

Exhibit A

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

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EXECUTIVE
ETHICS COMMISSION

RICARDO MEZA,)
as Executive Inspector General for)
the Agencies of the Illinois Governor,)
)
Petitioner,)
)
v.)
)
LOU VAN DEN DRIES,)
also known as)
Laurentius P.D. van den Dries,)
)
Respondent.)

No. 11 EEC 009

STIPULATION AND SETTLEMENT AGREEMENT

NOW COMES the Petitioner, RICARDO MEZA, in his capacity as Executive Inspector General for the Agencies of the Illinois Governor, by and through his counsel, Lisa Madigan, Attorney General for the State of Illinois, and for his Verified Complaint against Respondent, LOU VAN DEN DRIES, also known as Laurentius P.D. van den Dries, by and through his counsel Joel D'Alba, of Asher, Gittler & D'Alba, Ltd., and stipulate and agree as follows:

WHEREAS, the Petitioner filed a complaint with the Executive Ethics Commission alleging violations of the Illinois State Officials and Employees Ethics Act entitled Ricardo Meza, in his capacity as Executive Inspector General for the agencies of the Illinois Governor v. Lou Van Den Dries, Executive Ethics Commission No. 11-EEC-009 (hereinafter referred to as the "Action");

WHEREAS, so as to avoid further expense and in recognition of the positions of the parties to the above case, the parties wish to settle and compromise the pending claims, as set forth herein;

IT IS HEREBY AGREED, by and between the parties as follows:

THE PARTIES

1. The Petitioner, Ricardo Meza, is the Executive Inspector General duly appointed by the Governor of the State of Illinois pursuant to subsection 20-10(b) of the Ethics Act. 5 ILCS 430/20-10(b).

2. The University of Illinois is a public institution of higher education, as defined by Section 2 of the Higher Education Cooperation Act, 110 ILCS 220/1 *et seq.* The University of Illinois and the Board of Trustees of the University of Illinois constitute State agencies as defined by Section 1-5 of the Ethics Act. 5 ILCS 430/1-5.

3. The Respondent, Lou van den Dries, also known as Laurentius P.D. van den Dries, is an "employee" of the Board of Trustees of the University of Illinois, as that term is defined by Section 1-5 of the Ethics Act. The Respondent is a tenured professor in the Department of Mathematics at the University of Illinois at Urbana-Champaign and is the chair of the Promotions and Tenure Committee of the Department of Mathematics. As a tenured member of the faculty, Respondent has all the rights and responsibilities of a tenured faculty member pursuant to the statutes and bylaws of the University of Illinois and the Illinois General Assembly.

JURISDICTION

4. This Commission has jurisdiction over matters arising under the Ethics Act as well as jurisdiction over the Respondent as an employee of a State agency. 5 ILCS 430/20-5(d). Pursuant to Subsection 20-15(2) of the Ethics Act, this Commission has the duty to conduct administrative hearings and rule on matters brought before it upon receipt of pleadings filed by the Petitioner as an Executive Inspector General. 5 ILCS 430/20-15(2).

ETHICS TRAINING

5. Subsection 5-10(a) of the Ethics Act provides, in pertinent part, that “[e]ach officer, member, and employee must complete, at least annually beginning in 2004, an ethics training program.” 5 ILCS 430/5-10(a).

6. Subsection 5-10(d) of the Ethics Act provides, in pertinent part, that, “[u]pon completion of the ethics training program, each officer, member, and employee must certify in writing that the person has completed the training program. Each officer, member, and employee must provide to his or her ethics officer a signed copy of the certification.” 5 ILCS 430/5-10(d).

THE 2006 ETHICS TRAINING PROGRAM

7. The University of Illinois Board of Trustees scheduled its 2006 online ethics training program for October 4, 2006, through November 2, 2006.

8. The Respondent intentionally failed to complete the 2006 online ethics training program during the scheduled period.

9. On March 29, 2007, the Respondent signed an Acknowledgment of Participation in Ethics Orientation for Noncompliant Employees of the Agencies of the Illinois Governor. The Respondent signed the document directly underneath the following language:

I have carefully read and reviewed the content of the Ethics Orientation for Noncompliant Employees of the Agencies of the Illinois Governor program and I understand its subject matter. Furthermore, I acknowledge that I am aware that ethics training is an annual requirement under the State Officials and Employees Ethics Act and that I am expected to complete such training when scheduled by the state. I also acknowledge awareness that my failure to appropriately complete such future annual training on a timely basis may result in disciplinary action, up to and including termination of state employment.

11. On or about July 6, 2007, the Respondent received a letter of reprimand from the dean of the UIUC College of Liberal Arts and Sciences for the Respondent's failure to complete the 2006 ethics training program by the deadline of December 31, 2006.

