



<b>Policy Hierarchy link</b>	This procedure is linked to the <a href="#">Code of Conduct</a>		
<b>Responsible Officer</b>	Executive Director, University Services		
<b>Contact Officer</b>	Director, Human Resources		
<b>Superseded Documents</b>	None		
<b>File Number</b>	2007/2389		
<b>Associated Documents</b>	<ul style="list-style-type: none"> <li>• HR40: <a href="#">Form for Registering Gifts and Benefits</a></li> <li>• Code of Conduct</li> <li>• Conflict of Interest Policy</li> <li>• Policy for making complaint or reporting incidents of criminal, corrupt conduct or maladministration or Protected Disclosures at UNSW</li> </ul>		
<b>Version</b>	<b>Authorised by</b>	<b>Approval Date</b>	<b>Effective Date</b>
1.1	Executive Director, University Services	21 October 2009	1 November 2009

**1. Purpose**

The University acknowledges that it is not uncommon for individuals to give and receive gifts and benefits in a business context as a token of appreciation or gesture of courtesy. Accordingly, from time to time, individuals may be offered gifts or benefits in the course of, or incidental to their employment or engagement with the University. While the majority of these gifts and benefits will be within the scope of normal and ethical business practice, the University needs to ensure that the integrity and responsibilities of the University are not compromised (or perceived to be compromised).

The key principles for managing gifts and benefits are disclosure, transparency and integrity. Individuals should discuss gifts and benefits with their supervisor to ensure there is no conflict of interest or breach of this Procedure. This Procedure also outlines the circumstances when gifts and benefits must not be accepted.

This Procedure has broad application and applies to all [staff](#) and [affiliates](#), regardless of their level or seniority. It covers all circumstances when staff and affiliates are performing work for the University, as well as related activities, such as work-related functions, travel, conferences and any circumstances when a person is representing the University.

**2. What is a gift or benefit?**

This Procedure applies to all gifts and benefits, including:

- gift vouchers;
- general gifts (e.g. flowers, wine, chocolates, gift baskets);
- corporate merchandise;
- products (e.g. promotional products, samples etc.);
- souvenirs;
- entertainment (e.g. dinners, theatre, sporting events, conferences etc.);
- travel (e.g. a third party paying for or subsidising flights, accommodation, meals etc.); and
- sponsored and corporate events (e.g. a third party hosting a conference, paying the costs of an individual attending a conference, paying travel costs for a conference etc.)

If a gift or benefit falls within the definition above, this does not necessarily mean that it cannot be accepted. It simply means that it should be disclosed and dealt with in accordance with this Procedure.

This Procedure does not apply (and hence the gift or benefit does not need to be disclosed) where:

- Travel or conference attendance is funded through the terms of a research grant;
- 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);
- Travel or conference attendance is awarded as a prize for an academic achievement; or
- The individual is presenting at the conference of a learned society with an independent organising committee and travel or conference attendance is funded by the learned society.

### **3. Procedure**

#### **3.1 Solicitation of gifts and benefits**

Staff and affiliates must not solicit gifts or benefits in any circumstances, whether for themselves or on behalf of others.

#### **3.2 Accepting offers of gifts and benefits**

Staff and affiliates must not accept gifts or benefits, unless they comply with the following conditions:

- acceptance of the gift or benefit must not compromise or influence (or be perceived to compromise or influence) them in their official University capacity; and
- where the value of the gift or benefit exceeds \$250, the individual must disclose the gift or benefit to their manager/supervisor (for staff) or University contact person (for affiliates), and discuss with them whether the gift or benefit should be accepted and whether the gift or benefit should be registered in the University's [Register of Gifts and Benefits](#). All gifts and benefits over \$1,000 must be registered in the [Register of Gifts and Benefits](#). The [Register of Gifts and Benefits](#) is located in Human Resources. A registration form is [linked](#) to this Procedure.

Staff and affiliates should be particularly wary of circumstances when gifts and benefits are offered on an ongoing or regular basis. Staff and affiliates should also consider any guidelines from industry/professional bodies which may apply.

When an individual is offered (or given) a gift or benefit, they should consider whether the gift or benefit complies with these conditions before accepting it. If in doubt, individuals should disclose the gift or benefit to their manager/supervisor (for staff) or University contact person (for affiliates) for discussion and advice.

If a staff member or affiliate is offered a gift or benefit which does not comply with these conditions, they should politely decline the gift or benefit. If this is not possible (for example, the gift is awarded during a ceremony), the gift or benefit should be accepted on behalf of the University and then provided to the Head of School or Department Head. The Head of School or Department Head will then consider whether the gift or benefit can or should be returned, or retained by the faculty or division.

