



**NO GIFT POLICY
UNIVERSITI MALAYSIA TERENGGANU**

Prepared by:

Office of the Legal Advisor,
Universiti Malaysia Terengganu,
21030 Kuala Nerus,
Terengganu, Malaysia

Tel : +609 668 4859
Faks : +609 668 4484

TABLE OF CONTENTS

Content	Page
1.0 INTRODUCTION 1.1 Purpose 1.2 Scope of Application 1.3 Ownership of Policy 1.4 Amendment	2
2.0 DEFINITION	3
3.0 NO GIFT POLICY STATEMENT	4
4.0 EXCEPTIONS TO NO GIFT POLICY 4.1 Receiving gift related to official duty 4.2 Receiving gift not related to official duty 4.3 Responsibility of Head of Department 4.4 Receiving gift may become an offence	5
5.0 PROVIDING AND RECEIVING ENTERTAINMENT	7
6.0 RECEIVING SPONSORSHIP	8
7.0 GIVING GIFTS	8
8.0 INFRINGEMENT OF POLICY	8
Form A	9
REFERENCE	11

1.0 INTRODUCTION

This Policy is cited as **No Gift Policy Universiti Malaysia Terengganu (“Policy”)**. UMT pledge not to tolerate any form of bribery and corruption practice as it seeks to conduct its affairs in a responsible manner and in accordance to the lawful and ethical behaviour at all times.

The Policy also recognizes that the environment in which UMT operates requires the formalisation of common understandings and practical realities that there will be circumstances under which the reception of small gifts will be appropriate, that on occasion refusal of gifts could cause offence and be to the detriment of UMT’s good name and similarly that there are circumstances in which it is appropriate to accept offers of hospitality.

Hence, appropriate and proportionate monitoring must also be in place across UMT to ensure the practice of integrity, transparency, professionalism and accountability of UMT’s staff is not compromised.

1.1 Purpose

The purpose of this Policy is:

- (a) to avoid UMT staff from any conflict of interest that places staff in a position that may call into question their conduct while performing their obligation for UMT;
- (b) to provide guidance on how to recognise and deal with the right practice of accepting and giving gift in working environment at UMT; and
- (c) to prevent UMT staff from being convicted under any bribery or anti-corruption laws in force in Malaysia.

1.2 Scope of Application

This Policy applies to all UMT staff on permanent, temporary or contractual basis. This also extends to all members of UMT Board of Director.

UMT also expect that this Policy will be a guidance to third party contractors, suppliers, vendors, consultant, agents, funders, sponsors, and any other third-party performing works or services for or on behalf of UMT.

1.3 Ownership of Policy

The custodian of the document is the Legal Advisor of UMT who shall be responsible for incorporating any amendments and updates into this document, obtaining the approval of the Board of Director for those amendments and updates and distributing the same to the parties concerned.

1.4 Amendment

The Board of Director may revoke or amend any of the provision of this Policy.

2.0 DEFINITION

In this Policy, unless the context otherwise requires –

“Board of Director” means the Board of Director of UMT constituted in accordance with the Constitution of UMT.

“Emoluments” means any remuneration, inclusive of salary, fixed rewards, incentive payments and monthly allowances, which is due to be paid to an officer each month.

“Form, amount or value of gift commensurate” means the value of the gift is less than $\frac{1}{4}$ of the monthly emoluments or less than RM500 whichever is lower.

“Form, amount or value of gift not commensurate” means value of the gift is more than $\frac{1}{4}$ of the monthly emoluments or more than RM500 whichever is lower.

“Gift” means any valuable item either monetary or in kind such as cash money, free fares, shares, lottery tickets, travelling facilities, free use of facilities, discounts, entertainment expenses, services, club membership, any form of commission, hampers, jewellery, decorative items and any item of high value that is given to UMT staff.

“Head of Department” means an officer who is responsible for a department, division, unit or branch of UMT, and includes any officer authorized in writing by the Vice Chancellor to carry out the functions of a Head of Department for any period of time.

“Management Committee” means the Management Committee of UMT constituted in accordance with the Constitution of UMT.

“Third parties” includes contractors, suppliers, business partners, vendors, consultant, agents and any other person or entity performing works or services for or on behalf of UMT.

“UMT” means Universiti Malaysia Terengganu established under Universities and University Colleges Act 1971.

“UMT staff” means any person employed under the Constitution of UMT.

“Vice Chancellor” means Chief Executive Officer of UMT appointed in accordance with the Constitution of UMT.

