including

2024 Ethics and Harassment and Discrimination Prevention Training

A Southern Illinois University Program for student workers, non-permanent employees, new employees, and employees returning from leave.

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Introduction to the *Ethics Act* Trainings

The *State Officials and Employees Ethics Act* (5 ILCS 430/5-10) (*Ethics Act)* requires university employees to complete, at least annually, two trainings: 1) an ethics training; and 2) a harassment and discrimination prevention training program, conducted by their university. It also requires that new employees complete these trainings within 30 days of the commencement of employment or appointment. This training program is intended to allow you to meet your obligation to comply with those requirements.

You will be notified by the university each calendar year when you are required to complete *Ethics Act* trainings. For the purposes of these training programs, employees are defined as individuals who hold appointments with the university as well as members of the Board of Trustees. Employees who do not complete the trainings as directed may be subject to disciplinary action and those who fail to do so in compliance with the law may face administrative fines by the Illinois Executive Ethics Commission (EEC).

Ethics play a central role in business and social settings alike, so it is important to understand and demonstrate the highest ethical standards. As employees of the State of Illinois and its public universities, we share the responsibility to maintain the highest ethical standards to effectively and honestly serve our students and the citizens of Illinois. Understanding our ethical obligations helps us to avoid the risk of misconduct and the appearance of impropriety.

Training Requirements

- **New Employees:** If you are a newly hired employee, trainings required by the *Ethics Act* must be completed within 30 days of the commencement of employment by law. **During the first year of employment, employees must complete the *Ethics Act* Orientation, in addition to satisfying the annual *Ethics Act* training requirements**.
- **Seasonal/Temporary Employees:** If you are an undergraduate student worker or extra help employee, this training is approved for your annual use.
- **Permanent Employees and Appointees (faculty, staff, etc.):** Permanent employees and appointees must complete an interactive, online course annually during a designated window. The university Ethics Officer will inform you of the required completion dates. The version of training used for undergraduate student workers, extra help, and medical residents is not a substitute for the interactive online training provided to permanent employees and appointees.

The Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) establishes the hours and training frequency and provides standards to guide the development of the ethics training program. Ethics training is overseen by the OEIG and the EEC in consultation with the Office of the Attorney General. Harassment and discrimination prevention training is overseen by the OEIG and EEC.

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University Compliance and Ethics Office

Each university and state agency has an Ethics Officer who serves as the liaison between the institution, the appropriate Inspector General and the EEC.

Some responsibilities of the university Ethics Officer include: developing and/or administering annual *Ethics Act* trainings; reviewing the Statement and Supplemental Statement of Economic Interests forms for officers and certain other employees; and providing guidance on interpretation and implementation of the *Ethics Act*. Interpretation of the *Ethics Act* is based on court decisions, Attorney General opinions, and the opinions of the EEC. University Ethics Officer work products are exempt from production in response to *Freedom of Information Act* (FOIA) (5 ILCS 140/7) requests.

The University Ethics Office is part of the Office of Internal Audit, Compliance and Ethics, which reports functionally to the Board of Trustees and administratively to the University President. The Ethics Officer is located on the Carbondale campus and can be reached at 844-597-6463 or ethics1@siu.edu. If you call the Ethics Hotline (844-597-6463), you will speak with an Ethics Office staff member who can assist or direct you to the appropriate campus unit. Reports made to the University Ethics Officer are confidential to the extent allowed by law.

For more information on the University Ethics Office, training, and other processes, please visit: www.siusystem.edu/ethics.

Executive Ethics Commission (EEC)

The EEC is an independent nine-person commission whose members are appointed by the Governor (5), Attorney General (1), Secretary of State (1), Treasurer (1) and Comptroller (1). The EEC's jurisdiction extends to employees of the executive branch, traditional state agencies and boards, as well as state universities and the regional transit boards.

The EEC has a number of responsibilities including conducting hearings and issuing determinations related to the *Ethics Act*, promulgating rules governing the performance of its duties and the exercise of its powers and governing investigations of the Executive Inspectors General, appointing special Executive Inspectors General, providing administrative support services for each independent chief procurement officer, and overseeing training for state employees under its jurisdiction.

The EEC is also responsible for the redaction and discretionary and mandatory publication of OEIG and other Executive Inspectors Generals' summary reports, which are an invaluable tool in promoting transparency and deterring future employee misconduct.

For additional information about the EEC or its decisions and procedures, visit its website at https://eec.illinois.gov/.

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Office of Executive Inspector General (OEIG)

For university employees, which includes board members, the OEIG serves as the Executive Inspector General. This position is appointed by the Governor of the State of Illinois for a term of five years.

The OEIG is an independent state agency. Its primary function is to investigate fraud, waste, abuse, and violations of the *Ethics Act* and other laws, rules, and policies of governmental entities. The OEIG investigates allegations of misconduct by employees, appointees, and elected officials, and those doing business with entities under its jurisdiction, including traditional state agencies and boards, as well as state universities and the regional transit boards. The OEIG also oversees Ethics Act-mandated trainings, conducts revolving door determinations, and investigates allegations of hiring improprieties.

In addition, the OEIG has a Division of Hiring & Employment Monitoring (HEM), which conducts compliance-based reviews of employment procedures and hiring decisions to ensure that they are lawful, merit-based and/or justifiable.

For additional information about the OEIG or its investigative process and procedures, visit the OEIG website.

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Part I. Ethics Training

Gift Ban [5 ILCS 430/10]

The gift ban section of the *Ethics Act* is highly relevant in a university environment. As a result of the university's diverse mission, employees at all levels, including appointees, may be presented with gifts (e.g., gratuity, discount, entertainment, hospitality, loan, forbearance, item having monetary value, honoraria related to employment or position, etc.) from a prohibited source.

