

**GOVERNORS STATE UNIVERSITY**

**BOARD OF TRUSTEES**

**REGULATIONS**

**Issued October 21, 2024**

**SECTION VIII. ETHICS AND COMPLIANCE**

**A. Code of Conduct**

**1. Purpose**

- a. Governors State University (the “University”) operates on behalf of the people of Illinois to achieve the University’s mission of offering an exceptional and accessible education that prepares students with the knowledge, skills, and confidence to succeed in a global society. As such, it is important that the University and all those acting on its behalf act ethically and with integrity, transparency, and respect for others. Moreover, the University’s institutional accreditation is dependent upon its ability to operate with integrity in its financial, academic, human resources, and auxiliary functions.
- b. This Code of Conduct (“Code”) establishes standards of ethical conduct and provides guidelines and resources to help effect them. Employees (as defined below) are expected to act professionally and ethically whenever conducting business of behalf of the University or stewarding University property. This Code is intended to guide employees’ conduct when engaging in duties and fulfilling responsibilities related to the University, regardless of whether the conduct is specifically described in this policy, other policies, laws, or regulations.
- c. The University adopts this Code as an important element of the University’s comprehensive ethics and compliance efforts, which include but are not limited to annual mandatory ethics training. The effectiveness of the University’s compliance program depends on the commitment and participation of each individual.

**2. Scope**

- a. As used in this Policy, the term “employee(s)” is broadly defined to include without limitation: officers; full-time employees; part-time employees; independent contractors; faculty, staff, and administrative employees; Civil Service employees; employees represented by unions and not represented by unions; paid and unpaid appointees; volunteers; student workers and graduate assistants; and individuals holding similar positions in any office, department, or program under the University’s jurisdiction. For purposes of this Code, “employees” includes trustees and/or members of the University Board of Trustees and the Governors State University Foundation Board.

- b. Engaging in unethical conduct or otherwise violating this Code may subject an employee to discipline up to and including termination. It also may subject an employee to civil, administrative, or criminal fines or penalties by the State of Illinois.

### 3. Standards of Personal Responsibility

- a. The University operates in a highly regulated environment. The various roles it plays, from educator to employer to recipient of public and private funds, mean the University is subject to numerous federal, state, and local laws, regulations, and accreditation requirements. This Code does not attempt to summarize all laws, regulations, and standards applicable to the University and its employees. Rather, the focus of this Code is the **personal responsibility** of all employees to conduct themselves in an ethical manner and make ethical decisions when doing business on behalf of the University or handling University property.
- b. Whenever employees are unsure how to conduct themselves in an ethical manner, they should consult the University Ethics Officer. And, when an employee is not sure whether something is legal or compliant with applicable regulations or standards, the employee should consult with the University General Counsel. The following principles should guide each employee's conduct and decision-making:
  - i. Public service is a public trust, not to be exploited for personal gain.
    - (a) University employees may not use their positions of employment for personal gain, including but not limited to taking bribes or gifts in exchange for fulfilling their official duties or improperly favoring one over another.
    - (b) University employees may not engage in other employment or activities that conflict with their official duties and responsibilities.
    - (c) University employees must take appropriate action to identify, disclose, avoid, and mitigate potential conflicts of interest in the performance of their official duties. Taking part in a hiring or promotion decision of a relative is a conflict of interest, as is engaging in romantic relationships with employees in one's own reporting line or with students under one's own direct supervision or instruction.
  - ii. Public service requires honest and impartial performance.
    - (a) University employees must conduct their duties with honesty and integrity, including but not limited to accurately reporting time worked.
    - (b) University employees must be diligent in their efforts and not be willfully idle during their working hours.
  - iii. Public servants serve as stewards of taxpayer resources.
    - (a) University employees must protect and conserve University property and not use it for any purpose other than authorized activities.

- (b) University employees must report waste, fraud, abuse, and corruption to the appropriate authorities.
  - (c) University employees must appropriately maintain resources entrusted to them, including but not limited to following security and cybersecurity policies and procedures.
- iv. Public servants are good citizens.
  - (a) University employees should avoid any action that creates the appearance of a violation of the law, University policy, or the ethical standards set forth in this Code, or which would reflect negatively on the reputation of the University.
  - (b) University employees must report violations of the Code to appropriate authorities.
  - (c) University employees who, in good faith, report misconduct or participate in an investigation or hearing regarding misconduct are protected from unlawful retaliation.
- v. Public service must be an equal opportunity for all.
  - (a) University employees must adhere to all laws, regulations, and policies that provide equal opportunity for all, including but not limited to the University's anti-discrimination policies.
  - (b) There must be no unlawful discrimination or harassment in any University employment practice based on race, color, national origin, religion, age, sex, pregnancy, marital status, physical or mental disability, ancestry, sexual orientation, military service, unfavorable discharge from military service, order of protection status, or any other protected status.
- c. Reporting Obligations: Whenever an employee learns that another individual subject to this Code has committed a violation of the Code, the employee has a duty to report such suspected violation to the Ethics Officer promptly. The duty to report applies whenever an employee has a good faith belief that a violation may have occurred; the employee has no duty to investigate or obtain incontrovertible evidence of a violation before making a report. The duty to report belongs to each individual even where multiple employees know of a single instance of a violation; each one is personally responsible for reporting the misconduct to the Ethics Officer. It is a violation of this Code to fail to report a reasonably suspected violation.

#### 4. Related Policies, Laws, and Regulations

Employees should take care to familiarize themselves with the following related policies, which describe specific types of prohibited conduct:

- a. **Discrimination and Harassment:** Discriminating against and/or harassing someone based on a status protected by law, such as disability, race, or sex, see

Anti-Discrimination, Harassment, and Retaliation Policy 52, and Anti-Sex Discrimination Policy 78.

- b. **Gift ban:** Soliciting or accepting a gift(s) from a person or entity seeking official action from or doing business with the University, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties. More information on the gift ban is found in Regulation § VIII.C.3.
- c. **Nepotism/Conflicts of Interest/Conflicts of Commitment:** Employees are expected to avoid conflicts of interest and the appearance of conflicts of interest, and to disclose them when unavoidable, see Regulation § VIII.C.5.
- d. **Misuse of State Resources:** Using State property for private, personal, financial, or political gain or other unauthorized use. State property includes time, monies and physical items (including electronics) as well as electronic resources (including the University's IT infrastructure). Improper work time reporting constitutes misuse of state resources. More information can be found in Regulation § VIII.E.4-.5.
- e. **Dishonesty or Deception:** Knowingly or intentionally making any materially false statement or misrepresentation on any official record or falsifying or knowingly failing to correct false information contained in an official record or document related to the performance of job duties. More information can be found in Regulation § VIII.E.9.
- f. **Breach of Confidentiality:** Failing to safeguard confidential information or violating confidentiality requirements related to employment or service to the University.
- g. **Prohibited Political Activity:** Engaging in prohibited political activity during any compensated time, excluding vacation, personal, or compensatory time off, or intentionally misappropriating any State property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization. More information on prohibited political activity is found in Regulation VIII.C.4.
- h. **Ethics Act:** The Illinois State Officials and Employees Ethics Act (the "Ethics Act"), 5 ILCS 430/.
- i. **The "Code of Personal Conduct":** Prepared by the Department of Central Management Services on behalf of the Governor and appended hereto.
- j. **The "Illinois Board of Higher Education Personnel Policies for Public Universities":** Prepared by the Illinois Board of Higher Education ("IBHE") and appended hereto.

