

Policy Title: **Gifts and Honoraria to District Employees and Their Families** Policy #410.1

Employees shall not, either directly or indirectly, solicit, accept, or receive any gift, series of gifts or an honorarium unless the donor does not meet the definition of a “restricted donor,” as stated below, or the gift or honorarium does not meet the definition of “gift” or an “honorarium” stated below. However, employees may receive nonmonetary gifts of a value less than \$3.00 if the donor does not intend to influence the employee's professional judgment. Employees may receive a gift on behalf of the district.

A "restricted donor" is defined as a person or other entity which:

1. Is seeking to be or is a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the district;
2. Is engaged in activities, which are regulated or controlled by the district;
3. Will be directly and substantially affected financially by the performance or non-performance of the employee'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; or
4. Is a lobbyist or client of a lobbyist with respect to matters within the district's jurisdiction.

A "gift" for purposes of this policy shall include anything of value in return for which legal consideration of equal or greater value is not given. The following, however, are not considered “gifts” under state law and will not be prohibited:

- (1) a contribution to a candidate or a candidate’s committee; or
- (2) informational material relevant to the employee’s official functions, such as books, pamphlets, reports, documents, periodicals or other information that is recorded in a written, audio, or visual format; or
- (3) anything received from a person related to the employee within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary; or
- (4) an inheritance; or
- (5) anything available or distributed free of charge to the public generally without regard to the employee’s status as an employee of the district; or
- (6) items received from a bona fide charitable, professional, educational, or business organization to which the employee belongs as a dues paying member, if the items are given to all members of the organization without regard to the individual member's status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received; or
- (7) actual expenses for food, beverages, registration, travel, and lodging for a meeting which is given in return for the employee's participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day(s) on which the employee has participation or presentation responsibilities; or
- (8) plaques or items of negligible resale value given as recognition for public services; or

- (9) nonmonetary items with a value of \$3.00 or less received from one donor during one calendar day; or
- (10) items or services solicited by or given to, a state, national, or regional government organization in which the district is a member for purposes of a business or educational 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; or
- (11) a state, national, or regional government organization whose membership and officers are primarily composed of state or local government officials or employees; or
- (12) items or services received 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 organization in which the district is a member, or received at such an event by members or representatives of members of state, national, or regional government organizations whose membership and officers are primarily comprised of state or local government officials or employees; or
- (13) funeral flowers or memorials to a church or nonprofit organization; or
- (14) gifts for an employee's wedding or 25th or 50th wedding anniversary; or
- (15) gifts other than food, beverages, travel and lodging received by an employee which are received 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; or
- (16) actual registration costs for informational meetings or sessions which assist the employee in the performance of the person's official functions. The costs of food, drink, lodging, and travel are not "registration costs" under this paragraph. Meetings or sessions which the employee attends for personal or professional licensing purposes are not "informational meetings or sessions" under this paragraph.

An "honorarium" for purposes of this policy means anything of value that is accepted by, or on behalf of, an employee of the district, as consideration for an appearance, speech, or article. However, the following "honoraria" may be accepted:

- (1) payment of actual expenses for registration, food, beverages, travel, and lodging when the expenses relate directly to the day(s) on which the employee has participation or presentation responsibilities; or
- (2) a non-monetary item or series of nonmonetary items if the employee donates the item within 30 days to a public body, a bona fide educational or charitable organization, or the department of administrative services of the State of Iowa; or
- (3) a payment made to the employee for services rendered as part of the employee's private business, trade, or profession if the payment is commensurate with the actual services rendered and is not made because of the person's status as an employee of the district but, rather, because of the employee's special expertise or other qualifications.

It shall be the policy of the district to encourage students and their parents to donate an item for the district or for a classroom or activity in lieu of donating gifts personally to an employee.

This policy shall not, however, prohibit district employees from receiving nonmonetary gifts from or on behalf of students or groups of students for special occasions such as holidays, retirement, end of sessions, or periods of illness, provided the gift is not of excessive value and is not given to influence the employee's judgment in professional or official matters, but rather is given as a token of appreciation. No employee shall accept a monetary gift from or on behalf of a student or group of students. It is the intent of the board that district officials and employees be extremely cautious and circumspect about accepting any gratuity, favor, or gift. The acceptance of personal benefits raises suspicions that tend to undermine public trust.

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