12. The Respondent intentionally violated the Ethics Act by failing to complete the 2006 ethics training program as required by subsection 5-10 of the Act. 5 ILCS 430/5-10.

THE 2007 ETHICS TRAINING PROGRAM

13. The University of Illinois Board of Trustees scheduled its 2007 online ethics training program for October 16, 2007, through November 14, 2007.

14. The Respondent intentionally failed to complete the 2007 ethics training program during the scheduled period and failed in 2007 to otherwise complete an ethics training program, as that term is used in Section 5-10 of the Ethics Act. 5 ILCS 430/5-10.

15. In a writing titled "ETHICS TRAINING IS WRONG," the Respondent wrote, in pertinent part,

(2) *Mandatory ethics training* for adults is an Orwellian concept and has no place in a civil and free society. It is Big Brother reducing us to the status of children. Symptoms: monitoring of the test taking, the "award" of a diploma for passing the test. It betrays a totalitarian urge on those in power to infantilize the rest of us.

An unfortunate byproduct of the computer revolution is that it has given new tools in the hands of unwise rulers to annoy us for no good reason. Rather than go meekly along, we should vigorously protest and resist whenever demeaning schemes like ethics training rear their ugly head.

(footnotes omitted).

16. On February 12, 2008, the Respondent signed an Acknowledgment of Participation in Ethics Orientation for Noncompliant Employees of the Agencies of the Illinois Governor. The Respondent signed the document directly underneath the following language, the last sentence having been stricken through by hand-drawn lines:

I have carefully read and reviewed the content of the Ethics Orientation for Noncompliant Employees of the Agencies of the Illinois Governor program and I understand its subject matter. Furthermore, I acknowledge that I am aware that ethics training is an annual requirement under the State Officials and Employees Ethics Act and that I am expected to complete such training when scheduled by the state. ~~I also acknowledge awareness that my failure to appropriately complete such future annual training on a timely basis may result in disciplinary action, up to and including termination of state employment.~~

18. On or about March 24, 2008, the Respondent received a letter of reprimand from the dean of the UIUC College of Liberal Arts and Sciences for the Respondent's failure to complete the 2007 ethics training program by the deadline of December 31, 2007.

19. The Respondent intentionally violated the Ethics Act by failing to complete the 2007 ethics training program as required by subsection 5-10 of the Ethics Act. 5 ILCS 430/5-10.

THE 2008 ETHICS TRAINING PROGRAM

20. The University of Illinois Board of Trustees scheduled its 2008 online ethics training program for October 16, 2008, through November 26, 2008.

21. The Respondent intentionally failed to complete the 2008 online ethics training program during the scheduled period and failed in 2008 to otherwise complete an ethics training program, as that term is used in Section 5-10 of the Ethics Act. 5 ILCS 430/5-10.

22. On November 21, 2008, the University of Illinois Chancellor wrote the Respondent the following e-mail message:

Dear Colleagues:

I have been informed that as of today (November 21, 2008) you have not completed your Ethics training as required by law. It is critically important that each employee of the Urbana campus complete the Ethics training in the time period allowed. This annual training is a good reminder of the rules and policies that apply to us as university employees. Please assist us in achieving 100% compliance with this requirement by completing your exam today. The final deadline to complete training in compliance with the law is 11:59 p.m. on November 26, 2008.

Very truly yours,

Richard Herman
Chancellor

On November 23, 2008, the Respondent wrote the following e-mail message in response:

Dear colleague,

Your message contains no evidence or reasoning as to why it is "critically important" that we subject ourselves to this annual ritual. It is therefore not what I consider as collegial discourse even though you address us as "colleagues". I find it critically important to refuse my collaboration with this Orwellian scheme, and I refer to the attached pdf file for a reasoned case against ethics training. Any comments on it would be very welcome. Let me just address here the one sentence in your message that relates to the merits of ethics training:

I can assure you that whenever I need to refresh my memory about rules and policies, I have access to numerous sources.

Yours sincerely,

Lou van den Dries
Professor of Mathematics

23. On February 27, 2009, the Respondent signed an Acknowledgment of Participation in Ethics Orientation for Noncompliant Employees of the Agencies of the Illinois Governor. The Respondent signed the document directly underneath the following language, the last sentence having been stricken through by hand-drawn lines:

I have carefully read and reviewed the content of the Ethics Orientation for Noncompliant Employees of the Agencies of the Illinois Governor program and I understand its subject matter. Furthermore, I acknowledge that I am aware that ethics training is an annual requirement under the State Officials and Employees Ethics Act and that I am expected to complete such training when scheduled by the state. ~~I also acknowledge awareness that my failure to appropriately complete such future annual training on a timely basis may result in disciplinary action, up to and including termination of state employment.~~

25. In a March 2, 2009, response to an e-mail from the University of Illinois Associate Provost for Human Resources concerning his failure to comply with the 2008 ethics training program, the Respondent wrote, in pertinent part:

Dear Associate Provost:

Two requirements of the Ethics Act, the time sheet requirement and the ethics test requirement, amount to petty tyranny and are particularly objectionable in an academic environment. The University has successfully resisted implementation of the time sheet requirement, and I encourage its administrative leadership to start resisting the ethics test as well.