## 5. Application of Code of Conduct

- a. The Code is intended to govern University employees concurrently with:
  - The Governor's "Code of Personal Conduct"; and
  - The IBHE's "Illinois Board of Higher Education Personnel Policies for Public Universities."

- b. More detailed policies and procedures that apply to University employees or certain groups of University employees are set forth in other documents, and the Code should not be considered a complete listing of all actions University employees must or must not take. While the other policies are not part of the Code, each University employee is expected to conduct themselves consistently with the Code, the Governor's Code of Personal Conduct, the IBHE's Personnel Policies for Public Universities, and all other applicable laws, regulations, and University policies and procedures.
- c. To the extent the Code conflicts with the Ethics Act, the Governor's Code of Personal Conduct, the IBHE's Personnel Policies for Public Universities, or any generally applicable federal or state law or policy, the more restrictive provision will control. Further, it is the University's intention that the Code be compatible with the requirements of all collective bargaining agreements to which it is a party. Accordingly, to the extent this Code conflicts with any collective bargaining agreement, the terms of the collective bargaining agreement will control with respect to the employees covered thereby.
- d. Unless expressly stated otherwise, the provisions of the Code are applicable to all employees when on compensated time (other than compensatory time off), on University property or handling/managing/responsible for University property, or carrying out the employee's official duties. For purposes of this Code:
  - 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 that employee's employment, but for purposes of the Code, does not include any compensatory time off;
  - ii. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer or employee is on premises under the control of the University and any other time when the officer or employee is executing his or her official duties, regardless of location; and
  - iii. "Compensatory time off" means all University-recognized and -observed official holidays, administrative closure time, and periods when an employee is using benefit time, such as vacation leave, sick leave, bereavement leave, military leave, and FMLA leave.

## **B. Anti-Discrimination and Anti-Retaliation Policies**

### **1. Anti-Discrimination Policies and Procedures**

- a. Governors State University will comply with all statutory and regulatory requirements prohibiting unlawful discrimination in the workplace and in its educational programs, including but not limited to: Title VII of the Civil Rights Act of 1964, 42 USC §§ 2000e *et seq.*; the Equal Pay Act of 1963, 29 USC § 206(d); the Age Discrimination in Employment Act of 1967, 29 USC §§ 621 *et seq.*; the Americans with Disabilities Act of 1990, 42 USC §§ 12101 *et seq.*; the Rehabilitation Act of 1973, 29 UCS §§ 791 *et seq.*; the Genetic Information Nondiscrimination Act of 2008, 42 USC §§ 2000ff *et seq.*; Title IX of the Education Amendments Act of 1972, 20 U.S.C. §

1681; and the Illinois Human Rights Act, 775 ILCS 5; as each may be amended from time to time.

- b. The President shall develop policies and procedures to implement, monitor, and document the University's programs put into place to ensure compliance with applicable anti-discrimination and anti-retaliation laws, which shall take effect upon approval by the President.

## **2. Persons with Disabilities**

- a. Governors State University will comply with all applicable federal, state, and local laws, regulations and guidelines, as they may be amended from time to time, protecting the rights of persons with disabilities and ensuring their access to the University's programs, including employment, through reasonable accommodations, including but not limited to the Americans with Disabilities Act of 1990 ("ADA"), including changes made by the ADA Amendments Act of 2008, 42 U.S.C. §§ 12101 *et seq.*, section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (the "Rehabilitation Act"), and the Illinois Human Rights Act, 775 ILCS 5/1-101.
- b. The President shall develop policies and procedures to implement, monitor and document the University's programs put into place to ensure compliance with the ADA, the Rehabilitation Act, and the Illinois Human Rights Act, which shall take effect upon approval by the President.

## **C. Personnel Regulations**

### **1. Work Time Requirements, Timekeeping, and Documentation of Time Worked**

- a. Employees are required to truthfully and accurately record in writing their time spent on University business on a daily basis.
- b. While on duty, employees should dedicate their efforts to the performance of assigned work and other job responsibilities. Employees (i) must perform all work duties assigned to them; (ii) must not perform any work duties in a negligent or willfully reckless or erroneous manner that results in the risk of a material delay or material financial loss to the University; and (iii) must not engage in willful idleness while on the job.
- c. As and when required by University procedure, employees must personally submit periodic timesheets that accurately document their time spent each day on official University business to the nearest quarter (1/4 or 0.25) hour. Such time sheets must also accurately reflect use of relevant compensatory time off used or occurring during the period covered by each timesheet.

### **2. Documentation for Reimbursement for Travel on Official University Business**

Employees who wish to seek reimbursement for travel expenses incurred on official University business must comply with the pre-approval requirements (where applicable) and "travel voucher" processes and procedures set by University Financial Services. Financial Services shall promulgate and update such requirements, processes, and procedures from time to time as necessary to bring them into compliance with the rules

of the Higher Education Travel Control Board and other applicable laws and regulations, as now adopted or hereinafter amended, which shall take effect upon approval by the President. Any expense for which reimbursement is sought must be actual, reasonable, and adequately documented.

### 3. Gift Ban

As defined and detailed below, the Gift Ban prohibits University employees and their close family members from taking gifts from persons who seek to do business with the University or otherwise influence the employee.

#### a. Definitions

For purposes of the gift ban (“Gift Ban”) described in article 10 of the Ethics Act, as modified by Illinois Executive Order 2015-09 (“EO 15-09”), and as set forth in this Section VIII.C.3, the following definitions apply.

- i. “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 employee. Pursuant to EO 15-09, the exceptions to the statutory gift ban contained in subsection 10-15(8) of the Ethics Act (food and refreshments of up to \$75 per day) and subsection 10-15(12) of the Ethics Act (other gifts of up to \$100 per year) **do not apply to University employees**. University employees may accept only de minimis meals or refreshments served at a business meeting or reception attended by the University employee in the course of their official duties.
- ii. “Prohibited source” means any individual or entity that:
  - (a) Is seeking official action (1) by a University employee or (2) by an officer or another employee of the University directing that employee;
  - (b) Does business or seeks to do business (1) with a University employee or (2) with an officer or another employee of the University directing that employee;
  - (c) Conducts activities regulated (1) by a University employee or (2) by an officer or another employee of the University directing that employee; or
  - (d) Has interests that may be substantially affected by the performance or non-performance of the official duties of the employee.

#### b. Policy

- i. *General Gift Ban*. Except as expressly permitted by applicable law (including but not limited to the Ethics Act and Illinois Executive Order 2015-09), no employee, and no spouse of or immediate family member living with any employee, (collectively, “recipients”) shall intentionally solicit or accept any gift from any prohibited source or gift that is otherwise prohibited by law or ordinance. No

prohibited source shall intentionally offer or make a gift that violates this Section VIII.C.3.

