

MEMORANDUM

TO: SIU Employees and Board of Trustees Members

FROM: Brenda Martin, Executive Director of Compliance and Ethics

DATE: September 28, 2015

RE: Important Gift Ban Changes

Governor Rauner issued Executive Order 15-09: Executive Order to Ensure Ethical and Responsive Government (the “Order”) earlier in the year, which sought to strengthen the standards of ethical conduct applicable to employees and officials of the Executive Branch. However, since Illinois state public universities are atypical state agencies, there were a number of questions regarding its applicability to universities. Therefore, an Interpretation Memo regarding its applicability to universities was later issued by the Office of the Governor/Office of Management and Budget. After consideration of that memo, and in consultation with SIU General Counsel, I am issuing this memo in order to apprise you of important components of the order with regard to gift ban exceptions within the State Officials and Employees Ethics Act (the “Act”) that affect ALL employees and Board of Trustees members.

Definitions and Applicability

You, as well as any member of your immediate family living with you, must abide by the gift ban and the exceptions included within the Act when offered a gift from a prohibited source.

Gifts are defined in the law as any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member or officer.

Prohibited sources are generally current vendors, along with their spouses and immediate family members living with the vendor, as well as those who seek to do business with the university.

The term “State Employee” as used in the Order, with regard to the gift ban, excludes students employed by the university if the position is available only to enrolled students, such as undergraduate and graduate student employees and student teaching assistants. The term also excludes medical residents.

Executive Order 15-09 restricts gift acceptance by state and public university employees, prohibiting the solicitation or acceptance of any gift from a prohibited source unless one of the exceptions in the Act is met. The Order actually makes four gift ban exceptions inapplicable to university employees. However, it provides additional requirements under which two of the exceptions may be acceptable as detailed below.

Gift Ban Exceptions Removed

Whereas in the past, we were able to accept gifts related to any of the exceptions in the Ethics Act, **we are no longer able to accept gifts under the following two exceptions** as a result of Executive Order 15-09:

1. Gifts valued at less than \$100 (cumulatively, from a single prohibited source during a calendar year).
2. Gifts of food and beverage not exceeding \$75 total value in a single calendar day.

Please note, however, per Executive Order 15-09, in relation to food and beverage from a prohibited source, it may be accepted when provided as a de minimus meal or refreshment at a business meeting or reception attended in the course of your official duties.

Other than those cited above, the remaining gift ban exceptions stated in the Act are still available to state employees.

Added Requirements for Educational Materials and Missions and Travel Expenses Exceptions

Two exceptions to the gift ban are with regard to 1) educational materials and missions and 2) travel expenses, which are further defined in the Illinois Administrative Code:

<http://www.ilga.gov/commission/jcar/admincode/002/002016200G07000R.html>.

Although the Executive Order makes these exceptions inapplicable to university employees, educational materials and missions and travel expenses, are still permissible provided that they 1) have a close connection to your employment or mission of the University; 2) predominately benefit the public; and 3) is approved in advance by the Ethics Officer. Expenses for travel must also be in a style and manner in character with the conduct of university business.

Additionally, in order for an employee to qualify for the Educational Materials and Missions and Travel Expenses exceptions to the gift ban, the Prohibited Source must pay the expense (for the cost of registration fees, travel, lodging or meals) in one of the following ways:

- (a) directly to the vendor hotel, airline, car rental, etc.;
- (b) directly to the university for employee reimbursement; or
- (c) reimbursed directly to the employee but only if expense has been incurred and adequate documentation is provided by the employee to his or her unit.

Questions or Concerns

If you have any questions regarding the changes to the Gift Ban as a result of Executive Order 15-09, please contact the University Ethics Office at ethics1@siu.edu or 618-536-3461.