I have signed and mailed the acknowledgment form that you emailed me, after crossing out the last sentence, which is an attempt to intimidate. (The rest is factual, and I don't mind acknowledging facts.)

...

If you wish to know in more detail why I think the ethics test is incompatible with a University environment, I would be happy to send you a carefully written argument.

Yours sincerely,

Lou van den Dries, CAS Professor of Mathematics.

26. On or about April 14, 2009, the Respondent received a letter of reprimand from the dean of the UIUC College of Liberal Arts and Sciences for the Respondent's failure to complete the 2008 ethics training program by the deadline of November 26, 2008.

27. The Respondent intentionally violated the Ethics Act by failing to complete the 2008 ethics training program as required by subsection 5-10 of the Ethics Act. 5 ILCS 430/5-10.

THE 2009 ETHICS TRAINING PROGRAM

28. The University of Illinois Board of Trustees scheduled its 2009 ethics training program for October 5, 2009, through November 4, 2009.

29. The Respondent intentionally failed to complete the 2009 ethics training program during the scheduled period and failed in 2009 to otherwise complete an ethics training program, as that term is used in Section 5-10 of the Ethics Act. 5 ILCS 430/5-10.

30. In an April 3, 2010, e-mail in response to a request to meet with him to take ethics training, the Respondent wrote the following:

Dear Sheldon,

I am on sabbatical at UCLA. Anyway, I consider this training illegitimate, have never done it, and will never do it. I'd get physically unwell in the attempt. I have decided that this year I will also refuse to sign the form acknowledging that I have been too late in doing this training (and which for mysterious reasons counts as having done it anyway).

My understanding is that as a tenured faculty member I am a citizen of an academic community rather than an employee, certainly in matters of this nature. Citizenship is incompatible with mandatory annual "ethics training."

Please forward this message to the dean. I don't mind the dean and other administrators communicating to me via you, but wonder if it isn't a bit inefficient. I'd be willing to discuss the *merits* of ethics training with deans and provosts, as long as it is clear that they are not my bosses (nor are you). Faculty cannot be ordered around as if they were part of a "chain of command". I am enjoying my sabbatical. Best,
Lou

31. The Respondent intentionally violated the Ethics Act by failing to complete the 2009 ethics training program as required by subsection 5-10(a) of the Ethics Act. 5 ILCS 430/5-10(a).

32. Despite his several protestations against the extension of the Ethics Act as applied to him, Respondent was presented a certificate of achievement for successfully completing on October 4, 2011, the ethics training for University employees.

33. Respondent stipulates that he will undertake the required ethics training for University employees as it is scheduled in the future, provided that he is an employee and tenured faculty member of the University of Illinois.

34. Respondent has taken ethics training and understands the necessity to do so in order to maintain his faculty position at the University of Illinois. His selection to the position of chair of the Promotions and Tenure Committee on or about March 14, 2012, was a recognition of

his integrity and willingness to follow the statutes and rules of the University in the deliberation of the most sensitive issues that involve the work life of an academic—promotion and tenure.

THE SETTLEMENT AGREEMENT

35. The Respondent agrees to timely complete any and all future ethics training within the time period in which such training must be completed.

36. The Respondent's failure to participate in training in the future would be a basis for further disciplinary action to be determined by the Executive Ethics Commission, ("Commission").

37. The Respondent has recently completed 2011 annual ethics training, and understands the nature of his obligation to continue to complete annual ethics training on an ongoing basis.

38. The Petitioner and Respondent agree that the circumstances of this case demonstrate sufficient mitigation of the allegations and an understanding by Respondent of the need for ongoing ethics training. Accordingly, the Petitioner and Respondent agree that a fine of \$500 would be an appropriate sanction in this matter, but recognize that the EEC is not bound by this recommendation and may impose any other fine which is appropriate.

39. The stipulations and agreements in this settlement agreement are intended to resolve all allegations that have been filed and which could have been filed against the Respondent for violations of the Ethics Act prior to the execution of this agreement.

40.. The Parties agree to submit an agreed motion for judgment to the Commission with no further briefing, unless requested by the Commission.

Lou van den Dries
Respondent

Ricardo Meza
Executive Inspector General
Office of Executive Inspector General
for the Agencies of the Illinois Governor

Joe D'Alba
Counsel for Respondent

5/18/12