

College Procedure: 902.1 – Iowa Gift Law

Policy Reference: 900 – Gifts
Responsible Department: Human Resources
Approval Authority: Cabinet
Procedure Owner: Vice President, Human Resources and Institutional Effectiveness
Effective Date: 10/19/2011

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

Reason for Procedure

The Iowa Gift Law prohibits a public employee or that person's immediate family member from accepting or receiving, directly or indirectly, any gift or series of gifts from a "restricted donor." The Iowa Gift Law applies to all public employees, including employees of Kirkwood Community College.

The Procedure

There are some exceptions to the prohibitions in the gift law. The exceptions that would most commonly occur regarding college employees are as follows:

- Nonmonetary items with a value of three dollars (\$3.00) or less received from any one donor during one calendar day.
- 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.

The most common situation 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 at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities.

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 \$250 and \$1500, plus 30% surcharge and court costs.
- The gift law specifically gives the public employer permission to terminate the employee who takes 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

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.

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