

## Gifts to Employees from Non-RF Sources

<b>Effective Date:</b>	August 22, 2016
<b>Supersedes:</b>	Gifts to Employees from Non-RF Sources effective March 15, 2013
<b>Policy Review Date:</b>	To be reviewed every three years from the effective date
<b>Issuing Authority:</b>	Research Foundation President
<b>Policy Owner:</b>	Chief Compliance Officer
<b>Contact Information:</b>	(518) 434-7045 <a href="mailto:rfsunyc@rfsunyc.org">rfsunyc@rfsunyc.org</a>

## Reason for Policy

The Research Foundation for The State University of New York ("Research Foundation" or "RF") is committed to avoiding situations that could give rise to real or apparent conflicts of interest. If you accept or request a gift from a person or company doing business with the Research Foundation or SUNY, it may give the impression that your professional judgment is compromised.

## Statement of Policy

No Research Foundation Employee or Representative, shall, directly or indirectly:

- (a) solicit, accept, or receive any gift having more than a \$15 value, whether in the form of money, service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her, in the performance of his/her duties or was intended as a reward for any action on his/her part; or
- (b) permit the solicitation, acceptance, or receipt of any gift from any person doing business with, or contemplating a business relationship with the RF to a third party including a charitable organization, on such Employee or Representative's designation or recommendation or on his/her behalf, under circumstances where it is reasonable to infer that the gift was intended to influence him.

This Policy governs RF Employees or Representatives whose primary work station is the RF's Central Office. RF Employees or Representatives working at a SUNY campus must follow that campus's local policy governing the acceptance of gifts and not this policy. For additional assistance, please contact your local ethics officer or counsel.

Exceptions: The following are not gifts and may be accepted, regardless of value, if acceptance does not otherwise create a conflict of interest:

- a. Anything which an RF Employee or Representative has paid Fair Market Value.
- b. Anything for which the State, SUNY, or the Research Foundation has paid or secured by contract.
- c. Rewards or prizes given to competitors in contests or events offered to the general public or a segment of the general public defined on a basis other than status as an RF Employee or Representative.
- d. Food or beverage valued at fifteen dollars or less per occasion..

- e. Complimentary attendance, including food and beverage, at Bona Fide Charitable or Political Events or offered by the sponsor of a Widely Attended Event
- f. Awards, plaques, and other ceremonial items that are publicly presented, or intended to be publicly presented, in recognition of public service, provided that the item or items are of the type customarily bestowed at such or similar ceremonies and are otherwise reasonable under the circumstances.
- g. An honorary degree bestowed upon an RF employee by a college or university.
- h. Promotional items having no substantial resale value such as pens, mugs, calendars, hats, and t-shirts that bear an organization's name, logo, or message in a manner that promotes the organization's cause.
- i. Goods and services, or discounts for goods and services, offered to the general public or a segment of the general public and offered on the same terms and conditions as the goods and services are offered to the general public or segment thereof. In other words items sold at retail by a entity in the business of selling goods or services to consumer for retail sale.
- j. Gifts from a family member, member of the same household, or person with a personal relationship with the RF Employee or Representative, including an invitation to attend a personal or family social event, when, in light of all the circumstances, it would be reasonable to infer that the gift was primarily motivated by the family, household, or personal relationship. In determining whether the Gift was primarily motivated by the family, household, or personal relationship, the factors considered include but are not limited to:
  - a. The history and nature of the relationship between the individual offering the Gift and the recipient, including whether items have previously been exchanged;
  - b. Whether the item was purchased by the individual offering the Gift; and
  - c. Whether the individual offer the Gift at the same time gave similar items to other RF Employees or Representatives.

The Gift may not be considered to be motivated by a family or personal relationship if the giver of the Gift charges the value of the Gift as a business expense or seeks reimbursement from a client.

- k. Contributions related to campaign receipts and expenditures reportable under Election Law Article 14.
- l. Travel reimbursement or payment for transportation, meals, and accommodations for an attendee, panelist, or speaker at an informational event or conference.
- m. Receipt of meals or refreshments when participating in a professional or educational program and the meals or refreshments are provided to all participants.
- n. Invitations to Research Foundation employees to events where the attendance must be appropriate to the performance of the attendee's official duties or permits the attendee to perform a ceremonial function appropriate to his or her official position.

## Responsibilities

The following table outlines the responsibilities for compliance with this policy:

Responsible Party	Responsibility
Employees and Representatives	Adhere to gift restrictions in this policy and the related procedure. Consult with local ethics officer or counsel, as needed.
RF operations manager (OM) or designee	Ensure all employees at their campus adhere to the applicable policy for gifts. Consult with local ethics officer or counsel, as needed.
RF chief compliance officer	Provide written or verbal opinions on the application of this policy and determinations on whether an item qualifies as a gift or is of lesser than Nominal Value.

## Definitions

*Bona Fide Charitable Event:* A function held for the primary purpose of providing financial support to a Charitable Organization.

*Bona Fide Political Event:* A function held for the primary purpose providing financial support to Political Organization(s) or Political Candidate(s).

*Employee:* An individual engaged to provide services to an organization where the organization controls what services are performed and how they are performed.

*Gift:* Shall mean anything of more than \$15 given to a Research Foundation director, Officer or Employee in any form including, but not limited to, money, service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance or promise, having a monetary value. Food or beverage valued at \$15 or less is not a gift unless the acceptance creates a conflict of interest or violates the Research Foundation's [Conflict of Interest Policy](#).

*Fair Market Value:* The sale price of the item in a market in which such item is most commonly sold to the public.

*Officer:* An officer elected under the Research Foundation's bylaws, including the Research Foundation's president, Chief Operating Officer, general counsel, secretary, and chief financial officer and those appointed pursuant to Article IV Section 13 of the RF's bylaws as appointed officers.

*Research Foundation Representative:* (A) Board members; (B) Officers; (C) operations manager or individuals to whom the OM has delegated authority to obligate the RF.

*Widely Attended Event:* is an event at which at least 25 individuals, who are not from the SUNY or the Research Foundation, attend or were, in good faith, invited to attend, and is related to the Research Foundation employee's duties or responsibilities or allows the Research Foundation employee to perform a ceremonial function appropriate to his or her position. For the purposes of this exclusion, a Research Foundation employee's duties or responsibilities shall include but not be limited to either (1) attending an event or a meeting at which a speaker or attendee addresses an issue of public, SUNY, or Research Foundation interest or concern or related to the mission of SUNY or the Research Foundation as a significant activity at such event or meeting.

## Related Information

[Guidelines on Gifts from Non-RF Sources](#)

[Anti-Bribery Policy](#)

[Anti-Bribery and FCPA Guideline](#)

## Forms

None

## Change History

Date	Summary of Change

## Feedback

Was this document clear and easy to follow? Please send your feedback to [webfeedback@fsuny.org](mailto:webfeedback@fsuny.org).