- ii. *Limited Exceptions.* The Gift Ban is not applicable to the following:
  - (a) Opportunities, benefits, and services that are available on the same conditions as for the general public.
  - (b) Anything for which the recipient pays the fair market value.
  - (c) Any (1) contribution that is lawfully made under the Election Code or (2) activities associated with a fundraising event in support of a political organization or candidate.
  - (d) A gift from a relative.
  - (e) 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 their spouse or immediate family member and not because of the personal friendship.
  - (f) Intra-governmental gifts (*i.e.*, any gifts given to one employee from another employee) and inter-governmental gifts (*i.e.*, any gifts given to an employee by an officer or employee of another Illinois governmental entity).
  - (g) Bequests, inheritances, and other transfers at death.

Each of the exceptions listed in this Section VIII.C.3.b.ii. is mutually exclusive and independent of every other.

- iii. *Disposition of Gifts.* Recipients who unintentionally accept a gift from a prohibited source do not violate this Regulation if they promptly take reasonable action: (a) to return the gift to the prohibited source; or (b) to give the gift, or a monetary 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.
- iv. *Financial Aid Professionals.* The University's "Code of Conduct and Statement of Ethical Principles for Financial Aid Professionals" also includes gift ban provisions as required by federal law.

#### **4. Prohibited Political Activities**

As detailed below, employees may not engage in prohibited political activities while on University compensated time, while on University property, or while using University resources.

##### **a. Definitions**

For purposes of the prohibition set forth in this Section VIII.C.4, the following definition applies.

- i. "Prohibited political activity" means any of the following:
  - (a) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
  - (b) 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.
  - (c) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
  - (d) 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.
  - (e) 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.
  - (f) 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.
  - (g) 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.
  - (h) 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.
  - (i) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
  - (j) Preparing or reviewing responses to candidate questionnaires.
  - (k) 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.
  - (l) Campaigning for any elective office or for or against any referendum question.
  - (m) Managing or working on a campaign for elective office or for or against any referendum question.
  - (n) Serving as a delegate, alternate, or proxy to a political party convention.
  - (o) Participating in any recount or challenge to the outcome of any election.

b. Policy

- i. No employee shall intentionally perform any prohibited political activity during any compensated time. No employee shall intentionally use any University property or resources in connection with any prohibited political activity.
- ii. At no time shall any employee intentionally require any other employee to perform any prohibited political activity (a) as part of that other employee's duties, (b) as a condition of employment, or (c) during compensatory time off.
- iii. No employee shall be required at any time to participate in any prohibited political activity in consideration for that 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 employee be awarded additional compensation or any benefit in consideration for their participation in any prohibited political activity.
- iv. Nothing in this Section prohibits activities that are permissible for an employee to engage in as part of their official duties, or activities that are undertaken by an employee on a voluntary basis which are not prohibited by this Regulation.
- v. No person either (a) in a position that is subject to recognized merit principles of public employment or (b) 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 they are a member or an officer of a political committee, of a political party, or of a political organization or club.

**5. Avoidance of Nepotism, Conflicts of Interest, and Conflicts of Commitment**

All employees are expected to avoid and, where unavoidable, disclose actual and potential conflicts of interest and commitment.

a. Definitions

For purposes of the prohibition set forth in this Section VIII.C.5., the following definitions apply.

- i. "Alternative arrangements" are remedial or mitigating actions to remove the responsibility or influence that leads to a benefit to the employee or to any person who is that employee's relative or in a significant relationship or in a business association with that employee.
- ii. "Immediate family members" means a given individual's spouse or domestic partner, parents, siblings, and children.
- iii. "Intimate personal relationship" means any relationship of a sexual, amorous, dating, or romantic nature. This definition will be applied based upon the nature, not the duration, of the relationship. Any contact of a sexual, amorous, dating, or

romantic nature would be considered an “intimate personal relationship” under this Regulation even if it does not recur.

- iv. “Related Individual” means, with respect to a specific employee, any person who is a relative of that employee by blood or marriage or in a significant relationship or a business association with that employee.
  - v. “Relatives” means the people, regardless of where they reside, related to a given individual as spouse, son/daughter/child (dependent and independent), parent, grandparent, grandchild, sibling, half-sibling, aunt, uncle, nephew, niece, first cousin, mother/father/parent-in-law, son/daughter/child-in-law, stepchild, stepparent, step-grandparent, stepsibling, step-aunt, and step-uncle. The term also includes any other people related by law, blood, or marriage who reside in the same household as a given individual.
  - vi. “Significant relationship” means people living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair the objectivity or independence of judgment of one individual working with the other.
- b. Policy
- i. Avoiding Nepotism in Employment Matters
    - (a) All University personnel decisions that involve a direct benefit (initial employment, promotion, salary or pay rate changes, leaves of absence, etc.) to a recipient must be conducted in a manner that enhances public confidence in the University; prevents situations that give the appearance of partiality, preferential treatment, improper influence, or conflict of interest; and are in accordance with federal, state, and local laws.
    - (b) Every University employee is prohibited from participating in or influencing any University personnel decision that directly benefits any Related Individual. This means that an employee may not advocate for, nor appoint, hire, or promote a Related Individual into a University position. An employee is also prohibited from serving on an interview panel of or a search committee considering a Related Individual. An employee is prohibited from having a Related Individual in their direct chain of reporting, in either direction, and may not evaluate the job performance of a Related Individual nor recommend a salary increase for them. An employee may not participate in the discipline, discharge, or investigation related to a Related Individual’s alleged or actual misconduct.
    - (c) If a chain-of-reporting conflict arises due to a promotion, transfer, or other personnel decision that otherwise complies with this Regulation, the affected department/unit shall work expeditiously to eliminate the conflict to the extent permitted by law and/or any relevant collective bargaining agreement. This may involve alternative arrangements, relocation, or transfer to a comparable position with minimal inconvenience for the transferring employee.

- (d) Provided that the employees involved comply with any and all approved alternate arrangements necessary to avoid a violation of this Regulation, the following are not prohibited:
- (1) Marriage or significant relationship occurring between two employees subsequent to their employment within same the department/unit; provided that the employees involved notify their department/unit of their significant relationship/marriage and the affected department/unit and the Human Resources Department (“HR”) approves alternative arrangements to ensure that no chain-of-reporting conflict exists.
  - (2) Employment in a department/unit prior to the appointment of a Related Individual to the supervisory position (e.g., a husband is employed by the Division of Arts and Sciences and his wife becomes Chair of that Division); provided that alternative arrangements are approved by HR so that there is no chain-of-reporting conflict.
  - (3) The Related Individual of a supervisory employee working in the same department/unit as the supervisory employee as long as the supervisory employee does not participate in the hiring/promotion/transfer of the Related Individual and has no direct line of supervision over the Related Individual; provided that HR approves all alternative arrangements necessary to ensure no violation of this Regulation.

