



Gift Policy # 140.131

Table with 3 columns: INITIAL EFFECTIVE DATE, LAST REVISION DATE, RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT. Values: August 3, 2009, TBD, Office of Compliance & Integrity.

POLICY STATEMENT

Florida International University employees are subject to Florida Statutes Chapter 112, Part III Code of Ethics for Public Officers and Employees (Code) and Florida Statutes, Section 286.101 - Foreign gifts and contracts, which each place restrictions on soliciting, and accepting gifts and honoraria.

The Office of University Compliance & Integrity provides oversight, guidance and reviews issues of compliance involving the Code. Questions or concerns related to the Code or this policy should be referred to the Compliance Office.

General Prohibitions

FIU employees are prohibited from using or attempting to use their position(s) in order to obtain special benefits or privileges for themselves or others. FIU employees, their spouses and children must not accept or request anything of value if it might be perceived as influencing the employee's actions.

Below is a summary of restrictions involving gifts to employees, their spouses and children:

ACCEPTING A PERSONAL GIFT FROM AN FIU VENDOR, POTENTIAL VENDOR, LOBBYIST, OR POLITICAL COMMITTEE

Employees

- May accept a personal gift if it is unsolicited. (If the gift value is over \$100, you will need to contact the Compliance Office.)
• May not accept a personal gift if it is given for the purpose of influencing a work-related decision.

Reporting Individuals (A person who is required to file a State Annual Disclosure Form with the Florida Commission on Ethics):

- May accept a personal gift if it is \$100 or less and is unsolicited.
• May not accept a personal gift if it is more than \$100.
• May not accept a personal gift of any value if it is from a Registered Lobbyist.
• May not accept a personal gift if it is given for the purpose of influencing a work-related decision.

Procurement Employees (A person who decides or has influence in purchases or

procurements of \$10,000 or more in a fiscal year):

- May accept a personal gift if it is \$100 or less and is unsolicited.
- May not accept a personal gift if it is more than \$100.
- May not accept a personal gift if it is being given for the purpose of influencing a work-related decision.

Restriction on Accepting Gifts from a College or University in a Foreign Country of Concern, or from a Foreign Principal:

- **Employees or representatives of FIU (including any entity under the control of or established for the benefit of FIU) may not solicit or accept any gift in their official capacity, including any physical object, loan, reward, promise of future employment, favor, or service, from (i) a college or university based in a foreign country of concern or (ii) a foreign principal.**

Special Rule for Department of Procurement Services Employees

- May not accept a personal gift of any value if the employee works in the Department of Procurement Services.

Fund Raising Events

The University recognizes that there may be instances in which, in connection with a fundraising event, a donor or prospective donor may wish to provide an unsolicited personal gift to a University employee (such as an invitation to a lunch or dinner, or tickets to a cultural or sporting event). If the donor or prospective donor is a vendor doing business with the University, a political committee or a lobbyist to the University, the \$100 threshold described above would apply. If the donor or prospective donor is not a vendor doing business with the University, a political committee or lobbyist to the University, then the employee may accept the unsolicited personal gift even if the value of the gift exceeds the \$100 threshold. The value of the gift must be reasonable and consistent with the value of the event offered to the public. (If the gift is value is more than \$100, you will need to contact the Compliance Office.)

Institutional Gifts and Fundraising

A gift of any value may be accepted by an employee on behalf of the University, provided the gift is promptly and properly transferred to the University through the FIU Foundation. (See "Procedures" section below for instructions)

Gifts from Government Agencies and Direct-Support Organizations

A Reporting Individual or Procurement Employee may accept a gift worth more than \$100 from a State government entity if a public purpose can be shown for the gift. In addition, an officer or employee of a direct-support organization may accept a gift worth more than \$100 from a direct-support organization if the gift is for a public purpose. (e.g., Travel and related expenses paid for a State Education mission.) The recipient must disclose this information to the Office of University Compliance & Integrity, as well as the Commission on Ethics.



Gifts from Lending Institutions (Restrictions Applicable to all University Faculty and Staff)

All Florida International University officers and employees are prohibited from accepting anything of more than nominal value on their own behalf or on behalf of another person or entity from any Lending Institution. (See Student Loan Practices Code of Conduct in “Related Information” section below).