Current vendors, along with their spouses and immediate family members living with the vendor, as well as those who do business or seek to do business with the university, are prohibited sources. Further, those seeking official action or who have interests that may be substantially affected by the performance or non-performance of the official duties of a university employee or the university are considered prohibited sources.

Under the *Ethics Act* gift ban, university employees are generally prohibited from intentionally accepting or soliciting gifts from prohibited sources. You, as well as any member of your immediate family living with you, must abide by the gift ban 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.

Some of the commonly occurring exceptions to this ban are as follows:

- You pay market value for the gift.
- The offering is of educational materials and missions and is all of the following: classified as one that has a close connection to your employment, predominately benefits the public, furthers the university's mission, and is approved in advance of acceptance by the Executive Director of the EEC or a delegate. For the University of Illinois System, Illinois State University, Northern Illinois University, and the Southern Illinois University System, this authority has been delegated to the university Ethics Officer.
- The gift is from a relative.
- The offering is provided on the basis of personal friendship, not in expectation of an official act.
- The gifts are from another university employee or an employee of another governmental entity.
- Bequests, inheritances, and other transfers at death.

There are additional exceptions in the *Ethics Act* 5 ILCS 430/10-15, but the most frequently occurring exceptions are detailed above.

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Illinois Executive Order 15-09 (EO 15-09) further 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 above exceptions is met.

Per EO 15-09, food and beverage provided by a prohibited source may only be accepted when provided as a de minimis meal or refreshment at a business meeting or reception attended by the employee in the course of their official duties. De minimis can be best defined as trivial or insignificant.

Please note, the restrictions identified in EO 15-09 do not apply to students in positions that are exclusive to enrolled students, such as graduate assistants, medical residents, teaching assistants, and undergraduate student workers. They may still accept gifts meeting the *Ethics Act* exceptions 5 ILCS 430/10-15, in addition to smaller items from a prohibited source totaling less than $100 per calendar year, and meals not exceeding $75 in value per calendar day.

Any gift offered in an effort to influence the official actions of an employee, even if it is permissible by an exception to the gift ban provisions, is inappropriate and possibly illegal and must not be accepted. Call your university Ethics Officer if you have any questions or concerns regarding a gift.

Corrective Action if a Gift from a Prohibited Source is Unintentionally Accepted

If you unintentionally accept a gift from a prohibited source, you do not violate the law if you promptly do any of the following:

- Return the gift to the giver.
- Donate the gift to an appropriate 501(c)3 charitable organization.
- Make a contribution equal to the market value of the gift to an appropriate 501(c)3 charitable organization.

Knowledge Check

Throughout the year, various societies and organizations host conferences that many university employees attend for continuing education and to learn about new and important advances in their fields of study. At these conferences, there is often swag provided to attendees as part of their registration fees. Examples of items that may be included are bags, binders, pens, notepads, and water bottles.

Similarly, there are often vendor exhibits conference attendees can visit to learn more about companies and their offerings. Trinkets are also available to all attendees.

Are employees attending this conference able to accept the trinkets from the vendor displays?

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A. Yes, employees may accept trinket items that are available to all attendees.
B. No, employees may not accept gifts of any sort.

The correct answer is A, Yes.

Explanation of the Answer:

Employees attending the conference, along with the other attendees, constitute a general population. One of the exceptions to the gift ban allows for the acceptance of gifts (opportunities, benefits, and services) that are provided on the same conditions as for the general public. Therefore, if the items are available to anyone who visits the vendor expo, they are permissible.

Personnel Policies [5 ILCS 430/5-5]

As a university employee, you are required by law to periodically submit time sheets documenting the time spent each day on official business to the nearest quarter hour. Your department can assist you in explaining the standard practice within your unit. Falsification may be considered fraud and/or theft of resources punishable by discipline up to and including termination.

Knowledge Check

A university employee began arriving and leaving work thirty minutes early each day. However, there was no formal flexible work arrangement in place or approved by management. As a result, the employee would wait to clock into work each day until their scheduled start time and then had their co-worker clock them out each evening.

Is this timekeeping arrangement a violation of university timekeeping policies?

A. Yes, this is a violation because timekeeping should be kept accurately to the nearest quarter of an hour, and employees are responsible for clocking themselves in and out of work.
B. No, this is not a violation because the employee is working their scheduled number of hours each day.

The correct answer is A, Yes.

Explanation of the Answer:

As a university employee, you are required by law to periodically submit time sheets documenting the time spent each day on official business to the nearest quarter hour. Employees are responsible for accurately depicting the time worked, which includes clocking out for any time spent away from their university responsibilities during the workday. Employees are also responsible for their own timekeeping.

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Southern Illinois University Carbondale (including School of Medicine) time reporting policies can be found at:

- SIUC https://laborrelations.siu.edu/ethics-links/official-ethics-act.php
- SOM https://thehive.siumed.edu/Interact/Pages/Content/Document.aspx?id=4293&SearchId=0

As you will read in the next section, employees are expected to be honest and truthful in all communications, whether oral or written. This includes, but is not limited to, documents such as timecards, records, reports, and email communications.

Truthful Oral and Written Statements

As a university employee, you must be honest in all communications, regardless of whether they are oral or written. This includes, but is not limited to, all work products, documents, conversations, and electronic communications. To avoid violating any law, rule, or policy, or intentionally committing fraud, be sure to fully review and complete your documents. Knowingly providing false, inaccurate, or incomplete information is punishable up to and including termination of employment.