In any of those situations, the affected department/unit must submit proposed alternative arrangements in writing to HR for approval.

University employees must be familiar with and abide by all applicable provisions of Illinois Executive Order 2018-12 regarding the prohibition on nepotism in State Government hiring.

ii. Avoiding Nepotism in Student-Related Matters

- (a) All University decisions that involve a direct benefit (admissions, enrollment, the awarding of financial aid, grading, etc.) to a prospective or current student must be conducted in a manner that enhances public confidence in the University; prevents situations that give the appearance of or result in partiality, preferential treatment, improper influence, or conflict of interest; and is in accordance with federal and state laws and regulations.
- (b) Every University employee is prohibited from participating in or influencing any University decision that directly benefits a student that is a Related Individual of that employee. This means that an employee may not advocate for or participate in the decision to admit a Related Individual as a student at the University or in a decision awarding financial aid to a Related Individual who is a student. An employee is also prohibited from overseeing or serving on any panel or group involved in awarding grades, grants, prizes, opportunities, employment, or achievements to a Related Individual. An employee may not participate in the discipline, expulsion, or investigation related to misconduct of a Related Individual who is a student at the University.

- (c) In cases where an immediate family member relationship or significant relationship exists between a student enrolled in a course and an instructor with direct evaluative authority for grades for that course, the affected division/department or college shall work expeditiously to eliminate the conflict to the extent permitted by law and/or any relevant collective bargaining agreement. This may involve alternative arrangements or transfer of the affected student to an alternative section of the course (if any) without causing undue delay to the student's academic progress.
- (d) In cases where an issue of nepotism arises between a candidate for an award, scholarship, or grant and an employee with direct oversight into the selection process, the employee with oversight must remove themselves from the entire process.
- (e) Employees are prohibited from entering into any intimate personal relationship with a student of the University, regardless of whether the employee has supervisory or evaluative authority over the student. Intimate personal relationships between employees and students, even absent any supervisory or evaluative authority, may lead to unanticipated conflicts of interest because an employee's influence and power may extend beyond the classroom, department, or team. There is always the possibility that the employee may unexpectedly be placed in a position of power over the student. Due to the institutional power differential in employee-student relationships, there is the inherent risk of coercion and the perception by others of exploitation, particularly where undergraduate students are involved. Students' broad educational opportunities and experiences are such that plans to manage these important issues are typically inadequate as a remedy. In the event an intimate personal relationship between an employee and a student predates the student's enrollment at the University (e.g., an employee's spouse chooses to further their education at the University), subsections (a)-(d) of this Section VIII.C.5.b.ii. apply.

iii. Disclosing Nepotism

- (a) Candidates (both external and internal) for University employment must disclose, at the time of application, the names of any Related Individuals currently employed by the University.
- (b) University employees must identify and disclose to the head of their department/unit any relationship covered by the definitions, prohibitions, and requirements of this Section VIII.C.5. as soon as reasonably practicable after a conflict arises (e.g., after a Related Individual applies for employment, after a transfer results in a chain-of-reporting conflict, after two employees enter into a significant relationship, or after the child of an admissions employee applies to the University). This includes, but is not limited to, when a Related Individual applies for a University position and an employee reasonably believes they are in a position of participation or influence over employment decisions discussed in this Regulation.

- (c) Each department/unit head who receives a disclosure regarding, or otherwise identifies, any conflict involving nepotism in an employment matter should immediately notify HR. Each department/unit head who receives a disclosure regarding, or otherwise identifies, any conflict involving nepotism in a student-related matter should immediately notify either the Provost (regarding academic matters) or the Vice President for Student Affairs and Enrollment Management (regarding non-academic matters).
- (d) HR, the Provost, or the Vice President for Student Affairs and Enrollment Management, as appropriate, shall work with affected departments/units to determine, approve, and impose appropriate alternative arrangements to avoid conflicts involving nepotism.
- (e) Failure to disclose an actual or potential conflict involving nepotism or a failure to abide by approved alternative arrangements may subject an employee to discipline up to and including termination.

iv. Avoiding Conflicts of Interest and Conflicts of Commitment

- (a) A conflict of interest occurs when a University employee is in a position to influence a decision on policy or purchases that actually or potentially provides a benefit to that employee or to a Related Individual of that employee. It is not only the actual benefit conferred but the mere appearance of its occurrence that the University seeks to avoid. Conflicts of interest also occur when an employee or a member of their immediate family is or seeks to be in a vendor relationship with the University, either directly or by having a financial or ownership interest in a vendor doing business with the University. Employees should use sound judgment, professional commitment, and ethics to protect the University and themselves from becoming entangled in such conflicts.
- (b) Conflicts of commitment occur when an employee's involvement in an outside activity substantially interferes with the employee's primary commitment to the University.
- (c) University employees shall not use their positions to secure for themselves or any Related Individuals anything of value, financial gain, or personal benefit that would not ordinarily accrue to them in the performance of their official duties to the University. Further, employees shall avoid conflicts of commitment that substantially and adversely impact their ability to perform their duties for the University.
- (d) The following are examples of conflicts of interest/commitment prohibited by this Regulation:
  - Using one's position to secure approval of a University contract in which the employee or a Related Individual of the employee has a financial interest.
  - Soliciting or accepting anything of value that could have a substantial and improper influence on the employee's performance of their position.

- Being paid or accepting any form of compensation for personal services rendered on a matter before, or a sale of goods or services to, the University.
- Using or disclosing confidential information of the University or information otherwise protected by law, without receiving proper authorization, to benefit oneself or a Related Individual.
- Having responsibilities outside the scope of the employee's duties to the University that substantially and adversely impact the employee's performance of such duties.

(e) The provisions of this Regulation prohibiting conflicts of interest are in addition to, and function in concert with, the Board of Trustees Bylaws (especially article VIII thereof), the Board of Trustees Regulations (especially Section II.6 thereof), Policy 68 regarding financial conflicts of interest in externally sponsored research and educational activities, and Policy 87 regarding the "Revolving Door Prohibition" of the Ethics Act.

v. Disclosing Conflicts of Interest and Conflicts of Commitment

(a) University employees shall request and obtain approval prior to engaging in activities or relationships that present actual or reasonably perceived conflicts of interest or commitment with their duties to the University.

(b) Such activities include:

- Non-University income-producing activities.
- Non-University financial relationships or fiduciary roles that constitute actual or reasonably perceived conflicts of interest to the University.
- Activities conducted by immediate family members that present an actual or reasonably perceived conflicts of interest to the University.

(c) If required to do so by the Illinois Governmental Ethics Act (5 ILCS 420/art. 4A) and EO 15-09, an employee must submit an annual Statement of Economic Interest to the Illinois Secretary of State and an annual Supplemental Statement of Economic Interest to the Illinois Executive Ethics Committee by May 1st each year.

