

Gifts and Benefits Policy

Section 1 - Overview and Scope

- (1) This Policy provides guidance on how gifts and benefits should be applied in the course of their official duties.
- (2) This Policy applies to all UNE Representatives.
- (3) Sponsorship and donations (e.g. charity or political) are not in the scope of this Policy.
- (4) Within this Policy:
 - a. Part A deals with general principles of receiving a gift;
 - b. Part B deals with receiving a monetary (or equivalent) gift;
 - c. Part C deals with receiving a nominal gift or benefit;
 - d. Part D deals with receiving a significant gift or benefit;
 - e. Part E deals with receiving a receiving or giving a gift to a fellow staff member;
 - f. Part F deals with offering a gift or benefit; and
 - g. Part G deals with examples of gifts and benefits.

Part A - General principles of receiving or offering a gift

- (5) UNE Representatives are required to report all gifts offered or received (accepted or declined) to the University via giftsandbenefits@une.edu.au within 10 working days of receipt.
- (6) The University's Governance Division will maintain a register of gifts and benefits. This register will record all gifts and benefits offered (accepted and declined) to staff of the University.
- (7) UNE Representatives must not ask for or encourage the giving of any form of gift or benefit in general or in connection with the performance of their duties
- (8) Acceptance of hospitality gifts must be approved prior to acceptance of the gift.
- (9) UNE Representatives may not receive or provide a gift and/or benefit:
 - a. to/from a student where they have responsibility for the enrolment, assessment or course decisions;
 - b. by way of loans and the like for any functions or duties performed or not performed;
 - c. in the form of a monetary (or equivalent) gift; or
 - d. when it could create or be perceived to create Conflicts of Interest. Examples of gifts or benefits creating or being perceived as Conflicts of Interest may include but are not limited to:
 - 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; or

- iv. a staff member responsible for the assessment of students of the University accepting a gift from a student.

Part B - Receiving a monetary gift

(10) Monetary gifts are those received in the form of cash or equivalent (e.g. shares, vouchers, gift cards or similar).

(11) UNE Representatives must not ask for and must declare any monetary or equivalent gift offer to the University via giftsandbenefits@une.edu.au within ten (10) working days. Monetary gifts will not be able to be kept by the recipient.

(12) The declaration should include the following information:

- a. a description of the monetary gift or equivalent;
- b. date gift was offered;
- c. title and company of the gifter;
- d. reason for gift;
- e. detailed description of the relationship between the parties;
- f. confirmation there is no actual or perceived conflicts of interest or evidence of undue influence;
- g. the value of the gift;
- h. the cumulative value of gifts offered by the gifter over the previous 12 months;
- i. confirmation that the Head of Cost Centre has been advised (and copied into the email); and
- j. confirmation the gift has been declined.

Part C - Receiving a nominal gift

(13) Nominal gifts are those valued less than \$100 which do not meet the criteria of a monetary gift.

- a. When deciding if the gift is nominal, the value of gifts from a single source should be considered based on the cumulative value over the preceding 12 month period. If the cumulative value in the preceding 12 month period is \$100 or above the gift must be treated as a significant gift (see Part D).

(14) UNE Representatives may keep gifts with a value not exceeding \$100 providing:

- a. they are not excluded gifts;
- b. they obtain approval from their supervisor and advise the Head of Cost Centre;
- c. there are no perceived or actual conflicts of interests in accepting the gift;
- d. a reasonable person would not consider the gift to be linked to undue influence, a tender process, approval decision or similar; and
- e. the item is not of cultural or historical significance. If the item is, it remains the property of the University.

(15) A UNE Representatives must declare a nominal gift (accepted or declined) to the University via giftsandbenefits@une.edu.au within ten (10) working days (accepted, declined or retained by the University).

(16) The following information must be provided:

- a. a description of gift;
- b. date gift was offered;
- c. title and company of the gifter;

- d. reason for gift;
- e. detailed description of the relationship between the parties;
- f. confirmation there is no actual or perceived conflicts of interest or evidence of undue influence;
- g. the value of the gift;
- h. the cumulative value of gifts offered by the gifter over the previous 12 months;
- i. confirmation the gift treatment (e.g. accepted, declined, retained by the University) and approval by the supervisor; and
- j. confirmation the staff member has advised the Head of Cost Centre of the gift and treatment.

Part D - Receiving a significant gift

(17) Significant gifts are those valued at \$100 or above which do not meet the criteria of a monetary gift. Meals and hospitality, where offered in the normal course of University business, and where allowed under [Credit Card Policy](#) and Procurement Policy, are not considered gift or benefits for the purposes of this Policy.

