Gifts, Benefits, Hospitality, Food and Beverages Policy

Policy Code: CG1839

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Purpose

This policy sets out the principles that underpin the University’s commitment to members of the University community demonstrating integrity, impartiality and good administrative conduct. Members of the University community must ensure their personal interests do not conflict with their responsibilities to the University. In addition, members of the University community must strike a balance between the responsible use of University resources and the benefits that may be delivered to the University and its community and stakeholders.

Scope

This policy applies to all members of the University community.

Legislative Context

• Financial Management Act 1994
• Protected Disclosure Act 2012
• Public Administration Act 2004
• University of Ballarat Act 2010

Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conflict of interest</td>
<td>is assessed in terms of the likelihood that a member of the University community possessing a particular personal interest could be improperly influenced, or might appear to be improperly influenced, in the performance of his/her duties.</td>
</tr>
</tbody>
</table>

Warning - Uncontrolled when printed! The current version of this document is kept on the FedUni website.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td>Gifts and Benefits</td>
<td>means free or substantially discounted items, hospitality or intangible benefits exceeding common courtesy that are offered to members of the University community in conjunction with their association with the University. It includes enduring items such as works of art and plaques, consumables such as chocolates or wine, invitations to corporate events, or sponsored travel and accommodation. It does <strong>not</strong> include the receipt of: • standard promotional material distributed by an organisation or business, free of charge, equally to all, where its primary purpose is to promote the organisation or business; • a gift or token of nominal value or gesture of goodwill (e.g. pens printed with a company logo handed out to all delegates at a conference or exhibition) that could not be reasonably deemed as an inducement to act in a particular way or a conflict of interest; • light refreshments offered, for example in the course of a business meeting at the organisation's premises or at an opening event or conference, which are proportionate to the occasion and intended as a courtesy and to make guests feel welcome.</td>
</tr>
<tr>
<td>Gift Register</td>
<td>means the University-wide register of gifts and benefits maintained by the Legal Office which records such information as the nature of the gift, the date received, the estimated value, the purpose of the gift and how it was handled. The Gift Register may be reviewed by the University's internal and external auditors, the University Council and its committees and other authorised personnel.</td>
</tr>
<tr>
<td>Members of the University Community</td>
<td>means: • staff members; • office-holders; • Visiting, Honorary and Adjunct appointments, Companions and Fellows of the University; and • students.</td>
</tr>
<tr>
<td>Office-holders</td>
<td>means members of any board, committee or other body or entity established by or constituted under University Statutes or Regulations, excluding staff members.</td>
</tr>
<tr>
<td>Senior management</td>
<td>means a Dean, Director or member of the Vice Chancellor's Senior Team.</td>
</tr>
<tr>
<td>Staff member</td>
<td>means any person employed by the University as a full-time, part-time, sessional or casual staff member, or a contracted staff member.</td>
</tr>
<tr>
<td>Student</td>
<td>means any person enrolled as a student of the University who may be in a position to influence decisions of the University. This includes full-time, part-time, block-mode or distance education students.</td>
</tr>
</tbody>
</table>

**Policy Statement**

It is the policy of the University that members of the University community demonstrate integrity, impartiality and good administrative conduct, consistent with the University's values. Members of the University community should use University resources responsibly and wisely and must ensure that their activities and interests do not conflict with their obligations to the University or its community or stakeholders. Members of the University community must...
not use their position to seek an undue advantage for themselves, family members or other personal associates and they must decline gifts and benefits which may be perceived to influence their ability to exercise independent judgment on behalf of the University. The University requires that all gifts and benefits must be declared on the Gift Register.

a) Gifts and Benefits

The University does not encourage the proffering or acceptance of gifts in the workplace. However, members of the University community may give or accept a gift or benefit which is offered as part of a social, cultural or ceremonial practice or which could reasonably be considered to be a gesture of goodwill or token of celebration in the circumstances.

Accepting Gifts or Benefits

Members of the University community should respond appropriately to offers of gifts or benefits, including when travelling overseas on University business.

Members of the University community must not seek or accept gifts or benefits which could be perceived as inducing them to act in a certain way or influencing them to make decisions on behalf of the University, or which might reasonably be perceived to be a conflict of interest. Where particular situations and relationships with donors may give rise to an increased risk (or perception) of being compromised, members of the University community should not seek or accept gifts or benefits in those situations, in particular from people or organisations about whom they are likely to make decisions in the near future involving:

- Tender processes;
- Procurement;
- Selection;
- Enforcement (contractual or otherwise);
- Licensing;
- Regulation; or
- Student enrolment/University entry procedures.

If a member of the University is unsure how to respond to an offer of a gift or benefit, they should seek advice from their supervisor or University senior management.

Gifts of money may not be accepted in any circumstances. If a member of the University community is offered a bribe, the incident must be reported to senior management immediately.

Event tickets or monetary equivalents such as vouchers may be accepted provided that:

- The acceptance of such gifts is not likely to create an endorsement or conflict of interest (real or perceived);
- Senior management is notified as soon as reasonably possible; and
- They are recorded in the Gift Register.

