

College Procedure: 400.8 – Iowa Gift Law

Policy Reference: 400 – Employee Ethics and Conduct
Responsible Department: Human Resources
Approval Authority: Cabinet
Procedure Owner: Vice President, Human Resources
Effective Date: 10/19/2011

Version Number: 3
Legal Counsel Reviewed (yes/no): No
Scope: College-wide

Reason for Procedure

This procedure explains the Iowa Gift Law and its application to employees of public institutions.

The Procedure

The Iowa Gift Law prohibits a public employee or the employee's immediate family member from soliciting, accepting, or receiving, directly or indirectly, any gift or series of gifts from a "restricted donor." A restricted donor is someone who does business or wishes to do business with a public institution and offers a "gift" to an employee of that institution. The Iowa Gift Law applies to all public employees, including employees of Kirkwood Community College.

There are some exceptions to the prohibitions in the Gift Law. The exceptions that would most commonly occur with college employees include:

- Nonmonetary items with a value of three dollars (\$3.00) or less received from any one restricted donor during one calendar day.
 - *Note: Gift baskets from vendors need to either be returned to the vendor or shared in a public area within the department in order to stay below the \$3.00 threshold per employee. Gift baskets cannot be taken home by employees.*
- 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.
- Anything available or distributed free of charge to members of the public without regard to the official status of the recipient.
- Actual expenses for food, beverages, registration, travel, and lodging for a meeting.
 - *Note: The most common exception an employee may encounter is acceptance of food or beverage, such as lunch provided by a restricted donor. This is acceptable when the*

expense for food and beverages is given in return for the employee's participation in a panel or speaking engagement. The food and beverages must be provided during the event and relate directly to the day or days on which the employee has participation or presentation responsibilities. The same rules apply to registration, travel, and lodging expenses.

The consequences for violating the Gift Law are severe. A person who knowingly and intentionally violates the Gift Law may be punished in ALL of the following ways:

- Both donor and recipient are guilty of a serious misdemeanor. Serious misdemeanors are punishable by up to one-year incarceration and a fine between \$430 and \$2,560.
- The Gift Law specifically gives the public employer permission to discipline or terminate the employee who solicits or accepts a gift in violation of this law.
- Finally, violation of the Gift Law is a violation of the Board of Educational Examiner's Code of Ethics. Therefore, the public employee who is also licensed by the Board of Education could lose his or her license.

References

IOWA GIFT LAW (IOWA CODE CHAPTER 68B)

Definitions

Gift:

ANYTHING OF VALUE GIVEN TO YOU FOR WHICH YOU DID NOT GIVE SOMETHING OF EQUAL OR GREATER VALUE IN RETURN.

Restricted Donor:

A PERSON OR COMPANY WHO IS OR IS SEEKING TO BE A PARTY TO A SALE, PURCHASE, LEASE, OR OTHER TYPE OF CONTRACT WITH THE EMPLOYER OF THE PUBLIC EMPLOYEE

SOMEONE WHO DOES BUSINESS OR IS SEEKING TO DO BUSINESS WITH A GOVERNMENT OFFICE AND IS OFFERING A GIFT TO AN EMPLOYEE OF THE GOVERNMENT OFFICE.

Revision Log

Table 1 Revision Log

Version Number	Date Approved	Approved by	Description of Change
1	10/19/2011	Jim Choate, Vice President, Finance	New procedure
2	05/15/2017	Mick Starcevich, President	New template
3	07/11/2019	Cabinet	Procedure template
4	07/11/2019	Cabinet	Updated