UNIVERSITY OF
KWAZULU-NATAL
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POLICY ON GIFTS

Name of policy:	Policy on Gifts	
Reference number: *(supplied by Office of the Registrar)*	CO/02/1009/12	
Originator/Author: *(name and position)*	Jane Meyerowitz, Registrar	
Custodian: *(position/office)*	Registrar	
Policy approved by:	***Structure***: SSB EMC Audit & Risk Senate Council	***Date***: 13/06/2012 26/07/2012 06/08/2012 (noted) 15/08/2012 10/09/2012
Policy effective date:	10/09/2012	
Policy review date:		
Implementation responsibility:	All line managers	
Implementation procedures approved by:	***Structure***: All structures above. Document was approved with procedures and guidelines for implementation	***Date***: As above.

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A: POLICY STATEMENT

1. Purpose statement

The University of KwaZulu-Natal recognises that in the course of normal operations, members of staff may be required to accept or give gifts as a token of appreciation. The purpose of this policy is to set the tone regarding what is acceptable and thus avoid any impropriety in the acceptance, receiving, offering and giving of gifts.

2. Introduction and background

The values of the University, as expressed in the Strategic Plan, require that members of the University conduct themselves according to the highest ethical standards, and the R.E.A.C.H. initiative espouses and embeds the values of Respect, Excellence, Accountability, Client orientation and Honesty. Staff members of the University make contact with a wide range of suppliers, representatives of companies and contractors who, in terms of acceptable practice, may wish to present a gift as a token of appreciation or entertain a staff member in the interests of relationship building. Similarly, members of staff may wish to give a gift under legitimate circumstances.

This policy therefore provides guidance on behaviour expected in accordance with the University values in order to promote transparency and avoid business-related conflicts of interest. This will allow members of staff, where appropriate, to accept, receive, offer and give gifts provided that these gifts do not have the potential to interfere with their responsibilities to the University or improperly influence the judgements expected of them. When adhered to, it is intended that this policy will protect members of staff from preventable charges of conflict of interest or perception of bias and self-interest by providing a mechanism for the acceptance, receipt, offering and giving of gifts. The policy is thus intended to protect the interests of the University, its staff, suppliers and other stakeholders.

References to receipt of gifts by staff are also made in the following policies:

- Policy on managing conflict of interest in staff & student inter-relationships
- Procurement Policy

Where these and any other University policies impose more stringent requirements with regard to the receipt or giving of gifts, the requirements of those policies shall prevail.

3. Definition of terms

Associated person: This refers to a member of the Council of the University, or an external member of a Council Committee, or a member of the Convocation Executive, or a member of a Students Representative Council (SRC) of the University, who is not an employee of the University but who, by virtue of their relationship with or position within the University, is bound by this policy.

Corruption: The abuse of a position of employment or association by offering or accepting a benefit that is not legally due, for the commission of an act in connection with that position of employment or assocation, as defined in the Prevention and Combating of Corrupt Activities Act No 12 of 2004.

Employee: A member of staff, whether permanent or on fixed term contract, of the University or its associated or subsidiary companies or institutes.

Gift: Gifts are items, goods, services, information or money in whatever form, from which the recipient may derive benefit. Gifts may include, but are not limited to, calendars, pens, document folders, clothing, tickets for sporting and other events, business lunches, entertainment, cash or gift vouchers, travel, gifts in kind such as hospitality, and sponsorship of events and year-end functions.

Family: Refers to an employee’s spouse or partner, parent, child, sibling or dependent.

Senior Line Manager: Refers to the head of the School, Division or Department in which the employee is employed, such person to be at the level of Dean, Director or member of the Executive.

Supplier: Includes existing and potential vendors, contractors, sourcing partners, service providers, distributors and consultants who supply goods or services to the University or its associated and subsidiary companies and institutes.

University: The University of KwaZulu-Natal

Year: Refers to a calendar year

4. Scope

This policy deals with the acceptance, receipt, offering and giving of gifts and applies to all employees of the University and its associated and subsidiary companies and institutes; to members of the Council of the University and external members of Council committees; to members of the Convocation Executive; and to members of the Students Representative Councils (SRCs) of the University.

