



UNIVERSITY OF ILLINOIS SYSTEM

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2021 Ethics Act Orientation Summary

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 annual training. For the purposes of these training programs, employees are defined as individuals who receive a paycheck from the university as well as members of the Board of Trustees. Employees who do not complete the training 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 plays 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 orientation program, in addition to satisfying the annual Ethics Act training requirements.**
- **Seasonal/Temporary Employees:** If you are an undergraduate student worker, extra help employee, or medical resident, 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 *Ethics Act* 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.

University Ethics and Compliance 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 findings and opinions of the EEC. University Ethics Officer work products are exempt from production in response to *Freedom of Information Act* (FOIA) requests.

The University Ethics and Compliance Office reports administratively to the President of the University and the Board of Trustees. The Ethics and Compliance Office is located on the Springfield and Urbana-Champaign campuses and can be easily contacted using the Ethics Line. If you call the Ethics Line (866-758-2146), you will speak with an Ethics and Compliance Office staff member who can assist or direct you to the appropriate campus unit.

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



Donna S. McNeely

Executive Director of University Ethics and Compliance and University Ethics Officer

Traci L. Rolf

Associate Director of University Ethics

David E. Grogan

Associate Director of University Compliance

Sarah E. McPhee

Senior Coordinator of University Compliance

Leigh B. Volpert

Administrative Coordinator

Executive Ethics Commission (EEC)/Inspector General

The EEC is composed of nine appointed commissioners, each serving a four-year term. The EEC's duties include, but are not limited to, conducting administrative hearings on alleged violations of the *Ethics Act*, providing guidance to university Ethics Officers, and overseeing ethics training for all employees of the executive branch of state government.

For additional information about the EEC, visit its website at: www2.illinois.gov/eec.

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 maintains the confidentiality of all complainants or individuals providing information for an investigation, unless the individual consents to the disclosure or the law otherwise requires the disclosure of their name. (5 ILCS 430/20-90.)

For additional information about the OEIG or its investigative process and procedures, visit its website at: www.inspectorgeneral.illinois.gov.

Part I. Ethics Training

Gift Ban

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 and the exceptions included within the law 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, Illinois State University, Northern Illinois University, and Southern Illinois University, 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*, but the most frequently occurring exceptions are detailed above.

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.

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, 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.

A full listing of the exceptions provided within the *Ethics Act* can be found at:
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ChapterID=2&ActID=2529>.

EO 15-09 can also be referenced at:
https://www2.illinois.gov/Pages/government/execorders/2015_9.aspx.

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. If in doubt, 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 Accepted

If you 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

At a conference, a University vendor representative treated Paul and his coworkers to a pizza lunch in one of the hotel conference rooms between conference events that day. During the meal, the vendor representatives gave a presentation on the recent updates to the software Paul and his team currently use at the University.

Was Paul and his team's participation in the meal allowable per the gift ban and EO 15-09?

- A. Yes, the meal was permissible per the gift ban and EO 15-09.
- B. No, the meal was in violation of the gift ban and EO 15-09.

The correct response is Yes, A.

Explanation of the Answer:

Since the meal involved a presentation regarding a product the University currently uses, it meets the requirement of EO 15-09 in that the meal is of de minimis value and there is a business purpose for the meal. As such, this gift of a meal may be accepted under the law and EO 15-09.

Personnel Policies

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

Tanya is a student worker in the union. She overslept her alarm and showed up to work 30 minutes late for her shift. Since her supervisor was in a meeting at the time, her late arrival went unnoticed. Tanya reported normal hours on her timecard for that day so her paycheck would not be different from usual. She figured things would even-out eventually since her boss keeps her a minute or two beyond her normal end time most days she works.

Is it permissible for Tanya to report her time this way, with a plan to make up the time in gradual increments?

- A. Yes, as long as the time is eventually made up, having an advance in payment is permissible.
- B. No, timecard falsification is a theft of University resources.

The correct response is No, B.

Explanation of the Answer:

As a state employee, you are required to periodically submit time sheets documenting the time spent each day on official state business to the nearest quarter hour. Falsification of timecards is considered a theft of University resources and is an action warranting discipline, up to and including dismissal.

University of Illinois time reporting policies can be found at:

- <https://nessie.uihr.uillinois.edu/pdf/policy/SOEEAReportingPolicy.pdf>

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

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.

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

George, who works as a night clerk for campus recreation, is also a member of a registered student organization on campus that will be hosting a booth to register students to vote. George plans to sign up for a shift that doesn't interfere with his job or classes.

Would George be participating in a prohibited political activity by working at a voter registration booth?

- A. Yes, because registering to vote is political, and thus, prohibited.
- B. No, because working at a non-partisan booth to encourage voter registration is not one of the defined prohibited political activities in the *Ethics Act*.

The correct response is B.

Explanation of the Answer:

Prohibited political activities are very specifically defined in the law and do not include non-partisan efforts. It is helpful to keep in mind most prohibited political activities involve a candidate for elective office or their campaign itself. George is able to participate in this activity, regardless of his university employment.

