

## **Board Policy 805: Relations between College Personnel and the Public - Gifts to IVCCD Personnel**

### **Community Relations**

The following rules are adopted pursuant to Chapter 68B of the 2011 Code of Iowa and will apply to all members of the Board of Directors and employees of the Iowa Valley Community College District. The purpose of this policy is to implement Chapter 68B of the Code of Iowa, by regulating gifts to District employees and directors from those doing or seeking to do business with the District, those engaged in activities regulated or controlled by the District, and those who have interests which may be substantially and materially affected by the performance or non-performance of the recipient's official acts.

- 1) Conflicts of interest on the part of Board members and employees of the District are to be avoided, and compliance with the provisions of Iowa law on such subject, as set forth in Chapter 68B of the Code of Iowa, is required. A copy of the pertinent provisions of Chapter 68B is available in the District Office.
- 2) Board members may receive a gift on behalf of the District as stated in Section 279.42 of the Code of Iowa.
- 3) Board members and employees of the District and their immediate family members shall not, either directly or indirectly, solicit, accept or receipt a gift, series of gifts, or an honorarium unless the donor does not meet the definition of "restricted donor" stated below or the gift or honorarium does not meet the definition of "gift" or "honorarium" stated below:
  - a) A "restricted donor" is defined as a person or other entity who is in any of the following categories:
    - i) Is or is seeking to be a party to any one or any combination of sales, purchases, leases or contracts to, from, or with the District in which the recipient holds office or is employed.
    - ii) Will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or nonperformance of the recipient's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry or region.
    - iii) Is personally, or is the agent of a person who is, the subject of or a party to a matter which is pending before the District and over which the recipient has discretionary authority as part of the recipient's official duties or employment within the District.
    - iv) Is a lobbyist or a client of a lobbyist with respect to matters within the recipient's jurisdiction.

- b) A “gift” is the rendering of anything of value in return for which legal consideration of equal or greater value is not given and received. However, “gift” does not include any of the following:
- i) Contributions to a candidate or a candidate’s committee.
  - ii) Informational material relevant to the recipient’s official functions, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.
  - iii) Anything received from anyone related within the fourth degree kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.
  - iv) An inheritance.
  - v) Anything available or distributed to the general public free of charge without regard to the official status of the recipient.
  - vi) Items received from a bona fide charitable, professional, educational or business organization to which the recipient belongs as a dues paying member, if the items are given to all members of the organization without regard to individual members’ status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received.
  - vii) Actual expenses of a recipient for food, beverages, registration, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the recipient has participation or presentation responsibilities.
  - viii) Plaques or items of negligible resale value given as recognition for the public services of the recipient.
  - ix) Food and beverages provided at a meal that is part of a bona fide event or program at which the recipient is being honored for public service.
  - x) Nonmonetary items with a value of three dollars or less that are received from any one donor during one calendar day.

- xi) Items or services solicited by or given to a state, national or regional government organization in which the state of Iowa or the District is a member for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given to state, national or regional government organizations, whose memberships and officers are primarily composed of state or local government officials or employees, for purposes of a business or educational conference, seminar or other meeting.
- xii) Items or services received by members or representatives of members as part of a regularly scheduled event that is part of a business or educational conference, seminar, or other meeting that is sponsored and directed by any state, national or regional government organization in which the state of Iowa or a political subdivision of the state of Iowa is a member, or received at such an event by members or representatives of members of state, national, or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees.
- xiii) Funeral flowers or memorials to a church or nonprofit organization.
- xiv) Gifts which are given to the recipient for recipient's wedding or twenty-fifth or fiftieth wedding anniversary.
- xv) Payment of salary or expenses by the recipient's employer or the firm in which the recipient is a member for the cost of attending a meeting of a subunit of an agency when the person whose expenses are being paid serves on a board, commission, committee, council, or other subunit of the agency and the person is not entitled to receive compensation or reimbursement of expenses from the District for attending the meeting.
- xvi) Gifts of food, beverages, travel or lodging if all of the following apply:
  - (1) The recipient is officially representing the District in a delegation whose sole purpose is to attract a specific new business to locate in the state, encourage expansion or retention of an existing business already established in the state or to develop markets for Iowa businesses or products.

- (2) The donor of the gift is not the business or businesses contacted. However, food or beverages provided by the business or businesses being contacted which are consumed during the meeting do not constitute “gifts” as defined above.
  - (3) The recipient plays a significant role in the presentation to the business or businesses on behalf of the District.
  - (4) Gifts other than food, beverages, travel and lodging received by the recipient from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the recipient.
  - (5) Actual registration costs for informational meetings or sessions which assist the recipient in the performance of the recipient’s official functions. The costs of food, drink, lodging and travel are not “registration costs” under this paragraph. Meetings or sessions which are attended for personal or professional licensing purposes are not “informational meetings or sessions which assist a public official or public employee in the performance of the person’s official functions” under this paragraph.
- c) For purposes of determining the value of an item given or received, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value of an item received shall be the value actually received by the recipient.
  - d) An “honorarium” is anything of value that is accepted or given as consideration for an appearance, speech or article. An “honorarium” does not include any of the following:
    - i) Payment of actual expenses of a recipient for registration, food, beverages, travel, and lodging, paid in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the recipient has participation or presentation responsibilities.
    - ii) A nonmonetary item or series of nonmonetary items donated by the recipient within thirty days to a public body, a bona fide educational or charitable organization, or the department of administrative services.

- iii) A payment made to the recipient for services rendered as part of a bona fide private business, trade, or profession in which the recipient is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a board member, official or employee of the District, but, rather, because of some special expertise or other qualification.
- 4) It will be the responsibility of each Board member or employee of the District to know when it is appropriate to accept or reject gifts or honorariums.

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Legal Reference

Iowa Code 68B, 279.42

Related Administrative Rules and Regulations

None

Revision History

January 14, 2015; March 14, 2012; March 13, 2011; April 12, 1995