Gifts and Ethics
Slides 2-5 Provide Simple, But Over-Stated Rules-Of-The-Road
Slides 6-9 Provide More Precise, But Complex Rules

December 12, 2016 Deans Meeting

Jamie Lewis Keith, Vice President, General Counsel and University Secretary
“Gift”—Any Value Given

• Examples:
  meals,
  food,
  candy,
  beverages,
  travel,
  entertainment,
  event tickets,
  loans,
  favors/advantages/benefits
  parties (even at a home),
  tail-gating snacks,
  being hosted in a sports box,
  receptions,
  outings (e.g., golf, fishing, hunting, boating, etc.),
  items (e.g., flowers, wine, pens, any other item),
  employment for you or family
  private plane ride
Easy Rules-Of-The-Road, But Over-stated

• UF Personnel (Trustees, Employees) Should Pay Full Cost/Value – Don’t Accept Anything Of Value Or Any Favor From:
  • UF Vendor,
  • Potential UF Vendor,
  • Executive Branch Lobbyist -- https://www.floridalobbyist.gov/
  • Anyone Seeking To Influence UF or Garner Its Good Will

• Applies To UF Trustees And Employees, Spouses, Minor Children

• Also Applies to Children of Any Age, Parents, Siblings—If UF Trustee Or Employee Has Any Knowledge or Involvement
Permitted Gifts

• Gifts To:
  • UF—Through the UF Foundation (i.e., not a gift to an individual)

• Gifts From:
  • Relative
  • Personal Friend or Clearly Unrelated To UF (e.g., your church)—Only If Not Also A UF Vendor, Potential UF Vendor, Executive Branch Lobbyist
  • UF, For A Public Purpose
  • UF Direct Support Organization For A Public Purpose (other UF affiliate types are not covered by this statutory permission)
Never Permitted Gifts

• When Intended To Influence UF Policy, Procurement, Contract, Official Action—Or Trustee’s Or Employee’s Action In A UF Capacity

• When A *Quid Pro Quo* For UF Action or Trustee’s Or Employee’s Official UF Action (even if you don’t actually have authority but act as if you do) – This Is A Bribe
Reporting Individuals

• Annual Form 1 Financial Disclosure to FL Commission on Ethics
  • Trustees
  • President
  • VPs
  • Deans
  • Personnel and Business Managers
  • Finance and Accounting Directors
  • Grants Coordinators
  • Full-Time UF Lawyers
  • Purchasing Agents with Authority for >$20K Purchases

• May Not Accept A Gift Of Any Value From a Vendor, Potential Vendor, Executive Branch Lobbyist—Even If A Close Personal Friend
Procurement Employees

- UF Personnel Having P-Card Or Any Role In Procurement, Involving >$10K In A Fiscal Year, Including:
  - Advisory/Input
  - Developing ITNs, RFPs
  - Investigating/Assessing
  - Auditing
  - Decision-making (final or winnowing options)
  - Other

- All Purchasing Agents (with >$20K purchasing authority) Are Both Reporting Individuals and Procurement Employees—But Some Procurement Employees Are Not Purchasing Agents And, Therefore, Are Not Reporting Individuals

- Those Procurement Employees Who Are Not Reporting Individuals May Not Solicit A Gift In Any Amount—But May Accept A Gift <$100 From—A UF Vendor, Potential Vendor, Executive Branch Lobbyist, Only If Not Associated With A Procurement, Not On A Procurement Committee, Not Given To Influence UF Action Or Garner UF’s Or A UF Employee’s Good Will -- Presume Intended For Good Will And Not Allowed
UF Personnel Who Are Not Reporting Individuals or Procurement Employees

• Faculty and Staff With No Role In Procurement, Not Serving On A Procurement Committee, And Who Are Not Reporting Individuals, May Accept Gifts In Any Amount—If Not To Influence UF Action or Employee’s UF Action
  • But administrative staff and others who are not decision-makers may still have a role in procurement.

• But The College of Medicine Has Stringent Conflicts of Interest and No-Gift Policies Relating To The Pharmaceutical, Medical Device, and Biotechnology Industries

• Be Sensitive And Avoid Appearances Of Conflicts

• While A Procurement Is Underway, Procurement Committee Members and Decision-makers May Not Solicit Gifts For UF Or Any UF Unit, Unless The Published Procurement Documents Invite Or Require Such Gift
Gift Reports

• Reporting Individuals And Procurement Employees Must File A Quarterly Gift Report With The FL Commission On Ethics For Any Gift >$100 (Unless From UF Or DSO)
  • Gifts In Any Amount From Vendors, Potential Vendors, Executive Branch Lobbyists To Reporting Individuals Are Prohibited
  • Gifts >$100 From Vendors, Potential Vendors, Executive Branch Lobbyists To Procurement Employees Are Prohibited

• Reporting Individuals And Procurement Employees Must File An Annual Gift Report With The Commission For Any Gift >$100 From UF Or A DSO

• Reports Are Not Required For Gifts From Relatives
Questions—
Contact The Office Of General Counsel

• Questions?

• When in doubt, follow the simple rules-of-the road in slides 2-5.

• When unsure, or if applying the more precise, but complex rules, please contact the UF General Counsel or Deputy General Counsel for help—352-392-1358, jlkeith@ufl.edu or amhass@ufl.edu.

Thanks!