



THE UNIVERSITY
of ADELAIDE

Legal & Risk Education and Awareness

CRICOS PROVIDER 00123M

Protection & Preservation of Academic Integrity GIFTS FROM STUDENTS

adelaide.edu.au

seek LIGHT

Our Objective

- Identify & understand issues around gifts of influence & gifts of gratitude from students
- Consider strategies for staff exercising professional judgement regarding accepting gifts from students

Background

University Staff are expected to be committed to exemplary standards of professional conduct & academic integrity of students

Staff are advised of their obligations in various University publications, including:

- [Fraud Control Policy & Plan](#)
- [Responsible Conduct of Research Policy](#)
- [Academic Honesty Policy & Procedures](#)

Incidences of students offering inappropriate gifts or incentives (financial & otherwise) to staff in the hope of receiving favourable assessment outcomes are unacceptable

The University has **zero tolerance** of this type of activity

Background

The provision of significant-value goods or services by a student to a staff member who is involved in their teaching or assessment falls under the definition of fraud adopted by the University in the [Fraud Control Policy](#):

“Dishonestly obtaining or attempting to obtain a benefit or advantage for any person or dishonestly causing or attempting to cause a detriment to the University of Adelaide or its Controlled Entities”



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Feeling gratitude & not expressing it is like
wrapping a present & not giving it

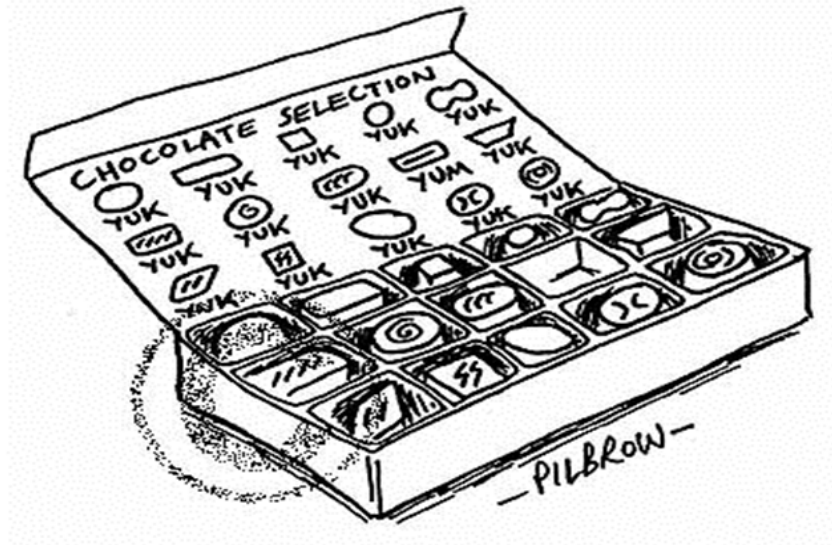
~ **William Arthur Ward** ~

Which gifts are appropriate

- **Gifts of gratitude** - offered in appreciation of performing specific tasks or for exemplary performance of duties, such as at the end of semester or on the submission of a thesis

For example:

- *chocolates*
- *flowers*
- *a bottle of wine*



It is useful to think about

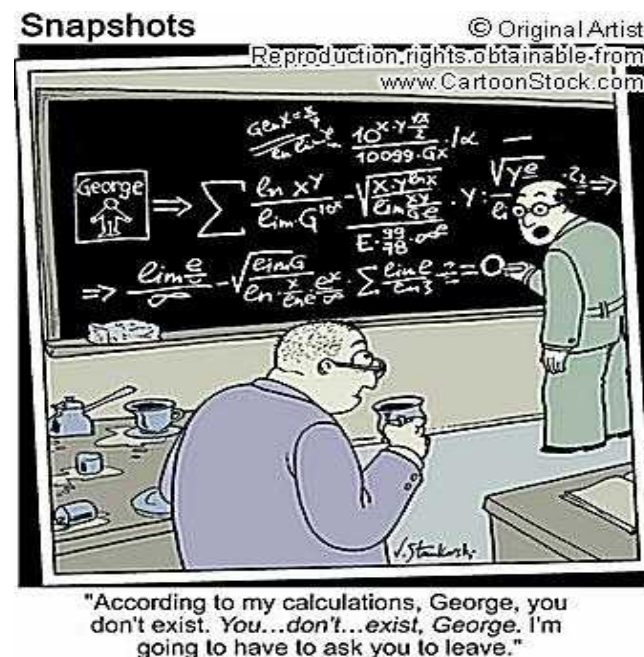
- The value of the gift
- The nature of the gift
- The timing of its presentation
- How others would perceive the gift

Which gifts are not appropriate?

- **Gifts of influence** - intended to influence the conduct or judgement of a person in a position of trust

For example:

- *Money accompanying an exam script*
- *Any gift accompanying any form of application – such as for admission to a program or for any kind of special consideration*
- *Expensive gifts*



How to tell the difference

- There is no formula for deciding if a gift is appropriate
- Use your professional judgement



"I don't appreciate you questioning my integrity. Especially since I've skipped town and can't be there to defend it."

For example...

Several years ago, Student Administrative Services received a basket of apples from a national private health insurer

In many circumstances that would be an appropriate gift

However

At the time the gift was offered the University was selecting a preferred insurer for overseas student health cover

The apples were returned!

Some questions to ask yourself when you are offered a gift by a student

- What is the value of the gift?
- What is the motivation of the student offering it?
- Does the student have anything tangible to gain from the gift?
- Would accepting the gift raise suspicions about an improper relationship between me & the student ?
- Would accepting the gift raise suspicions about my decision-making process or professional judgement?
- Should I accept the gift but share it with colleagues?
- Should I return the gift?
- Should I donate the gift to a charity?

