



June 1, 2004

**SPECIAL MEETING OF SAUK VALLEY COMMUNITY COLLEGE VIA
TELECONFERENCE CALL ON MONDAY, JUNE 7, 2004 AT 10:00 A.M.**

Notice is hereby given that the Sauk Valley Community College Board of Trustees will have a special meeting on Monday, June 7, 2004, in the third floor Board Room of Sauk Valley Community College, 173 IL Route 2, Dixon, IL, via a teleconference call for the purpose of considering the second reading and adoption of Board Policy 116.02 – State Officials and Employees Ethics Act.

Members of the public may attend the meeting in the third floor Board Room at Sauk Valley Community College, 173 IL Route 2, Dixon, IL.

An agenda is provided below.

**SPECIAL MEETING OF SAUK VALLEY COMMUNITY COLLEGE
BOARD OF TRUSTEES**

June 7, 2004 – 10:00 a.m.

AGENDA

- A. Roll Call and Declaration of Quorum
- B. Board Policy 116.02 (Second Reading)
- C. Adjournment

Carmel A. Paulsen

Carmel A. Paulsen
Secretary to the Board of Trustees

SAUK VALLEY COMMUNITY COLLEGE BOARD OF TRUSTEES MEETING MINUTES

June 7, 2004

The Board of Trustees of Sauk Valley Community College met in a special teleconference session at 10:00 a.m. on June 7, 2004 in the third floor President's Office at Sauk Valley Community College, 173 Illinois Route #2, Dixon, Illinois.

Call to Order: Chair Thompson called the meeting to order at 10:00 a.m. and the following members answered roll call:

Edward Andersen	Ed Cox
William Simpson	Robert Thompson
Nancy Varga	Pennie von Bergen
	Wessels

Karol Teal arrived after roll call was taken.

Absent: Henry Dixon

SVCC Staff: President Richard L. Behrendt
Vice President Ruth Bittner
Vice President Joan Kerber
Secretary to the Board Carmel Paulsen

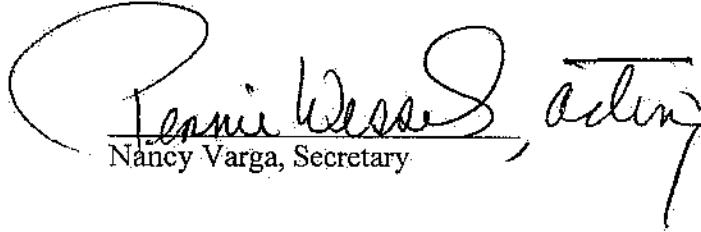
Board Policy 116.02 – State Officials and Employees Ethics Act (Second Reading): It was moved by Member Simpson and seconded by Member Andersen that the Board approve for adoption Board Policy 116.02 – State Officials and Employees Ethics Act. In a roll call vote, all voted aye. Motion carried. Student Trustee Teal advisory vote: aye.

Adjournment: Since the scheduled business was completed, it was moved by Member von Bergen Wessels and seconded by Member Varga that the Board adjourn. In a roll call vote, all voted aye. Motion carried. Student Trustee Teal advisory vote: aye.

The meeting adjourned at 10:02 a.m.

Next Meeting: The next regular meeting of the Board will be at 7:00 pm. on June 28, 2004 in the Board Room.

Respectfully submitted:


Nancy Varga, Secretary

For Board Meeting of
June 7, 2004

Agenda Item B

BOARD POLICY 116.02
STATE OFFICIALS AND EMPLOYEES ETHICS ACT
(SECOND READING)

In December the State Legislature passed PA93-617, the State Officials and Employees Ethics Act. Local governments are required to adopt the terms of the act as policy.

Attached is Sauk's proposed policy, drafted by Attorney Pace. If approved, this policy will totally replace our existing Policy 116.02, Governmental Ethics and State Gift Ban Act Compliance Policy, which is now inapplicable.

RECOMMENDATION: Board approval of the new proposed Board Policy 116.02, State Officials and Employees Ethics Act Compliance for second reading.

116.02 Governmental Ethics and State Gift Ban Act Compliance Policy

1. **COMPLIANCE WITH STATE GIFT BAN ACT.** The College shall comply with all relevant provisions of the Illinois State Gift Ban Act ("Act") (5 ILCS 425, et seq.) which are both mandatory and are applicable to Illinois Community Colleges. The applicable provisions of the Act are incorporated by this reference.
2. **PROHIBITIONS.** The solicitation or the acceptance of gifts by any employee of the College that is prohibited under the Act as applicable to Community College Districts is prohibited to the extent mandated by law.
3. **EXEMPTION OF BOARD MEMBERS.** Each member of the board of Trustees is exempted from the applicability of the Act and of this policy to the full extent permitted or authorized by the Act. Each Trustee shall comply with the Act to the extent not exempted.
4. **BOARD ETHICS OFFICER.** The board shall annually select one of its members or an administrator to serve as the Board's Ethics Officer. The Ethics officer shall be appointed by the Chairman of the Board, with the concurrence of a majority of the board. The Ethics Officer shall have the duties of Ethics Officers in Community College Districts as provided by the Act. Further, the Ethics Officer shall maintain familiarity with the Act and shall, at least annually, report to the Board regarding any relevant amendments to the Act, and regarding any court or Ethics Commission interpretations of the Act applicable to Community College Districts. The President shall assist the Ethics Officer and provide resources for information regarding interpretation and responsibility under the Act.
5. **COMPLAINTS.** All complaints for violation of the Act and this policy shall be filed with the State Legislative Ethics Commission or such other commission as shall be directed by law.
6. **AMENDMENTS TO THE ACT.** This policy shall also incorporate relevant amendments to the Act as may be made from time to time.
7. **COURT DECLARATION OF CONSTITUTIONALITY.** In the event any provision of the Act applicable to Community Colleges is declared unconstitutional, then this policy shall be deemed repealed to the extent of the declaration of unconstitutionality and shall not be enforced.

