

Gift Ban Policy for Faculty and Staff of the University of Illinois Library – Draft July 26, 2004

The University of Illinois Library uses many vendors. People working in the library and acquisitions and collection development, in particular, often have both professional business and social meetings with vendors. In all cases, both business and social, we represent the University of Illinois Library and must follow a code of conduct befitting the institution that we serve. Below is the policy that UIUC Library faculty and staff should follow in dealing with vendors.

1. Adhere to the State Gift Ban Act of 1999. This prohibits state employees from accepting gifts from vendors. Terms of this act can be found on the Office of Business and Financial Services website with a URL of http://www.obfs.uillinois.edu/manual/central_p/sec11-5.html#aa
2. If you have a meal with a vendor, you must reimburse the vendor for the meal.
3. We will not accept gifts of any types from vendors. This includes, for example, candy, flowers, or liquor.
4. It is the responsibility of all faculty and staff of the Library to take the ethics training class. Notify your supervisor when you have completed the training class.
5. Faculty are asked on occasion to serve on vendor advisory boards. This activity may be beneficial to the University. However, if you serve on an advisory board to a vendor, you may not participate in procurement activities involving that vendor such as serving on Request for Proposal evaluation committees.

The state law contains 23 exceptions. In order for library faculty and staff to live by the spirit of the law and be above reproach, below are the only exceptions that will apply:

1. If vendors are giving away free things at a conference, it is permissible to take them. This would include pens, erasers, things of very nominal (under \$15.00) value and not to exceed \$100.00 in value per year.
2. It is permissible to attend a vendor reception that is open to everyone, such as those that occur at ALA, SLA, or AALL conferences or other all conference receptions.
3. It is permissible to accept an award that is sponsored by a vendor.

Attachment to the University Library Gift Policy from the

Business and Financial Policies and Procedures

University of Illinois
Office of Business and Financial Services

SECTION 11 – Gifts

SECTION 11.5 – Gifts to Employees

Date: March 2003

Senior Associate Vice President for Business and Finance

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Employees of the University should avoid accepting any kind of gratuities, tips or gifts.
(See [Section 7.2 Purchase of Goods and Services: Gratuities.](#))

STATE GIFT BAN ACT

The Illinois State Gift Ban Act, (5 ILCS 430/10 (2003)) bans the solicitation and acceptance of gifts from prohibited sources to University employees. Gifts from prohibited sources to a University employee's spouse or immediate family also are banned.

Gift - 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 and employment or the official position of an employee.

Employees - faculty, academic professionals, civil service workers and members of the Board of Trustees. This is the only purpose for which Board members are viewed as University employees.

Prohibited Source - any person or entity who:

- seeks official action by the University
- does business or seeks to do business with the University
- conducts activities regulated by the University
- has interests that may be substantially affected by the performance or non-performance of the official duties of the University, OR
- is registered or required to be registered under the Lobbyist Registration Act

The act does not ban gifts from prohibited sources **to the University** (as opposed to individual employees) such as donations, grants and the like.

Options

An employee who receives a gift prohibited by the Act has the option of:

- paying the market value of the gift
- returning the gift to the donor, OR
- giving the gift (or an amount of its equal value) to an appropriate charity.

Exceptions

Some exceptions are allowed by the State Gift Ban Act. For example, employees can accept any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100. See [Exceptions](#) for additional exceptions and information.

IMPLEMENTATION, RULE-MAKING, AND ENFORCEMENT

Ethics Officer

The University must designate an **Ethics Officer**. The Ethics Officer reviews statements of economic interest and disclosure forms before they are filed with the Secretary of State. The Ethics Officer also offers guidance in interpreting and implementing the Act.

At the University of Illinois, the Director of University Audits administers the activities related to the State Gift Ban Act. The Ethics Officer may be contacted at the [Office of University Audits](#).

Ethics Commissions

The Act establishes an *Ethics Commissions* for each branch of government. The Ethics Commission appointed by the Governor has jurisdiction over University employees.

Ethics Commission Procedures and Sanctions

The Ethics Commission may enforce the provisions of the Act only upon the receipt of a notarized, written complaint which must be filed within one year of the alleged violation.

After such a complaint has been received, the Ethics Commission may conduct investigations, hold closed hearings and deliberations, issue recommendations, and impose fines. There are civil and criminal penalties for violating the Act.

The Ethics Commission has the power to subpoena witnesses and compel the production of written materials. If the Ethics Commission determines that an employee has violated the Act, it can *recommend* to that employee's ultimate jurisdictional authority that disciplinary action be taken against that employee.

The recommended disciplinary action can be any of the following:

- A reprimand
- A directive to cease and desist the action
- A directive to return or refund the money or items
- A dismissal or removal from office
- A donation to a charity of an amount equal to the value of the gift
- A fine of up to \$1000

An employee who knowingly violates the Act is guilty of a business offense and subject to a fine of up to \$5,000.

EXCEPTIONS

The Act contains [23 categories of exceptions](#). See [Exceptions page](#) for examples of benefits or offers that would be prohibited or non-prohibited (permissible) under the Act.

Exceptions to the State Gift Ban Act

Following is a summary of the 23 categories of exceptions to the gift ban that are allowable under 5 ILCS 425/1, State Gift Ban Act.

1. Anything for which the employee pays market value price.
2. A contribution (as defined in the Election Code) lawfully made.
3. A gift from a relative.
4. Anything provided by an individual solely on the basis of a personal friendship.
5. A commercially reasonable loan evidenced in writing.
6. A contribution to a legal defense fund lawfully made.
7. An intra-office or inter-office gift.
8. Food, refreshments, lodging, transportation and other benefits:
 - Resulting from outside business or employment activities not connected to the duties of the employee at the University.
 - Provided by a prospective employer in connection with employment discussions.
 - Provided by a political organization in connection with fundraising.
9. Pension and other benefits resulting from plans maintained by a former employer.
10. Informational materials sent in the form of books, articles, periodicals, audiotapes, videotapes, or other forms of communication.
11. Awards of prizes from contests or events open to the public.
12. Honorary degrees (and associated travel items).
13. Training (including food and refreshment provided) if the training is in the interest of the University.
14. Educational missions to which the employee is invited to participate along with other officials and community leaders.
15. Bequests, inheritances, and other transfers at death.
16. Anything paid for by the federal government, the State, or a governmental entity.
17. A gift of personal hospitality for non-business reasons of an individual (other than a registered lobbyist or agent of a foreign principal) at the personal residence of that individual or facilities owned by that individual or individual's family.
18. Free attendance at widely attended events.
19. Opportunities and benefits that are:
 - Available to the public or to a class consisting of all employees.
 - Offered to members of a group or class in which membership is unrelated to employment.
 - Offered to members of an organization such as an employee's association or credit union.

- Offered to any group or class that is not defined in a manner that discriminates among government employees on the basis of branch or type of responsibility or higher rank or rate of pay.
 - In the form of loans from banks or other financial institutions on terms generally available to the public.
 - In the form of reduced membership or other fees for participation in organization activities offered to all government employees by professional organizations.
20. A plaque, trophy, or other item that is substantially commemorative.
21. Golf or tennis; food or refreshments of nominal value and catered food or refreshments; meals or beverages consumed on the premises from which they were purchased.
22. Donations of products from an Illinois company that are primarily for promotional purposes and are of minimal value to the recipient.
23. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.