

## UTS Gifts and Benefits Vice-Chancellor's Directive

### Abstract

The UTS Gifts and Benefits Vice Chancellor's Directive establishes for UTS, the principles and practice for accepting gifts and benefits.

Dates	Directive approved	13/04/2006
	Directive takes effect	13/04/2006
	Directive is due for review (up to five years)	02/2020
	Directive amendment approved	20/02/2015
	Directive amendment takes effect	26/03/2015
Approved by	Vice-Chancellor	
Implementation Officer	Director, Governance Support Unit	
Relevant to	All staff and affiliates	
Related documents	<a href="#">UTS Gifts and Benefits Declaration Form</a> (Word) <a href="#">Charter of the University of Technology, Sydney Foundation</a> (limited access) <a href="#">Code of Conduct</a> <a href="#">Fraud and Corruption Prevention and Public Interest Disclosures Policy and Guidelines</a> <a href="#">Fundraising Policy</a> <a href="#">Outside Work Vice-Chancellor's Directive</a> <a href="#">Procurement Policy</a> <a href="#">UTS Conflict of Interest Disclosure Statement</a>	
Legislation	<a href="#">Competition and Consumers Act 2010 (Cwlth)</a> <a href="#">Duties Act 1997 (NSW)</a> <a href="#">Fringe Benefits Tax Assessment Act 1986 (Cwlth)</a>	
File number	UR05/883-2	
Superseded documents	UTS Gifts and Benefits Vice-Chancellor's Operational Directive	

## Contents

1. Purpose
2. Scope
3. Definitions
4. Directive principles
5. Directive statements
6. Roles and responsibilities
7. Version control and change history

### 1. Purpose

The purpose of this Directive is to establish for UTS the principles that should be used to determine the appropriateness of accepting gifts and benefits. The Directive also defines the conditions for the acceptance or rejection of gifts and benefits of a nominal, significant, major or intangible value, as well as appropriate disclosure reporting requirements.

### 2. Scope

This Directive applies to all UTS staff and affiliates, including service providers, and to all gifts and benefits received by UTS staff in the course of their official duties.

This Directive 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.

This Directive does not apply to:

- gifts and benefits received by UTS staff as a result of undertaking outside work. This is subject to prior approval being sought to conduct outside work as detailed in the University's [Outside Work Vice-Chancellor's Directive](#)
- honorariums from an individual organisation that do not exceed a total value of \$500 in a single year, unless any single gift has a fair value of \$200 or more
- philanthropic gifts made by individuals, corporations, foundations or legal entities to assist the University in the pursuit of its mission.

### 3. Definitions

The following definitions apply for this Directive.

**Affiliates** means honorary appointees, emeritus professors and members of University/faculty committees (excluding UTS Council and Committees of Council), and any other person appointed or engaged by UTS to perform work for UTS.

**Bequest** means a donation of property by will.

The **Declaration Form** is the [UTS Gifts and Benefits Declaration Form](#) (Word).

**Fair value** means:

- the domestic recommended retail price (if known), or
- the monetary value set by a licensed valuer (for example, for antiques or jewellery), or

- the monetary value that has been mutually agreed by the Supervisor/Head of Unit and the Director, Governance Support Unit (GSU).

**Gift or benefit** means items (both tangible and intangible) received by UTS staff in the course of official duties. Gifts or benefits are differentiated by monetary value:

- **Honorarium** means a gift for a voluntary service or a professional service for which no fee is charged, set or agreed upon in advance. Honorariums include 'thank you' gifts (for example, to a speaker or presenter) and may be paid as money or property, as outlined by the [Australian Taxation Office](#).
- An **intangible gift or benefit** may be nominal, significant or major in nature, but has no lasting transactional value.
- A **major gift or benefit** is a single gift or benefit with a fair value in excess of \$500 or an accumulation of nominal/significant gifts or benefits received from the same individual/organisation in the course of a financial year where the aggregate value is in excess of \$500.
- A **nominal gift or benefit** is one with a fair value of less than \$200.
- A **significant gift or benefit** is one with a fair value between \$200 and \$500.