Prohibited Political Activity [5 ILCS 430/5-15]

The *Ethics Act* goes into significant detail regarding specific political activities that are prohibited. The basic definition of prohibited political activity includes activities in support of or in connection with any campaign for elective office or any political organization, or those activities that are either in support of or in opposition to a referendum question.

University employees may not intentionally perform any prohibited political activity during any compensated time other than vacation, personal, or compensatory time off and they may not intentionally misappropriate any state property or resources (including university property or resources) by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization or referendum question.

Prohibited political activity includes, but is not limited to, soliciting campaign contributions or votes, assisting at the polls, circulating petitions, and hosting rallies for candidates for elective office. Though these activities are not allowable during compensated time, they are permissible if you are outside of that time and are not using university property or resources, such as, but not limited to, telephones, vehicles, tools, copiers, fax machines, email accounts, and computers.

Additionally, to avoid any misconception of personal views in any way representing the university's position, employees should avoid attending political events in a university-issued uniform.

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You may be involved in these types of political activities during your typical work hours if you use vacation, personal, or compensatory time off to perform the activity and do not intentionally misappropriate any state property or resources.

Examples of prohibited activities range from things as simple as placing a campaign contribution jar on an office desk for a candidate's fund, to actively soliciting votes for a candidate, or a political party, while on work time, or using university email to distribute campaign materials or solicit campaign contributions. Additionally, the *Ethics Act* states it is illegal for any supervisor to intentionally misappropriate the services of any university employee by requiring that employee to perform any prohibited political activity as part of their job duties, as a condition of their employment, or during any time off that is compensated by the university (such as vacation, personal, or compensatory time off).

Knowledge Check

A university employee who is also a member of the local city council was invited to speak to a class regarding work as a city council member. The employee will explain the type of work conducted by city council members but will not discuss their candidacy or election.

Would it be considered prohibited political activity for a city council member, who is also a university employee, to speak to a university class regarding their work as a council member?

A. Yes, since the speaking engagement is political in nature, it would be a violation.
B. Yes, university employees are prohibited from any involvement in political groups or organizations.
C. No, this activity is not prohibited political activity as defined in the *Ethics Act*.

The correct answer is C, No.

Explanation of the Answer:

This engagement is not prohibited political activity as defined in the law. Quite simply, prohibited political activity would need to involve a candidate for elective office or campaign-related activity. A council member educating students on their role and responsibilities does not fall within this definition. The employee, speaking independent of their university work, would need to be sure no university resources, including technology, are used to conduct the presentation. The employee/council member should also be using personal time to meet with the class.

Prohibited Offer or Promise: You or a candidate for executive or legislative branch office may not promise anything of value related to university business or state government in consideration for a contribution to a political committee, political party or other entity that has as one of its purposes, the financial support of a candidate for elective office. If you are offered anything of value for your engaging in prohibited activity, such offer must be reported to the university Ethics Officer or the OEIG.

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- **What is "anything of value related to university business"?**

  Examples of this include job positions or appointments at the university, promotions, salary increases, the award of a contract, title changes, increased paid time off, or other employment benefits.

Contributions on University Property: Political campaign contributions may not be intentionally solicited, accepted, offered or made on state or university property by public officials, state or university employees, candidates for elective office, lobbyists, or officers, employees or agents of any political organization.

- **What is "state or university property"?**

  Any building or portion of a building owned or exclusively leased by the State of Illinois or the university. This includes an office of the state or university within a privately owned office building.

- **What is NOT "state or university property"?**

  Any portion of a building that is rented or leased from the state or university by a private person or entity is not state or university property. For example, a privately owned restaurant within a state/university building or a private party being held in a part of a state/university building that the private person has rented for the evening would not be considered state or university property.

An inadvertent solicitation, acceptance, offer, or making of a contribution is not a violation if reasonable and timely action is taken to return the contribution to its source.

Knowledge Check

Student workers are making calls on behalf of the Alumni Association to solicit donations for an ongoing university campaign. The campaign is seeking to raise funds to establish a center for a religious organization on campus.

Would the contribution of funds via campaign-calling on university property be considered prohibited political contribution on state property?

A. Yes, any solicitation of campaign funds on university property, regardless of political affiliation, is a violation of the *Ethics Act*.
B. No, universities and university employees are not restricted by the *Ethics Act* from non-prohibited political activities fundraising for the benefit of their university. Only campaigns classified as political, such as those where there is an active candidate for elective office, are prohibited by the *Ethics Act*.

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The correct answer is B, No.

Explanation of the Answer:

University fundraising campaigns are not governed by the prohibited political activities or political contribution on state property provisions of the Ethics Act. This would include charitable fund drives, Alumni Association fundraising and other gift campaigns.

Public Service Announcements [5 ILCS 430/5-20]

The *Ethics Act* discusses public service announcements as they relate to certain officials and members of the General Assembly. Universities receive state funding and as such, are prohibited from using the proper name, image, or voice of any executive branch constitutional officer or member of the General Assembly in any advertisements, broadcasts aired on radio or television, printed in a newspaper or magazine or on a bulletin board or electronic message board. Additionally, executive branch constitutional officers or members of the General Assembly may not appear, by name or image, in any promotional items, such as bumper stickers, lapel pins, buttons, magnets, stickers, or other similar materials, that are not in furtherance of the person's official duties, if any portion of the advertising is paid for using state funding.

Rights and Responsibilities in Investigations

University employees who become involved in an investigation conducted by the OEIG have both rights and responsibilities.

As a university employee, you have an obligation to cooperate in OEIG investigations. You must participate in interviews as requested, tell the truth, and not withhold information. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements, and is grounds for disciplinary action, including dismissal.

You can find rules governing OEIG investigations on the OEIG's website .

