

APPROVED
DECEMBER 12, 2017

Item #V-22
December 12, 2017

**PROPOSED AMENDMENTS TO PERSONNEL POLICIES FOR PUBLIC
UNIVERSITIES AND BOARD OF HIGHER EDUCATION**

Submitted for: Action.

Summary: This item submits for Board action proposed amendments to the personnel policies for public universities and the Board of Higher Education. The personnel policies were first adopted by the Board in 2004, pursuant to the State Officials and Employees Ethics Act.

Last month the General Assembly passed and the Governor signed into law new legislation to amend the State Officials and Employees Ethics Act regarding a prohibition on sexual harassment by State officers and employees. Public Act 100-554 provides that the personnel policies for public universities and Board of Higher Education shall include these new policies within 30 days after the effective date of November 16, 2017.

Action Requested: That the Illinois Board of Higher Education adopt the proposed amendments to the personnel policies for the Board and state universities as presented in this item.

STATE OF ILLINOIS
BOARD OF HIGHER EDUCATION

**PROPOSED AMENDMENTS TO PERSONNEL POLICIES FOR
PUBLIC UNIVERSITIES AND BOARD OF HIGHER EDUCATION**

The Board of Higher Education first adopted personnel policies on February 3, 2004 pursuant to Section 5-5 of the State Officials and Employees Ethics Act (5 ILCS 430). The Act requires the Board to adopt personnel policies for public universities and for the Board and its staff. The policies must include, but are not limited to, the following: (1) work time requirements; (2) documentation of time worked; (3) documentation for reimbursement for travel on official State business; (4) compensation; and (5) the earning or accrual of State benefits for all State employees who may be eligible to receive those benefits.

The personnel policy requirements of Section 5-5 of the State Officials and Employees Ethics Act were expanded by Public Act 100-554 to include, at a minimum:

- (1) a prohibition on sexual harassment;
- (2) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Department of Human Rights;
- (3) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the State Officials and Employees Ethics Act, the Whistleblower Act, and the Illinois Human Rights Act; and
- (4) the consequences of a violation of the prohibition on sexual harassment and the consequences for knowingly making a false report.

These new policies are to be included in the personnel policies for public universities and the Board of Higher Education no later than 30 days after November 16, 2017.

In addition, the new legislation requires each State officer, member, and employee to complete, at least annually beginning in 2018, a sexual harassment training program. The training programs for the public universities and the Board of Higher Education shall be overseen by the Executive Ethics Commission and Office of the Executive Inspector General. Proof of completion must be submitted to the applicable ethics officer. Annual compliance reports are required along with the names of individuals who fail to complete the training.

Attached is the proposed amendment for both sets of personnel policies. The personnel policies, as amended, will be filed with the Executive Ethics Commission pursuant to the State Officials and Employees Ethics Act.

Staff Recommendation

Staff recommends the adoption of the following resolution:

The Illinois Board of Higher Education hereby adopts the amendments to the personnel policies for the public universities and to the personnel policies for the Board of Higher Education as provided in this agenda item.

ATTACHMENT

Prohibition on Sexual Harassment

Pursuant to the State Officials and Employees Ethics Act (5 ILCS 430, as amended by Public Act 100-554), public universities and the Board of Higher Education must, at a minimum, implement the following policies and practices to prohibit sexual harassment, effective on or before December 15, 2017.

All persons have a right to work in an environment free from sexual harassment. All persons subject to the personnel policies of the public universities and the Board of Higher Education are prohibited from sexual harassing any person, regardless of any employment relationship or lack thereof.

For purposes of this policy, “sexual harassment” means any unwelcome sexual advances or 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 work environment. For purposes of this definition, 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.

In addition, the public universities and the Board of Higher Education shall take further steps to ensure the following are provided:

- 1) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Department of Human Rights;
- 2) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the State Officials and Employees Ethics Act, the Whistleblower Act, and the Illinois Human Rights Act; and
- 3) the consequences of a violation of the prohibition on sexual harassment and the consequences for knowingly making a false report.

Pursuant to Section 50-5 of the State Officials and Employees Ethics Act, any person who violates the prohibition on sexual harassment is subject to discipline or discharge by the appropriate ultimate jurisdictional authority. Each violation is a separate offense. Any penalty imposed by an ethics commission shall be separate and distinct from any fines or penalties imposed by a court of law or a State or federal agency.