The policy relates to gifts or sponsorships where the donor has, or seeks to have, a business or financial relationship with the University. It does not include, for example:

- personal gifts between colleagues, or those purchased using personal (ie not University or research) funds;
- payment or honoraria offered or received for academic activities such as guest lectures, chairing conference sessions, editorships or acting as examiner;
- scholarships, bursaries or similar academic awards where there is no current or potential business or supplier relationship;
- sponsored travel to a conference, seminar or workshop for an academic member of staff related to their research or teaching, such as when invited as a speaker;
- the receipt of academic books from a supplier for evaluation or review.

5. The Policy

5.1 The acceptance and receipt of gifts:

5.1.1 No employee is permitted to solicit, accept or receive any gifts, directly or indirectly, from suppliers, students or third parties where the employee has a professional relationship with these parties, other than in terms of the procedures prescribed in this policy.

5.1.2 An employee's family shall not solicit, accept or receive any gifts, directly or indirectly on behalf of the employee, where such gifts are obtained from suppliers, students or third parties where the employee has a professional relationship with these parties.

5.1.3 An associated person shall not, in regard to his/her relationship with the University, solicit, accept or receive any gifts, directly or indirectly, where such gifts are obtained from suppliers or third parties and where the Univeristy has a professional or commercial relationship with these parties, other than in terms of 5.1.4 below and the procedures prescribed in this policy.

5.1.4 A gift involving a clearly established monetary value of less than R1000 received directly by the employee may be accepted and need not be declared, provided that the acceptance or receipt of the gift does not impair the independence and objectivity of the employee.

5.1.5 Gifts received from suppliers, students or third parties with whom the employee or University has a professional relationship that have a value in excess of R1000 must be recorded in the Gift Register within 10 days of receipt. In the absence of a generally available Gift Register diclosure of the gift must tbe reported to the Risk Champion of the employee's College, School, Division or Section or, in the case of associated persons, to the Registrar. The onus to declare lies with the employee or associated person concerned.

5.1.6 Where gifts are received by an employee or associated person and their families, the overall value of gifts received from a single supplier must not exceed R3000 in any given year, and the overall value of all gifts received from suppliers must not exceed R5000 in any given year, without the acceptance of such gifts having been discussed and formally approved in writing by the senior line manager.

5.1.7 Business breakfasts, lunches, dinners and invitations to sporting events are useful in promoting networking and good relationships and as such are acceptable and need not be disclosed; however employees are required to use their discretion and sound judgement as to what is appropriate in terms of this policy and what may be deemed to be excessive and therefore inappropriate.

5.1.8 The acceptance or receipt of cash (bank notes, electronic fund transfers, cheques or equivalent) is specifically prohibited.

5.1.9 The acceptance of discounts in excess of normal commercial practice is prohibited, except where such apply institutionally or have formally been negotiated as a benefit to staff by the University.

5.1.10 Approval for sponsored travel and/or attendance at a workshop, seminar or conference that is not for academic purposes must be obtained in advance from the employee's senior line manger, and must also be recorded in the register.

5.2 The giving of gifts

5.2.1 Any gift, gratuity or other benefit offered to an external party with a value in excess of R1000 must be pre-approved by the senior line manager and recorded in the Gift Register.

5.2.2 Any attempts by clients, suppliers or other external parties to solicit gifts during the course of their interaction with an employee must immediately be reported to the Head, Forensic Services.

5.2.3 Gifts for members of staff: No gifts or flowers may be purchased using University funds for personal occasions such as birthdays, weddings, or wedding anniversaries. Flowers or gifts for personal events such as births, death and illness of a staff member may be purchased up to a maximum value of R500. Such purchases must be authorised by the budget controller.

5.3 No employee or associated person may rely on the status of the University or their status within the University to make use of suppliers, representatives of companies, contractors or anyone whosoever to his/her personal advantage.

B: PROCEDURES AND GUIDELINES FOR IMPLEMENTATION

1. A formal system will be made available for the recording of gifts received or given where this policy is applicable.
2. All such gifts with a value in excess of R1000 received by an employee, a member of his/her family or an associated person must be recorded in this register within 10 days of receipt.
3. Such declarations do not obviate the necessity for obtaining approval for the acceptance of the gift or sponsorship where such is required in terms of the policy.
4. Any gifts or other benefits offered to an external party with a value in excess of R1000 must be pre-approved by the senior line manager and recorded in the register.
5. It is recognised that determining the precise value of a gift received is often not possible and staff should exercise judgement in making an objective estimate of the value for declaration purposes.