any Board decision or action in which he knows or has reason to know that he has any special interest. (See Section ee above)

### **5.2.5 Gift Ban.**

Except as permitted by this section, 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 to the Gift Ban:**

(a) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(b) Anything for which the officer or employee, or his or her spouse or immediate family member pays the fair market value.

(c) Any (i) contribution that is lawfully made under the Election Code or (ii)

activities associated with a fundraising event in support of a political organization or candidate.

(d) Educational materials and missions.

(e) Travel expenses for a meeting to discuss business.

(f) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(g) 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.

(h) 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.

(i) 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.

(j) Intra-governmental and inter-governmental gifts. For the purpose of this Act,

"intergovernmental 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.

(k) Bequests, inheritances, and other transfers at death.

(l) 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 in this section are mutually exclusive and independent of every other.

#### **5.2.6 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.

#### **5.2.7 Use of District Owned Property.**

No employee or Board member shall engage in or permit the unauthorized use of District owned property.

#### **5.2.8 Employment of Relatives.**

(1) No employee or Board member shall employ or advocate for employment, in any department or any College or program of the District in which said employee or Board member serves or over which he exercises authority, supervision, or control, any person (i) who is a relative of said member or employee, or (ii) in exchange for or in consideration of the employment of any said employee or member's relatives by any other member or employee. Relatives shall not receive preferential treatment in the determination of salary, raise or promotion. This sub-section shall not apply to part-time summer employment of less than 4 months per year.

(2) Where a relative of any employee or Board member is employed by a nongovernmental person doing business with the District, the employee or Board member shall not have or exercise contract management authority.

(3) No employee or Board member shall use or permit the use of his position to assist any relative in securing employment or contracts with persons over whom the member or employee exercises contract management authority. The employment of or contracting with a relative of such a Board member or employee by such a

person within six months prior to, during the term of, or six months subsequent to the period of a Board contract may be considered as evidence that said employment or contract was obtained in violation of this section.

#### **5.2.9 Prohibited Political Activities.**

- (1) 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 the District in connection with any prohibited political activity.
- (2) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).
- (3) 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.
- (4) 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.
- (5) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) 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.

#### **5.2.10 Conflicts of Interest.**

- (1) No employee or Board member shall make or participate in the making of any decision or take away any action with respect to any matter in which he has any special interest.
- (2) It is a violation of this policy for any employee or faculty member, instructional

assistant or other City Colleges' employee to participate in the instruction, evaluation, or supervision of a student with whom there is a romantic or familial relationship. Any employee or faculty member engaged in such relationships shall immediately disclose the romantic or familial relationship to the relevant college administrator, who shall promptly arrange for other oversight for the student.

(3) Any employee who has a special interest in any action or activity pending before the Board or any other of the Colleges of the District shall disclose the nature of such interest to the head of the department or division to whom that employee reports, as applicable. In the case of any special interest of any Vice Chancellor or head of any department or division of a College, such disclosure shall be made to the Chancellor or to the president of the college, as applicable. The obligation to report under this sub-section arises as soon as the employee is aware of the activity. The obligation to report under this subsection does not apply to applications for health, disability or worker compensation benefits.

(4) Any Board member who has any special interest in any matter pending before the Board or any committee of the Board shall publicly disclose the nature and extent of such interest in the record of proceedings of the Board. Such Board member shall abstain from voting on the action or activity but shall be counted for purposes of a quorum. The obligation to report under this subsection arises as soon as the Board member is aware of such conflict.

(5) No employee or spouse of any employee, or entity in which an employee or his or her spouse has a financial interest, shall apply for, solicit, accept or receive a loan of any amount from any person who is either doing business or seeking to do business with the Board; provided, however, that nothing in this section prohibits application for, solicitation for, acceptance of or receipt of a loan from a financial lending institution, if the loan is negotiated at arm's length and is made at a market rate in the ordinary course of the lender's business.

#### **5.2.11 Interest in Board Business.**

(1) Except as delineated in Sections 9(3) and (4) herein, no employee or Board member shall have a special interest in any contract, work or business of the Board or in the sale of any article, whether the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the Board. Compensation for property taken pursuant to eminent domain power shall not constitute a financial interest within the meaning of this section.

(2) Unless sold pursuant to a process of competitive bidding following public notice, no employee or Board member shall have a financial interest in the purchase of any property that belongs to the Board. Before participating in the competitive process,

the employee or Board member shall disclose his financial interest.

(3) An employee may contract with the Board for the delivery of goods or services where there is full disclosure of the contractor's relationship to the Board and the Board gives its written consent.

(4) A Board member may contract with the Board for the delivery of goods or services where no comparable goods or services are available, there is full disclosure of the contractor's relationship to the Board, the Board gives its written consent, and the Board complies with all of the provisions of Section 805/3-48 of the Public Community College Act.

#### **5.2.12 Representation of Other Persons.**

No employee or Board member may represent or have a special interest in the representation of any person, other than the Board, in (i) any formal or informal proceeding or transaction before or affecting the Board which is of a non-ministerial nature; or (ii) any judicial or quasi-judicial proceeding before any administrative agency or court in which the Board is a party.

#### **5.2.13 Post Employment Restrictions.**

(1) No former employee or Board member shall assist or represent any person, other than the Board, in any judicial or administrative proceeding involving the Board if the employee or Board member was counsel of record or participated personally and substantially in the proceeding during his employment or service on the Board.

(2) No former employee or Board member shall, for a period of one year after the termination of his employment or service on the Board, assist or represent any person, other than the Board, in any business transaction involving the Board if the employee or Board member participated personally and substantially in the subject matter of the transaction during his term of employment or service on the Board.