### 3.3 Conferring gifts and benefits

There may be some circumstances when it is appropriate for the University to confer a gift or benefit on a person or organisation (e.g. as a token of the University's gratitude). The following conditions apply to conferring gifts or benefits by the University:

- the value of the gift or benefit should be no more than \$250. In exceptional circumstances, the head of the faculty or division may approve a gift or benefit of higher value;
- the conferring of the gift or benefit must not place the recipient in a position where he/she is (or may be perceived to be) compromised or influenced by acceptance of the gift or benefit; and
- the gift or benefit must not be used as an alternative to remunerating or compensating an individual for work or services.

### 3.4 Entertainment

In addition to the general requirements which apply to all gifts and benefits, there are special requirements which apply to entertainment conducted at the University's expense:

#### (a) All entertainment

The University recognises that entertaining key stakeholders can be a legitimate way of doing business. However, staff and affiliates must always consider the need for cost efficiency across the University, probity and transparency, in order to protect the University's integrity and reputation.

To this end, staff and affiliates must ensure that any entertainment conducted at the University's expense complies with the following conditions:

- (i) it is reasonable in terms of cost, having regard to the need for cost efficiency;
- (ii) it does not occur on a frequent basis; and
- (iii) it is proportionate to the particular circumstances.

If an individual is unsure whether a function or activity complies with these conditions, they should seek clarification from their manager/supervisor (for staff) or University contact person (for affiliates) prior to the function or activity.

#### (b) Internal entertainment

As a general rule, it is not permitted to charge internal entertainment expenses to the University (e.g. staff entertaining other staff). There are some exceptions to this rule, as follows:

- (i) training sessions;
- (ii) festivities (e.g. Christmas/End of year celebrations);
- (iii) celebrations of work achievements (e.g. completion of projects, over-achievement of targets);
- (iv) team building or development activities; and
- (v) other similar activities where there is a clear and legitimate work connection.

### 3.5 Cash and bribes

Staff and affiliates must not accept cash gifts or equivalent in any circumstances. If a staff member or affiliate is offered a bribe, they must immediately report the issue to their manager/supervisor (for staff) or University contact person (for affiliates), who should ensure the matter is reported in accordance with the University's *Policy for making complaint or reporting incidents of criminal, corrupt conduct or maladministration or Protected Disclosures at UNSW*.

## **4. Compliance with this Procedure**

### **4.1 Breach of this Procedure**

All staff and affiliates are required to comply with this Procedure. For the purposes of this Procedure:

- **Staff**: means all employees of the University, including casuals; and
- **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.

If a staff member breaches this Procedure, the University may take disciplinary action. In serious cases, this may include termination of employment. The process for dealing with alleged breaches of this Procedure by staff will be in accordance with the applicable enterprise agreement, industrial instrument or contract. Affiliates may have commensurate action taken against them, which may include termination or non-renewal of their contract or appointment.

### **4.2 Exclusions**

This Procedure does not apply to gifts or benefits provided by the University to staff or affiliates as part of their remuneration package, or under the University's Employee Recognition and Incentive Program, or similar programs.

This Procedure does not apply to gifts or benefits provided to the University on an institutional level. In any event, any gifts or benefits of substantial value should be made through UNSW Foundation.

The University also acknowledges that staff and affiliates may have personal relationships with other staff, affiliates and business contacts which are not related to University matters. This Procedure is not intended to apply to gifts and benefits which may arise from these personal relationships.

### **4.3 Seeking guidance from University contact people**

If an individual is unsure about their obligations under this Procedure, they should seek clarification from their manager/supervisor (for staff) or University contact person (for affiliates). In addition, all staff and affiliates can obtain guidance from their Head of School, Dean, Department Head, Divisional Head, the Director, Human Resources, or the Head, Risk Assurance and Internal Audit.

## **5. Review and History**

### **5.1 Review**

This Procedure will be reviewed every 3 years.

## **6. Acknowledgements**

- NSW Premier's Department – Model Code of Conduct for NSW public agencies (1997)
- NSW Premier's Department – Guidelines for developing, implementing and reviewing a code of conduct (1997)

## Appendix A: History

Version	Author	Authorised by	Approval Date	Effective Date	Sections modified
1.1	Legal Counsel, HR	Executive Director, University Services	21 October 2009	1 November 2009	Section 2.0. Some exceptions to the definition of benefit included.
<a href="#">1.0</a>	Legal Counsel, HR	Vice-Chancellor	8 May 2009	<a href="#">1 June 2009 to 31 October 2009</a>	

Archived Document