Whistleblower Protection [5 ILCS 430/15]

The *Ethics Act*, the *Whistleblower Act* (740 ILCS 174), Executive Order 16-04 and university policy, protect employees who, in good faith, report or threaten to report an act or omission they believe to be a violation of law, policy, or procedure.

Protected Activities [5 ILCS 430/15-10]

The university or an employee of the university cannot retaliate against you for engaging in any of the following protected activities:

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- Disclosing or threatening to disclose to a supervisor or a public body, any practice, activity, or policy of a state or university employee or state agency or university that the employee reasonably believes is in violation of a law, rule, or regulation.
- Providing information to or testifying before a public body about any violation of the law, rule, or regulation, by any officer, member of the General Assembly, university or state employee, state agency, or the university.
- Assisting or participating in a proceeding to enforce the *Ethics Act.*

Retaliation [5 ILCS 430/15-5]

Under the *Ethics Act*, retaliatory action is defined as reprimand, discharge, suspension, demotion, or denial of promotion or transfer, or change in the terms or conditions of employment of any state employee, which is taken in retaliation for involvement in a protected activity. It is not retaliation if the employer can demonstrate, by clear and convincing evidence, the same personnel action would have been taken even in the absence of the protected activity.

Any employee experiencing retaliation should report to their supervisor, university Ethics Officer, or can report to the OEIG.

Under the *Ethics Act*, any employee who commits retaliation in violation of the *Ethics Act* may be subject to discipline or discharge.

Under the *Whistleblower Act* (740 ILCS 174/20), it is generally unlawful for any employer to retaliate or threaten retaliation for an employee's disclosure of information to a government or law enforcement agency if the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation.

If an employer retaliates against an employee in violation of these laws, the employee may bring a civil action against the employer that may result in:

- reinstatement of employment and seniority rights;
- back pay, with interest; and,
- compensation for any damages including litigation costs, expert witness fees, and reasonable attorney's fees.

Knowledge Check

A university lab employee noted some discrepancies in testing results being included in reports to an outside funding agency that are required to be reported and brought them to the attention of their supervisor. The supervisor indicated they would provide an updated report to the funding agency. When the report was issued, it did not include the updated details the supervisor and lab employee had discussed. Concerned, the lab employee approached the supervisor and was told the updates would be provided in the next meeting with the outside funding organization. Subsequent to that conversation, the supervisor uninvited the lab

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employee to an upcoming meeting that was critical to continuing the lab testing project, which they had always participated in prior to the report.

Could the removal of the lab employee from a project-critical meeting they regularly participated in, following their participation in a protected activity be considered retaliation?

A. Yes, this may be considered retaliation.
B. No, this would not be considered retaliation.

The correct answer is A, Yes.

Explanation of the Answer:

This situation may be considered retaliation because there was a protected activity (reporting the concerns to a supervisor) and then there was an action taken that may have changed the employee's ability to conduct their work responsibilities. The lab employee should contact their university Ethics Officer to initiate a retaliation review. The university Ethics Officer will put together a timeline of events and gather information to determine whether or not retaliation took place. The employee could also refer the matter to the OEIG.

Reporting Violations of the *Ethics Act*, Rule, Regulation, or Policy

If you witness misconduct or have evidence of it, you should report it to the proper authorities.

To report a non-emergency violation of law, rule, or regulation, you should contact the OEIG via:

- the OEIG website ,
- its toll-free hotline at 866- 814-1113,
- a telecommunications device for the deaf at 888-261-2734, or
- mailing a completed complaint form to: Office of Executive Inspector General for the Agencies of the Illinois Governor, Attention Complaint Division, 69 West Washington Street, Suite 3400, Chicago, Illinois 60602.

You may report alleged violations to the OEIG anonymously.

In the event of an emergency, such as those involving the illegal possession or use of a weapon, you should contact the police.

Official Misconduct [720 ILCS 5/33-3]

The Illinois *Criminal Code of 2012* indicates that any public officer or employee commits misconduct when, in their official capacity, they:

- Intentionally or recklessly fail to perform a mandatory duty as required by law; or
- Knowingly perform an act which the employee knows to be forbidden by law to perform; or

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- Intentionally perform an act in excess of the employee's lawful authority with intent to obtain a personal advantage for themself or another; or
- Knowingly accept or purposefully solicit a fee or reward for the performance of any act which the employee knows is unauthorized by law.

Any employee or public officer convicted of violating any provision of the Illinois *Criminal Code* outlined in the paragraph above commits a Class 3 felony.

If anyone attempts to improperly influence your official actions as a state public university employee (e.g., bribery or solicitation misconduct), especially if there is an attempt to have you or another employee act in a manner that is unlawful or is in violation of university policies, it is your responsibility to immediately report this matter to the appropriate authorities. Bribery is when a benefit, property or personal advantage is promised or offered with an intent to influence the performance or job-related decisions of an employee.

Solicitation misconduct is when an employee solicits or receives contributions from a person engaged in a business or activity over which the employee has regulatory or licensing authority. In certain instances, failure to report a violation, can place an employee in violation of the law as well. Specifically, bribes must be reported to the Illinois State Police, and failure to report may result in possible criminal charges.

Revolving Door Prohibition [5 ILCS 430/5-45]

The revolving door provisions apply to all employees but generally impact a small number of university employees annually. Under the *Ethics Act*, if during the year preceding departure of state/university employment, an employee participated personally and substantially in awarding of contracts or change orders to vendors with a cumulative value totaling $25,000 or more, or the fiscal administration of such contracts, the employee, spouse, or any immediate family member living with the employee, is prohibited from accepting non-state employment from that vendor for a one-year period immediately following termination of state/university employment.

By law, there are two groups of employees primarily subject to these restrictions.

