

# Gifts and Benefits Rule

## Section 1 - Overview

(1) This Rule provides UNE Representatives a framework to be used in decision making about the offering and receiving of Gifts and Benefits in the course of their official duties. Accordingly, staff should recognize and avoid any situations which may affect their integrity and objectivity by being cautious of undue benefits or preferential treatment in the course of their employment.

## Section 2 - Scope

(2) This Rule applies to all UNE Representatives.

## Section 3 - Rule

### Principles

(3) The University and its staff are placed in a position of trust and should always act in ways which maintain public confidence in the University. Consequently, it is not appropriate for staff to offer or accept Gifts and Benefits that affect, may be likely to affect, or could reasonably be perceived to affect, the performance of their duties. If a staff member is unsure as to whether a Gift or Benefit can be offered or accepted, and if so what responsibilities follow, reference should be made to this Rule and advice sought from their Supervisor.

(4) This Rule distinguishes between five types of Gifts and Benefits:

- a. Nominal Gifts or Benefits;
- b. Significant Gifts or Benefits;
- c. Monetary Gifts or Benefits;
- d. Political Donations; and
- e. Corporate Gifts.

(5) University staff will not:

- a. Ask for or encourage the giving of any form of Gift or Benefit in connection with the performance of their duties
- b. Offer or accept any monetary Gift or Benefit.
- c. Offer or accept any Gift or Benefit which could create a Conflicts of Interest or be perceived by a reasonable person to create such a conflict. Examples of Gifts or Benefits creating such a Conflicts of Interest may include but are not limited to these examples:
  - i. A staff member responsible for purchasing consumables receives a Gift from a sales representative of a supplier company.
  - ii. A staff member responsible for managing a project receives a Gift from a representative of a company that may potentially provide services for the project.
  - iii. A staff member accepting offers of hospitality by a potential bidder to a tender process.

- iv. A member of staff that is responsible for the assessment of students of the University accepting a Gift from a Student.
- d. Make any Political Donations in connection with the University. Examples of Political Donations may include but are not limited to are:
  - i. A donation of money to a political party or affiliate;
  - ii. A contribution, entry fee or other payment to participate in a political fundraiser and payment forms part of the proceeds of the event;
  - iii. A subscription to a political party or affiliate;
  - iv. Non cash payments such as gifts or prizes for a political fundraiser or purchasing items at a political fundraiser; or
  - v. Provision of services free of charge or discounted rate, for example use of University facilities for a political event.

(6) The monetary limit applied to the types of Gifts and Benefits is cumulative from any one source during the calendar year. This means that a staff member receiving multiple Gifts from the one source will as each Gift is received need to account for the cumulative value of the Gifts or Benefits in order to determine what type of benefit it will fall into.

(7) Nominal Gifts and Benefits and Significant Gifts and Benefits, other than Monetary Gifts, may be offered or accepted, provided that the following conditions are satisfied:

- a. The procedures under this Rule are complied with, including those in relation to declaring the Gift or Benefit; and
- b. The Gift or Benefit does not infringe the general principles set out in paragraphs 3 and 5 of this Rule; and
- c. Paragraph 11 of this Rule does not apply.

(8) Corporate Gifts represent Gifts that are offered or received by the University. They are not Gifts that are associated with an individual staff member. Corporate Gifts received by a staff member in the process of representing the University as part of their official duties, will remain the property of the University.

(9) The University will maintain a register of Gifts and Benefits. This register will record all Gifts and Benefits offered or received by staff of the University.

(10) Gifts or Benefits, either offered or received by a University Representative, whether accepted or not, must be declared and the procedures under this Rule complied with.

(11) UNE Representatives in areas within the University that are heavily involved in procurement or are at a high risk of a Conflicts of Interest or a perceived Conflicts of Interest, are not permitted to offer or receive gifts or benefits whatsoever. These areas include:

- a. Estate and Built Environment;
- b. Strategic Procurement;
- c. Finance; and
- d. Technology and Digital Services.

## **Authority and Compliance**

(12) The Vice-Chancellor and Chief Executive Officer, pursuant to Section 29 of the [University of New England Act](#), makes this University Rule.

(13) UNE Representatives must observe it in relation to University matters.

(14) The Rule Administrator, the Director Governance and University Secretary, is authorised to make Policies and associated information for the operation of this University Rule. The Policies and associated information must be compatible with the provisions of this Rule.

(15) This Rule operates as and from the Effective Date.

(16) Previous policy on Gifts and Benefits and related documents are replaced and have no further operation from the Effective Date of this new Rule.

(17) Notwithstanding the other provisions of this University Rule, the Vice-Chancellor and Chief Executive Officer may approve an exception or exemption(s) to this Rule where the Vice-Chancellor and Chief Executive Officer determines the application of the Rule would otherwise lead to an unfair, unreasonable or absurd outcome. Exemptions will be developed as Associated Documents to this Rule. Approvals by the Vice-Chancellor and Chief Executive Officer under this clause must be documented in writing and must state the reason for the exception/exemption.

## **Section 4 - Definitions**

For the purposes of this Rule the following definitions apply.

(18) Corporate Gifts — These are Gifts received or given on behalf of the University.

(19) Fair Market Value — Means the reasonable retail value of the gift or benefit.

(20) Gifts and Benefits - These are goods or services that are offered or received free of charge or at a discounted rate.

(21) Monetary Gifts — These are Gifts or Benefits that are currency or easily converted into currency such as shares.

(22) Nominal Gifts or Benefits — These are Gifts or Benefits with a fair market value of less than \$300.

(23) Significant Gifts or Benefits — These are Gifts or Benefits with a fair market value of \$300 or more.

## Status and Details

|                    |   |
|--------------------|---|
| Status             | Historic  |
| Effective Date     | 17th May 2016   |
| Review Date        | 17th May 2019   |
| Approval Authority | Vice-Chancellor and Chief Executive Officer                 |
| Approval Date      | 11th May 2016   |
| Expiry Date        | 16th March 2023   |
| Unit Head          | Kate McNarn<br>Director Governance and University Secretary |
| Author             | James Simmons   |
| Enquiries Contact  |   |

## Glossary Terms and Definitions

**"UNE Representative"** - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

**"Student"** - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

**"Conflicts of Interest"** - A UNE Representative will have a conflict of interest where they have a material interest in a decision or matter, and/or their interest appears to raise a conflict with the proper performance of their duties (e.g. avoiding personal losses as well as gaining personal advantage — whether financial or otherwise).

**"Effective Date"** - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

**"Political Donation"** - Means a donation, monetary or otherwise, that is directed to support a political purpose and includes a donation to: political parties or affiliates; an elected member of parliament or of a local council; a candidate or group of candidates of a political party; and/or a third party campaigner in respect of a political issue.