



UNIVERSITY OF CENTRAL FLORIDA

Office of the President

SUBJECT: Gifts and Honoraria	Effective Date: 6/16/2017	Policy Number: 2-009
	Supersedes:	Page Of 1 8
	Responsible Authority: Chief Compliance and Ethics Officer	

APPLICABILITY/ACCOUNTABILITY

This policy applies to all UCF employees.

BACKGROUND INFORMATION

UCF employees are subject to Florida Statutes Chapter 112, part III *Code of Ethics for Public Officers and Employees*, which includes restrictions on soliciting and receiving gifts and honoraria. This policy provides employees with procedures on how to identify allowable gifts and honoraria in compliance with state ethics laws and university standards, and on reporting requirements to the state when accepting certain gifts and honoraria.

POLICY STATEMENT

As America’s partnership university, we believe in working together and with others to achieve success. While the university encourages partnerships, UCF expects all employees to refrain from engaging in any activity that creates a conflict of interest or a bias in decision-making, or that gives the appearance of a conflict or bias. Employees may not use or attempt to use their position in order to obtain special benefits or privileges for themselves or others.

Employees may not solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based on the understanding that it will influence official action or judgment.

Employees, their spouses, and children may not accept compensation, payment, or anything of value when they know or, with the exercise of reasonable care should know, that it was given to influence official action.

University Compliance, Ethics, and Risk provides oversight, guidance, and reviews related to compliance with the *Code of Ethics for Public Officers and Employees*. Questions related to compliance with the state ethics laws or this policy should be referred to this office.

DEFINITIONS

Gift. Anything an employee receives for which they do not give equal or greater consideration within 90 days. A gift includes, but is not limited to food or beverage, membership dues, plants, flowers, floral arrangements, transportation and lodging, a preferential rate, the use of property, forgiveness of a debt, entrance fees, admission fees or tickets to events, performances, or facilities, services for which a fee is normally charged by the person providing the services, or any other similar service or thing having an attributable value not already provided for in this definition.

A gift does not include salary and other items associated with private employment, an award, plaque, certificate, or similar personalized item given in recognition of service, gifts from an honorarium or an expense related to an honorarium event paid to a person or the person's spouse, or gifts from relatives.

Honorarium. Payment of money or anything of value, directly or indirectly, to an employee or to any other person on his or her behalf as consideration for a speech or something written, other than a book, that has been or is intended to be published. The term does not include payments for services related to outside employment or ordinary payments for services related to the employee's public duties, nor does the term include payment of reasonable transportation, lodging, registration fee, or food and beverage expenses for the employee and spouse related to the honorarium event.

Lobbyist. Anyone who, for compensation, seeks or has sought in the last 12 months to influence the decisions of a RIPE or UCF. For the purposes of this policy, a lobbyist includes a vendor seeking to do business with the university.

Procurement Employee. Defined in Fla. Stat. s. 112.3148 and s. 112.3149 as any employee who has participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing, or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds or is expected to exceed \$10,000 in any fiscal year.

A procurement employee is not limited to employees with purchasing responsibilities or in UCF Procurement Services. The definition is broader to include employees without purchasing authority when they serve in a specific role or advisory capacity in procuring products or services. Employees who are unsure if they meet the definition should seek guidance from their supervisors or contact University Compliance, Ethics, and Risk.

Prohibited Gift. Solicited gifts, gifts offered by a UCF vendor or lobbyist directly to an employee engaged in a working relationship in his or her official capacity with that vendor or lobbyist, gifts to procurement employees and reporting individuals from a UCF vendor or lobbyist when there is no working relationship and the gift exceeds \$100 or from a political committee, and gifts to a reporting individual from a registered executive branch lobbyist.

Reporting Individual. An individual required by state ethics laws to file a Form 1 statement of financial interests with the Florida Commission on Ethics. UCF Human Resources notifies employees of their status as a reporting individual.

Vendor. A business entity doing business directly with UCF, such as renting, leasing, or selling any realty, goods, or services.

COMPLIANCE REQUIREMENTS

Honoraria

An employee may generally accept an honorarium, provided the amount is modest and consistent with fair market value for the time spent in preparation for the event. Employees and their spouses may receive actual and reasonable travel expenses (airfare, mileage, lodging, meals, registration fees, and other transportation costs) related to an honorarium event.

