

# BOARD POLICY

WESTERN IOWA TECH COMMUNITY COLLEGE

Series Number 203.5

Title Board Members

## Gifts to Board Members

Board members may receive a gift on behalf of the College. Board members shall not, either directly or indirectly, solicit, accept, or receive 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 "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 College;
- 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 College's jurisdiction.

A "gift" is the giving of anything of value in return for which something of equal or greater value is not given or received. However, "gift" does not include any of the following:

- Contributions to a candidate or a candidate's committee;
- Information 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;
- Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;
- An inheritance;
- Anything available or distributed to the general public free of charge without regard to the official status of the Board recipient;
- Items received from a charitable, professional, educational, or business organization to which the Board member 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;
- Actual expenses of a Board member for food, beverages, 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 Board member has participation or presentation responsibilities;
- Plaques or items of negligible resale value given as recognition for public service;
- Nonmonetary items with a value of \$3 or less that are received from any one donor during one calendar day;

# BOARD POLICY

WESTERN IOWA TECH COMMUNITY COLLEGE

Series Number 203.5

Title Board Members

## Gifts to Board Members (continued)

- Items or services solicited or given to a state, national, or regional organization in which the state of Iowa or a community college 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;
- 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;
- Funeral flowers or memorials to a church or nonprofit organization;
- Gifts which are given to a public official for the public official's wedding or 25th or 50th wedding anniversary;
- Payment of salary or expenses by a Board member's employer or the firm in which the Board member is a member for the cost of attending a meeting of a subunit of an agency when the Board member whose expenses are being paid serves on a board, commission, committee, council, or other subunit of the agency and the Board member is not entitled to receive compensation or reimbursement of expenses from the College;
- Gifts of food, beverages, travel, or lodging if all of the following apply:
  - 1) The public official or public employee is officially representing an agency in a delegation the sole purpose of which 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 being contacted. However, food or beverages provided by the business or businesses being contacted which are consumed during the meeting are not a gift as defined in Section 68B or herein.
  - 3) The public official or public employee plays a significant role in the presentation to the business or businesses on behalf of the public official's or public employee's agency.
- Gifts other than food, beverages, travel, and lodging received by a Board member which are received from a person who is a citizen of a country other than the United States and are given during a ceremonial presentation or as a result of a custom of the other country and are of personal value only to the Board member; or

# BOARD POLICY

WESTERN IOWA TECH COMMUNITY COLLEGE

Series Number 203.5

Title Board Members

## Gifts to Board Members (continued)

- Actual registration costs for informational meetings or sessions which assist a public official or public 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 public official or public employee attends 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.

An "honorarium" is anything of value that is accepted by, or on behalf of, a Board member as consideration for an appearance, speech, or article. An honorarium does not include any of the following:

- Actual expenses of a Board member for registration, food, beverages, travel, or lodging for a meeting, which are given 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 Board member has participation or presentation responsibilities;
- A nonmonetary gift or series of nonmonetary gifts donated within thirty days to a public body, an educational or charitable organization, or the department of general services; or
- A payment made to a Board member for services rendered as part of a private business, trade, or profession in which the Board member 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 but, rather, because of some special expertise or other qualification.

It shall be the responsibility of each Board member to know when it is appropriate to accept or reject gifts or honorariums.

page 3 of 3

Date of adoption 12/21/87

Legal Reference: (Code of Iowa)

Date of last revision \_\_\_\_\_

Chapter 68B (1995).

Date of current revision 1/8/96

1972 Opinion Attorney General 276.

1970 Opinion Attorney General 319.

Related Administrative Procedures and Cross References: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_