**D. Revolving Door Prohibition of the Illinois State Officials and Employees Ethics Act ("Ethics Act")**

1. Governors State University will comply with statutory and regulatory requirements of the Illinois State Officials and Employees Ethics Act's prohibition on revolving door employees, as they may be amended from time to time. Section 5-45 of the Ethics Act, 5 ILCS 430/5-45, impacts the post- State employment opportunities of certain State employees. In essence, the Revolving Door Prohibition imposes a twelve (12) month ban on University employees whose employment with the University terminates from going to work for (or receiving other types of compensation from) any entity who contracted with the University where that employee played a material role in the award or fiscal administration of a contract to that entity as a University employee.

2. The President, or President's delegate, shall develop policies and procedures designed to effect the Ethics Act's ban on revolving door employees. Such policies and procedures shall take effect upon approval by the President.

## **E. Other Conduct Policies**

### **1. Insubordination**

An employee (a) must execute the lawful instructions, whether oral or written, of a supervisor or member of the University administration having authority over the employee or the University department having subject matter jurisdiction over the matter involved (e.g., HR over personnel matters, Financial Services over financial matters, or Information Technology Services over cybersecurity matters); (b) may not be disrespectful in their conduct and communication, whether oral or written, directed toward a supervisor or member of management; and (c) will comply with State law and University policy as directed.

### **2. Disruptive Conduct**

An employee may not (a) engage in disruptive conduct or activities, pranks, or roughhousing that interrupts work or impedes the work of others; or (b) use abusive or threatening or discriminatory or harassing language, gestures, or similar conduct.

### **3. Breach of Confidentiality**

Employees must take all reasonable measures to protect confidential information in their possession. Employees may not knowingly (a) fail to follow and abide by University cybersecurity and network security protocols and policies; (b) fail to safeguard confidential information; (c) take actions which would reasonably be foreseen to result in a breach of confidential information; or (d) otherwise violate confidentiality requirements inherent to the employee's position or the University's Mission.

### **4. Stealing**

An employee may not steal or attempt to steal the property of the University or another individual or entity or collude with another person to commit such acts.

### **5. Misuse or Abuse of State Property**

Except for very limited (*de minimis*) personal use, an employee must use State property provided by the University for official purposes only and not for personal benefit or political gain. When entrusted with safeguarding State property, an employee may not (a) intentionally or recklessly lose or damage such State property; or (b) knowingly and willfully use or authorize the use of a State vehicle for other than an official purpose.

### **6. Improper Destruction of University Records**

An employee may not destroy or otherwise dispose of University records, regardless of physical form or characteristics of the records, without proper authorization in compliance with the Illinois State Records Act (5 ILCS 160) and University policy and procedures.

## **7. Conduct Unbecoming of a Supervisor**

An employee in a position with supervisory authority may not (a) intentionally, negligently, or recklessly order employees or students to commit any illegal act or violation of State or University policies; (a) order employees or students to perform a task for other than an official purpose; or (c) exploit supervisory authority for personal gain or personal profit.

## **8. Threatening Words or Actions and Violence**

An employee may not (a) threaten or attempt to inflict bodily harm on another individual, or (b) hit or push another person or have hostile or unwelcomed contact with another person. For more information on the University's intolerance on violence and reporting obligations, please see the University's Violence in the Workplace Policy. Nothing herein is intended to prohibit lawful conduct by the University Department of Public Safety.

## **9. False Statement**

An employee may not (a) make any materially false statement and/or knowing misrepresentation on an application for State or University employment or other document pertaining to qualifications or any other official record; (b) knowingly and/or intentionally misrepresent themselves or the University to students or the public; (c) knowingly and/or intentionally make any false or malicious statement against a fellow employee (including the employee's co-workers, supervisors, and subordinates) with the intent of harming or destroying the reputation, authority, or official standing of that individual; (d) knowingly make any deliberate misrepresentation or omission of a material fact, such as perjury, making any false sworn statement, and lying to a supervisor; or (e) falsify or knowingly fail to correct false information contained in, or omit material information from, official documentation or an official record related to the performance of such employee's job duties, including but not limited to timesheets and expense reimbursement requests.

## **10. Health and Safety Violation**

An employee will maintain a clean and orderly work area and will follow all applicable safety rules and regulations, including (a) abiding by the University's Smoke-Free/Tobacco-Free Campus Initiative promulgated under the Illinois Smoke-Free Campus Act; (b) not possessing a lighter, match, or other flammable materials in any explosive or hazardous area; (c) reporting to a supervisor any on-the-job personal injury or accident experienced by the employee or for which the employee had primary responsibility; (d) observing all precautions for personal safety, posted rules, signs, and written or oral safety instructions; (e) using appropriate protective clothing and equipment in any hazardous area; (f) following all material traffic regulations and not engaging in reckless driving or improper operation of a motor vehicle while on property owned or controlled by the University or the State or while driving a University vehicle; and (g) abiding by the University's Weapons and Firearms-Free Campus Policy and the University Concealed Carry Policy.

## 11. Official Misconduct

No employee, when in their official capacity, may:

- a. Intentionally or recklessly fail to perform a mandatory duty as required by law; or
- b. Knowingly perform an act that the employee knows to be forbidden by law to perform; or
- c. Intentionally perform an act in excess of the employee's lawful authority with intent to obtain a personal advantage for themselves or another; or
- d. Knowingly accept or purposefully solicit a fee or reward for the performance of any act which the employee knows is unauthorized by law.

In addition to being a violation of this Regulation, such conduct is a violation of article 33 of the Illinois Criminal Code of 2012, and an employee convicted of violating any provision of that statute is guilty of a Class 3 felony.

## 12. Failure to Complete Mandatory Trainings

All employees must complete the mandatory annual ethics training and harassment and discrimination prevention training as required under the Ethics Act as directed by the University Ethics Officer and/or Human Resources. Employees must also complete any other trainings deemed mandatory by the University, such as the Mandated Reporter Training required under the Illinois Abused and Neglected Child Reporting Act as directed by the Ethics Officer and/or Human Resources. A failure to complete a mandatory training as directed will be a violation of this Regulation.

## F. No Creation of Rights

This Regulation § VIII does not, and may not be interpreted to, create any rights for any person or entity other than Governors State University. Nothing in this Regulation § VIII may be construed as altering the employment relationship between the University and any employee. Employees in supervisory positions or in positions with the ability to recommend employee discipline will comply with applicable law and collective bargaining agreements when imposing discipline pursuant to this Regulation § VIII.

===== END OF REGULATION TEXT =====

*Content of the Employee Code of Conduct was adapted in part from the State of Illinois Personal Code of Conduct (revised Mar. 17, 2021), issued by the Illinois Department of Central Management Services, and from the Model Ethics Ordinance, issued by the Office of the Illinois Attorney General. Content of the non-fraternization provisions of the Code was adapted from the University of Illinois System.*

**GOVERNORS STATE UNIVERSITY**  
**BOARD OF TRUSTEES**  
**REGULATIONS**  
**SECTION VIII. ETHICS AND COMPLIANCE**  
**APPENDIX**

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2. The Illinois Board of Higher Education Personnel Policies for Public Universities



**State of Illinois**  
**Code of Personal Conduct**  
**Revised 3/17/21**

## **Introduction**

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Employees of the State of Illinois are a team of public servants working on behalf of the people of Illinois. State employees perform critical services upon which our residents and businesses depend. State employees are entrusted to make important decisions and carry out responsibilities that affect the future of our communities.