Honoraria

An employee may accept an honorarium and related travel expenses for themselves and their spouse if the amount is reasonable and consistent with fair market value for time spent in preparation for the event.

A Reporting Individual or procurement employee is prohibited from soliciting an honorarium, which is related to their public office or duties, or knowingly accepting an honorarium from a political committee, a lobbyist, or a vendor doing business with the University. A Reporting Individual who receives payment or provision of expenses related to any honorarium event from a person who is prohibited in the paragraph above, will need to disclose the particulars in their annual statement of reporting. The annual statement of a procurement employee must be filed with the Commission on Ethics.

Gifts from the University

The University is allowed to give certain gifts, which may include monetary awards, to employees under specific circumstances and limits. Referenced information can be found in the following listed documents:

- FIU Foundation, Inc. Disbursements Policy
- FIU Foundation, Inc. Disbursement Procedure
- University Concession Fund Policy 1110.015
- II.4.5 Purchases of Food and Non-Alcoholic Beverages
- Publication 15-B, Employers' Tax Guide to Fringe Benefits.

SCOPE

Florida International University employees are subject to Florida Statutes Chapter 112, Part III Code of Ethics for Public Officers and Employees (Code), and Florida Statutes Section 286.101 which places restrictions on soliciting, and accepting gifts and honoraria.

REASON FOR POLICY

It is the intent of this policy to provide guidance to University employees regarding their ability to solicit or receive gifts from any vendor doing business with the University, political committee, or lobbyists to the University, so that they may abide by the requirements of the Code.



DEFINITIONS	
TERM	DEFINITIONS
Employee	Any person who is employed by FIU in a full or part-time capacity, which includes, staff, faculty and student employees.
Foreign Country of Concern	The People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern.
Foreign Principal	Means any of the following: 1. The government or an official of the government of a foreign country of concern; 2. A political party or a member of a political party in a foreign country of concern. The term “political party” means an organization or a combination of individuals whose aim or purpose is, or who are engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control of a government of a foreign country of concern or a subdivision thereof, or the furtherance or influencing of the political or public interest, policies, or relations of a government of a foreign country of concern or a subdivision thereof; 3. A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary thereof; or 4. Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent resident of the United States.
Gift	Anything accepted by a person for which equal or greater consideration is not given within 90 days. (e.g., If you accept a ticket to a sporting event valued at \$250 and are authorized to accept a gift of \$100 or less, you may pay the difference of \$150 to the vendor within 90 days of receipt of the ticket.) "Gift," includes real property; the use of any property; a preferential rate or terms on a transaction; forgiveness of a debt; transportation; lodging; parking; food or beverage; dues and fees; tickets; plants and flowers; personal services; and any other thing or service having an attributable value.

	<p>A "Gift" includes <u>any physical object, loan, reward, promise of future employment, favor, or service.</u></p> <p>"Gift," does not include salary, benefits, services, fees, commissions, or expenses associated primarily with one's employment, business, or service; an honorarium; or an award, plaque, etc. for public recognition.</p>
Honorarium	<p>A payment of money or anything of value to an employee for:</p> <ul style="list-style-type: none"> a) A speech, address, oration, or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media. b) A writing by the reporting individual or procurement employee, other than a book, which has been or is, intended to be published. <p>The term "honorarium" does not include the payment for services related to outside employment, or ordinary payment of salary for services related to the employee's public duties. The term also does not include actual and reasonable travel and food expenses or registration fee for an employee and spouse that are related to the honorarium.</p>
Lending Institution	<p>Any entity (other than an institution of higher education or a governmental entity such as the U.S. or Florida Department of Education) involved in the making, holding, consolidating or processing of any student loans.</p>
Lobbyist	<p>A person or entity who, for compensation, is seeking or has sought to influence the decision of the University within the last 12 months. This includes a person or vendor attempting to do business with the University involving sales of goods or services.</p>
Political Committee	<p>A committee that accepts contributions for the purpose of expressly advocating a political position or candidate.</p>
Procurement Employee	<p>Any employee who has the ability to influence decision-making in the University's purchase of goods or services in the amount of \$10,000 or more in any fiscal year.</p>
Registered Lobbyist	<p>A person or entity required to be registered as a lobbyist in accordance with Florida law.</p>



Reporting Individual	An employee who is required by law to file a disclosure of his/her financial interests to the Florida Commission on Ethics.
Vendor	A business entity doing business directly with the University, such as renting, leasing, or selling any realty, goods, or services.