- The President and members of the Board of Trustees (referred to as H-list parties).
- Employees in positions the university has identified as having the authority to participate personally and substantially in contracting decisions, or the fiscal administration of contracts (referred to as C-list employees). If you are a C-list employee, you will be/would have been notified of this status by your university Ethics Officer and you will/would have confirmed, in writing, your receipt of the notification.

H-list parties are prohibited from accepting employment or receiving compensation or fees for services from certain individuals or entities for a full year after ending their university position. This restriction is in place regardless of whether the H-list party was involved in the contract

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decision or not.

C-list employees must go through a determination process with the OEIG before accepting the employment offer. More information regarding the determination process, decisions, appeal options, and forms for submitting notification to the OEIG regarding a non-state/university employment offer may be found at the OEIG website. OEIG determinations may be appealed to the EEC within 10 calendar days by the person subject to the determination or the Attorney General. OEIG determinations are not considered final until the EEC has made a determination or the 10-day window to appeal the OEIG's determination has expired.

If an employee accepts non-state employment in violation of the revolving door prohibitions, they may commit a Class A misdemeanor and be subject to significant fines up to 3 times the total annual compensation that would have been obtained in violation of these provisions. C-list employees may also face an additional fine of up to $5,000 issued by the EEC if they fail to notify the OEIG of their job offer before accepting it.

Knowledge Check

A C-list employee was found to have violated the revolving door provisions of the *Ethics Act* by accepting a position that the OEIG would have restricted them from taking.

What is the fine the former employee can receive for their violation?

A. The employee can be fined the annual amount of their former salary.
B. The employee can be fined the annual amount of their current salary.
C. The employee can be fined up to three times the amount of their current salary.

The correct answer is C, the employee can be fined up to three times the amount of their current salary.

Explanation of the Answer:

The law states the EEC may levy an administrative fine of up to three times the total annual compensation that would have been obtained in violation of Section 5-45 for accepting a restricted job.

Statement of Economic Interests [5 ILCS 420]

The Statement of Economic Interests form is a disclosure required by the Illinois *Governmental Ethics Act* to be filed with the Office of the Secretary of State. A select population of Southern Illinois University employees is required to submit this form by May 1st annually. In 2020, the filing process moved online. Those individuals required to file are notified early each spring.

The Illinois *Governmental Ethics Act* identifies certain categories of individuals who are required to file a Statement of Economic Interests form (Statement), including but not limited to: members of the Board of Trustees; deans, directors, and department heads; persons who have

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supervisory authority over, or direct responsibility for the formulation of contracts; persons who supervise 20 or more university employees; and employees who have responsibility with respect to the procurement of goods and services.

The *Ethics Act* requires that university Ethics Officers review certain employee Statements prior to submitting them to the Secretary of State for filing and this is managed through the online filing process. For more detail, please contact your university Ethics Officer. You may also refer to Section 4A-101 of the Illinois *Governmental Ethics Act*.

Illinois Executive Order 15-09 also requires this population to file a Supplemental Statement of Economic Interests form online with the EEC. The Supplemental Statement does NOT require university Ethics Officer review and is due May 1st annually. The Supplemental Statement of Economic Interests should be filed with the EEC and not the Secretary of State.

Procurement Communications Reporting [30 ILCS 500/50-39]

Illinois procurement laws require university employees to follow specific processes and requirements to protect the integrity of the procurement process.

To provide greater transparency in state procurement matters, university employees who are personally and substantially involved in communications related to a purchasing decision that could materially impact the outcome of an active procurement matter, may have an obligation to document that communication in the web-based Procurement Communications Reporting System (PCRS).

There are some exceptions that do not require documentation in the PCRS system, including, but not limited to, any communication held in or posted to a public forum including posting on the Illinois Procurement Bulletin, communications that are privileged, protected, or confidential by law, or are about general procedural steps. For more information on the reporting process, please contact your university Ethics Officer.

Any university employee who suspects collusion or other anticompetitive practice among any bidders, offerors, contractors, or employees of the state, must notify the Attorney General, the OEIG, and the Chief Procurement Officer. Additionally, any chief procurement officer, state purchasing officer, designee, or executive officer who willfully compromises the fairness or integrity of the procurement or contract process may be subject to immediate dismissal and possible criminal prosecution.

State employees, including public university employees, cannot be involved in the negotiation of contracts with any firm, partnership, association or corporation where the state employee currently has a contract for future employment or is contracting or negotiating their own future employment.

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Penalties within the *Ethics Act* [5 ILCS 430/50]

Employees who violate the *Ethics Act* may be penalized both internally and externally. Within the university, penalties may include administrative action up to and including termination of employment. Externally, the EEC may levy administrative fines of up to $5,000 for certain violations of the *Ethics Act* and criminal or illegal acts, such as bribery or official misconduct, may result in criminal prosecution.

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Part II. Harassment, Sexual Harassment, and Discrimination Prevention Training

Harassment and Discrimination

The *Ethics Act* states all persons have a right to work in an environment free from sexual harassment. Additionally, all employees and appointees are prohibited from sexually harassing any person, regardless of their employment relationship or lack thereof.

The *Illinois Human Rights Act* (775 ILCS 5) as well as other laws and university policies prohibit harassment and discrimination on the basis of someone's actual or perceived membership in one or more of the following protected classes (as defined by the *Illinois Human Rights Act*):

Marital Status

The legal status of being married, single, separated, divorced, or widowed.

Sex

The status of being male or female.

Sexual Orientation

The actual/perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether traditionally associated with the person's designated sex at birth or not.

National Origin

The place in which a person or one of his or her ancestors was born.

