NC STATE UNIVERSITY

DEcision Tree for Gifts

1. Are you a Covered Person? (Trustee, Chancellor, or Vice Chancellor)
   - YES
   - NO

2. Is the person giving the gift (directly or indirectly) a Lobbyist, Lobbyist Principal?, or “Interested Person”?
   - YES
   - NO

3. Is it a “gift”?
   - YES: Pay fair market value, Return, Donate to charity or the State
   - NO: Does it fit within a “Covered Person Gift Ban Exception”? (See C.P. Gift Ban Exception Chart)

4. 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
   - NO

5. 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?
   - YES
   - NO

6. Is it a “gift”?
   - YES: Don’t accept gift, Return
   - NO: Does it fit within a “University Employee Gift Ban Exception”? (See U.E. Gift Ban Exception Chart)

N.C.G.S. § 163A-212

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

1. Is the person giving the gift (directly or indirectly) a Lobbyist, Lobbyist Principal?, or “Interested Person”?
   - YES
   - NO

2. Is it a “gift”?
   - YES: Pay fair market value, Return, Donate to charity or the State
   - NO: Does it fit within a “Covered Person Gift Ban Exception”? (See C.P. Gift Ban Exception Chart)

N.C.G.S. § 132-33

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?

1. 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?
   - YES
   - NO

2. Is it a “gift”?
   - YES: Don’t accept gift, Return
   - NO: Does it fit within a “University Employee Gift Ban Exception”? (See U.E. Gift Ban Exception Chart)

Stop & PromPly

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)-(b)); honorarium exceptions (G.S. 163A-212(i))
### COVERED PERSON GIFT BAN EXCEPTION CHART

<table>
<thead>
<tr>
<th>Food and Beverage immediately consumed at:</th>
<th>Food, beverage, registration, travel, lodging, and other incidental items of nominal value, and entertainment in connection with your:</th>
<th>Food and beverages, transportation, lodging, entertainment or related expenses associated with:</th>
<th>Food and Beverages immediately consumed, and related transportation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>an Open Meeting of a Public Body, or</td>
<td>attendance at an educational meeting for purposes primarily related to the 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, or</td>
<td>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, or</td>
<td>All conditions below must be met:</td>
</tr>
<tr>
<td>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</td>
<td></td>
<td></td>
<td>(1) The gift is given by a lobbyist principal, and not a lobbyist</td>
</tr>
<tr>
<td>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</td>
<td></td>
<td></td>
<td>(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</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
<td>(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</td>
</tr>
<tr>
<td><strong>Exception Met</strong></td>
<td><strong>Exception Met</strong></td>
<td><strong>Exception Met</strong></td>
<td><strong>Exception Met</strong></td>
</tr>
</tbody>
</table>

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.
Permissible Gifts

N.C.G.S. § 133-32

- gift and receipt of honorarium for participating in meetings
- advertising items or souvenirs of nominal value
- meals furnished at banquets
- 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
- 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 the relationship rather than the business which is the motivating factor for the gift giving
- any gifts permitted under the Covered Person Gift Ban Exception Chart

Exception Not Met

Exception Met

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