(3) Notwithstanding the above, a former employee or Board member may represent or be employed by the Board or another party so long as that representation or employment is not adverse to the Board and he or she first obtains the Board's written permission.

#### **5.2.14 Confidential Information.**

No current or former employee or Board member shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. No current or former employee or Board member shall utilize such information for his personal benefit or for the benefit of any individual or group. For the purposes of this section, "Confidential Information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act as may be amended from time to time.

#### **5.2.15 Applicability To Contracts.**

(Attorneys, Lobbyists, Consultants and Vendors)

(1) All contracts and leases shall be accompanied by a disclosure of the name and business address of each attorney, lobbyist, or consultant who was retained by the contractor with respect to that contract or lease and the name and business address of any other person who will be paid any fee for communicating with Board employees or officials when such communications are intended to influence the issuance of the contract or lease; provided, however, that this disclosure does not apply to employees of the contractor.

(2) All bids, proposals or other solicitations for contracts or lease shall be accompanied by a disclosure of the ownership interests of those persons seeking to do business with the Board. For purposes of this section, the ownership, through purchase or inheritance, of less than 1% of the shares of stock in a corporation, parent, or affiliate thereof, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended, shall not be considered an ownership interest.

(3) No person who has done business with the City Colleges of Chicago within the preceding four years or is seeking to do business with the City Colleges of Chicago shall make contributions in an aggregate amount exceeding \$1500.00: (i) to any candidate for city office during a single candidacy; or (ii) to an elected official of the government of the city during any reporting year of his term; or (iii) any official or employee of the City Colleges of Chicago who is seeking election to any other office.

(4) All Board contracts shall contain a provision requiring compliance with this Policy. Any contract negotiated or entered into in violation of this Policy shall be voidable at the option of the Board. Any contractor of the Board found to have violated any of the provisions of this Policy or who fails to provide documents or information

requested by the Board or the Board's designee to investigate violations of this Policy shall be subject to cancellation of all existing contracts.

#### **5.2.16 Contract Inducements.**

No payment, gratuity, gift or offer of employment shall be made in connection with any Board contract, by or on behalf of a subcontractor to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order. This prohibition shall be set forth in every Board contract and solicitation therefore.

#### **5.2.17 Duty To Advise Or Disclose: Confidentiality Of Disclosure: Prohibition Against Retaliatory Action.**

(1) No information shall be withheld from, or false information supplied to, the Board, its members or employees, by any employee or Board member when so doing in any way interferes with, delays or impedes any Board action or the functioning of any Board activity or abets the carrying on or concealment of any violation of this Policy, or of any other rule, regulation or contract of the Board or of any law, statute or ordinance which affects the Board or its activities or property.

(2) Any information or document assembled as a result of this Policy shall be confidential except as required to implement this Policy. The requirement of confidentiality shall not prevent the Board or its employees from complying with applicable state or federal laws or regulations.

(3) The Board, to the full extent of its authority, will neither condone nor allow any retribution to be taken against any person for any action taken in furtherance or enforcement of this Policy or in furtherance or enforcement of any other Board action, activity, rule or regulation.

#### **5.2.18 Enforcement Actions.**

(1) Allegations of violations of this Policy shall be reported to the Ethics Officer who shall have responsibility for investigating the allegations and making recommendations to the Board for such disciplinary or other action as may be appropriate to effectuate this Policy.

(2) Any employee or Board member found to have violated any of the provisions of this Policy or to have intentionally furnished false or misleading information or failed to cooperate in investigations concerning any matter covered by this Policy shall be subject to appropriate sanctions up to and including discharge from employment.

(3) Nothing in this Policy shall preclude the Board from maintaining an action for an accounting for any pecuniary benefit received by any person in violation of this Policy or other law, or to recover damages for violation of this Policy.

(4) The procedures and penalties provided in this Policy are supplemental and do not limit the power of the Board to otherwise discipline employees or take appropriate administrative action or to adopt more restrictive rules. Nothing in this Policy is intended to repeal or is to be construed as repealing in any way the provisions of any other applicable statute, ordinance, rule or regulation.

#### **5.2.19 Ethics Training.**

All employees and Board members shall complete an annual Ethics Training program offered by the District. Employees or Board members who fail to complete the annual Ethics Training program shall be subject to penalties provided herein.

#### **5.2.20 Ethics Officer.**

(1) The Chancellor, with the advice and consent of the Board shall designate an Ethics Officer for the District. The duties of the Ethics Officer may be delegated to an officer or employee of the District unless the position has been created as an office by the District.

(2) The Ethics Officer shall provide guidance to the officers and employees of the District concerning the interpretation of and compliance with the provisions of this Policy. The Ethics Officer shall perform such other duties as may be delegated by the Board.

#### **5.2.21 Penalties.**

(1) Any City Colleges of Chicago employee who violates the City Colleges of Chicago Ethics Policy may be subject to discipline, including suspension or dismissal.

(2) Any City Colleges of Chicago official who violates the City Colleges of Chicago Ethics Policy may be subject to disqualification from office.

(3) Any contractor doing business with City Colleges of Chicago found to have violated the City Colleges of Chicago Ethics Policy may be barred from doing business with City Colleges, along with any other penalty provided for in this Policy.

(4) If the Ethics Officer has a reasonable basis for concluding that an investigation has revealed criminal conduct, the Ethics Officer shall refer the matter to the appropriate law enforcement authority.

**5.2.22 Certification.**

Every employee and Board member shall certify that he has reviewed and read the provisions of this policy.