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.

- **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, unless rented or leased, 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

Marianne, a university employee, hears one of her co-workers is running for office. When she runs into him while going across campus for a meeting, she writes him a check to contribute to his campaign.

Is this permissible per the *Ethics Act*?

- A. Yes, because Marianne offered; her co-worker did not solicit the contribution.
- B. No, because they are on university property.
- C. No, because they are on university time.

The correct responses are B and C.

Explanation of the Answer:

The Ethics Act prohibits political contributions on state property and while an employee is on university compensated time. If Marianne wants to contribute to her co-worker's campaign, she should do so off campus and outside of work hours.

Public Service Announcements

Section 5-20 of the *Ethics Act* discusses public service announcements as they relate to political officials. 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.

As a university employee, you have various rights during investigations, including, but not limited to, those resulting from the *Ethics Act* and EEC rules (2 Ill. Adm. Code 1620.300). You can find rules governing OEIG investigations on the OEIG's website at: www.inspectorgeneral.illinois.gov.

Knowledge Check

Alexa, a university grounds employee, reported her co-worker, Lanie, to their supervisor, for taking extended breaks and lunches, because it was interfering with their productivity. Lanie was disciplined for abusing university time.

What protections does Alexa have for reporting Lanie, her co-worker's time abuse?

- A. Alexa has no protections.
- B. Alexa has whistleblower protections.

The correct response is B.

Explanation of the answer:

Whistleblower protections are given to anyone who reports believed wrongdoing to a person who is in a position to take action. In this case, Alexa made the report to her supervisor, who took disciplinary action against her co-worker, Lanie.

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. You may report alleged violations to the OEIG anonymously. To report a non-emergency violation of law, rule, or regulation, you should contact the OEIG via:

- its toll-free hotline at 866-814-1113,
- the Internet at: www.inspectorgeneral.illinois.gov, or
- a telecommunications device for the deaf at 888-261-2734.

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

The Illinois *Criminal Code of 2012* (720 ILCS 5/33-3) 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
- Intentionally performs an act in excess of the employee's lawful authority with intent to obtain a personal advantage for themselves or another; or
- Knowingly accepts or purposefully solicits 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 this section commits a Class 3 felony.

If anyone attempts to improperly influence your official actions as a state public university employee, 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. In certain instances, failure to report a violation, such as a bribe, can place an employee in violation of the law as well.

Revolving Door Prohibition

The revolving door prohibitions impact a small number of university employees annually. Under the *Ethics Act* revolving door provisions, a university employee cannot accept employment or compensation from an entity if the employee personally and substantially participated in certain contracting, licensing, or regulatory decisions related to that entity within one year prior to the date of termination of university employment. The university does not generally make professional licensing or regulatory decisions but does make contracting decisions. Additionally, the prohibition extends for one year after the termination of employment.

Under these prohibitions, if during the year preceding departure of state/university employment, the employee participated personally and substantially in awarding of contracts to vendors with a cumulative value totaling \$25,000 or more, the employee, spouse, or immediate family members 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 or 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 (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 decision or not. [5 ILCS 430/5-45(h)]

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 www.inspectorgeneral.illinois.gov. 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 be subject to significant fines.

Knowledge Check

Tyrell thinks he was notified by the university Ethics Officer a while ago that he is subject to the revolving door prohibitions, but he's not positive.

Should he contact his university Ethics Officer?

- A. Yes, when unsure, the university Ethics Officer should be contacted.
- B. No, Tyrell should not worry about the prohibitions.

The correct response is A.

Explanation of the Answer:

Employees who are unsure of whether or not the prohibitions apply to them should contact their university Ethics Officer. The revolving door prohibitions only generally affect a select group of university employees. Revolving door prohibitions restrict employees and their immediate family living with them from accepting non-state employment if they participated personally and substantially in awarding contracts with a cumulative value of \$25,000 or more, including change orders, within the previous year, to the prospective employer. Individuals

subject to the prohibitions are notified by their ethics officer and are required to confirm their receipt of this notification. Prior to seeking and accepting non-state employment, individuals meeting the requirements of the prohibition should consult the university Ethics Officer regarding the OEIG's process for seeking a determination regarding such opportunities.

Statement of Economic Interests

The Statement of Economic Interests form is a disclosure required by the Illinois *Governmental Ethics Act* (5 ILCS 420) to be filed with the Office of the Secretary of State. A select population of University of Illinois 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 via email (for those who filed online in a prior year) or a home mailing (those filing for the first time are sent a mailing to their home address containing their account and password detail).

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 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*.

Ill. Exec. 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

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). [IL Procurement Code, 30 ILCS 500/50-39].

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. [30 ILCS 500/50-40 and 45].

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 [30 ILCS 500/50-15].

