The Ethics of Giving and Receiving of Gifts
Introduction
This document offers a discussion of the issues regarding members of staff receiving gifts and the giving of gifts to participants in research studies. A gift being defined as, “a token given freely without an expectation of receiving something in return”.

The regulations regarding larger donations, bequests and so forth given to the university may be found at http://staff.napier.ac.uk/services/secretary/Pages/secretary.aspx.

This document has three sections:

Firstly, there is a review of the policy and guidelines, from other universities (and other related bodies) in the UK, on staff accepting gifts. These statements of policy and guidelines fall into one of two general forms:

a. no gifts should be accepted excepting trivia such as calendars, key rings, memory sticks, or copies of textbooks for review or adoption; or

b. staff are permitted to accept modest gifts (with a suggested “up to the value of”).

The most frequently stated ethical issues being conflicts of interest and establishing and maintaining professional boundaries.

Secondly, the issue of giving gifts to participants in research studies is similarly reviewed. Here is the ethical issue is one of placing pressure on an individual to agree to participate in a study thus compromising the core value of informed consent. This is a matter of particular sensitivity when dealing with children and (other) vulnerable groups.

Finally, guidelines for the receiving and giving of gifts are proposed.
The receiving of gifts

The University of St Andrew state that, “It is wholly unacceptable for staff to solicit for their personal benefit gifts, hospitality or other benefits from organisations or individuals outside the University in the course of performing their duties.”

However it also accepts that, “there are circumstances where the unsolicited receipt of small gifts or of hospitality will be appropriate, or indeed where the refusal of such gifts or hospitality could cause offence that is detrimental to the University”.

It offers the following guidance to its staff, “Gifts of a nominal or small value can normally be accepted without question in circumstances such as:

- Where they are offered by visitors from other universities or educational institutions where no formal procurement of goods or services is being undertaken or is anticipated
- Where they are between a supervisor and a student who has completed his/her studies and where the monetary value is not significant
- Where they are promotional items such as calendars, memory sticks, etc.
- Where they are books from publishers to academic staff and the books are relevant to the academic interests of the member of staff”.

Nominal or small value is taken to be less than £50.

However they do add that, “personal gifts of money (or monetary instruments) should never be accepted regardless of amount” and that staff are wholly responsible for any tax implications that may be associated with the receipt of personal gifts or other benefits, including any responsibility for reporting them to HMRC.

UCL is typical of the other stance, stating that staff should, “not accept inducements or gifts, other than items of small value such as business diaries or calendars”

Surrey University’s guidelines stand between these two positions and read, “Any gifts or hospitality the University and its staff offers or receives will always be reasonable, appropriate and proper”.

Reasonable, appropriate and proper are deemed to be, “… small tokens (e.g. inexpensive promotional items or seasonal gifts), from an organisation or individual (including students) may be accepted provided they do not give rise to the risk of influencing the business or academic judgement of the recipient of the gift or place the recipient under any obligation. […] Such small tokens are defined as being less than £25 in value for an individual item or below £50 cumulative value per annum.”

EPSRC’s code of practice states that employees will normally be allowed to keep awards or prizes provided they:

- Are offered in recognition of personal achievement;
- Could not be construed as a gift, inducement or payment for a publication or invention.
- Are of a trivial value – a maximum of £20. This may include a meal, gift or voucher.

The Universities of Exeter and of Surrey bring to our attention the Bribery Act (2010).
The giving of gifts

The following guidance is given by the Open University on gifts which researchers might give the participants in an empirical study by way of thanks (as distinct from formal payment).

“No inducement to participate should be offered prior to seeking consent, either in the form of payments or of gifts. Reasonable recompense for inconvenience and time contributed to the research and reimbursement of travelling expenses can be offered”.

The issue here is that a gift may act as an inducement to consent thus compromising the voluntary, free from coercion, nature of informed consent. The ESRC guidelines also locate this issue with the discussion of consent.