The purpose of this Code of Personal Conduct (**Code**) is to:

- Ensure that State employees are conducting the business of the State in an honest and respectful manner.
- Promote accountability to the taxpayers and the people of Illinois.
- Promote honest and ethical conduct and fair dealing.
- Promote compliance with applicable laws, policies, rules, and regulations.
- Deter wrongdoing.

## **Authority and Applicability**

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This Code was prepared by the Department of Central Management Services, on behalf of the Governor, pursuant to Section IV of Executive Order 2016-04, Executive Order 2018-2 and Executive Order 2018-12, and filed with the Executive Ethics Commission pursuant to Section 5-5(b) of the State Officials and Employees Ethics Act (5 ILCS 430) (**Ethics Act**).

This Code applies to all officers, employees (including without limitation full-time, part-time, and contractual employees), appointees (including without limitation paid and unpaid appointees), and persons holding similar positions (**State Employees**) in any office, department, agency, board, commission, or authority of the Executive Branch of the State of Illinois under the jurisdiction of the Governor for the purposes of Section 20-10(c) of the Ethics Act (**State Agencies**).

More detailed policies and procedures that apply to all State Employees or certain groups of State Employees are set forth in other documents. While these other policies are not part of this Code, each State Employee covered by this Code is expected to conduct himself or herself consistently with this Code and all other applicable policies, laws, and regulations. Nothing in this Code prohibits any State Agency from adopting or maintaining policies or rules of personal conduct that are more restrictive than those set forth in this Code, as long as such policies or rules comply with applicable law and the requirements of any collective bargaining agreement. To the extent any State Agency policy conflicts with this Code, the more restrictive policy will control.

State Employee conduct in violation of this Code may result in discipline, up to and including discharge. The principles of just cause shall apply to the extent required by law or any collective bargaining agreement. In addition to any discipline imposed by a State Agency, any State Employee who knowingly violates this Code, with the intent to defraud the State of Illinois, is in violation of the Ethics Act and will be subject to disciplinary action under the Ethics Act as set forth without limitation in Sections 20-15, 20-20, 20-50, 20-55, 50-5 and 50-10 of the Ethics Act and Title 2, Sections 1620.1100 and 1620.1110 of the Illinois Administrative Code.

This Code does not, and may not be interpreted to, create any rights for any person or entity other than the State of Illinois, the State Agencies, the Executive Ethics Commission, and the Office of Executive Inspector General for the Agencies of the Illinois Governor. Nothing in this Code may be construed as altering the employment relationship between the State of Illinois and any State Employee. Application of progressive discipline pursuant to this Code to State Employees who serve at-will is discretionary and does not affect the at-will status of any such State Employee. State Employees in supervisory positions or in positions with the ability to recommend employee discipline will comply with applicable law and collective bargaining agreements when imposing discipline pursuant to this Code.

This Code is effective as of July 1, 2016. Copies of this Code will be made available to all State Agencies and publicly posted on the Department of Central Management Services website. The Department of Central Management Services will provide training to all State Agencies regarding the implementation of this Code.

The Department of Central Management Services has the ability to amend or supplement this Code with the approval of the Office of the Governor. Any amendment of, or supplement to, this Code will be filed with the Executive Ethics Commission and made publicly available by the Department of Central Management Services, including through posting its website.

## Principles of Public Service

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While serving in his or her official capacity, each State Employee has a responsibility to the people of the State of Illinois to act with integrity and to treat the people we serve, our colleagues, and other parties with dignity and respect. State Employees hold a position of public trust and are expected to conduct themselves in a responsible and professional manner.

The following principles apply to every State Employee and form the basis for the standards contained in this Code. When a situation is not covered by the standards set forth in this Code or in other applicable policies, laws, or regulations, State Employees will apply the principles set forth in this section in determining whether their conduct is proper.

### Public service is a public trust, not to be abused for private gain.

- Except as permitted by applicable law (including but not limited to the Ethics Act and Executive Order 15-09), State Employees may not solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the State Employee's State Agency or whose interests may be substantially affected by the performance or nonperformance of the State Employee's duties.
- State Employees may not use public employment or access to nonpublic State information for private gain.

- State Employees may not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with their official State duties and responsibilities.
- State employees must take appropriate action to identify, disclose, and avoid potential conflicts of interest with the performance of their official duties.

### Public service requires honest and impartial performance.

- State Employees must put forth honest effort in the performance of their duties.
- State Employees may not give improper preferential treatment to any private organization or individual.

### Public servants protect taxpayer resources.

- State Employees may not knowingly make unauthorized commitments or promises of any kind purporting to bind the State of Illinois.
- State Employees must protect and conserve State property and not use it for other than authorized activities.
- State Employees must disclose waste, fraud, abuse, and corruption to the appropriate authorities.

### Public servants are good citizens.

- State Employees should avoid any action that creates the appearance of a violation of the law or the ethical standards set forth in this Code.
- State Employees must satisfy in good faith all personal financial obligations to the State and comply with all requirements of all governmental taxing authorities.

### Public Service must be an equal opportunity for all.

- State Employees must adhere to all laws and regulations that provide equal opportunity for all.
- There must be no unlawful discrimination, harassment, intimidation, or retaliation in any employment practice based on race, color, national origin, religion, age, sex, marital status, disability, ancestry, sexual orientation, military service, political affiliation, or any other protected status or non-merit based factor.

## Specific Instances of Unethical Conduct

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This section sets forth specific ethical standards for all State Employees. Violations of these standards are subject to discipline up to and including discharge. This section is applicable to all State Employees when on State-compensated time (other than vacation, personal, or compensatory time off, as defined in the Ethics Act), on State property, or carrying out the State Employee's official duties, or when there is a nexus between the State Employee's off-duty conduct and his or her official duties. As noted above, this Code does not preclude a State Agency from maintaining or establishing additional rules of personal conduct consistent with this Code, applicable law, and the requirements of any collective bargaining

agreement. To the extent any State Agency policy conflicts with this Code, the more restrictive policy will control.

**Insubordination:** A State Employee (a) must execute the lawful instructions, whether oral or written, of a supervisor or member of management having authority over the State Employee, (b) may not be disrespectful in his or her conduct and communication, whether oral or written, directed toward a supervisor or member of management, and (c) will comply with State and State Agency policy as directed.

**Disruptive Conduct:** A State Employee may not (a) engage in disruptive conduct or activities or horseplay that interrupts work or impedes the work of others, or (b) use abusive or offensive language, gestures, or similar conduct.

**Unsatisfactory Work Performance:** While on duty, a State Employee should dedicate his or her efforts to the performance of assigned work and other job responsibilities. A State Employee (a) will perform all work duties assigned to him or her, (b) will not perform any work duties in a negligent manner that results in a material delay or material financial loss to the State, and (c) will not engage in willful idleness while on the job.

