



Version	Approved by	Approval date	Effective date	Next full review
1.0	President and Vice-Chancellor	1 October 2019	1 October 2019	October 2022
Policy Statement				
Purpose	<p>The purpose of this Policy is to:</p> <ol style="list-style-type: none"> establish a framework within which UNSW Staff and Affiliates can accept or confer gifts or benefits in accordance with the UNSW Code of Conduct provide Staff and Affiliates with guidance in relation to gifts and benefits and the professional behaviours, standards and ethics expected to maintain the reputation and integrity of UNSW. <p>The Policy is to be read in conjunction with the UNSW Gifts and Benefits Procedure.</p>			
Scope	<p>This Policy will apply to:</p> <ol style="list-style-type: none"> all Staff of UNSW in respect of their work, duties and functions for UNSW, when using resources of UNSW, when participating in UNSW-related activities, such as work-related events or travel, conferences or sabbaticals, and any other circumstance in which a Staff member or affiliate is acting for, or representing, UNSW. all Affiliates of UNSW when performing duties or functions for UNSW, for example, under a contract between their employer and UNSW to provide UNSW with goods or services, or as part of any activity connected with UNSW. <p>This Policy does not apply where:</p> <ul style="list-style-type: none"> the benefit forms part of a Staff member's approved terms of employment (e.g. a bonus) or an affiliate's terms of engagement, appointment or title; or travel or conference attendance which is consistent with the terms of a research grant and for which funding is provided from a recognised Government funding body (e.g., ARC, NHMRC); or travel or accommodation is paid for by another University (or similar institution) for work falling within the normal teaching or research duties of an academic Staff member (e.g. thesis examination/marking); or travel or conference attendance which is awarded as a prize for an academic achievement; or the Staff member or affiliate is presenting at the conference of a learned society, or other professional association within their area of academic endeavour, with an independent organising committee and travel or conference attendance is funded by the learned society or other professional association and is approved by UNSW; or University prizes are awarded via an approved UNSW program such as the annual President's Awards. <p>This Policy also does not apply to philanthropic gifts and benefits made by individuals, corporations, foundations or other entities received by UNSW in accordance with the Gift Acceptance Policy administered by the UNSW Division of Philanthropy.</p>			
Policy Provisions				

1. UNSW Code of Conduct and general expectations

UNSW has a responsibility to ensure that its activities, including those of its Staff and Affiliates, conform to acceptable standards of integrity and good conduct. Accordingly, the UNSW [Code of Conduct](#) requires that Staff and Affiliates **must not** accept or confer gifts other than in accordance with the UNSW [Gifts and Benefits Procedure](#). This Policy sets out the principles for disclosing and registering a gift or benefit.

UNSW acknowledges that it is not uncommon for individuals to give and receive gifts during the course of business and recognises that there may be occasions when Staff members or Affiliates may be offered, or be in a position to confer, a gift or benefit.

A gift or benefit could be received from, or offered to, an internal party to UNSW, such as an employee's supervisor or an affiliate's colleague in another Faculty/Division. A gift or benefit could also be received from, or offered to, an external party to UNSW, such as a service provider or a procurement company.

This Policy is intended to provide Staff and Affiliates with guidance principles on what is appropriate in relation to gifts and benefits, either received or to be conferred. To ensure that Staff and Affiliates are aware of their obligations in relation to gifts and benefits this Policy sets out:

- What is a gift or benefit;
- Whether a gift or benefit should be accepted or conferred;
- The guiding principles in accepting or conferring a gift;
- When a gift or benefit should be disclosed and registered.

The Policy should be read in conjunction with the [Gifts and Benefits Procedure](#) which sets out the process for disclosing and registering a gift or benefit, whether accepted or conferred.

In this Policy references to a supervisor are:

- a. For Staff, either the person an individual reports directly to, or the Head of School or Head of the relevant business unit; and
- b. For Affiliates, the UNSW Staff member to whom they ordinarily report or to whom they are accountable in respect of their role as an Affiliate.