Gifts received by staff members and office-holders as part of a social, cultural or ceremonial practice as a result of their role as a University staff member/office-holder, will remain the property of the University.

The GIFT test below is helpful when deciding whether to accept or decline a gift:
<table>
<thead>
<tr>
<th>Consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>G</strong> Giver</td>
</tr>
<tr>
<td><strong>I</strong> Influence</td>
</tr>
<tr>
<td><strong>F</strong> Favour</td>
</tr>
<tr>
<td><strong>T</strong> Trust</td>
</tr>
</tbody>
</table>

Providing Gifts or Benefits

The giving of gifts funded by the University may be provided to welcome guests, facilitate the development of business relationships or outcomes and celebrate achievements with the approval of a Deputy Vice-Chancellor or the Vice-Chancellor. Examples include receiving a delegation from overseas, an event for other organisations to establish partnerships with the University or celebrating the opening of an exhibition. Any gift proffered should be reasonably seen as a gesture or token of goodwill in the circumstances and should be in line with community expectations and standards in terms of cost, scale, modesty and suitability.

Significant achievements, such as a length of service milestone, or celebrating retirement of staff members, office-holders or other members of the University community may be, where appropriate, recognised with a gift from the University in line with community expectations and standards in terms of cost, scale, modesty and suitability.

In the event of the death of a staff member, office-holder or other member of the University community, a token gift from the University such as flowers and a card may be sent to family members of the deceased person, in acknowledgement of the deceased person's relationship with and contribution to the University.

Birthdays, marriages and the birth of children should not be celebrated using University resources.

In all instances, senior management of the University may exercise a discretion in relation to the proffering of University-funded gifts in the workplace.

Gift Register

The University will maintain a Gift Register located in the Legal Office. Members of the University community (excluding students) who are in receipt of a gift or benefit must complete a Declaration of Gift form (TO BE HYPERLINKED) and forward it to the Legal Office within a reasonable timeframe including the following information:

- The nature of the benefit or gift received;
- The date received;
- The donor;
- The purpose;
- The estimated value;
- How the gift was handled;
• Approval by supervisor; and
• Any other relevant information.

b) Food & Beverages

All members of the University community are accountable for the efficient and effective use of University funds and resources. Members of the University community are expected to use University funds and resources in an appropriate manner and report any instances of misuse or misappropriation.

Members of the University are not entitled to food and beverages free-of-charge from the University’s Conference and Catering Services, food or beverage outlets or external food and beverage providers contracted by the University. External food and beverage providers may choose to provide food and beverages to members of the University community free of charge, provided this cost is not passed on to the University and the provision could not be perceived as inducing them to act in a certain way or influencing them to make decisions on behalf of the University, or creating what might reasonably be perceived to be a conflict of interest.

At meetings or functions of staff members held on or off-campus, University funded food and beverages are not to be served, unless approved by senior management. However, light refreshments may be provided, if this is consistent with the length of the meeting or function and an appropriate use of University resources.

Where non-staff members are in attendance at a formal meeting or function of the University and there is a need to provide food and beverages at this meeting or function, approval from the relevant member of senior management is required. When determining the type of food and beverages to be offered at a University meeting or function, a balanced judgment should be made between the costs incurred and the potential benefits to the University. Regard should also be had as to whether the proposed hospitality is in line with community expectations and standards in terms of cost, scale, modesty and suitability.

Members of the University community should at all times consider the taxation consequences (Fringe Benefits Tax) of providing food and/or beverages at University meetings or functions and should seek advice and assistance from the University’s Finance Office when in doubt as to the taxation consequences before providing food or beverages. Where Fringe Benefits Tax applies, the cost of the expenditure on food and beverages will almost double and the cost of the taxation will be charged to the cost centre responsible for the meeting or function.

As a general rule, alcohol should not be served at University meetings or functions during normal work hours. Alcohol should only be provided at University functions marking significant occasions, subject to approval by a member of the Vice Chancellor's Senior Team. Where alcohol is served at a University function or meeting, the provisions of the University's Alcohol Policy and Promotion of Alcohol at Functions Guidelines should be adhered to. At no time is an alcohol-only function permitted.

c) Breaches of this policy and complaints

Any person, whether or not a member of the University community, who on reasonable grounds believes that a member of the University community has breached this Policy, may make a complaint in accordance with the University’s Protected Disclosures Procedure.

Associated Documents

• Code of Conduct for Victorian Public Sector Employees
• University of Ballarat Alcohol Policy
• University of Ballarat Conflict of Interest Policy and Procedure
• University of Ballarat Delegations - Contract, Financial, Staffing and Tender Policy
• University of Ballarat Expenditure Policy
• University of Ballarat Fraud & Corrupt Conduct Control Policy and Procedure
Responsibility

All members of the University community share responsibility for the implementation of this Policy and for ensuring compliance with this Policy.

Implementation

The Gifts, Benefits, Hospitality, Food and Beverages Policy will be implemented throughout the University of Ballarat via:

1. Information for both staff and students on the University website.
2. Announcement notices via the 'UB Communicate' website as to the stages of implementation of this policy.