

# UC Davis Policy and Procedure Manual

## Chapter 380, Personnel--General

### Section 55, Acceptance or Offering of Gifts and Gratuities by University Employees

Date: 11/5/05

Supersedes: 10/31/94

Responsible Department: Offices of the Chancellor and Provost

Source Document: Policy and Guidelines Regarding Acceptance of Gifts and Gratuities by University Employees under California's Political Reform Act

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*Exhibit A, Sample Letter Describing University Policy on Gifts*

#### 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 and Section 260-25. The policy on gifts offered to nonemployees on behalf of the University is available in Section 260-45.

#### II. Policy

- A. To avoid the appearance of favoritism, no officer or employee should accept any gift or gratuity from any source that is offered or reasonably appears to be offered because of the University position held by the officer or employee, nor should an officer or employee extend an offer of a gift on a similar basis.
- B. Any payment for which the recipient does not provide equal or greater consideration in return is considered a gift.
  1. The following are specifically identified as gifts:
    - a. Wedding gifts to officials, unless they are from specified family members (an individual's spouse, child, parent, grandparent, grandchild, sibling, parent-in-law, sibling-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person unless the person is acting as intermediary for a person not listed here) or are exchanged with the donor and not substantially disproportionate in value.
    - b. Tickets to sporting, entertainment, or other non-fundraising event unless treated as gifts to the University under FPPC regulations.
    - c. Testimonial dinners and events.
    - d. Business meals unless received in the course of official fundraising activity.
  2. The following are specific exceptions and are not considered gifts:
    - a. A discount or rebate in the normal course of business.
    - b. Informational materials such as books, reports, pamphlets, calendars, or periodicals.
    - 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 turned over to the University within 30 days and unused personally by the individual.
    - e. Gifts from family members and certain close relatives so long as the relative is not acting as an intermediary for a third party (see 1.a, above).
    - f. Personalized plaques and trophies valued at less than \$250.

- g. Reimbursement for travel or per diem expenses from a non-profit entity so long as the individual has provided adequate consideration in return, such as acting as speaker or serving on a board of directors.
  - h. Lodging, subsistence, and travel expenses within California that are directly connected to a speaking event, panel discussion, or similar service.
  - i. Home hospitality.
  - j. Tickets to tax-exempt charitable events.
  - k. A prize or award from a competition not related to the individual's status as a University official.
- C. Designated officials (those campus officials who are required to file an Annual Statement of Economic Interests) must report any gifts totaling more than \$50 cumulatively from a single source during the reporting period. Designated officials may not receive gifts totaling \$360 or more from a single source within a 12-month period. (See UC Conflict of Interest Code, Appendix A, <http://www.ucop.edu/ogc/coi/ucda.html>, for list of designated officials.)
- D. Employees who receive gifts totaling \$360 or more 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 \$360 limit.

### III. Further Information

- A. Employees requiring advice on or interpretation of this policy should consult with their department head. UCDHS employees should consult with the Risk Management Office. Department heads may seek clarification from the Conflict of Interest Coordinator or Campus Counsel.
- 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 (Exhibit A) or by incorporating a covenant against gratuities into agreement and contract documents.

### V. References and Related Policies

- A. Office of the President:
  - 1. Policy and Guidelines Regarding Acceptance of Gifts and Gratuities by University Employees under California's Political Reform Act, 1/24/01.
  - 2. Conflict of Interest Code (<http://www.ucop.edu/ogc/coi/coitoc.html>).
- B. Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.
- C. UCD Policy and Procedure Manual Section 380-16, Conflict of Interest.