



# Conflict of Interest Advisory Note

---

## Receiving Gifts

### Background

For the purposes of this Advisory Note, the term “**Gift**” includes anything of value given without expectation of repayment, which would not have been offered if not for a person’s position at the university or work within the scope of a person’s UBC employment. This includes money, if there is no obligation to repay it in full, as well as services or property provided without charge or at less than fair market value.

From time to time, UBC Persons<sup>1</sup> may be offered Gifts in the course of their work, research, teaching, or other University activities. Gifts may be offered to UBC Persons out of a variety of different motivations, many of which are entirely unproblematic. Nonetheless, when a UBC Person receives a Gift that would not have been offered were it not for that person’s role in the University, an actual or perceived conflict of interest will often be the result.

All UBC Persons have a responsibility to act without bias and in the best interests of the University. As an institution which embraces the values of integrity and stewardship, UBC expects all those who exercise authority on behalf of the University to ensure that they do not improperly exploit such authority in pursuit of personal gain or allow themselves to be seen to do so. Any matter that appears to interfere with a person’s impartial representation of the University’s best interest should be managed carefully. In addition, particular vigilance should be exercised by staff involved in the procurement of goods and services on behalf of the University.

### UBC Policy and Procedures

UBC’s Conflict of Interest Policy (Policy SC3 or the “**COI Policy**”) charges all UBC Persons with proactively disclosing any circumstances that could give rise to an actual or apparent conflict of interest. When a UBC Person wishes to engage in an action or activity that may give rise to a conflict of interest, such as the receipt of a Gift, the activity must be disclosed and authorized in advance by the appropriate Initial Reviewer (“**Reviewer**”), which will typically be either the person’s immediate supervisor or Administrative Head of Unit (COI Policy Sections 2.5 and 4.3). Where prior disclosure is not possible, disclosure must be made as soon as possible after receipt of the Gift.

The COI Policy Procedures state that a conflict of interest exists “Where a UBC Person accepts Gift with a value of \$500 or more that would not have been offered if not for the UBC Person’s position at the University, or work within the scope of a UBC Person’s employment with the University” (COI Policy Procedures Section 3.1.10).

The Policy explicitly requires that Gifts with a value in excess of \$500 must be disclosed to the appropriate Reviewer, typically the immediate supervisor or Department of the Gift’s recipient. The \$500 threshold applies both to the value of individual gifts, as well as the cumulative value of gifts received from a single source in one calendar year. When the value of a Gift is below \$500, the person receiving the Gift must nonetheless consider whether, from the perspective of a reasonably well-informed observer, the Gift would appear to create a conflict of interest. If in any doubt as to whether a Gift would by this standard appear to be a conflict of interest, seek guidance from your Reviewer (COI Policy Section 2.5).

---

<sup>1</sup> “**UBC Person**” means full-time and part-time faculty members, staff members and students of the University, and any other person who teaches, conducts research, or works at or under the auspices of the University.

In general, UBC Persons who are offered Gifts that meet the criteria set out in Section 3.1.10 above should not accept the Gift without first receiving prior approval from the appropriate Reviewer. When a Reviewer determines that a Gift would, from the perspective of a reasonably well-informed observer, lead to an actual or perceived conflict of interest, the Reviewer shall make a determination that:

- 1) the Gift may be accepted provided that the recipient agrees to an appropriate COI management plan; or
- 2) the Gift may not be accepted.

For more information on the process of reviewing a situation that may constitute a conflict of interest, including the factors that should be taken into consideration in determining whether a conflict of interest is manageable or unmanageable, please see [Advisory Note: Reviewing a Conflict of Interest Disclosure](#).

In cases where the conflict is determined to be manageable and is approved subject to an appropriate management plan, the recipient of the Gift may be required to implement a management plan which takes into account the considerations set out below. For further information on management plans please see [Advisory Note: Managing a Conflict of Interest](#).

## Management Plan Considerations

1. The details of an appropriate management plan will vary according to the nature of the Gift and the recipient's role at UBC. Different professional and disciplinary fields observe varying practices and standards with respect to the acceptance of Gifts. Within the bounds of Policy SC3, Reviewers are responsible for determining what is acceptable and what is not permitted.
2. Industry-funded travel and accommodation may be approved for legitimate (would otherwise have been approved and reimbursed by UBC) UBC-related work trips. This funding should be disclosed and a management plan developed if it is expected that this financial interest could be seen to affect representation of the university's best interest.

### **Example: Conference Travel and Accommodations Paid by Vendor**

Alice works at UBC as a knowledge exchange specialist. An educational consulting firm which sometimes provides services to UBC invites Alice to deliver a presentation at an out-of-town conference. Alice's supervisor is supportive and authorizes her to attend the event on UBC paid time. While attending the conference, Alice's accommodation and travel expenses are paid for by one of the conference's corporate sponsors. Since the accommodation and travel costs exceed \$500, Alice discloses the gift to her supervisor, who determines that no further action is necessary.

3. In circumstances where the acceptance of a Gift could have the foreseeable effect of impairing a person's ability to perform their UBC duties in an impartial and unbiased manner, the recipient of the Gift should be required to adopt a sufficiently robust management plan. At a minimum, anyone who has received a Gift should be recused from participating in any University decision that may impact the interests of the person or organization that is the source of the Gift.
4. Any person who has received a Gift from a current or prospective vendor of goods or services to the University should be strictly excluded from any procurement decision-making process in which that vendor is or may be under consideration. UBC Persons who are frequently involved in decision-making relating to procurement should exercise particular caution in accepting Gifts from vendors, and Reviewers should only approve such Gifts when confident that the resulting conflict of interest is manageable.

**Example: Sample Merchandise Provided by Vendor**

John is an IT Project Manager at UBC. John does not typically make procurement decisions in his UBC work, though he is sometimes asked to help evaluate bids from prospective vendors. A representative of a hardware vendor reaches out to John and other colleagues to provide free samples of its new line of business laptops for their own personal use. By disclosing the free laptop to his supervisor, John allows the unit to assess whether the gift could influence the exercise of his professional judgement in the performance of his UBC employment responsibilities. John's supervisor instructs John to ensure that he does not evaluate proposals submitted by the vendor.

5. In some cases, the circumstances surrounding a Gift may be such that to accept the Gift would fundamentally compromise the integrity of the University and the individuals involved. In such cases, the person offered the Gift should decline to accept and the Reviewer should in any case disallow the Gift. In determining whether a Gift falls into this category, Reviewers should adopt the perspective of a reasonably well-informed, impartial observer. From the perspective of such a person, would the Gift appear to be irreconcilably at odds with the University's fundamental academic mission and values of integrity and public stewardship?

**Example: Inappropriate Personal Gift from Student**

Alison works as Director of Admissions in one of UBC's academic faculties. A prospective student who has been refused admission to the faculty contacts Alison to discuss initiating an appeal. At a meeting in Alison's office, the student asks Alison a number of procedural questions regarding admission appeals and related topics. Before leaving, the student states that he would like to give Alison a gift to express his appreciation for her assistance and willingness to reconsider his application. He then hands her an envelope containing tickets to an upcoming Vancouver Canucks game. Alison refuses to accept the gift and reports the incident to her supervisor.

**Additional Assistance**

The Office of the University Counsel is the primary source of advisory support for any matter arising under the COI Policy. For additional assistance, including assistance with any matter not addressed by this Advisory Note, please contact us:

**Office of the University Counsel**

6328 Memorial Road  
Vancouver, BC V6T1Z2  
604 827 0769  
conflict.of.interest@ubc.ca  
universitycounsel.ubc.ca