Order of Protection Status

A person protected under an order of protection issued pursuant to certain statutes, or an order of protection issued by a court of another state.

Citizenship Status

The status of being: (1) a born U.S. citizen; (2) a naturalized U.S. citizen; (3) a U.S. national; or (4) a person born outside the U.S. and not a U.S. citizen who is lawfully present and who is protected from discrimination under a federal law.

Age

The chronological age of a person who is at least 40 years old. In the case of training and apprenticeship programs, age means a person who is 18 but not yet 40 years old.

Pregnancy

Pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth.

Disability

A determinable physical or mental characteristic of a person, including one that necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic is unrelated to the person's ability to perform the duties of a particular job or position. This also includes unlawful discrimination against an individual because of the individual's association with a person with a disability.

Religion

All aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he or she is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

Race

Includes traits associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists.

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Military Status

A person's status on active duty in or status as a veteran of the armed forces of the U.S., status as a current member or veteran of any reserve component of the armed forces of the U.S., or status as a current member or veteran of the Illinois Army National Guard or Illinois Air National Guard.

Unfavorable Military Discharge

Discharges from the Armed Forces of the U.S, their Reserve components, or any National Guard or Naval Militia which are classified as RE-3 or the equivalent, but does not include those characterized as RE-4 or "Dishonorable".

Work Authorization Status

The status of being a person born outside of the United States, and not a U.S. Citizen, who is authorized by the federal government to work in the United States.

Harassment Defined (775 ILCS 5/2-101)

Harassment means any unwelcome conduct on the basis of an individual's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, unfavorable discharge from military service, citizenship status or work authorization status that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. For harassment, working environment is not limited to a physical location an employee is assigned to perform his or her duties.

Examples of conduct that could amount to harassment if based on a person's actual or perceived membership in one or more protected classes include:

- offensive jokes;
- slurs;
- epithets or name calling;
- physical assault(s);
- threats;
- intimidation, ridicule or mockery;
- insults or put-downs;
- offensive objects or pictures;
- deliberate touching, leaning over, or cornering;
- offensive looks or gestures; and/or
- letters, telephone calls, personal e-mails, texts, or other materials of an offensive nature.

Knowledge Check

At least twice a week, a coworker greets a Hispanic suite-mate with "Hola, Chica!" in an undeniably flirtatious and exaggerated manner to which the employee very meekly replies "Good morning" with an eye roll. Noting the exchange over the course of a few weeks, an uninvolved employee asks the suite-mate if the greeting is bothersome. The Hispanic employee shares that it is offensive and that after each greeting, it takes a while to calm down and regain focus to begin work.

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Which of the following aspects contribute to a concern for harassment?

A. Speaking in Spanish in an exaggerated manner to a Hispanic individual is singling them out by their national origin.
B. The verbal and physical cues the Hispanic employee provides indicate they are not comfortable with the greeting.
C. The behavior is interrupting the Hispanic employee's ability to conduct their regular work responsibilities.
D. All of the above are correct.

The correct response is D, All of the above.

Explanation of the Answer:

The repeated greeting is unwelcome conduct based on national origin. It is clear to coworkers the greeting is unwelcome, based on the eye-rolling that accompanies the response of the Hispanic employee. This type of unwanted behavior can contribute to an uncomfortable and offensive working environment and is impacting performance.

Sexual Harassment 5 ILCS 430/5-65(b)

Sexual harassment means any unwelcome sexual advances, 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 working environment. 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.

Under the *Illinois Human Rights Act,* if the employer becomes aware of the harassing behavior and fails to take reasonable corrective measures, they will be held responsible for the sexually harassing or harassing behavior of a non-employee, non-managerial employee, or non-supervisory employee. Sexual harassment of or by non-employees, such as contractors and consultants, is also prohibited.

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Types of Sexual Harassment

Quid pro quo and hostile work environment are two types of sexual harassment. They are described as follows:

- Quid pro quo sexual harassment occurs when a manager or supervisor communicates to a subordinate that in order for them to receive a promotion, raise, preferred assignment, or other type of job benefit – or to avoid something negative like discipline or an unpleasant assignment – the subordinate must do something sexual in return.

- Hostile work environment sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual's work performances or creating an intimidating, hostile, or offensive working environment.

Sexual harassment is not limited to overt sexual advances and requests to engage in sexual acts. Examples of behavior that might be sexually harassing include:

- actual or attempted rape or sexual assault;
- pressure for sexual favors;
- deliberate touching, leaning over, or cornering;
- sexual looks or gestures;
- letters, telephone calls, personal e-mails, texts, or other materials of a sexual nature;
- pressure for dates;
- sexual teasing, jokes, remarks, or questions;
- reference to an adult as a "girl," "hunk," "doll," "babe," or "honey";
- whistling at someone;
- sexual comments, innuendos, or stories;
- work discussions turning to sexual topics;
- sexual fantasies, preferences, or history being asked about;
- sexual comments about a person's clothing, anatomy, or looks;
- kissing sounds, howling, and smacking lips;
- talking about, telling lies, or spreading rumors about a person's personal sex life;
- neck and/or shoulder massage;
- touching an employee's clothing, hair, or body;
- hanging around a person uninvited;
- hugging or kissing;
- patting, stroking, or pinching;
- touching or rubbing oneself sexually in the presence of another person;
- standing close to or brushing up against a person;
- looking a person up and down;
- sexually suggestive posters, cartoons, websites, or magazines displayed in the workplace or shown to someone;
- playing sexually suggestive or graphic videos or music; and
- making sexual gestures with hands or through body movements

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Sexual harassment is not just in person and can involve activities online or through electronic communications. Examples of behaviors that can constitute unwelcome sexual conduct include but are not limited to:

