

# Gifts and Benefit Policy

## Section 1 - Purpose and Context

(1) In the course of their work, University employees – or in some cases, family members or close associates of theirs – may be offered gifts or benefits by third parties, such as suppliers or University partners. In many cases, these will be small mementos or tokens of appreciation, for example, a gift for presenting at a conference. However, sometimes a gift or benefit may be offered to try and influence a decision in favour of the person or organisation offering the gift, or to try and cultivate favour over time so that the employee may develop a sense of obligation or loyalty to the supplier of the gift or benefit. Accepting a gift or benefit in those circumstances is not only a breach of the University's [Code of Conduct](#) and misconduct under the University's Enterprise Agreement and the [Board of Trustees Ethical Framework](#) for Decision-Making, but is also corrupt conduct as defined under the [Independent Commission Against Corruption Act 1988](#) and could lead to criminal prosecution. It also undermines trust in the University as a publicly accountable organisation.

(2) The purpose of this Policy is to establish a framework within which University employees can accept or decline gifts or benefits in a manner that is consistent with the University's [Code of Conduct](#).

## Section 2 - Scope and Application

(3) This Policy applies to all University employees and affiliates, and to all gifts and benefits received by University employees in the course of their official duties. University controlled entities are expected to adopt this Policy or to have their own Gifts and Benefits Policy in place.

(4) This Policy also covers gifts and benefits received by an immediate family member or close associate of a University employee, which can be reasonably attributed to the employee's official duties or association with the University.

## Section 3 - Definitions

(5) For the purpose of this Policy:

- a. Affiliates - means a clinical title holder, an adjunct, conjoint and honorary appointee, a consultant or contractor to the University, an office holder in a University entity, a member of any University Board, Council or Committee and any other person appointed or engaged by the University to perform duties or functions on its behalf;
- b. Benefit - means anything believed to be of value to the recipient, or that might be perceived by a reasonable person to be of benefit to the recipient. A benefit may include preferential treatment in regard to employment, access to events, functions and information; club membership; discounts in shops;
- c. Bribe - means a gift or benefit that is offered to or solicited by an employee in order to influence that person to act in a particular way;
- d. Gift - means articles, items or monies given by one party to another party. A gift can include money, tickets, alcohol or other products. For the purposes of this policy, a gift does not mean a donation. Refer to [Donations](#)

[and Fundraising Policy](#);

- e. Gift of appreciation - means gifts that are generally given to express gratitude or thanks, such as flowers, chocolates, a bottle of wine and the like, in appreciation of performing a specific task or for performing duties in an exemplary manner;
- f. Gift of hospitality - means invitations to lunches, dinners or other events (such as a seat in a corporate box at a sporting event) offered to employees in relation to work-related functions and similar activities as part of their role in representing the University or managing University business;
- g. Nominal value - means fair value of \$150;
- h. Official gift - means gifts that are presented to the University usually from another organisation in recognition of its services or achievements or gifts presented to the University at an official or a ceremonial function which might include dedicated plaques, plates, vases or trophies;
- i. Official representative - means an employee attending an event in their capacity as an employee of the University;
- j. Solicitation - means the act of asking another party for gifts and benefits;
- k. Token gift - means the types of gifts that are generally exchanged as a formality or custom by visiting delegates such as pens, pencils, paperweights, ties, scarfs and the like, which may include a company logo, and which may be greater than the nominal value or less.

## Section 4 - Policy Statement

(6) Gifts or benefits that are offered to University employees and affiliates must be managed as follows:

- a. staff must never accept bribes or gifts in the form of cash or monetary gifts;
- b. staff must never seek out gifts or other benefits;
- c. gifts must never be accepted from any person currently or about to be engaged in a procurement process;
- d. gifts must never be accepted from foreign entities that may seek to access or influence particular areas of the activity through various forms of funding arrangements and other inducements targeted at individuals that may create a foreign interference risk;
- e. the University maintains a Register of Gifts and Benefits and requires all staff to enter in it details of any gift or benefit greater than the nominal value.

(7) Employees and affiliates must not accept any gift or benefit that may create or be perceived by a reasonable person to create a conflict of interest.

(8) Gifts or benefits offered to family members, friends or other associates of employees to avoid the requirements of this policy, must never be accepted.

### **Bribes, Potential Bribes and Solicitation of Gifts or Benefits**

(9) Employees and affiliates must never offer or accept a bribe or solicit gifts or benefits to or from others to act in a particular way. Employees and affiliates must decline gifts or benefits that would be perceived as a bribe. The University is required to report to the [NSW Independent Commission Against Corruption \(ICAC\)](#) offers of or solicitations of a bribe.

(10) Any University employee who is offered a bribe or gift in breach of this policy, or who witnesses or reasonably suspects another employee has been offered or has received a bribe or a gift or benefit in breach of this policy, must notify it within 24 hours or as soon as possible to a University Disclosure Officer specified in the [Whistleblowing \(Reporting Corruption and Other Serious Wrongdoing\) Policy](#) and [Whistleblowing \(Reporting Corruption and Other Serious Wrongdoing\) Procedures](#).

## **Gifts or Prizes Received at Conferences and Trade Shows**

(11) All gifts or benefits or prizes received by employees at conferences and trade shows over \$150 are to be considered as gifts or benefits under this policy. This includes random draws e.g. lucky draw prizes. However, this does not apply to academic 'prizes' awarded for excellence or competence based on merit, such as for a paper or presentation.

