

BOARD OF DIRECTORS

Series 200

POLICY TITLE GIFTS AND HONORARIA TO DISTRICT BOARD MEMBERS OFFICIALS, EMPLOYEES AND THEIR FAMILIES No. 217

Per the guidelines outlined in this policy, board members and school employees may accept a gift on behalf of the school district.

No board member, employee or official of the District, or member of a board member's, employee's or official's immediate family (spouse or dependent children) shall either directly or indirectly solicit, accept, or receive any gift or series of gifts, nor shall any board member, employee or official of the District accept an honorarium unless the donor does not meet the definition of "restricted donor" stated below or the gift of honorarium does not meet the definition of gift or honorarium stated below.

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

- 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 school district;
- Will be directly and substantially affected financially by the performance or nonperformance of the board member'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
- Is a lobbyist or a client of a lobbyist with respect to matters within the school district's jurisdiction.

A "gift" for purposes of this policy shall include anything of value from a restricted donor in return for which legal consideration of equal or greater value is not given. However, the following gifts will not be prohibited:

- 1) Contributions to a candidate; or
- 2) Informational material relevant to a board member's official function, 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 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; or
- 6) Items received from a bona fide charitable, professional, educational or business organization to which the board member, employee or official belongs as a dues paying member if the items are given to all members of the organization without regard to an 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 of a board member for food, beverages, travel and lodging for a meeting, which is given in return for board member's, official's or employee's participation in panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the board member, official or 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 less than three dollars that are received from any one donor during one calendar day; or
- 10) Items or services solicited by or given to, for purposes of a business or educational meeting, a state, national or regional government organization in which district is a member for purposes of a business or educational meeting; a state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees; or
- 11) Items or services as part of a regularly scheduled event that is part of a business or educational conference, 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 memberships and officers are primarily comprised of state or local government officials or employees; or
- 12) Funeral flowers or memorials to a church or nonprofit organization; or
- 13) Gifts for a board member's, official's or employee's wedding or twenty-fifth or fiftieth wedding anniversary; or
- 14) Payment of salary or expenses by the District for the cost of attending a meeting of a subunit of an agency when the employee whose expenses are being paid serves on a board, commission, committee, council or other subunit of the agency and the employee is not entitled to receive compensation or reimbursement of expenses from the District for attending the meeting; 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 a board member, official or 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 a board member, official or 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, a board member, official or 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 board member, official or employee has participation or presentation responsibilities; or
- 2) A nonmonetary item if the board member, official, or employee donates the item within thirty days to a public body, bona fide educational or charitable organization or the department of general services of the State of Iowa; or
- 3) A payment made to a board member, official, or employee for services rendered as a part of the board member's, official's or employee's private business, trade or profession if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a public official or public employee but, rather, because of the board member's, official's or employee's special expertise or other qualifications.

This policy shall not prohibit District employees from receiving 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. It is the responsibility of each board member and employee to know when it is appropriate to accept or reject gifts or an honorarium.

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.

If an employee receives a non-monetary gift from a restricted donor the employee does not violate the gift law or this policy if the employee, within 30 days of receipt, donates the gift to the District.

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.

Legal References: Iowa Code ch. 68B.
1972 Op. Att'y Gen. 276.
1970 Op. Att'y Gen. 319.

Cross References: 203 Board of Directors' Conflict of Interest
402.4 Gifts to Employees
704.4 Gifts - Grants – Bequests

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