PROPOSED

116.02 State Officials and Employees Ethics Act Compliance

ARTICLE 1 **DEFINITIONS AND GENERAL PROVISIONS**

Section 1-1. For purposes of this Policy, the following terms shall be given these definitions or, if different from time to time, then as defined by the State Officials and Employees Ethics Act (codified at 5 ILCS 430/1-1 and following):

“Board” means the Board of Trustees of the College.

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

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

“Collective bargaining” has the same meaning as contemplated by the Illinois Educational Labor Relations Act (115 ILCS 5/1 and following).

“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 or employee is on premises under the control of the College and any other time when the officer or employee is executing his or her official duties, regardless of location.

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

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

“Employee” means a person employed by the College whether on a fulltime or part-time basis or pursuant to a contract, whose duties are subject to the direction and

control of an employer with regard to the material details of how the work is to be performed, but does not include a volunteer or an independent contractor.

“Employer” means the College.

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

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

“Officer” means a person who holds, by election or appointment, an office created by statute or law, regardless of whether the officer is compensated for service in his or her official capacity. The term “officer” includes all members of the Board of Trustees.

“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.

“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), as the case may be, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

“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.

(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.

"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 non-performance of the official duties of the officer or employee.

Section 1-2. Construction. This Policy shall be construed in a manner consistent with the provisions of the State Officials and Employees Ethics Act (codified at 5 ILCS 430/1-1 and following). This Policy is intended to impose the same but not greater restrictions than the Act.

ARTICLE 2 **PROHIBITED POLITICAL ACTIVITIES**

Section 2-1. Prohibited political activities.

(a) 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 College in connection with any prohibited political activity.

(b) 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).

(c) 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.

(d) 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.

(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 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.

ARTICLE 3 GIFT BAN

Section 3-1. Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 3-2. Exceptions. Section 3-1 is not applicable to the following:

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

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

(3) 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.

(4) Educational materials and missions.

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

(6) 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.

(7) 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.

(8) Food or refreshments provided as a "contribution" under the definition of the term offered above, 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.

(9) 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.

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

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

(12) 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 is mutually exclusive and independent of every other.

(13) Any item or items provided by the College in support of the employee's, officer's or member's discharge of official duties.

Section 3-3. 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.

ARTICLE 4 ETHICS ADVISOR

Section 4-1. The President, with the advice and consent of the Board of Trustees, may designate an Ethics Advisor for the College. If no other designation is made, the regularly retained attorney of the College will serve as the Ethics Advisor.

Section 4-2. The Ethics Advisor shall provide guidance to the officers and employees of the College concerning the interpretation of and compliance with the provisions of this Policy and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board.

ARTICLE 5 ETHICS COMMISSION

Section 5-1. An Ethics Commission may be appointed by the Board to review opinions issued by the Ethics Advisor, to consider ethics complaints, and to undertake other responsibilities deemed appropriate. If appointed, the Ethics Commission shall consist of three (3) members. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any member of the Board of Trustees. The Ethics Commission may be appointed to serve on an ongoing basis or on an ad hoc basis.

Section 5-2. 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 2-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to 2-year terms. Commissioners may be reappointed to serve subsequent terms. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 commissioners. A quorum shall consist two commissioners, and official action by the commission shall require the affirmative vote of two members.

Section 5-3. The Board of Trustees

The Board may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner 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 5-4. The Commission shall have the following powers and duties:

(1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

(2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions or reprimand. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Policy and not upon its own prerogative.

(3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Policy.

(4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the College to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.

(5) The powers and duties of the Commission are limited to matters clearly within the purview of this Policy.

Section 5-5.

(a) Complaints alleging a violation of this Policy shall be filed with the Ethics Commission.

(b) The Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall also send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(c) Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Policy, to determine whether there is cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent required by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on cause to proceed within ten business days after such meeting. If the complaint is deemed sufficient to allege a violation of Article 10 of this 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.

(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 Board of

Trustees, 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 6

BOARD ACTION ON RECOMMENDATION OF COMMISSION

Section 6-1. Officers. Upon receipt of a recommendation from the Ethics Commission, the Board may issue a reprimand to a board member or officer who intentionally violates any provision of Article 5 or Article 10 of this Policy.

Section 6-2. Employees. Upon receipt of a recommendation from the Ethics Commission, the Board may initiate a disciplinary or discharge action against an employee who intentionally violates any provision of Article 5 or Article 10 of this Policy in accordance with the applicable procedures.

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