**Head of Unit** means the Dean or Director (or equivalent) of the faculty or unit in which the staff member receiving or offered a gift or benefit is located. Where the recipient of a gift or offer is a Dean, Director or higher-level position, the Supervisor fulfils this function.

**Official duties** means any University function for which a UTS staff member is contractually engaged or else holds influence or has access or possesses the ability to hold influence or have access, irrespective of the time of day or location of the UTS staff member at the time.

A **reasonable observer** means a fair-minded person in possession of the facts.

The **register of significant and major gifts and benefits** is the official register maintained by GSU and used to record details of significant and major gifts and benefits that are either accepted or rejected by the University. Details stored in the register are treated as confidential information.

**Supervisor** means the supervisor of the UTS staff member receiving or offered a gift or benefit.

**UTS staff** means any person employed by the University; either full-time or part-time, permanent or casual or engaged on a contractual basis.

#### 4. Directive principles

The University of Technology, Sydney (UTS) requires its employees and all persons who perform functions on its behalf to act with the highest degree of professional independence and integrity.

Accordingly, it is not appropriate for University employees to be offered or to accept gifts and benefits that affect, or may be seen to be likely to affect, the performance of their official duties. Receipt of gifts could indicate a potential conflict of interest and be in breach of [section 4.4](#) of the [Code of Conduct](#) (see also the [UTS Conflict of Interest Disclosure Statement](#)).

In line with this principle, UTS expects current and prospective suppliers to act appropriately and in accordance with the [UTS Procurement Policy](#), by providing better service or more competitive products to the University rather than offering personal benefits to staff.

## **5. Directive statements**

### **5.1 Assessing the appropriateness of gifts and benefits**

UTS staff must apply the following standards when assessing the appropriateness of accepting or rejecting gifts and benefits offered to them in the course of their official duties.

5.1.1 Accepting a gift or benefit will not influence or have the potential to influence UTS staff in such a way as to compromise or appear to compromise integrity and impartiality, or create a conflict of interest or the reasonable perception of a conflict of interest, as outlined in [section 4.4](#) of the [Code of Conduct](#) (see also the [UTS Conflict of Interest Disclosure Statement](#)).

5.1.2 Accepting a gift or benefit must not be related to advice or decisions about but not limited to the following: awarding contracts, facilitating academic assessment, academic credit or awards, and/or giving approvals.

5.1.3 The gift or benefit must not be solicited either directly or indirectly by the intended recipient.

5.1.4 Any obligation or potential obligation implied in acceptance of a gift or benefit of a greater than nominal value must be assessed and determined by the Supervisor as not compromising the integrity and impartiality of the University.

5.1.5 A gift or benefit must not be accepted if any reasonable observer would think that the recipient may be under obligation to act in a partial manner.

5.1.6 A gift or benefit must not be accepted if it is offered in monetary form or as anything convertible to money.

### **5.2 Authority to accept or reject gifts and benefits**

All significant and major gifts and benefits given to UTS staff in the course of their official duties are the property of the University. The accepting or rejecting of gifts and benefits must be managed in a transparent manner with due concern for probity and ethical behaviour.

Gifts and benefits received by the University or a UTS staff member must be disclosed as indicated in the following Gifts and benefits authorities and conditions table (section 5.2.1).

The UTS staff member completing the [Gifts and Benefits Declaration](#) (Word) (Declaration Form) must provide a reason for receiving the gift or benefit. The relevant Supervisor or Head of Unit must declare whether the gift or benefit was retained by the University or the UTS staff member, and whether the recipient believed the gift could be an attempt to influence or compromise either the University or an employee.

The Declaration Form must be submitted within 14 days of receiving the gift or benefit. If the employee is away from the University at the time the gift is offered or given, the form must be submitted within seven days of returning to work.