(18) All significant gifts must be declared to the Head of Cost Centre. The Head of Cost Centre will approve:

- a. if the gift or benefit be accepted or declined/returned; and
- b. if the gift or benefit will be retained by the University or kept by the UNE Representative.

(19) UNE Representatives may only keep the gift if there is:

- a. there is no perceived or actual conflicts of interest in accepting the gift; and
- b. a reasonable person would not consider the gift to be linked to undue influence, a tender process, approval decision or similar.

(20) UNE Representatives must declare a significant gift (accepted or declined) to the University via giftsandbenefits@une.edu.au within ten (10) working days.

(21) Where the gift relates to hospitality or entertainment, approval from the Head of Cost Centre must be sought before accepting.

(22) The following information must be provided:

- a. a description of gift;
- b. date gift was offered;
- c. title and company of the gifter;
- d. reason for gift;
- e. detailed description of the relationship between the parties;
- f. confirmation there is no actual or perceived conflicts of interest or evidence of undue influence;
- g. the value of the gift;
- h. the cumulative value of gifts offered by the gifter over the previous 12 months; and
- i. confirmation of the gift treatment (e.g. accepted, declined, retained by the University) and approval of the treatment by Head of Cost Centre.

Part E - Gifts from UNE or other UNE staff

(23) Staff should not provide a gift to another staff member at UNE (personally or as a representative of UNE), without the approval of their supervisor, with that approval to be recorded in the University's gifts register, except in the

following circumstances:

- a. flowers, cards or similar sent by the University due to personal circumstances of the staff member (supervisor approval required);
- b. personal gifts (e.g. get well, farewell or Christmas gifts) providing they are paid for personally by staff members and providing the gift does not create actual or perceived conflicts of interest; and
- c. prizes or similar (e.g. for participation in a survey or similar), in line with the terms and conditions.

(24) Staff should not accept a gift provided by UNE or an individual staff member, except in the circumstances set out in Clauses 23 and/ or 25.

Part F - Offering a gift or benefit

(25) UNE gifts or benefits should not be provided without specific approval from a member of the Executive. Meals and hospitality, where offered by authorised UNE staff in the normal course of University business, and where allowed under [Credit Card Policy](#) and Procurement Policy, are not considered gifts or benefits for the purposes of this Policy.

(26) Gifts offered (accepted or declined) must be reported to the University via giftsandbenefits@une.edu.au within ten 10 days. The following information must be provided in the declaration:

- a. a description of gift;
- b. date gift was offered;
- c. title and company of the gifter;
- d. reason for gift;
- e. detailed description of the relationship between the parties;
- f. confirmation there is no actual or perceived conflicts of interest or evidence of undue influence;
- g. the value of the gift;
- h. the cumulative value of gifts offered by the gifter over the previous 12 months; and
- i. confirmation a member of the Executive has approved the UNE Representative is allowed to offer the gift or benefit;

(27) Benefits received as a result of UNE expenditure should be transferred to the University, for example:

- a. Frequent flyer points for travel and accommodation that has been paid for by the University;
- b. Attendance at conferences, industry briefings etc paid for by the University will typically require the attendee(s) to share with the University via report the key learning from that activity.

Part G - Offering of a gift

(28) Gifts and benefits may include but are not limited to:

Free meals, coffee etc.	free or discounted merchandise and promotional materials, including clothes, books, USBs or DVDs
Small group events with potential suppliers or vendors;	free or discounted travel or accommodation
Tickets to events and conferences;	airline competition prizes
Sponsored travel	airline upgrades
Free alcohol;	meals or other hospitality

Artwork;	accommodation and hire car discounts
Jewellery;	entertainment, such as meals, seats at sporting or theatre events or golf days
Access to price discounting of items available to the general public for sale;	discounts or other preferential treatment
Items won in competitions held at conferences;	free or discounted places at training courses, conferences or seminars
Cash, shares, vouchers, gift cards	plants or flowers
gift baskets	lottery tickets
bottles of wine, manufacturer's samples or personal items	lucky door prizes or other prizes offered by, for example, conference sponsors.

Items won in competitions held at conferences or trade shows are considered gifts and benefits under this Policy.

Academic 'prizes' awarded directly for excellence or competence based on a specific activity are not considered gifts and benefits under this Policy.

