



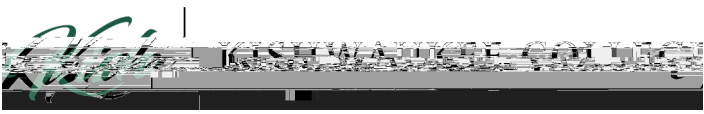
<p>CHAPTER 2</p> <p>College Personnel – Personnel General</p>	<p>SECTION NO.</p> <p>2.13</p>
<p>REFERENCE</p> <p>2.13.12 Ethics, Gift Ban & Prohibited Political Activity</p>	<p>Adopted:October12,2010</p> <p>ReviewedSeptember14,2010; December11,2012,November8 2022</p> <p>RevisedDecember11,2012</p>

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It is the policy of Kishwaukee College to have all employees and officials act in accordance with the Illinois State Gift Ban Act, 5ILCS 430/10-10.

(5 ILCS 430/10-10)

Gift Ban. Except as otherwise provided in this Article, no officer, member or State employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule or regulation. This ban applies to and includes the spouse of an immediate family member.

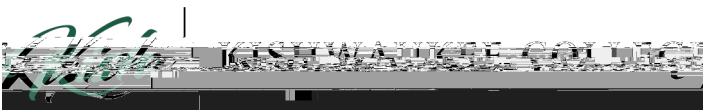


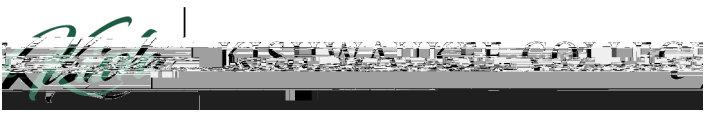
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- e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to government employees.





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- 3) Each advance authorization to accept reimbursement shall be signed by the College President or the Board of Trustees if the employee in question is the College President and shall include:
 - (a) the name of the employee;



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Section 20-2. Where appointed to serve on an ongoing basis, at the first meeting of the Ethics Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve one year terms, and the third commissioner shall serve a one year term. Thereafter, all commissioners shall be appointed one year terms. Commissioners may be reappointed to serve subsequent terms. At the first meeting of the Commission, commissioners shall choose a chairperson from their number. Meetings shall be held at the residence of a person or any two commissioners. A quorum shall consist of two commissioners, and official action by the commission shall require the affirmative vote of two members.

Section 20-3. The President of the College, with the advice and consent of the Board of Trustees, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commission by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Vacancies shall be filled in the same manner as original appointments.

Section 20-4. This Commission shall have the following powers and duties:



If the complaint is deemed sufficient to allege a violation of Article 10 of the Policy and there is a determination of cause, then the Commission’s notice to the parties shall include a hearing date scheduled within four weeks thereafter. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of Article 5 of this Policy Ordinance, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

- d. On the scheduled date and upon at least 48 hours’ public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
- e. Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline or reprimand to the alleged violator and to the President of the College. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.
- f. A complaint alleging the violation of this Policy must be filed within one year after the alleged violation.

ARTICLE 25: PRESIDENT OR BOARD ACTION ON RECOMMENDATION OF COMMISSION

Section 25-1. Penalties Upon receipt of a recommendation from the Ethics Commission, the Board of Trustees may initiate disciplinary or discharge action against an employee who intentionally violates any provision or discharge against an employee who intentionally violates any provision of Article 5 or Article 10 of this Policy in accordance with applicable procedures.

- a) The Commission may recommend to the President or Board of Trustees disciplinary action against the employee it determines to be in violation of this Act. The recommendation may prescribe the following courses of action:
 - i. A reprimand.
 - ii. To cease and desist the offensive action.
 - iii. A return or refund of money or other items or an amount of money or other items received in violation of this Act.



- (d) If after a hearing the Commission finds no violation of this Resolution, the Commission shall dismiss the complaint.
- (e) Review. The Commission's decision to dismiss a complaint or its recommendation is not a final administrative decision, but its imposition of a fine is a final administrative decision subject to judicial review under the Administrative Review Law of the Code of Civil Procedure.
- (f) Severability. If any provision, clause, sentence, paragraph, section or part of this Resolution or the application thereof to any person or circumstance, is adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect or invalidate the remainder of this Resolution and the application of such provision to other person or other circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered and to the person or circumstances involved. It is declared to be the legislative intent of the Board of Trustees of Kishwaukee College that this Resolution would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not have been included.

Previous Policies and Resolutions. All other resolutions, policies or parts thereof in conflict with or inconsistent with the provisions of this Resolution are hereby repealed to the extent of any such conflict or inconsistency.

Future Amendments to State Gift Ban Act. Any amendment to the State Gift Ban Act (5 ILCS 425/1 et seq.) that becomes effective after the passage of this Resolution shall be incorporated into this Resolution by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Resolution by reference without formal action by the Board of Trustees.

Future Declaration of Unconstitutionality of State Gift Ban Act.

- (a) If the Illinois Supreme Court declares the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional in its entirety, then this Resolution shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearing's. The Resolution shall be deemed repealed without further action by the Board of Trustees if the Act is found unconstitutional by the Illinois Supreme Court.
- (b)