Penalties within the *Ethics Act*

Penalties for violations of ethics-related laws, rules, and policies by university employees are dependent upon the specific circumstances. Penalties may include administrative action up to and including termination of employment. In addition, the EEC may levy administrative fines of up to \$5,000 for certain violations of the *Ethics Act*. Illegal acts, such as bribery or official misconduct, may result in criminal prosecution.

Part II. 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* 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 not an unauthorized alien 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.

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.

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".

(General) Harassment Defined

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, or citizenship 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

Using slang "nicknames" that denote co-workers' race, ethnicity, cultural heritage, religion, sex or age is okay, as long as it is done in a joking manner.

Is the above statement True or False?

The correct response is False.

Explanation of the Answer:

Harassment depends on how the conduct is received, not on intent. Such behavior may be considered harassment in the workplace.

Sexual Harassment

Sexual harassment means any repeated 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.

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 nonemployee, nonmanagerial employee, or nonsupervisory employee.

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

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

Knowledge Check

Sexual harassment is not limited to physical contact. It can occur any time that an individual is uncomfortable with another person's approaches, comments or discussions.

Is the above statement True or False?

The correct response is True.

Explanation of the Answer:

Sexual harassment is not limited to physical contact and includes verbal statements, suggestive media, and can be online.

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

Definitions as provided within the *Illinois Human Rights Act* at [775 ILCS 5/1-103](#) 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

This 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.

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;
- failure 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

Following candidate job interviews, an individual on the search team indicated they were not interested in making an offer to “the Brit” because of a previous experience with an employee from Britain.

Could not hiring someone because of where they were born be unlawful discrimination?

- A. Yes, this could be discrimination.
- B. No, this would not be considered discrimination.

The correct response is Yes.

Explanation of the Answer:

An employer may be discriminating if they refuse to hire, segregate, engage in harassment or act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of national origin.

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. As mentioned previously, the OEIG can be reached via:

- toll-free hotline at 866-814-1113,
- the Internet at: www.inspectorgeneral.illinois.gov, or
- a telecommunications device for the deaf at 888-261-2734

Remember, as discussed earlier, you may always contact your University Ethics Officer at ethicsofficer@uillinois.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 Title IX Coordinator or the Office for Office of Access & Equity, Office of Access and Equal Opportunity, or Office of Diversity, Equity, & Inclusion.

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. (Please note: this process is not confidential.) 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.

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 at <https://www2.illinois.gov/sites/sexualharassment/Pages/default.aspx>. 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

100 W. Randolph St.,
Ste.10-100
Chicago, IL 60601
312-814-6200
866-740-3953 (TTY)

Springfield

535 W. Jefferson, 1st Floor
Springfield, IL 62702
217-785-5100
866-740-3953 (TTY)

Marion

2309 W. Main St.
Marion, IL 62959
618-993-7463
866-740-3953 (TTY)

Whistleblower Protection

The *Ethics Act* (5 ILCS 430/15), the *Human Rights 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

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

- 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

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 can report to their supervisor, university Ethics Officer, or the OEIG. Additionally, if the report is of retaliation resulting from a report of sexual harassment, harassment, or discrimination, the employee has an additional option of reporting to the IDHR.

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*, 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.

The *Illinois Human Rights Act* states 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).

Penalties within the *Ethics Act*

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.

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 alleging sexual harassment to the OEIG, EEC, or to certain law enforcement agencies or officials is guilty of a misdemeanor, as well as receiving a potential fine of up to \$5,000 from the EEC for intentionally obstructing or interfering with an OEIG investigation.

Per the *Ethics Act*, the EEC may levy a fine of up to \$5,000 against any person who intentionally makes a false, frivolous, or bad faith allegation, including an allegation of harassment, discrimination, or sexual harassment, or who intentionally obstructs or interferes in an OEIG investigation.

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*. Please note that continued employment as an undergraduate student worker, extra help employee, or medical resident will require you to complete these *Ethics Act* trainings each calendar year.

If you have any questions or concerns, please contact the University Ethics and Compliance Office via email at: ethicsofficer@uillinois.edu or on the Ethics Line at: 866-758-2146.

Remember, inspiring integrity at the University of Illinois requires each and every employee's dedication. Please do your part by reporting fraud, waste, abuse, mismanagement, misconduct, conflicts of interest, lack of compliance, sexual harassment, harassment, discrimination or other violations of federal law, state law, contractual agreements or University policy.



2021 Ethics Act Orientation Summary

I certify that I have carefully read and reviewed the content of, and completed, the 2021 Ethics Act Orientation Summary. Furthermore, I certify that I understand 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 state 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):

University Identification Number (UIN):

To be properly credited for training completion, please complete and return this signature page to the University of Illinois Ethics and Compliance Office via US Mail at:

University Ethics and Compliance Office
Human Resources Building, Room 20
One University Plaza, MS HRB 20
Springfield, IL 62703-5407

If you are on the Urbana-Champaign or Chicago campus, please do not place the form in campus mail, as it will not be delivered to our office.