

Division of Research and Graduate Studies

Division Policy on Gifts

Background

It is essential that UNLV employees incorporate consistent ethical standards and maintain a high degree of public trust. Decisions made in the Division of Research and Graduate Studies (the “**Division**”) can impact the future of the individuals it serves. The acceptance of personal gifts from those doing business or seeking to do business with the University, even when lawful, may give rise to legitimate concerns about favoritism, depending on the circumstances. This is especially problematic for individuals, such as graduate students, who have relationships with the Division in which there is an imbalance of power and an ongoing professional interaction from the application stage through graduation.

Nevada Revised Statutes 281A.400 (1), (2), and (4) establishes a code of ethical conduct that governs the conduct of public officers and employees:

1. A public employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in the public officer’s or employee’s position to depart from the faithful and impartial discharge of the public officer’s or employee’s public duties.
2. A public officer or employee shall not use the public officer’s or employee’s position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest, or any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.
4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of the public officer’s or employee’s duties as a public officer or employee.

One of the major issues identified by the UNLV internal audit department is “improper giving or receiving of gifts.” This includes “giving, receiving, or solicitation of items which could be reasonably interpreted as an effort to influence a business relationship or decision; items given, received or solicited for the benefit of an individual or individual’s family or friends; items given, received, or solicited during or in connection with contract negotiations; the acceptance of cash, checks, money orders, vouchers, gift certificates, loans, products, or services.”

(<http://audit.unlv.edu/EducationRisks.htm>)

UNLV human resources specifically lists prohibitions that could lead to disciplinary action including “accepting gifts, service, favor, employment, engagement, or economic opportunity from any individual, firm, or organization doing business with NSHE or the State when the employee is responsible for making any recommendations or decisions affecting their business

activities or for inspecting work performed by the same.”
(<http://hr.unlv.edu/policies/pdf/ProhibitionsPenaltiesGuide.pdf>)

General Policy

Division employees should avoid the appearance of impropriety in their interactions with individuals outside of the university and outside of the Division. Consistent and just treatment is essential in many of the activities performed by the Division. The Division is adopting this Division Policy on Gifts (this “**Policy**”) due to the discretionary nature of the decisions routinely made by employees within the Division with regard to admittance to or graduation from the Graduate College, awards administered by the Division, approval or disapproval of protocols, selection of vendors, residency status, thesis and dissertation approval, GA funding, and the like.

Gifts may not be accepted by employees or their family members from individuals conducting business with the Division. This specifically includes individuals who (1) are seeking official action by the employee or Division, (2) are currently doing business or seeking to do business with the Division, (3) are conducting activities regulated by the Division, or (4) have interests that may be substantially affected by the performance (or non-performance) of the employee or Division.

Some examples of individuals conducting business with the Division include:

- Applicants for graduate school
- Current graduate students
- Chairs, graduate coordinators, and faculty in graduate programs
- Faculty applying for graduate faculty status
- Faculty nominated for awards
- Faculty in competition for submittal of external awards
- Faculty submitting compliance committee protocols
- Vendors with which the division currently or prospectively does business

Gifts that are made to an entire department may be accepted from non-vendors with the approval of the head of the department.

Special Rules Regarding Vendors and Purchasing

The State of Nevada, Department of Administration Purchasing Division specifically prohibits employees from receiving any gift, gratuity, or premium in connection with purchasing or contracting activity. UNLV employees may not give, offer, or promise anything of value to any vendor, contractor, or other individual for the purpose of receiving favorable treatment. Nor shall UNLV personnel solicit or accept anything of value from these individuals, which may place an individual or department in a compromising position. (<http://purchasing.state.nv.us/vguide.htm>)

Marketing tokens (pen, keychain, coffee mug, etc.) given by a vendor in the normal course of business are not considered gifts under this Policy, assuming they are *de minimis* in value.

University credit, purchasing power, and facilities cannot be used to purchase material for individual or non-University activities. Goods or services cannot be purchased from an

employee or near relative unless there is a specific determination that the goods or services are not available otherwise.

Exceptions

The following items are specific exceptions to this ban on gifts under this Policy:

- Opportunities, benefits, and services available to the general public on the same terms and conditions
- Anything for which the employee paid market value, if it is also available to the general public
- A lawful contribution under the Election Code or the SOEEA, or activities associated with a fundraising event in support of a political organization or candidate
- Travel expenses for a meeting to discuss state business
- A gift from a relative, subject to restrictions regarding nepotism in purchasing and hiring
- Anything provided on the basis of personal friendship (unless the gift was provided because of the state employment of the employee and not because of the friendship)
- Food or drink that does not exceed \$30 per person per calendar day; provided that the food or drinks are (a) primarily consumed on the premises from which they were purchased or prepared, or (b) catered
- Food, drink, lodging, transportation or other benefits related to outside business or employment activities of the employee, if the benefits are customarily provided to others in similar circumstances, and the benefit has not been offered or enhanced because of the employee's state employment. All compensated outside services must be approved in advance pursuant to the UNLV Conflict of Interest/Compensated Outside Employment Policy.

Procedures for Violations of this Policy

Violations of this Policy will be initially reviewed by the employee's supervisor with a written report to the Vice President for Research and Graduate Studies. For faculty (academic and administrative), the Vice President may institute proceedings under Nevada System of Higher Education *Code* Title 2, Chapter 6. The Vice President may begin disciplinary actions for classified staff as specified in the NSHE Prohibitions and Penalties guide for classified staff. Willful violations of Nevada Revised Statutes may result in criminal prosecution and/or civil penalties, including fines.

Approved:

/Ronald W. Smith/

Ronald W. Smith

Vice President for Research and Dean of the Graduate College

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