### 5.2.1 Gifts and benefits authorities and conditions table

Category of gift/benefit	Authority/conditions to accept	Disclosure required
a) <b>Nominal</b> (fair value of less than \$200)	UTS staff member can accept the gift or benefit subject to verbally informing their Supervisor, and where the gift or benefit meets the standards of appropriateness as detailed in section 5.1.	Verbal.
b) <b>Significant</b> (fair value of between \$200–\$500)	With their Supervisor's approval, a UTS staff member may choose either to: <ul style="list-style-type: none"> <li>• keep the gift or benefit</li> <li>• donate it to a University-related project</li> <li>• retain it for the benefit of the faculty/unit or University as a whole.</li> </ul> The Supervisor can approve the acceptance of a gift or benefit for one of these purposes if it meets the standards of appropriateness as detailed section 5.1.	Completed Declaration Form assessed and signed by Supervisor.
c) <b>Major — single</b> (fair value of single gift greater than \$500)	With the Head of Unit's approval, a UTS staff member may choose either to: <ul style="list-style-type: none"> <li>• keep the gift or benefit</li> <li>• donate it to a University-related project</li> <li>• retain it for the benefit of the faculty/unit or University as a whole.</li> </ul> The Head of Unit can approve the acceptance of a gift or benefit for one of these purposes if it meets the standards of appropriateness as detailed in section 5.1.	Completed Declaration Form assessed and signed by Supervisor and the Head of Unit.

<p>d) <b>Major — aggregate</b> (aggregate value of multiple nominal or significant gifts received by an individual employee in one calendar year from the same organisation that is in excess of \$500)</p>	<p>With the Head of Unit's approval, a UTS staff member may choose either to:</p> <ul style="list-style-type: none"> <li>• keep the gift or benefit</li> <li>• donate it to a University-related project</li> <li>• retain it for the benefit of the faculty/unit or University as a whole.</li> </ul> <p>The Head of Unit can approve the acceptance of a gift or benefit for one of these purposes if it meets the standards of appropriateness as detailed in section 5.1.</p>	<p>Completed Declaration Form assessed and signed by Supervisor and the Head of Unit.</p>
---	---	---

### 5.3 Register of significant and major gifts and benefits

The Director, GSU (or nominee) is responsible for the establishment and maintenance of the University's official register of significant and major gifts and benefits offered, accepted or rejected by the University; and any associated procedures and forms required to track and record this information.

### 5.4 Monitoring and quality assurance

The Director, GSU (or nominee) is responsible for the development and implementation of quality assurance procedures to monitor compliance with this Directive, including monitoring the Declaration Forms received, investigating declarations that are not in full compliance with this Directive and, where appropriate, referring matters to the Deputy Vice-Chancellor (Corporate Services).

Deans and Directors are responsible for confirming compliance with this Directive, via the Annual Management Sign-off Process.

### 5.5 Breaches

All suspected breaches of this Directive should be reported directly to a nominated disclosure officer designated in [Schedule 1](#) of the [Fraud and Corruption Prevention and Public Interest Disclosures Guidelines](#).

Breaches of this Directive are considered a failure to comply with the [UTS Code of Conduct](#); and will be dealt with under [section 4.11](#), Failure to comply with the code. This includes the right of UTS to notify a relevant statutory authority and/or agency where breaches of relevant legislation may be evident.

## 6. Roles and responsibilities

**Accountable Officer:** The Deputy Vice-Chancellor (Corporate Services) has overall accountability for the enforcement of this Directive and is responsible for managing compliance and initiating the Directive review process as necessary, but at least every five years.

**Implementation Officer:** The Director, GSU is the primary contact point for advice on implementing, administering and monitoring compliance with this Directive; for establishing and maintaining the official file; for proposing amendments as required and for managing the consultation process when the Directive is due for review.

## 7. Version control and change history

Effective date	Version	Approved by (date)	Amendment
13/04/2006	1.0	Vice-Chancellor (13/04/2006)	Original Directive.
16/03/2010	1.1	GSU (16/03/2010)	On 16/11/2008, the Vice-Chancellor endorsed GSU to make minor administrative changes to Vice-Chancellor's Directives. In 2010, GSU made amendments to reflect the new Fraud and Corruption Prevention Policy.
01/12/2010	1.2	GSU (01/12/2010)	On 16/11/2008, the Vice-Chancellor endorsed GSU to make minor administrative changes to Vice-Chancellor's Directives. In 2010, GSU made minor functional area changes.
26/03/2015	1.3	Vice-Chancellor (20/02/2015)	Full review of Directive, with changes to Directive title, financial bands and processes for gift retention.