## **Acceptance of Gifts or Benefits**

(12) As a general rule, and wherever practical, employees and affiliates should decline acceptance of any gifts or benefits to avoid compromising situations that may be perceived as corrupt or unethical.

(13) Employees should consider both the value, frequency and the purpose of the gift or benefit which is being offered. Employees must also look at the range of perceptions that might apply to a situation regarding the acceptance of a gift or benefit. In particular, offers of gifts of hospitality for employees who, because of the nature of their work, are expected to develop strong relationships with external parties, must take particular care to ensure those relationships do not result in preferential treatment or a perception of preferential treatment.

(14) The University strongly recommends employees seek advice from their supervisor/manager if they have any doubt regarding the acceptance of a gift or benefit. In addition, advice on the acceptance of gifts or benefits can be obtained from a range of sources. These include:

- a. members of the Senior Executive Group;
- b. business Unit Heads or School Deans;
- c. the University Secretary;
- d. the Office of Audit and Risk Assessment.

(15) At times an employee may inadvertently accept a gift or benefit which contravenes this policy. This may occur for example because the gift or benefit is anonymous or the gift was wrapped and was not opened when received. Where this occurs, the gift or benefit should be recorded in the Gifts and Benefits Register. In all such instances, the Business Unit head will determine the outcome of keeping or appropriately disposing the gift or benefit.

## **Disposal of Gifts**

(16) Some areas of the University, by the nature of their work, receive official gifts, for example, Western Sydney International. As a general rule, official gifts of nominal value or less can be disposed of after 12 months or 12 months after the end of official relationship with the other organisation.

(17) Where the official gift is of unknown value or more than nominal value, it is the responsibility of the unit head to seek advice on and determine the appropriate disposal method. Generally, the item will have little or no value to external parties, however it is possible that the item is of significant artistic or heritage value and it could be included in the University's art collection. This should be done in accordance with the [Art Collection Development and Access Policy](#) or the [Library Collection Development Policy](#), or in consultation with the University Archivist. The unit head is required to check with the Records and Archives Management Services Unit as to the disposal requirements for gifts.

(18) All disposal of gifts greater than the nominal value should be recorded in the Gift and Benefits Register.

## **Failure to Comply with this Policy**

(19) All employees and affiliates are expected to comply with this policy. Non-compliance may lead to:

- a. Misconduct or other disciplinary proceedings against the employee. This may include termination of employment;

- b. Commensurate proceedings against affiliates, which may include termination or non-renewal of their engagement or appointment, or withdrawal of title;
- c. Referral to and action taken by external agencies such as the [NSW Independent Commission Against Corruption \(ICAC\)](#) or the NSW Police; or
- d. Legal action against the individuals concerned.

(20) Employees and affiliates may also be required to return any gift that has been accepted in breach of this policy.

## Section 5 - Procedures

### Reporting and Recording Offers of Gifts and Benefits

(21) A reportable gift or benefit includes any item or benefit with a fair value over \$150, whether it has been accepted or declined. This applies to gifts of appreciation, token gifts, official gifts and gifts of hospitality.

(22) Gifts or benefits less than the nominal value of \$150 should be discussed with the employee's manager or supervisor in the first instance as to whether it is appropriate to be accepted or declined. In some cases, there may be a series of gifts or benefits either received or declined 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.

(23) Any official gifts are normally considered the property of the University and if suitable they should be displayed in an appropriate and secure location as determined by the Business Unit head.

(24) All other reportable gifts or benefits should be disclosed in the Gifts and Benefits Register within 5 business days.

### Reporting of Bribes, Potential Bribes and Solicitation of Gift or Benefits

(25) Following notification of the bribe, potential bribe or witnessing of the solicitation of a gift or benefit, the employee must submit a written report, which could also be in the form of an email. The written report must be submitted within 48 hours to the Disclosure Officers of the University. The report will be dealt in accordance with the [Whistleblowing \(Reporting Corruption and Other Serious Wrongdoing\) Policy](#) and [Whistleblowing \(Reporting Corruption and Other Serious Wrongdoing\) Procedures](#).

(26) Where necessary, the Office of General Counsel, Senior Deputy Vice-Chancellor or Vice-Chancellor and President will immediately initiate appropriate action in regard to handling of the incident.

(27) Following investigation, deliberations and management of the incident, if it is determined that the gift can be accepted (i.e. that there was no corrupt dealings), the gift or benefit must be recorded in the Gifts and Benefits Register. The Office of Audit and Risk Assessment will provide advice on this.

### Reporting the Disposal of Official Gifts

(28) Where an official gift is disposed of in accordance with this Policy the disposal action must be reported to the employee's supervisor and recorded on the Gifts and Benefits Register in the field titled "Where is the gift currently located". The following information should be recorded:

- a. The name of the recipient;
- b. The date on which it was disposed;
- c. How it was disposed - e.g. added to the University Library, Art or other collection, sold, or discarded.

## Section 6 - Guidelines

(29) Refer to [Guidelines Identifying Gifts or Benefits in Breach of Gifts and Benefits Policy](#) and Gifts and Benefits Register User Guide (staff login required).

### Other References

(30) The Associated Information page contains a listing of the key documents, policies and legislation that may assist employees in making appropriate decisions to ensure compliance with this Policy.

(31) Independent Commission Against Corruption (ICAC), 2006. "[Managing Gifts and Benefits in the Public Sector - Toolkit](#)".

## Status and Details

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