2. What is a gift?

A gift is a tangible item of value which is offered to one person or organisation by another. A gift could be one or a number of the following:

- Gift voucher;
- Souvenir or memento;
- Promotional product or sample;
- Corporate merchandise;
- Special occasion gifts which can include flowers, wine, chocolates or gift baskets.

3. What is a benefit?

A benefit is a non-tangible item of value which is offered to one person or organisation by another. A benefit could include, but is not limited to:

- Entertainment such as lunches and/or dinners (note there are special UNSW rules that apply to entertainment and these are referred to in **Section 7 – Business expense, entertainment expenses and credit cards**).
- Sponsored and corporate events such as attending a private or corporate box at football, an opening night at the theatre, or attending a marquee at the races;
- Discounts or free upgrades such as discounts on sporting gear, free entry to events or shows or upgrades on flights;
- Travel and associated costs (paid for or subsidised by a third party) which do not fall within the exceptions set out in the 'Scope' section of this Policy.

4. What is a reportable gift or benefit?

A reportable gift or benefit includes any item or benefit with a value that exceeds \$150, whether it has been received or conferred. Where the value of the gift or benefit exceeds \$150 it must be disclosed so that it can be registered in the Gifts and Benefits Register maintained by the Vice-President, Human Resources. The UNSW [Gifts and Benefits Procedure](#) sets out the process to be followed in disclosing a gift or benefit.

In some cases, there may be a series of gifts of benefits either received or conferred over a period of time. In these circumstances where the cumulative value of the series of gifts or benefits within a 12-month period exceeds \$150 then this must be disclosed in accordance with the UNSW [Gifts and Benefits Procedure](#).

5. When can a gift or benefit be accepted or conferred?

Whether it is appropriate to accept or confer a gift or benefit will be subject to the considerations listed below in [Section 6, Guiding gifts and benefits considerations](#). While most gifts and benefits will fall within the scope of normal and ethical business practice, UNSW needs to ensure that the integrity and responsibilities of UNSW are not compromised or perceived to be compromised.

It is important to understand that even if a gift or benefit **may** be accepted or conferred, it must also be disclosed and managed in accordance with the UNSW [Gifts and Benefits Procedure](#).

6. Guiding gifts and benefits considerations

The key principles for managing gifts and benefits are:

- disclosure;
- transparency; and
- integrity.

When making an assessment about whether to accept or confer a gift or benefit, regardless of its value, staff and affiliates should be mindful of these principles.

It is prohibited to accept a gift such as cash and bribes. There are referred to in more detail in [Section 8 – Prohibited gifts and benefits](#).

With the exception of prohibited gifts and benefits, in most circumstances an assessment will need to be made about whether it is appropriate to accept or confer a gift or benefit. In making that assessment, staff and affiliates should consider the following questions:

1. Who is offering the gift or benefit or who is the gift or benefit being offered to? What is the nature of the **commercial relationship** between UNSW and the other parties?
2. Why is the gift or benefit being offered or conferred? Is the **reason** for the gift or benefit transparent?
3. What is the **value** of the gift or benefit? Is it **proportionate** to the reason it is being offered or conferred (for example is the gift or benefit **extravagant** or excessive compared to what is the accepted norm)?
4. What is the **frequency** that the gift or benefit is being offered or conferred? Is it a one-off or is it repeated?
5. Is the gift or benefit being offered or conferred in a **consistent** manner (for example is it being offered or conferred to a single team member compared to the entire team)?
6. Is the gift or benefit being offered or conferred in a **transparent** manner?
7. Are there any **internal or external regulations** which might apply to the circumstances in which the gift or benefit is being offered, such as UNSW policies and procedures like the UNSW [Conflict of Interest Policy](#), industry/professional body guidelines or federal or state regulations?

In making an assessment UNSW expects that all staff and affiliates will discuss with their supervisor whether it is appropriate to accept or confer a gift or benefit. If, after taking into account the above considerations, staff, affiliates or supervisors believe it is appropriate to accept or confer the benefit then the procedure for disclosure set out in the UNSW [Gifts and Benefits Procedure](#) must be followed.