The 6 O’Clock news test

In answering these questions

- think about whether accepting the gift would pass the 6 o’clock news test
- there is very bad publicity in accepting gifts that could be construed as bribes or compromising on academic integrity

The 6 O’Clock news test

Ex-AWB Exec tells Inquiry of gift-giving

Sydney Morning Herald, March 29, 2006

“AWB might have paid kickbacks to Saddam Hussein's regime, but it was a humble carpet that landed the company's former chairman in hot water in Iraq”

Watchdog to probe uni plagiarism scandal

Sunday, 3 August 2003, ABC Radio

“Federal Education Minister Dr Brendan Nelson says Australia's \$5.2 billion higher education industry is at risk with plagiarism claims at the University of Newcastle being referred to the New South Wales corruption watchdog”

Consequences for the staff member

- Embarrassment
- Disciplinary action
- Internal or external inquiry
- Loss of employment
- Criminal prosecution



Consequences for the staff member – in extreme cases...

Law - Criminal Law Consolidation Act 1935 (SA)

Section 150—Bribery

- (1) A person who bribes a fiduciary to exercise an unlawful bias is guilty of an offence.
 - Maximum penalty: Imprisonment for 7 years
- (2) A person bribes a fiduciary to exercise an unlawful bias if the person—
 - a) gives or offers to give a benefit intending that the fiduciary will, in return for the benefit, exercise a fiduciary function in a particular way; and
 - b) knows or believes that the fiduciary will not make an appropriate disclosure of the benefit or expected benefit to the principal or is reckless as to whether or not the fiduciary will make such a disclosure.
 - c) Maximum penalty: Imprisonment for 7 years.
- (3) A fiduciary who accepts a bribe to exercise an unlawful bias is guilty of an offence.
 - Maximum penalty: Imprisonment for 7 years

Academic Honesty Policy & Procedures

OVERVIEW

- The purpose of this policy is to outline the University's commitment to high standards of academic honesty & the obligations of coursework students when undertaking assessment tasks, including examinations, particularly the obligation of academic honesty
- The policy supports the following Graduate Attribute in the University's students: "An awareness of ethical, social & cultural issues within a global context & their importance in the exercise of professional skills & responsibilities"

Academic Honesty Policy & Procedures

- Academic honesty is an essential component of teaching, learning & research, & is fundamental to the very nature of universities
- Academic writing is evidence-based & the ideas & work of others must be acknowledged, rather than claimed as one's own
- Under this policy, academic dishonesty includes submitting for assessment, any examination of piece of work that has been completed dishonestly
- The University regards all forms of academic dishonesty as unacceptable, including plagiarism, collusion & cheating

Research Student Handbook

Conduct of Research

Students & staff members engaged in research are expected to be committed to exemplary standards of professional conduct & integrity.

The broad elements that guide the conduct of research include:

- the maintenance of high ethical standards & intellectual honesty
- avoidance of real or apparent conflicts of interest
- the appropriate recognition & assignment of intellectual property, copyright & technical/editing assistance

(see pg.42 of the 2012 Handbook)

Responsible Conduct of Research Policy

- It is a basic assumption of the University that students & staff members engaged in research are committed to high standards of professional conduct
- Researchers have a duty to ensure that their work enhances the good name of the University & the profession to which they belong
- Researchers should only participate in work which conforms to accepted ethical standards & which they are competent to perform
- When in doubt, they should seek assistance with their research from their colleagues, peers, or supervisors & seek advice from the relevant ethics & safety committees of the University
- The University adopts the general principles of responsible research outlined in the Australian Code for the Responsible Conduct of Research

Cultural Differences

- Students of the University come from a wide range of linguistic, religious & cultural backgrounds
- Some students will be unfamiliar with acceptable Australian gift-giving etiquette in professional relationships, which will be very different from those in their own cultures
- For example, in Asian countries particularly, gift giving is common in a business setting
- Don't jump to conclusions of bribery in gift-giving
- We may infer a negative connotation that was not intended

Real Life Example

- A student offered a course co-ordinator \$1000 to be granted a supplementary examination
- The staff member explained that supps were not awarded in that way and that the offer was unacceptable
- The student was advised in person & by email of the serious nature of her behaviour & that any repetition could result in preclusion from the program
- The student returned with \$3000 to again request that a supp be awarded
- The money was again refused & the warnings were repeated

Real Life Example (cont.)

- The student returned with \$5000 & made the same request
- This time it was treated as plagiarism under the Plagiarism Policy
- The student was awarded a grade of 0 for the course
- A Central Plagiarism & Cheating Register Notification form was lodged with Student Policy & Appeals
- The incident was recorded on the Central Plagiarism & Cheating Register
- Such were the cultural differences that the student continued to express a genuine sense of grievance toward the department throughout the process

If you receive an appropriate gift

If you think it is a misunderstanding

- Explain to the student about gift giving & bribery - how their actions might be seen as an attempt to influence the judgement of the lecturer
- See if the student is experiencing anxiety, stress or academic difficulty & the gift was an act of desperation
- They may need referral to:
 - [The University Counselling Service](#)
 - [The International Student Centre](#)

If you receive an inappropriate gift

If you think you have been offered a bribe:

- Think about whether it is simply a cultural misunderstanding about gift giving:- don't jump to conclusions of bribery
- Refuse to accept the gift or arrange for it to be returned
- Talk to the student about the University's [Academic Honesty Policy & Procedures](#)
- Report the incident to your Head of School, who will advise the Executive Dean & the General Counsel
 - Refer to section 5 of the [Fraud Control Policy](#)
- Reports may be referred to the University's student disciplinary procedures for action



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Please refer to the [Conflict of Interest Procedure](#) for more
Information.