Reporting Individuals and Procurement Employees (RIPEs)

State ethics laws contain additional restrictions and requirements for employees identified as reporting individuals or procurement employees, collectively known as RIPEs. RIPEs additionally may not:

1. solicit a gift in any amount
2. accept a gift from a UCF vendor or lobbyist
 - a. when, regardless of the amount, the employee has or will have a direct working relationship with the vendor or lobbyist, or the representative of the vendor or lobbyist
 - b. when no relationship exists between the employee and UCF vendor or lobbyist, and the gift exceeds \$100
3. accept a gift from a political committee (nor may the RIPE's parents, spouses, children, or siblings)
4. solicit an honorarium that is related to his or her duties
5. accept an honorarium from a UCF vendor or lobbyist (although employees and their spouses may accept actual and reasonable transportation, lodging, registration fee, food,

and beverages related to the honorarium event, provided these are reported to the Commission on Ethics)

RIPes may accept, however:

1. gifts not intended to influence official action from a UCF vendor or lobbyist valued up to \$100 when there is no working relationship between employee and vendor or lobbyist or the representative of the vendor or lobbyist and for reporting individuals, when the vendors and lobbyists are not registered executive branch lobbyists refer to reporting individuals-only section below
2. gifts not intended to influence official action, valued above \$100, from someone other than a UCF vendor or lobbyist, provided they are reported to the Commission on Ethics in accordance with section D of this policy
3. gifts from a UCF vendor or lobbyist in any amount when the gift is transferred to the university upon receipt in accordance with section B of this policy
4. honoraria and expenses related to honorarium events from non-UCF vendors and lobbyists
5. actual and reasonable transportation, lodging, registration fee, food, and beverages related to an honorarium event from a UCF vendor or lobbyist, provided it is reported to the Commission on Ethics in accordance with section D of this policy

Reporting Individuals Only

Reporting individuals are subject to the state expenditure ban, Section 112.3215, F.S., which prohibits reporting individuals from accepting, directly or indirectly, anything, regardless of value, from a registered executive branch lobbyist or principal of a lobbyist. Executive branch lobbyists and principals of lobbyists are required to register with the state and are prohibited from giving anything, regardless of value, to a state reporting individual.

To illustrate the effect of the state's expenditure ban on reporting individuals, many vendors attending the UCF benefits fair hosted by Human Resources each year are registered executive branch lobbyists. These vendors usually provide nominal giveaways at their tables such as candy, pencils, and pens. Reporting individuals are prohibited from taking or accepting anything from a registered executive branch lobbyist or principals of lobbyists.

Noncompliance

Failure to comply with the university's gift and honoraria policy may result in disciplinary action up to and including termination of employment. The state may also impose penalties for non-compliance with the state ethics laws. Those penalties include dismissal from employment, demotion, suspension, reduction in salary, civil penalty not to exceed \$10,000, restitution of pecuniary benefits received, public censure, and reprimand.

Additional University Policy

Employees in the College of Medicine must also follow the College of Medicine Industry Relations Policy, which applies to gifts and honoraria from industry. Other UCF organizational units and departments may develop more restrictive gift guidelines in response to professional

or industry compliance standards or recommendations. Such guidelines must be submitted to the Chief Compliance and Ethics Officer for review and may not conflict with this policy.

PROCEDURES

A. All Employees

This section addresses employees in general. RIPLEs must also refer to section D below for additional procedures pertaining to them.

1. Before accepting a gift, all employees must determine whether the gift is being offered to influence his or her official action. Gifts offered directly to an employee engaged in a working relationship in his or her official capacity with a vendor or lobbyist most often fall into this category. These gifts are often offered to create or maintain a favorable opinion of the vendor or lobbyist in order to retain or gain UCF business. For this reason, gifts including meals and complimentary registration offered by vendors or lobbyists to employees where there is a working relationship, regardless of the value of the gift, are not permitted and may not be accepted.
2. Invitations to attend complimentary conferences or events sent by vendors and lobbyists directly to employees are considered gifts to the employee under state statute. Employees receiving direct invitations for a complimentary conference or event from a vendor or lobbyist should notify University Compliance, Ethics, and Risk for review.
3. Employees may not accept multiple allowable gifts from the same donor in one year, or gifts from multiple donors so frequently that it gives the appearance that they are using their position for personal gain.
4. Gifts of nominal value, such as small items at vendor tables including pens or candy offered to everyone and not targeted to UCF employees, are generally permitted, except that reporting individuals may not accept anything from a registered executive branch lobbyist (explained further in the procedures section).
5. Automatic entry into a prize drawing at a conference or event while on university business is generally allowed, and if the employee should win, the employee may keep the gift as long as the value does not exceed \$100. If the value exceeds \$100, the employee may decline the gift, or if the gift could benefit UCF (such as a laptop or tablet), may accept on behalf of UCF and promptly transfer it to the university in accordance with section B of this policy.
6. Employees should not enter their name into a prize drawing at a conference or event if the drawing is for a prohibited gift.
7. If an employee receives a prohibited gift and it is not possible for the employee to return the gift, the employee will promptly transfer the gift to the university. Employees may contact University Compliance, Ethics, and Risk for questions regarding the transfer of a gift.

B. Gifts to the University

Employees accepting gifts on behalf of the university may not maintain custody of the gift beyond a reasonably necessary time to arrange for the transfer of the custody and ownership of the gift to the university. Employees who are not designated by their job position to accept gifts on behalf of the university (e.g. development officer), must receive approval prior to accepting a gift on behalf of the university. Employees should contact University Compliance, Ethics, and Risk for review and assistance in this process.