- requests/demands for sex;
- sexually graphic or inappropriate pictures;
- sexually graphic or inappropriate videos;
- sexually offensive language or comments;
- unwanted flirting;
- unwanted requests for dates; and
- cyber stalking

It Really Did Happen

In OEIG Case No. 19-01177, an Illinois Department of Corrections (IDOC) employee reported an incident of sexual misconduct by one of the inmates. In response to this report, upper management created a fictitious form where they asked the employee to document and illustrate the sexual misconduct. This form was then shared with other employees and members of management and was used to ridicule and harass the employee who had reported the initial misconduct. Following the widespread dissemination of this fictitious form, the reporting employee was harassed with anti-gay slurs, prank calls at work, graffiti with sexual connotations, and a co-worker even pressed their body up against the employee. The harassment was repeatedly reported to management and administration. The employee reported harassment based on perceived sexual orientation and the harassment continued. The employee continually requested transfers to other facilities based on hardship, but the requests were denied, and the employee ultimately left the agency.

The investigation revealed management had engaged in conduct unbecoming of IDOC supervisors. The employee was subjected to a hostile work environment where management did not take appropriate action to resolve the issues and that management had also committed misfeasance by failing to investigate the harassment complaints. Several of the employees involved were disciplined with hefty suspensions and some were dismissed from their positions.

Unlawful Discrimination

Unlawful discrimination is discrimination against a person because of his or her actual or perceived:

- race
- color
- religion
- national origin
- ancestry
- age
- sex
- marital status
- order of protection status
- disability
- military status
- sexual orientation
- pregnancy
- unfavorable discharge from military service
- work authorization status
- citizenship status

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Definitions as provided within the *Illinois Human Rights Act* at 775 ILCS 5/1-103 and **are listed in detail in the Harassment and Discrimination header at the start of this section**.

Conduct may amount to unlawful discrimination if, based on a person's actual or perceived membership in one or more of the protected classes outlined previously, an employer takes action involving:

- recruitment
- hiring
- promotion
- demotion
- selection for training or apprenticeship
- renewal of employment
- discharge
- discipline
- tenure of terms
- privileges
- other conditions of employment

The *Illinois Human Rights Act* also prohibits other discriminatory acts in employment, including:

- prohibiting employees from speaking their native language, when unrelated to work duties;
- certain immigration-related practices. For example, it is a civil rights violation for an employer to use more or different documents than are required under certain federal laws or to refuse to honor documents that on their face appear to be genuine;
- imposing conditions that would require an employee to violate a sincerely-held religious practice. For example, not allowing an employee to wear religious clothing or accessories in the workplace;
- failing to offer employees reasonable accommodations related to pregnancy or childbirth; and
- discrimination based on age in training and apprenticeship programs.

Unlawful discrimination occurs when an employer takes a discriminatory employment action because of an applicant's or employee's actual or perceived membership in one of the protected classes above. However, it does not prevent an employer from taking employment action for another reason unrelated to an applicant's or employee's membership in a protected class.

Knowledge Check

A search committee member was reviewing a pool of applicants for an open position in the unit and making three piles of resumes. When asked by another member of the search committee, what the three piles represented, the employee indicated one was for favorable applicants, one was for applicants who did not meet the criteria for the position, and the third was for applicants who would be difficult to interview. Interested in the response, the committee member pressed on, seeking further clarification as to why the third group would be difficult to interview. The employee then explained that based on the applicant names, they were likely ESL (English as a Second Language).

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Could this practice of separating applications based on possible race or language be considered employment discrimination?

A. Yes, this behavior of separating potential applicants based on perceived race or national origin may be considered discriminatory.
B. No, unless the employment decisions are made based on the perceived race or national origin of an employee, they would not be considered discriminatory.

The correct answer is A, Yes.

Explanation of the Answer:

Any employment actions taken to segregate applicants based on their perceived race or national origin may be discriminatory and a violation of the Illinois Human Rights Act.

Reporting Sexual Harassment, Harassment, and/or Discrimination

Any employee who witnesses, is subjected to, or becomes aware of sexual harassment, harassment, and/or discrimination should immediately report the incident. That report can be made to the employee's supervisor, university Ethics Officer, the OEIG, and/or the Illinois Department of Human Rights (IDHR).

Earlier in this training, you were provided with information regarding the OEIG and how to contact their office. "Harassment" and "unlawful discrimination" are not specific violations of the *Ethics Act*, regardless, the OEIG does investigate those allegations, along with sexual harassment, which is an Ethics Act violation. As mentioned previously, the OEIG can be reached via:

- toll-free hotline at 866-814-1113,
- the OEIG website,
- a telecommunications device for the deaf at 888-261-2734, or
- mailing a completed complaint form to: Office of Executive Inspector General for the Agencies of the Illinois Governor, Attention Complaint Division, 69 West Washington Street, Suite 3400, Chicago, IL 60602

Remember, as discussed earlier, you may always contact your university Ethics Officer at ethics1@siu.edu to report a concern.

If you choose to make a report to your supervisor, your supervisor may have an obligation to inform the applicable Office of Equity and Compliance, Office for Access & Equity, Office of Access and Equal Opportunity, or Office of Diversity, Equity, & Inclusion.

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Information about how to make a report of misconduct to the OEIG and your university Ethics Officer, which would include sexual harassment, harassment, and discrimination, is detailed in Part I of this training. The OEIG maintains the confidentiality of the identity of all complainants, unless the individual consents to the disclosure or the law otherwise requires the disclosure of their name. (5 ILCS 430/20-90.)

