

System-wide Policy: FI0717 - Employee Gift Acceptance Policy	
Version: 4	Effective Date: 05/18/2023

Employee Gift Acceptance

SECTION 1. Policy Statement

I. Generally

A. Defined

- 1.A gift is any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, services, training, transportation, lodging, meals, or other item or service that constitutes a personal benefit to the recipient.
- 2.This policy applies to situations where a third party (not the University) provides or attempts to provide a gift to a University employee.

B. General Prohibition

- 1.University employees may not accept any gift from any person or entity that:
 - a) Has, or is seeking to obtain, contractual or other business or financial relations with the university;
 - b) Conducts operations or activities that the University regulates; or
 - c) Has interests that might be substantially affected by the employee's official duties.

C. Compliance with Laws

- 1.Employees must comply with applicable state and federal laws governing employees' ability to accept gifts from any person or entity. Tennessee Code Annotated § [3-6-305](#), § [12-4-106](#), and § [12-4-114](#) regulate Tennessee state government employees' ability to accept gifts from people or entities.

D. Avoiding the Appearance of Improper Relationships

- 1.Employees must avoid the appearance of favoritism or improper relationships with third parties.
- 2.Employees must act with integrity when performing University duties.
- 3.Employees must comply with all applicable University policies and procedures, including [HR0580 - Code of Conduct](#).

E. Notification Requirement

- 1.When a person or entity approaches an employee about giving the employee (or other university employees) a gift, employees must inform the person or entity about this policy and request that the person or entity behave in accordance with this policy.

F. Guidance

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1. When an employee is uncertain whether they may accept a gift from a third party, the employee must discuss with their supervisor.

II. Acceptable Gifts

- A. Employees may accept certain gifts from third parties when accepting the gift complies with applicable laws and University policies, and when the gift is of nominal value or when the gift is directly related to a University employee's official job duties. Please see this policy's Guidance Document regarding acceptable and unacceptable gifts.
- B. Employees may accept gifts that are available to all state of Tennessee or all University employees, such as discounts.

III. Unacceptable Gifts

A. Generally

1. Employees must not accept the following items, regardless of value:
 - a) Cash (including cash equivalents, such as gift cards, gift certificates, etc.)
 - b) Bonds
 - c) Stocks
 - d) Any other negotiable instrument
 - e) Admission to sporting events, theater, or similar entertainment passes (e.g. rounds of golf or amusement park), unless the admission is directly related to a potential donor who provides such gifts in connection with university fundraising efforts.
2. Employees must not accept any items with a value of more than \$50, unless a third party provided the item to the employee as an honorarium for engaging in a professional activity. In cases where the University pays for the employee's travel costs, employees must comply with [FI0705 Travel](#). If the University does not pay for the employee's travel costs, FI0705 does not apply and the employee may retain the honorarium.

B. Procurement Office Staff Members

1. Employees who work in a procurement office or an office that performs a solicitation function (such as Procurement; Capital Projects, Real Property and Space Administration; or facilities services) may not accept any gifts. See T.C.A. § [12-4-106](#) and § [12-4-114](#).

C. Department Staff Members Responsible for Requisitions or Contracts

1. Employees who are responsible for initiating requisitions or contracts may not accept any gifts. See T.C.A. § [12-4-106](#).

D. Solicitation Committee Members

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1. Employees serving on evaluation committees during a solicitation event must not accept any gifts from third parties who would be eligible to respond to the solicitation. See T.C.A. § [12-4-106](#) and § [12-4-114](#).

IV. Employee Responsibility When an Employee Receives an Unacceptable Gift

A. Generally

1. When a person or entity provides an employee with an unacceptable gift, the employee must refuse or return the gift. Employees must notify the sender about the refusal or return, and must inform the sender that the employee refused or returned the gift in accordance with this policy.

B. Plants, flowers, etc.

1. In lieu of returning plants or flowers, employees may display the plants or flowers in the lobby or at another central location where multiple employees in the department may enjoy the plants or flowers.

C. Food or Beverages

1. In lieu of returning food or beverages, employees may share the food or beverages with the department.

V. UT Health Science Center

- A. This policy also does not apply to healthcare professionals at the University's Health Science Center and their interaction with health care vendors. Guidelines related to UTHSC healthcare professionals are addressed in the Health Science Center's fiscal procedure FI0126-H - Conflict of Interests, Interactions between Health Care Professionals and Industry.

[Acceptable Awards: language related to the University providing awards to employees was moved to FI0900—Fringe Benefits Provided to Employees.]

[Unallowable Awards: language related to items that the University cannot provide to employees as awards and cannot provide to employees or their families was moved to FI0900—Fringe Benefits Provided to Employees].

SECTION 2. Reason for the Policy

This policy provides employees with an understanding of acceptable behavior regarding personal gifts offered by third parties, including but not limited to, vendors, potential vendors, customers, potential employees, etc.

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SECTION 3. Scope and Application

Except for healthcare professionals at UTHSC, this policy applies to all employees.

SECTION 4. Penalties/Disciplinary Action for Non-Compliance

Employees who violate this policy might face adverse human resources actions, up to and including termination. Additionally, employees who violate state law related to gift acceptance might be liable for certain criminal penalties, which might include fines or incarceration, or both.

Employees who solicit or accept, or both, gifts when not allowed by law subject themselves to potential criminal liability. See T.C.A. § [39-16-402](#).

Employees who request from third parties a financial benefit for the performance of an official action subject themselves to potential criminal liability (a Class E felony). See T.C.A. § [39-16-104](#).

Employees who personally obtain rebates (“kickbacks”) intended for the university subject themselves to potential criminal liability. See T.C.A. § [39-14-101](#), et. seq.

SECTION 5. Responsible Official & Additional Contacts

All University of Tennessee campuses

Subject Matter	Office Name	Telephone Number	Email/Web Address
Policy Clarification and Interpretation			

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SECTION 6. Related Policies/Guidance Documents

Guidance Document: Acceptable and Unacceptable Gifts