ROLES AND RESPONSIBILITIES

Please note that under Florida law, violations of the Code, in addition to any criminal penalty or other civil penalty involved, constitutes grounds for, and may be punished by, one or more of the following:

- a) Impeachment (for public officers)
- b) Removal from office (for public officers)
- c) Dismissal from employment
- d) Demotion, suspension, reduction in salary level
- e) Civil penalty in an amount not to exceed \$10,000
- f) Restitution of any pecuniary benefits received
- g) Public censure and reprimand

RELATED RESOURCES

State of Florida Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes

Office of Research & Economic Development Procedure #2370.005(a), Ethics in Purchasing for Research and Intellectual Property Contracts under Florida Law

Office of Research & Economic Development Policy #2370.005, Conflict of Interest in Research Florida International University Regulation, FIU-2201, Purchasing

Florida Board of Governors Student Loan Practices Code of Conduct Florida International University Student Loan Practices Code of Conduct Patient brokering prohibited; exceptions; penalties. – Fla. Stat. §817.505

FIU Foundation, Inc. Non-Cash Gifts Policy – Policy No. 1530.020 Commission on Ethics Form 9

Commission on Ethics Form 10

s. 8, Art. II of the State Constitution or s. 112.3145, F.S.

Florida Statutes Sections 286.101, 288.860



Forms/Online Processes

Florida International University Regulation, FIU-2201, Purchasing Florida International University Student Loan Practices Code of Conduct Office of University Compliance & Integrity Gift Acceptance Questionnaire FIU Foundation Gift-In-Kind Form
Florida Commission on Ethics Forms 9 & 10

CONTACTS

Office of University Compliance and Integrity
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Miami, Florida 33199
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HISTORY

Initial Effective Date: August 3, 2009

Review Dates (*review performed, no updates*): N/A

Revision Dates (*updates made to document*): February 11, 2015; November 19, 2018; TBD



Gift Procedure #140.131a

INITIAL EFFECTIVE DATE:	LAST REVISION DATE:	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT
August 3, 2009	November 19, 2018	Office of Compliance & Integrity

PROCEDURE STATEMENT

Quarterly Gift Disclosure by Reporting Individuals and Procurement Employees
Reporting Individuals and Procurement Employees, who receive a gift that is not prohibited, must file a Quarterly Gift Disclosure with the Commission on Ethics.

Invitations to Attend Conferences and Events

Invitations to attend complimentary conferences or events sent by vendors and lobbyists directly to employees are considered personal gifts to the employee under state statute. If you receive such an invitation, you should direct the vendor or lobbyist to submit the invitation to an appropriate designated University official (Provost, Dean, Vice-Presidents or Executive Director) in your area, so that it is clear that the invitation is made to the University and not the employee.

The University official can then select, or designate a member of management to select, which employee(s) could attend the complimentary conference or event with the input of the Compliance Office. Employees receiving direct invitations for a complimentary conference or event from a vendor or lobbyist should notify the Office of University Compliance & Integrity.

Gift Acceptance Questionnaire

In order to avoid any confusion in determining whether a gift is acceptable, all employees must fill out and submit the "Gift Acceptance Questionnaire" found on the Office of University Compliance & Integrity's website at <https://compliance.fiu.edu/compliance-ethics/gift-acceptance-questionnaire/>.

Note: Any "Compliance Gift Acceptance Forms" which a vendor or lobbyists requires the employee to obtain approval from the University Chief Compliance Officer prior to attending such events should be submitted as an attachment to the Questionnaire.

Gifts Accepted on Behalf of the University

When accepting a non-cash gifts - i.e., artwork, vehicles, food/beverage, etc., on behalf of the University, a Gift-In-Kind form, which can be found on the FIU Foundation website, must be filled out and submitted to FIU Foundation.