**Breach of Confidentiality:** A State Employee will take reasonable measures to protect confidential information in his or her possession. A State Employee may not knowingly (a) fail to safeguard confidential information, (b) take actions which result in a breach of confidential information, or (c) violate confidentiality requirements inherent to the State Employee's position or his or her State Agency's mission.

**Stealing:** A State Employee may not steal or attempt to steal, with the intent to deprive, the property of another individual or entity or collude with another person to commit such acts.

**Misuse or Abuse of State Property:** Except for *de minimis* personal use, a State Employee will use State property for official purposes and not for personal benefit or political gain. When entrusted with safeguarding State property, a State Employee may not (a) intentionally lose or damage such State property, or (b) knowingly and willfully use or authorize the use of a State vehicle for an other-than-official purpose.

**Conduct Unbecoming of a State Employee:** A State Employee will conduct himself or herself (a) with integrity and in a manner that reflects favorably upon the State, (b) in compliance with all laws, policies, orders, and procedures that prohibit the solicitation or acceptance of any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the State Employee's State Agency or whose interests may be substantially affected by the performance or nonperformance of the State Employee's duties, and (c) in accordance with the State Officials and Employees Ethics Act (5 ILCS 430) and the Illinois Governmental Ethics Act (5 ILCS 420).

**Conduct Unbecoming of a Supervisor:** A State Employee in a position with supervisory authority may not (a) intentionally, negligently, or recklessly commit any illegal act or violation of State or State Agency disciplinary rules or code of conduct, (b) order State Employees to perform a task for other than an official purpose, or (c) exploit supervisory authority for personal gain or personal profit.

**Threatening Words or Actions:** A State Employee may not threaten or attempt to inflict bodily harm on another individual, unless otherwise authorized by State or State Agency policy or procedure.

A State Employee who witnesses, is a victim of, or becomes aware of any threatening words or actions must immediately report the incident to his or her supervisor or to the appropriate law enforcement entity in accordance with Executive Order 2016-04. Subject to applicable law and any contrary instructions by law enforcement, the State Employee will be required to submit a written statement regarding the incident.

**Fighting:** A State Employee may not hit or push another person or have hostile or unwelcomed contact with another person, unless otherwise authorized by State or State Agency policy or procedure.

A State Employee who witnesses, is a victim of, or becomes aware of any fighting must immediately report the incident to his or her supervisor or to the appropriate law enforcement entity in accordance with Executive Order 2016-04. Subject to applicable law and any contrary instructions by law enforcement, the State Employee will be required to submit a written statement regarding the incident.

**Discriminatory Personnel Action:** A State Employee may not (a) discriminate against another State Employee on any basis in violation of federal or State law with respect to any adverse employment or personnel action, or (b) if such State Employee is a supervisor, fail to prevent or curtail unlawful discrimination of a subordinate when, as a supervisor, the State Employee knew or should have known that discrimination was occurring.

**Interference with or Obstruction of an Investigation:** A State Employee may not interfere with or obstruct an investigation by (a) refusing to testify or cooperate in a properly authorized inquiry or investigation, without legal justification, (b) interfering with or improperly influencing, or attempting to interfere with or improperly influence, the testimony of any witness or participant in an investigation, or (c) improperly influencing, or attempting to improperly influence, any investigatory official.

**Retaliation:** A State Employee may not (a) intentionally interfere with a State Employee's exercise of, or retaliate against a State Employee for exercising, the right to grieve or file a complaint through established procedures, or (b) retaliate against a State Employee for filing a complaint, providing information to an investigatory official, or testifying in an official proceeding. To the extent this section conflicts with the Whistleblower Act (740 ILCS 174) or Section 15-5 of the Ethics Act, the applicable statute will control.

**False Statement:** A State Employee may not (a) make any materially false statement or knowing misrepresentation on an application for State employment or other document pertaining to qualifications or any other official record, (b) knowingly or intentionally make any false or malicious statement against a fellow State Employee (including a State Employee's co-worker, supervisor, and subordinate) with the intent of harming or destroying the reputation, authority, or official standing of that individual, (c) knowingly make any deliberate misrepresentation or omission, of a material fact, including perjury, making any false sworn statement, and lying to a supervisor, or (d) falsify or knowingly fail to correct false information contained in official documentation or in an official record related to the performance of such State Employee's job duties.

**Unlawful Job Action:** A State Employee may not participate in or promote an unprotected strike, work stoppage, slow down, sick-out, or other job action in violation of the Illinois Public Labor Relations Act, Illinois Education Labor Relations Act, or a no-strike agreement between the State or a State Agency and an exclusive representative.

**Sexual Harassment:** A State Employee will work to ensure that his or her workplace is free from sexual harassment. Conduct such as unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature constitute sexual harassment when (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (b) submission to or rejection of such conduct by an individual is used as the basis for employment related decisions affecting such individual, or (c) the conduct unreasonably has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile, abusive or offensive working environment.

Any State Employee who witnesses, is subjected to, or becomes aware of such conduct should immediately report the incident to his or her supervisor, a member of management, or the applicable State Agency Equal Opportunity Officer. All complaints of sexual harassment will be investigated thoroughly, and appropriate action will be taken when warranted.

**Unauthorized on the Job Use of Alcohol, Drugs, or Controlled Substances:** A State Employee may not (a) be under the unauthorized influence of alcohol, drugs, or other controlled substances to a degree that would interfere with proper performance of his or her job duties, would be a menace to safety, or would be prejudicial to the maintenance of discipline, or (b) be under the unauthorized influence of alcohol, drugs, or other controlled substances to a degree that results in injury to another individual or damage to State property.

**Health and Safety Violation:** A State Employee will maintain a clean and orderly work area and will follow all applicable safety rules and regulations, including (a) not smoking in any unauthorized area, (b) not possessing a lighter, match, or other flammable materials in any explosive or hazardous area, (c) reporting to a supervisor any on-the-job personal injury or accident for which the State Employee had primary responsibility, (d) observing all precautions for personal safety, posted rules, signs, and written or oral safety instructions, (e) using appropriate protective clothing and equipment in any hazardous area, (f) following all material traffic regulations and not engaging in reckless driving or improper operation of a motor vehicle while on property owned or controlled by the State or while driving a State vehicle, and (g) not possessing any explosive, firearm, or other dangerous weapon on State property, or attempt to bring such explosive, firearm, or other dangerous weapon onto State property unless his or her State Agency requires such possession by the State Employee. A State Employee who wants to travel to and from work with a firearm and who possesses a lawful concealed-carry license or permit may secure the firearm in a vehicle parked on State property in accordance with the Firearm Concealed Carry Act (430 ILCS 66).

**Nepotism:** A State Employee may not advocate for nor appoint, hire, or promote a relative into a State position. As used in this Code, "relative" means a parent, child, grandparent, grandchild, sibling, legal dependent, aunt, uncle, first cousin, niece, nephew, spouse, parent-in-law, child-in-law, granddaughter-in-law, grandson-in-law, sister-in-law, brother-in-law, step-parent, step-child step-sibling, step-grandchild, or half-sibling. This includes those individuals having stood in loco parentis to an employee as well as those for whom an employee is standing or stood in loco parentis.