The IDHR is a state agency that administers the *Illinois Human Rights Act*. Individuals can report an allegation of sexual harassment, harassment, and/or discrimination to the IDHR by filing a charge within 300 days of the alleged incident. The IDHR website provides additional information about harassment and discrimination, filing a charge, the process for investigating and resolving an allegation, and other frequently asked questions. Filing a charge with IDHR is not a confidential process.

The IDHR operates a helpline for reporting sexual harassment and discrimination. The helpline number is 1-877-236-7703. All communication submitted to the IDHR through the helpline, including by Internet, is confidential and exempt from disclosure under the *Freedom of Information Act*. You may access the Complainant Information Sheet obtained on the IDHR website. It requires detailed information, including contact information, employer information, and the most recent date of the alleged conduct.

A person filing a charge may also provide witness information and copies of relevant documents. If you prefer to file a complaint in person, offices are available as follows:

Chicago	**Springfield**	**Marion**
555 West Monroe Street	524 S. 2nd Street	2309 W. Main St.
Suite 700	Suite 300	Marion, IL 62959
Chicago, IL 60661	Springfield, IL 62701	618-993-7463
312-814-6200	217-785-5100	866-740-3953 (TTY)
866-740-3953 (TTY)	866-740-3953 (TTY)	

In the prior scenario regarding the coworker greeting their suite-mate with “Hola, Chica!” what options are available to report their concerns?

A. The concern could be reported to the university office designated to address matters of access and equity.
B. The OEIG could be contacted.
C. A complaint could be filed with IDHR.
D. All of the above.

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The correct answer is D, All of the above.

Explanation of the Answer:

Employees who have concerns related to harassment should report their concerns internally to the university office designated to address matters of access and equity, or externally to the OEIG or the IDHR.

Whistleblower Protection

In addition to the *Ethics Act* (5 ILCS 430/15), the *Whistleblower Act* (740 ILCS 174), Executive Order 16-04, and university policy, the *Illinois Human Rights Act* [775 ILCS 5/6-101(A)] also protects employees who, in good faith, report or threaten to report an act or omission they believe to be a violation of law, policy, or procedure.

Retaliation

Under the Whistleblower Act (740 ILCS 174/15), it is generally unlawful for any employer to retaliate or threaten retaliation for an employee's disclosure of information to a government or law enforcement agency if the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation.

The *Illinois Human Rights Act* provides it is a civil rights violation to retaliate against a person who opposes that which they reasonably and in good faith believe to be unlawful discrimination or sexual harassment [775 ILCS 5/6-101(A)].

Under the *Ethics Act*, "**retaliatory action" means reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of an employee that occurs in retaliation for an employee's involvement in the protected activities outlined above. 5 ILCS 430/15-5**. Please refer to Part 1 for further discussion about retaliation and employee protections.

Penalties

There are serious consequences for engaging in unlawful discrimination, sexual harassment, and harassment, which may include being disciplined or terminated for violating the law or agency policies. Sexual harassment, harassment and unlawful discrimination can also be punishable with fines or penalties imposed by a state or federal agency or court. Any person who violates the *Ethics Act's* prohibition on sexual harassment may be fined up to $5,000 per offense by the EEC.

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Engaging in sexual harassment, harassment, unlawful discrimination, and/or retaliation can subject an individual to proceedings before the Illinois Human Rights Commission or state or federal courts. For example, individuals can file a state or federal charge against the person or entity and if they prevail, they may be entitled to one or more of the following remedies:

- Actual damages for injury or loss, including emotional damages
- Attorneys' fees and costs
- Backpay
- Obtaining a cease and desist order
- Fringe benefits
- Hiring
- Reinstatement
- Promotion
- Prejudgment interest

Any person who intentionally makes a false report to the OEIG, EEC, or to certain law enforcement agencies or officials is guilty of a misdemeanor, and the EEC may levy a fine of up to $5,000 for intentionally obstructing or interfering with an OEIG investigation, or making a false, frivolous, or bad faith allegation of harassment, discrimination, or sexual harassment.

If you have any questions or concerns, you can always contact your university Ethics Officer.

Thank You for Your Compliance!

Thank you for completing your ethics training and harassment and discrimination prevention training as required by the *Ethics Act*. As we wrap up today's training, it is important you keep in mind the concepts learned today to help you not only stay compliant with the *Ethics Act* and other related laws and policies, but also to do your part in promoting a work environment that is free of fraud, waste, abuse, harassment, and other undesirable and damaging behaviors.

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2024 Southern Illinois University Training Program for Student Workers, Non-Permanent Employees, New Employees, and Employees Returning From Leave

I certify that I have carefully read and reviewed the content of, and completed, the 2024 Ethics and Harassment and Discrimination Prevention Training program for student workers, non-permanent employees, new employees, and employees returning from leave. Furthermore, I certify that I understand that my failure to comply with the laws, rules, policies, and procedures referred to within this training course may result in disciplinary action up to and including termination of university employment/appointment, administrative fines, and possible criminal prosecution, depending on the nature of the violation.

Name (Last, First, Middle Initial):

Signature:

Today's Date:

Date of Birth (MMDD only):

Dawg Tag/University Identification Number:

To be properly credited for training completion, please complete and return this signature page to the following:

SIUC Student Employees:

Student Employment (Career Dev. Center)
Mail Code 4703
1263 Lincoln Dr, Ste 110
Student Services Building
Carbondale IL 62901

SIUC Employees
(including GA, UGA, Extra Help, Volunteers):
Human Resources
Mail Code 6520
900 S Normal Ave
Woody Hall 1st Flr.
Carbondale IL 62901

SOM Employees:

SIU School of Medicine
Office of Human Resources
327 W Calhoun, Rm 104
PO Box 19601
Springfield IL 62794-9601

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