The Fair Political Practices Commission has revised Regulation 18944.2 concerning gifts to an agency. In response, the President has delegated responsibility to the Vice President for Administration and Finance for ensuring the regulation is administered and reported in accordance with the guidelines.

This regulation applies only to those gifts made to the University, not to gifts received by the Cal Poly Foundation, Cal Poly Corporation or to the Associated Students, Inc. The regulation establishes criteria for determining when a gift may be deemed a gift to the agency and not a gift to an individual. In such a situation, the gift is not reported on the employee’s Form 700, Conflict of Interest filing. The Vice President for Administration and Finance is responsible for making the determination based on information provided. This type of gift is often a gift of travel such as flights, hotel accommodation and meals. Criteria used in the determination include the following:

1. The Vice President for Administration and Finance must officially receive the gift and make the determination of which Cal Poly employees will use the gift. The donor may not designate by name, title, class, or otherwise, who will use the gift. If the donor does specify who may use the gift, the gift cannot be characterized as a gift to an agency, but rather a gift to the individual official which may result in a reportable gift on the employee’s Form 700. Conflict of Interest regulations apply to any and all gifts to individuals. A copy of the Conflict of Interest Handbook can be found at http://www.calsite.edu/gc/Docs/ConflictofInterestHandbook.pdf;

2. The gift must be used for official Cal Poly business;

3. Cal Poly must report the gift within 30 days after its use; and

4. If the gift is travel, the travel payment must be pre-approved in writing by the Vice President for Administration and Finance.

Gifts that could fall under this regulation should be directed to Larry Kelley, Vice President for Administration and Finance. A copy of Regulation 18944.2 may be found at: http://www.fppc.ca.gov/legal/regs/current/18944.2.pdf.

Please feel free to contact me if you have any questions.