3.0 NO GIFT POLICY STATEMENT

3.1 UMT staff including the members of the Board of Directors are prohibited to receive or give nor to allow his spouse or any other person to give or receive on his behalf any gift whether in a tangible form or otherwise from or to any person directly or indirectly related to his official duty.

3.2 This Policy is in line with the regulation 7(1) of the Statutory Bodies Disciplinary Regulations, Statutory Bodies (Discipline & Surcharge) Act 2000 (**“Act 605”**) which provides:

An officer shall not receive or give nor shall he allow his spouse or any other person to receive or give on his behalf any present, whether in a tangible form or otherwise, from or to any person, association, body or group or persons if the receipt or giving of such present is in any way connected, either directly or indirectly, with his official duties.

3.3 UMT requires its staff to comply with this Policy in order to avoid conflict of interest or the appearances of conflict of interest between UMT and third parties as gifts can be seen as a bribe that may tarnish UMT’s good name, credibility and reputation or be in violation of anti-bribery and corruption laws.

3.4 A conflict of interest may occur in a situation where an individual is in a position to take advantage of his role as a staff of UMT for his personal gain, including that of his family and friends. This would undermine the duties of good faith, loyalty, honesty and dignity in performing its duties and obligations as required from staffs of UMT.

4.0 EXCEPTIONS TO NO GIFT POLICY

This Policy acknowledges that in some culture or circumstances the exchange of gifts may be important as a symbol of friendship, token of appreciation and as part of the business etiquette. Thus, there are exceptions to this Policy such as below:

- (a) Receive of gift related to official duty; and
- (b) Receive of gift not related to official duty.

4.1 Receiving gift related to official duty

4.1.1 UMT staff is allowed to formally receive gifts related to his official duty in which:

- (a) the circumstances make it difficult for the UMT staff to refuse the gift;
- (b) refusing the gift is likely to seriously offend the relationship between UMT and the third parties; or
- (c) UMT staff is in doubt as to whether the form, amount or value of the gift he receives is commensurate with the purpose such gift is given.

4.1.2 UMT staff as soon as practicable must submit to his Head of Department a written report containing a full description and the estimated value of the gift and the circumstances under which the gift was received for approval via **Form A** attached to this Policy.

Exceptions:

4.1.3 In the circumstances below, UMT staff may in its official capacity receive any gift worth less than RM250.00 where:

- (a) The gift is in the form of plaque or pennant or handcrafted item;
- (b) The gift is a promotional tool such as pens, diaries, notebooks, folders, box files, calendars, planners and so on; or
- (c) The gift shall be in the form of perishable goods such as food, vegetable, confectionary, beverages or flowers.

4.2 Receiving gift not related to official duty

4.2.1 UMT staff is permitted to receive gifts not related to his official duty in which the type, amount or value of the gift commensurate or not commensurate with the purpose such gift is given in circumstances as follows:

- (i) Accepting gift from colleague due to retirement, transfer, engagement and marriage;
- (ii) Accepting gift from spouse, child including child in law or lawfully adopted child, a parent including parent in law and siblings including siblings of the husband or wife;
- (iii) Accepting gift from relatives and friends due to birthday, engagement, marriage or the staff or children, or some other customs and religious ceremony; or
- (iv) Accepting gift in the form of perishable goods such as food, vegetable, confectionary, beverages and flowers.

4.2.2 Notwithstanding with the above, where UMT staff is in doubt as to whether the type, amount or value of a gift received by him is commensurate with the purpose such gift is given or may arise conflict of interest in relation to his duties and responsibility, he shall as soon as practicable **MUST** submit to his Head of Department a written report containing full description and the estimated value of the gift and the circumstances under which the gift was received for approval via **Form A** attached to this Policy.

4.3 Responsibility of Head of Department

4.3.1 The Head of Department shall consider the following conditions when considering the report referred to in Paragraph 4.1.2 and Paragraph 4.2.2:

- (a) ensure that the gift received is allowed under Statutory Bodies Disciplinary Regulations, Statutory Bodies (Discipline & Surcharge) Act 2000;
- (b) the gift received shall does not give rise to any suspicion that the UMT staff had used his public position or authority to receive the gift;
- (c) the frequency of the UMT staff receiving the gift;
- (d) the relationship between the UMT staff with the third parties relating in particular to UMT staff roles and duty; and

(e) interest of the department or UMT as a whole.