A State Employee is also prohibited from serving on an interview panel of a relative. A State Employee is prohibited from having a relative in their direct chain of command, in either direction, and may not evaluate the job performance of a relative nor recommend a salary increase for them. A State Employee may not participate in the discipline, discharge, or investigation related to a relative's misconduct. State Employees must be familiar with and abide by all the provisions of Executive Order 2018-12 and Agency policy regarding nepotism.

**PERSONNEL POLICIES FOR PUBLIC UNIVERSITIES  
AS REQUIRED BY  
THE STATE OFFICIALS AND EMPLOYEES ETHICS ACT**

**Adopted by the Illinois Board of Higher Education on  
February 3, 2004 and amended on  
December 12, 2017**

# ILLINOIS BOARD OF HIGHER EDUCATION PERSONNEL POLICIES FOR PUBLIC UNIVERSITIES

## INTRODUCTION

The State Officials and Employees Ethics Act (SOEEA) requires the Illinois Board of Higher Education to adopt and implement personnel policies with respect to State employees of public institutions of higher learning, except community colleges. The policies are to be adopted by February 1, 2004, and to be made applicable to State employees 30 days after adoption. Such policies must be filed with the Executive Ethics Commission.

Public institutions of higher learning are defined in the Act to be public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act (HECA). Section 2 of HECA defines such institutions to be the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, and Western Illinois University.

“State employee” is defined in the SOEEA to mean any employee. “Employee” is defined in the SOEEA to include any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction or control of a public institution of higher learning and also is defined to include appointees. “Appointees” are defined to mean any person appointed to a position in or with a public institution of higher learning, regardless of whether the position is compensated. **Thus, “state employees” include all trustees, administrative officers, faculty, and all other institutional employees.**

The SOEEA requires that personnel policies adopted pursuant to the SOEEA include policies relating to work time requirements, documentation of time worked, documentation for reimbursement for travel on official State business, compensation and the earning or accrual of State benefits for all employees who may be eligible to receive those benefits. With the partial exception of documentation for reimbursement for travel on official State business, the other required personnel policies are areas which legally and historically have fallen to the individual boards of trustees of the public institutions of higher learning.

Each of the nine public institutions of higher learning in Illinois has its own enabling statute; each statute establishes such institution as a separate body corporate and politic. Further, in language which is not identical but which is substantially equivalent, each statute gives each university board of trustees both broad and specific authority to operate, control, manage, and maintain each respective institution.

In addition, the SOEEA recognizes that each university board is the “ultimate jurisdictional authority” for its own institution. The SOEEA further states that “the policies shall comply with and be consistent with all other applicable laws.”

Complying with this mandate, these personnel policies are designed to accomplish the following:

- A. Assure that each public institution of higher education complies with all provisions of the State Officials and Employees Ethics Act.
- B. Preserve the legal and historic role of boards of trustees at each public institution of higher learning.
- C. Assure that the public, all employees, and the Executive Ethics Commission have prompt access to the personnel policies of each public institution of higher learning.

### **GENERAL**

1. These policies shall apply to the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, and Western Illinois University (“the public institutions of higher learning”).
2. Each public institution of higher learning shall comply in all respects with the State Officials and Employees Ethics Act.
3. Each public institution of higher learning shall post upon its web site the name of the individual or individuals who can provide information and can answer questions about personnel policies of each individual public institution.
4. Each public institution of higher learning shall either post upon its web site, or make available to the public in paper form, or both, the personnel policies required by the State Officials and Employees Ethics Act.
5. Each public institution of higher learning shall, within three (3) working days of receiving any request from the Executive Ethics Commission, make available to that Commission any or all current personnel policies requested by the Executive Ethics Commission.
6. In addition to the personnel policies listed hereinafter, all other personnel policies now in effect, or placed into effect in the future, by any public institution of higher learning are hereby adopted and incorporated into these policies.
7. To the extent that any such policies conflict with any existing collective bargaining agreement or individual employment contracts, such policies shall not be construed to abrogate or amend such collective bargaining agreement or individual employment contract. However, no public institution of higher learning, after the effective date of these policies, shall sign any collective bargaining agreement or employment contract that conflicts with the State Officials and Employees Ethics Act.
8. These policies shall be effective on March 4, 2004.

### **WORK TIME REQUIREMENTS**

For those employee positions or categories of positions for which there are work time requirements, each public institution of higher learning shall have a written description of such work time requirements.

### **DOCUMENTATION OF TIME WORKED**

As required by statute, each public institution of higher learning shall require its employees to periodically submit time sheets documenting the time spent each day on official State business to the nearest quarter hour; contractual employees may satisfy the time sheets requirement by complying with the terms of their contract, which shall provide for a means of compliance with this requirement. The time sheets policies shall require those time sheets to be submitted on paper, electronically, or both and shall be maintained in either paper or electronic format by the applicable fiscal office of the public institution of higher learning for a period of at least two (2) years.

### **DOCUMENTATION FOR REIMBURSEMENT FOR TRAVEL ON OFFICIAL STATE BUSINESS**

Employees of the individual public institutions of higher learning shall document requests for reimbursement for travel on official State business in accordance with the rules of the Higher Education Travel Control Board, as now adopted or hereinafter amended. Nothing in this Section shall be construed to prohibit individual boards of trustees from adopting rules which are more restrictive than those of the Higher Education Travel Control Board.

### **COMPENSATION AND BENEFITS**

Individual public institutions of higher learning shall adopt rules covering compensation for all employees, as well as rules governing the earning or accrual of State benefits for all employees who may be eligible to receive those benefits.

### **PROHIBITION ON SEXUAL HARASSMENT**

Pursuant to the State Officials and Employees Ethics Act (5 ILCS 430, as amended by Public Act 100-554), public universities and the Board of Higher Education must, at a minimum, implement the following policies and practices to prohibit sexual harassment, effective on or before December 15, 2017.

All persons have a right to work in an environment free from sexual harassment. All persons subject to the personnel policies of the public universities and the Board of Higher Education are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

For purposes of this policy, “sexual harassment” means any unwelcome sexual advances or 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 work environment. For purposes of this definition, 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.

In addition, the public universities and the Board of Higher Education shall take further steps to ensure the following are provided:

- 1) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Department of Human Rights;
- 2) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the State Officials and Employees Ethics Act, the Whistleblower Act, and the Illinois Human Rights Act; and
- 3) the consequences of a violation of the prohibition on sexual harassment and the consequences for knowingly making a false report.

Pursuant to Section 50-5 of the State Officials and Employees Ethics Act, any person who violates the prohibition on sexual harassment is subject to discipline or discharge by the appropriate ultimate jurisdictional authority. Each violation is a separate offense. Any penalty imposed by an ethics commission shall be separate and distinct from any fines or penalties imposed by a court of law or a State or federal agency.