NC STATE UNIVERSITY
DECISION TREE FOR GIFTS

Are you a Covered Person?
(Trustee, Chancellor, or Vice Chancellor)

NO

Is the person giving the gift (directly or indirectly) a Lobbyist, Lobbyist Principal, or “Interested Person”?

YES

Is it a “gift”?
Anything of monetary value given directly or indirectly to a covered person. The value of the gift does not matter!

NO

Does it fit within a “Covered Person Gift Ban Exception”?
(See C.P Gift Ban Exception Chart)

YES

CAN ACCEPT

NO

Decline
Pay fair market value
Return
Donate to charity or the State

Are you a University Employee who: (1) administers or awards public contracts, (2) supervises or oversees the performance of a public contract, or (3) has authority to make decisions regarding the contract?

YES

Is the person giving the gift a contractor, subcontractor, or supplier who: (1) has a contract with the University, (2) has performed under a contract with the University within the past year, or (3) anticipates bidding on a contract with the University in the future?

NO

Is it a “gift”?
Anything of monetary value given directly or indirectly to a university employee. The value of the gift does not matter!

NO

Does it fit within a “University Employee Gift Ban Exception”?
(See U.E. Gift Ban Exception Chart)

YES

CAN ACCEPT

NO

Decline
Return

1 Lists of lobbyists & lobbyist principals are available on the NC State Board of Elections and Ethics Enforcement website at https://lobby.ncsbe.gov/online_services/lobbying/directory.
2 An “interested person” is a person who: (1) is doing or seeking to do business with the university, (2) is regulated or controlled by the university, or (3) has financial interests that may be substantially affected by your job responsibilities.
3 A “gift” does not include: (1) anything for which fair market value was paid by the covered person, (2) commercial loans available to the general public, (3) contractual or commercial arrangements, (4) scholarships made to the general public, (5) campaign contributions (see Article 23 Chapter 163A), (6) certain expressions of condolences, and (7) holiday greeting cards.
4 See also: athletic tickets (G.S. 163A-346); gifts of lenders or consolidators of student loans (UNC Policy Manual 800.5.1[R]-(8)&(10)); quid pro quo or solicitation for charity (G.S. 163A-212(a); honorarium exceptions (G.S. 163A-212(i))
**COVERED PERSON GIFT BAN EXCEPTION CHART**

**Food and Beverage immediately consumed at:**
- an Open Meeting of a Public Body, or
- a gathering of a person or governmental unit open to the public with at least 10 individuals present and a sign displayed signaling that the gathering is open to the public, or
- a gathering of Board of Trustees, Chancellors, or Vice Chancellors where all members of a group are invited, and at minimum 10 members of the restricted donor attend the gathering or all members of the restricted donor located in NC are notified and invited to attend, or
- an organized gathering of a person, State, or a governmental unit where you are invited to attend for purposes primarily related to your public service or university position, and at least 10 individuals attend, excluding you and your immediate family, or all employees of the University unit located in a specific NC office or county are notified and invited to attend.

**Exception Met**

**Food, beverage, registration, travel, lodging, and other incidental items of nominal value, and entertainment in connection with your:**
- attendance at an educational meeting for purposes primarily related to the your university responsibilities, or
- participation as a speaker or member of a panel at a meeting, or
- attendance and participation in meetings as a member of a board, agency, or committee of a nonpartisan state, regional, national, or international organization which the university is a member or you are a member by virtue of your university position.

**Exception Met**

**Food and beverages, transportation, lodging, entertainment or related expenses associated with:**
- The university business of industry recruitment, promotion of international trade, or the promotion of travel and tourism, and you are responsible for conducting this business on behalf of the State;

**Exception Met**

**Food and Beverages immediately consumed, and related transportation:**
- All conditions below must be met:
  1. The gift is given by a lobbyist principal, and not a lobbyist
  2. The gift is provided during a conference, meeting, or similar event and is available to all attendees of the same class as the recipient
  3. The recipient of the gift is a board member, employee, or independent contractor of the lobbyist principal giving the gift, or a 3rd party who received the funds to purchase the gift
  4. Any tangible gift, other than food or beverages, not exempt under this section must be turned over to the State property Department of Commerce within 20 days of receipt, unless it is permitted by G.S. 163A-212(g).

**Exception Met**

**Other gifts**
- informational materials relevant to your university duties, or
- a plaque or similar nonmonetary momento recognizing your services in a field or specialty or charitable cause, or
- gifts accepted on behalf of the university, or
- anything distributed to the general public or all state employees, or
- anything from a member of your extended family or a member of the same household, or
- gifts worth < $100 as part of an overseas trade mission if it is customary protocol and given in another country, or
- gifts received as part of a business, civic, religious, fraternal, personal or commercial relationship that are not related to your university position and a reasonable person would conclude the gift was not given for purposes of lobbying.

**Exception Met**
Permissible Gifts

UNIVERSITY EMPLOYEE GIFT BAN EXCEPTION CHART

N.C.G.S. § 133-32

gift and receipt of honorarium for participating in meetings

Yes

advertising items or souvenirs of nominal value

No

meals furnished at banquets

Yes

University employees may participate in all scheduled meetings of professional organizations they are a part of, as long as this is available to all members of the organization

No

Customary gifts or favors between employees and their friends and relatives or the friends and relatives of their spouses, minor children, or members of their household where it is clear that it is that relationship rather than the business which is the motivating factor for the gift giving

Yes

any gifts permitted under the Covered Person Gift Ban Exception Chart

No

Exception Not Met

Yes

Exception Met
Note: All permissible gifts must be reported to and documented by your supervisor

No