4.3.2 Having satisfied the criteria above, the Head of Department shall decide as follows:

- (a) permit UMT staff to retain the gift;
- (b) instruct UMT staff to return the gift to the third parties;
- (c) to keep the gift by the department; or
- (d) to donate the gift to charity.

4.4 Receiving of gift may become an offence

4.4.1 Notwithstanding the abovementioned exceptions, the reception of a gift whether the type, amount or value commensurate or not with the purpose for which such gift is given, is an offence where:

- (a) the gift is received or has been requested with the intention of bribery which encourages or rewards UMT staff to do or to omit, or has done or omitted any act in relation to his official duty as UMT staff;
- (b) the third parties have an official relationship with the UMT staff or his subordinate and the giving and receiving was not done in good faith or with a criminal intent; or
- (c) the gift received from third parties in which the UMT staff knows and suspects that may influence his current and future official duty.

5.0 PROVIDING AND RECEIVING ENTERTAINMENT

5.1 UMT staff and the Board of Director may give or accept from any person any kind of entertainment if:

- (a) the entertainment shall in no way affect or influence the performance of his duties as an officer of UMT in the interest of that person; and
- (b) giving or receiving such entertainment is not in any way inconsistent with Regulation 3 of Statutory Bodies Disciplinary Regulations, Statutory Bodies (Discipline & Surcharge) Act 2000.

6.0 RECEIVING SPONSORSHIP

- 6.1 UMT or any of its department, club, society or association may request or accept sponsor from any third party subject to the approval of the Management Committee.
- 6.2 The Management Committee shall adhere to the following conditions when considering a proposal or accepting a gift:
- (a) the gift received by third parties shall not bind UMT from any obligations and shall be free from any terms and conditions;
 - (b) the gift is voluntarily given by the third parties;
 - (c) the gift shall be in good condition and fit for a particular purpose;
 - (d) the spare part of the gift can be easily obtained;
 - (e) the gift does not require UMT to create new additional posts for its management or maintenance;
 - (f) UMT financial capacity is sufficient to cover the expense of sustaining or maintaining the gift; or
 - (g) The gift will give advantages and benefits to UMT.

7.0 GIVING GIFTS

- 7.1 UMT Staff and the Board of Directors may, in carrying out his duties or responsibility, give gifts to any third party provided that the type, amount and value of the gifts are in accordance with all the rules, regulations and treasury circulars in force in UMT.

8.0 INFRINGEMENT OF THE POLICY

- 8.1 Any infringement of this Policy shall constitute a serious misconduct or offence warranting disciplinary action against the offender under Statutory Bodies Disciplinary Regulations, Statutory Bodies (Discipline & Surcharge) Act 2000.
- 8.2 In the case of more severe infringement, UMT may lodge a report against the offender to the relevant authority such as Malaysia Anti-Corruption Commission (MACC) or Royal Malaysia Police (PDRM).



APPLICATION FOR PERMISSION TO ACCEPT GIFT

A. PERSONAL INFORMATION

- (i) Staff's Name :
- (ii) NRIC :
- (iii) Position/Gred :
- (iv) Department/Division/Unit :
- (v) Centre of Responsibility :

B. INFORMATION ABOUT THE GIFT

- (i) Type of Gift :
- (ii) Value (Estimation of Value) :
- (iii) Name and Address of Giver :
.....
.....
- (iv) Relationship with Staff :
- (v) Reason for Giving Gift :
- (vi) Date of Receipt :
- (vii) Other information (if any) :
.....
.....

C. STAFF'S DECLARATION

I hereby declared that all information given above is true.

Date:

(Staff Signatory)

D. DECISION OF THE HEAD OF DEPARTMENT

After due consideration on the receipt of Gift above, I have decided as follow:

Permit the staff to retain the Gift

Return the Gift to the Giver through Head of Department

The Gift to be kept by the Department

To donate the Gift to charity

Date:

(Head of Department Signatory and Stamp)

REFERENCE

1. Statutory Bodies (Discipline & Surcharge) Act 2000 [Act 605].
2. Malaysia Anti-Corruption Commission Act 2009 [Act 694].
3. Penal Code [Act 574].
4. Universities and University Colleges Act 1971 [Act 30].
5. Service Circular No. 3 Year 1998 – Guideline on Giving and Receiving Gift in the Public Service.
6. Service Circular Letter No. 5 Year 2008 – Authorities Approving Prize Received by Government Department.
7. Universiti Malaysia Terengganu Constitution.