When determining if a gift between one person and another (for example two staff members, one buying coffee) that does not involve UNE funds (the gift is funded personally) is covered by this Policy, the test will include if that gift has the effect of creating an obligation or incentive for another staff member to act in a certain way in relation to the conduct of University activities.

Section 2 - Authority and Compliance

Authority

(29) The Vice-Chancellor and Chief Executive Officer, pursuant to Section 29 of the [University of New England Act 1993 \(NSW\)](#), makes this Policy.

(30) The Policy Steward, the Director Governance and University Secretary, is authorised to make supporting documents that are consistent with this Policy, for the operation of this Policy.

Compliance

(31) UNE Representatives must observe this Policy in relation to gifts and benefits.

(32) Matters of non-compliance may be a breach of the Code of Conduct and may be addressed under the disciplinary provisions of the relevant Enterprise Agreement.

(33) This Policy operates as and from the Effective Date. Previous Policies relating to gifts and benefits are replaced and have no further operation from the Effective Date.

(34) Notwithstanding other provisions of this Policy, the Vice-Chancellor and Chief Executive Officer may approve an exception to this Policy where the Vice-Chancellor and Chief Executive Officer determines the application of this Policy would otherwise lead to an unfair, unreasonable or absurd outcome. Approvals by the Vice-Chancellor and Chief Executive Officer under this clause must be:

- a. documented in writing;
- b. state the reason for the exception; and
- c. be registered in the approved UNE electronic Records Management System (RMS) in accordance with

Summary of Roles and Responsibilities

Vice-Chancellor and Chief Executive Officer	Approve exceptions to this Policy
Senior Executive	Approve offer of gift or benefit
Head of Cost Centre	Receives declaration from staff on receipt of offer of gift/ benefit Determines treatment for significant gifts Provides approval, or disapproval of acceptance of hospitality gifts and benefits
Supervisor	Approves staff retaining nominal gift Provides approval for purchase of gift for employees
Director Governance and University Secretary or delegate	Maintains register of gifts and benefits Makes supporting documents to support the operation of this Policy
Head, Internal Audit	Reviews annually the operation of and compliance with this Policy Reports instances of non-compliance with this Policy in accordance with the Code of Conduct
UNE Representative	Adhere to the requirements in this Policy Report the offer and/ or receipt of all gifts and benefits in accordance with this Policy Request supervisor/ Head of Cost Centre permission before accepting any hospitality gifts or benefits Avoid any perceived or actual conflicts of interest

Section 3 - Quality Assurance

(35) The implementation of this Policy will be supported and measured by the Head, Internal Audit to ensure level of understanding, engagement and application of this Policy meets the needs and expectations of the University.

Section 4 - Definitions (specific to this Policy)

(36) For the purpose of this document the following definitions apply:

- a. Fair Market Value means the reasonable retail value of the gift or benefit.
- b. Gift and Benefit means the goods or services that are offered or received free of charge or at a discounted rate. Meals and hospitality provided by UNE to staff in the ordinary course of business are not considered gifts or benefits for the purposes of this Policy.
- c. Monetary Gifts means the gifts or benefits that are currency or easily converted into currency such as shares. Cash cheques, money orders, traveller's cheques, direct deposits and alike.
- d. Nominal Gifts or Benefits means gifts or benefits with a fair market value of \$100 or less which do not meet the criteria of a monetary gift.
- e. Relevant Supervisor normally the staff member's immediate supervisor.
- f. Significant Gifts or Benefits means gifts or benefits with a fair market value of \$100 or more which do not meet the criteria of a monetary gift.
- g. Voucher, Gift Card or similar means an item that can be loaded with an amount of money or equivalent that enables the recipient to exchange it for goods or services to the value of the amount on the card.

Status and Details

Status	Current
Effective Date	17th March 2023
Review Date	17th March 2024
Approval Authority	Director Governance and University Secretary
Approval Date	20th February 2023
Expiry Date	To Be Advised
Unit Head	Kate McNarn Director Governance and University Secretary
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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.

"Senior Executive" - Means the Vice-Chancellor, Deputy Vice-Chancellor, Deputy Vice-Chancellor Research, Chief Financial Officer, and Chief Operating Officer.

"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).

"Code of Conduct" - A document (variously referred to as a 'Code of Ethics', 'Code of Behaviour' and various other titles) broadly communicated within the entity setting out the entity's expected standards of behaviour.

"Records Management System (RMS)" - The University of New England installation of HP TRIM, or equivalent replacement system, under the control of the Records Management Office.