Gifts such as complimentary registration to an industry conference or event offered to UCF and not directly to a specific employee may be considered gifts to the university. University Compliance, Ethics, and Risk will review and when appropriate work with the department and unit on the designation of a university official. Vendors and lobbyists offering such gifts are required to submit invitations to the designated university official so that it is clear that the invitation is made to the university and not to an individual employee. The university official will select the employees who are to attend the complimentary conference or event.

C. Gift Acceptance Forms

In order to comply with state ethics laws, some vendors and lobbyists require employees to obtain approval prior to attending meetings and events that they host. Below is the process for submitting the forms for review and approval to University Compliance, Ethics, and Risk:

1. Employees must provide the following information as applicable, no less than 15 business days prior to the event:
 - a) name and title of employees attending the event or accepting the gift
 - b) information regarding the event (i.e., registration fee, university discount, value of gifts such as meals, link to website advertising event, email from event coordinator or vendor, and mailed materials)
 - c) purpose of event and benefit to employee(s) attending
 - d) information about how the employee(s) became aware of the event and how they were invited
2. Provided employees submit all of the required information to University Compliance, Ethics, and Risk, the office will review and return the request within five business days.

D. Reporting Individuals and Procurement Employees (RIPEs)

RIPEs may contact University Compliance, Ethics, and Risk for assistance with identifying UCF vendors and lobbyists for compliance with this policy. Additionally, University Compliance, Ethics, and Risk will assist reporting individuals with identifying registered executive branch lobbyists and principals.

The following are gift and honoraria reporting requirements for RIPEs:

1. Gifts.

RIPEs must submit the Commission on Ethics Form 9, Quarterly Gift Disclosure, to the Commission on Ethics during the following quarter from the date they receive a gift exceeding \$100 in value from a non-UCF vendor or lobbyist.
2. Honoraria.

RIPes accepting actual and reasonable transportation, lodging, registration fee, food, and beverages related to an honorarium event from a UCF vendor or lobbyist must file annually to the Commission on Ethics using Form 10 and, attach a statement provided to them from the donor (vendors and lobbyists are required under state statute to provide RIPes this statement with details of the expenditure no later than 60 days after the event).

RELATED RESOURCES

UCF Regulation 3.018 Conflict of Interest or Commitment; Outside Activity or Employment
http://regulations.ucf.edu/chapter3/documents/3.018OutsideActivityorEmploymentFINAL2_Sept14.pdf

UCF Regulation 7.130 Administrative and Finance; Purchasing
<http://regulations.ucf.edu/docs/notices/7.130PurchasingFINALJun14.pdf>

UCF College of Medicine Industry Relations Policy <https://med.ucf.edu/media/2012/05/UCF-COM-Industry-Relations-Policy-and-Guidelines-12-2014.pdf>

UCF Policy 2-202.1 UCF Foundation Solicitation of Charitable Gifts
<http://policies.ucf.edu/documents/2-202.1UCFFoundationSolicitationOfCharitableGifts.pdf>

UCF Gifts and Honoraria training <http://compliance.ucf.edu/training-3/>

Chapter 112 Public Officers and Employees: General Provisions Part III Code of Ethics for Public Officers and Employees (ss. 112.311-112.326)
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0112/0112PartIIIContentsIndex.html&StatuteYear=2015&Title=-%3E2015-%3EChapter%20112-%3EPart%20III

Executive Branch Lobbying www.leg.state.fl.us/lobbyist

Florida Commission on Ethics Gift Flow charts

Can I take it? Analysis 1 <https://compliance.ucf.edu/files/2014/10/Can-I-take-it-Analysis-1.pdf>

Can I take it? Analysis 2 <https://compliance.ucf.edu/files/2014/10/Can-I-take-it-Analysis-2.pdf>

Can I take it? Analysis 3 <https://compliance.ucf.edu/files/2014/10/Can-I-take-it-Analysis-3.pdf>

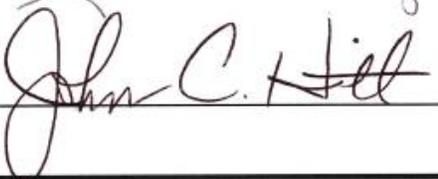
Florida Commission on Ethics Gifts & Expenditures Frequently Asked Questions
<https://compliance.ucf.edu/files/2014/10/Gifts-Expenditures-FAQs.pdf>

CONTACTS

University Compliance, Ethics, and Risk, 4365 Andromeda Loop N. MH 328, Orlando, FL 32816-0001. (407) 823-6263. complianceandethics@ucf.edu or PCA@ucf.edu

INITIATING AUTHORITY

President
Vice President and Executive Chief of Staff

POLICY APPROVAL (For use by the Office of the President)	
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President or Designee: <u></u>	Date: <u>6/16/17</u>