

UC Davis Policy and Procedure Manual

Chapter 380, Personnel--General

Section 55, Acceptance or Offering of Gifts by University Employees

Date: 8/1/16

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Responsible Department: [Offices of the Chancellor and Provost](#)

Source Document: [Limitations and Restrictions on Gifts, Honoraria, Travel and Loans for State Public Officials](#)

I. Purpose

This section presents University policy regarding the acceptance or offering of gifts or gratuities by employees. This policy applies to individual University employees. Policies on gifts offered to the University as an institution are available in [Section 260-15](#), Solicitation and Acceptance of Private Support, and [Section 260-25](#), Gift Processing and Acknowledgement Procedures. The policy on gifts offered to non-employees on behalf of the University is available in [Section 260-45](#), Gifts Presented to non-Employees.

II. Policy

- A. Employees must comply with state and federal law and University policy governing the acceptance of gifts and gratuities. University officers and employees must avoid the appearance of favoritism in all of their dealings on behalf of the University. Questions regarding the propriety of any gift should be directed to the appropriate University official for a determination of the proper course of action prior to accepting the gift.
- B. Any payment or other benefit for which the recipient does not provide equal or greater consideration in return is considered a gift.
 1. Following are specific examples of gifts:
 - a. Wedding gifts, if they are not from immediate family, such as grandparents, parents, aunts, uncles, first cousins, and similar in-laws. One half the value of the gift is the amount that determines whether the gift triggers disqualification for the official.
 - b. Tickets to sporting, entertainment, or other non-fundraising events unless treated as gifts to the University under California Fair Political Practices Commission (FPPC) regulations. Tickets to University amateur athletic and entertainment events are exempt from this rule.
 - c. Meals are usually gifts. If the value of a meal exceeds a gift limit or triggers a conflict of interest, a pay-down within 30 days to reduce the value of the gift may be done. Reciprocity may similarly reduce the value of the gift to an employee, however this does not apply if the value of a single meal is in excess of the gift limit amount.
 - d. Travel expenses in conjunction with a speech are usually gifts.
 2. The following are specific exceptions and are not considered gifts:
 - a. A discount or rebate in the normal course of business available to members of the public.
 - b. Informational materials such as; books, reports, pamphlets, calendars, periodicals, videotapes, or free admission discounts to informational conferences or seminars.
 - c. Gifts returned to the donor within 30 days or donated to a charitable organization or governmental entity without being claimed as a charitable contribution for tax purposes.

- d. Gifts from certain relatives. Generally this would mean gifts from immediate family, grandparents, parents, aunts, uncles, first cousins and similar in-laws.
 - e. Personalized plaques and trophies valued at less than \$250.
 - f. Reimbursement for travel or per diem expenses provided to an employee by a state, local, or federal government agency, or a bona fide non-profit entity exempt from taxation under section 501 subdivision (c)(3) of the Internal Revenue Code.
 - g. Presents exchanged on special occasions are usually not gifts. Gifts, such as meals or presents, exchanged between an employee and another person on holidays, birthdays, or similar occasions are not gifts to the employee provided that the presents exchanged are not substantially disproportionate in value.
 - h. Home hospitality, as long as the individual or a member of his or her family is present.
 - i. Two tickets to tax-exempt charitable events, or political fundraising events.
 - j. A prize or award from a bona fide competition are not gifts but may be reportable as income.
- C. Designated officials (those campus officials who are required to file an Annual Statement of Economic Interests) must report any gifts totaling \$50 or more cumulatively from a single source during the reporting period. Designated officials may not receive gifts exceeding the limit from a single source within a 12-month period. (See [UC Conflict of Interest Code, Appendix A](#), for list of designated officials).
- D. Employees who receive gifts that exceed the gift limit from a single source within a 12-month period are disqualified from making, participating in making, or influencing a University decision that will have a material financial effect on the source of the gift. The employee is disqualified for a period of 12 months following the point that gifts reach the limit. (See FPPC [Limitations and Restrictions on Gifts, Honoraria, Travel and Loans for State Public Officials](#), for the gift limit).

III. Further Information

- A. Employees requiring advice on or interpretation of this policy should consult with their department head. Department heads may seek clarification from the Conflict of Interest Coordinator or Campus Counsel, (530) 754-6295. UCDHS employees should consult with the [UCDHS Compliance Office](#), (916) 734-8808.
- B. Departments can inform vendors or other senders of unsolicited gifts of the University's policy on gifts and gratuities by sending [the sample letter](#) or by incorporating a covenant against gratuities into agreement and contract documents.

V. References and Related Policies

- A. Office of the President:
 - 1. [University of California Political Reform Act Disqualification Requirements](#).
 - 2. [Conflict of Interest Code](#).
- B. California Fair Political Practices Commission:
 - 1. [Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations](#).
 - 2. [Limitations and Restrictions on Gifts, Honoraria, Travel and Loans for State Public Officials](#).
- C. UC Davis Policy and Procedure Manual [Section 380-16, Conflict of Interest](#).