Alternatively, if, after taking into account the above considerations staff, affiliates or supervisor/s believe that accepting or conferring the gift or benefit could compromise or influence (or be perceived to compromise or influence) a staff member or affiliate in their official UNSW capacity, then the gift or benefit should not be accepted or conferred. Importantly, a gift or benefit **already accepted** should be returned immediately. In these circumstances staff and affiliates are also required to disclose the gift or benefit in accordance with the [Gifts and Benefits Procedure](#) and state the reasons why it has been rejected or returned.

7. Business expenses, entertainment expenses and credit cards

Any expenditure for the purposes of entertaining external parties or expenditure on internal entertainment expenses must be approved by a supervisor and be conducted in accordance with the UNSW [Business Expense Policy](#) and the UNSW [Business Expense Procedure](#).

Similarly, any expense incurred in conferring a gift for internal UNSW staff, must be in accordance with the UNSW [Business Expense Policy](#) and the UNSW [Business Expense Procedure](#). Where applicable, staff and affiliates must also adhere to the requirements described in the UNSW [Credit Card Policy](#) and the UNSW [Credit Card Procedure](#).

8. Prohibited gifts and benefits

There are no circumstances where it is appropriate to accept or confer cash gifts. Cash gifts could amount to a bribe. If staff and affiliates are offered a cash gift they must immediately report it to their supervisor (for Staff) or UNSW contact person (for Affiliates), who should ensure the matter is reported in accordance with the UNSW [Public Interest Disclosures Procedure](#).

The UNSW [Procurement Procedure](#) specifically prohibits Staff from soliciting or accepting gifts or hospitality or any other benefits from current or prospective suppliers. Staff and affiliates should refer to the UNSW [Procurement Policy](#) and the UNSW [Procurement Procedure](#) for further guidance in relation to gifts and benefits and the procurement process.

9. Failure to comply with this Policy

All Staff and Affiliates are expected to comply with this Policy and the related Procedure. Non-compliance may lead to:

- Misconduct or other disciplinary proceedings against the Staff member. This may include termination of employment; and/or
- Commensurate proceedings against Affiliates, which may include termination or non-renewal of their engagement or appointment, or withdrawal of title; and/or
- Referral to and action taken by external agencies such as the Audit Office of NSW, the Independent Commission Against Corruption (ICAC) and the Ombudsman; and/or
- Legal action against UNSW or the individuals concerned.

Staff and Affiliates may also be required to return any gift that has been accepted in breach of this Policy.

10. Roles and Responsibilities

The Vice-President Human Resources has overall responsibility for the implementation and review of this Policy and the UNSW [Gifts and Benefits Procedure](#) and communication of the Policy and Procedure to all UNSW Staff and Affiliates.

Accountabilities				
Responsible Officer	Vice-President, Human Resources			
Contact Officer	Human Resource Business Partner			
Supporting Information				
Legislative Compliance	This Policy supports the University's compliance with the following legislation: Crimes Act 1900 (NSW) Independent Commission Against Corruption Act 1988 (NSW)			
Supporting Documents	Gifts and Benefits Procedure HR40 Form for Registering Gifts and Benefits			
Related Documents	Business Expense Policy Business Expense Procedure Code of Conduct Conflict of Interest Policy Credit Card Policy Credit Card Procedure Fraud and Corruption Prevention Policy Gift Acceptance Policy Prizes Procedure Public Interest Disclosures Procedure Procurement Policy Procurement Procedure			
Superseded Documents	Gifts and Benefits Procedure, v1.2 Form for Registering Gifts and Benefits			
File Number	2019/38446			
Definitions and Acronyms				
Staff	means all employees of the University, including casuals.			
Affiliates	means conjoints, visiting appointees, consultants, contractors, agency Staff, members of University committees, emeriti and any other person appointed or engaged by the University to perform duties or functions for the University.			
Revision History				
Version	Approved by	Approval date	Effective date	Sections modified
1.0	President and Vice-Chancellor	1 October 2019	1 October 2019	New Policy