In all cases of research, researchers should inform participants of their right to refuse to participate or withdraw from the investigation whenever and for whatever reason they wish. There should be no coercion of research participants to take part in the research. Adult research participants, however, may be given small monetary reimbursement for their time and expenses involved. In some instances, it may be justified to use techniques such as a free prize draw or book vouchers, to encourage survey responses. Respondents must not be required to do anything other than agree to participate or return a questionnaire to be eligible to a free prize draw, and incentives must not be offered that require the respondent to spend any money. Where children are involved, it is often appropriate to acknowledge their help with gifts to participating schools and/or personal gifts. In short, incentives may be permissible, but anything which implies coercion is not.

Sheffield University echo these sentiments and note that,

It is reasonable for expenses and compensation of time to be offered. However these should not be so large that a participant is more concerned about what s/he will be receiving rather than the risks involved with the research. For those conducting research involving children the researchers might consider the fact that what an adult considers to be a reasonable expense/compensation might be very different from a child’s perspective (i.e. a child may consider £10 to be a huge reward and, therefore, the £10 might unduly influence a child’s decision as regards whether or not to participate.

Similarly the University of Ulster write: “Researchers should ensure that they demonstrate proper recognition to the participants for the time and effort they have given to the research study”.

The authors suggest that in large-scale, quantitative surveys this may simply involve including an introductory note recognising the time and effort expected of those involved and thanking them for this. However, in small, in-depth research (which is more time consuming) it may be appropriate to provide refreshments, or a small gift at the end of the study. For children they suggest that presenting them with certificates of participation as an alternative.
Guidelines on receiving gifts

1. Staff must not solicit for their personal benefit gifts, hospitality or other benefits from organisations or individuals outside the University in the course of performing their duties.

2. Gifts to the value of £20 are permitted when they are:
   • between a supervisor and a student who has completed his/her studies;
   • promotional items such as calendars, memory sticks, and so forth and as such are of trivial value;
   • books from publishers which are relevant to the academic interests of the member of staff;
   • prizes given in recognition of personal achievement;
   • offered where no formal procurement of goods or services is being undertaken or is anticipated.

3. Under no circumstances should gifts of money or gift vouchers be accepted.

4. Gifts may be accepted providing that their cumulative value does not exceed £50 in any academic year from any one giver.

5. When faced with a gift which falls outwith these guidelines, for example, a gift of money then the giver should be told of these guidelines and the gift should be refused.

Caveats and exceptions

• It is recognised that there will be instances when it is very difficult to determine whether the value of the gift exceeds the threshold of £20, examples of which might include an ornament or some such from an overseas student. In such circumstances, transparency is the key – ask the advice of a more experienced colleague or staff manager, if you both suspect that the gift is of greater value than the threshold, the gift should not be accepted.

• Members of staff in long term working relationships with other universities and research institutes may find themselves in receipt of a more substantial gift given by way of thanks for, say, hosting a meeting or conference. In such circumstances, where it has become a matter of custom and practice to give and receive such gifts, then the gift should be accepted.

• Students should be informed that the giving of gifts to members of staff is not encouraged but modest tokens are permissible after the conclusion of their studies.
Guidelines on the giving of gifts

1. When recruiting participants for a research study care must be taken to ensure the manner in which payment or gifts are made is appropriate.

2. Payment (excluding the re-payment of expenses) must be proportionate and commensurate with what is being asked of the participants.

3. Payment should not be so attractive or desirable as to influence or persuade a potential participant to act “against their better judgment” or to engage in behaviour outwith their normal repertoire of everyday activities.

4. Particular care should be taken with respect to gifts to children. For example, while £10 may be an appropriate gift to an adult for their time and participation, it may be regarded as a large amount of money to a child. As an alternative certificates of participation might be given instead of money.
http://www.st-andrews.ac.uk/staff/policy/hr/gifts/
http://www.ucl.ac.uk/procurement/about/ethics,
http://www.surrey.ac.uk/about/corporate/policies/ethical_conduct_policy.pdf
http://www.epsrc.ac.uk/SiteCollectionDocuments/other/HR7ConductPolicy.pdf
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