

1. BACKGROUND

Acceptance of Gifts by OHSU Members from OHSU Vendors and others seeking a business relationship with OHSU can compromise or appear to compromise the obligation to act in the best interests of OHSU, OHSU patients, or OHSU research subjects. In addition, Oregon law restricts the ability of OHSU Members to accept Gifts in certain circumstances.

Even if acceptance of a Gift meets the requirements of this policy, if acceptance could inappropriately influence or appear to inappropriately influence a decision to be made by an OHSU Member, the Gift must not be accepted.

2. PURPOSE OF THIS POLICY

This policy establishes rules and guidelines for Gifts to OHSU Members from a business and/or industry representative with or seeking a business relationship with OHSU ("Vendor").

3. STATEMENT OF POLICY

- A. Except as provided at section 5: OHSU Members (definition below) who are in a Position of Authority (definition below) relative to a business decision with a Vendor (definition below):
- 1) May not accept or solicit a Gift (definition below) from such Vendor; and
 - 2) Must instruct their Relatives (definition below) that those Relatives may not accept or solicit Gifts from such Vendor.
- B. OHSU Members, regardless of Position of Authority, may not accept Gifts from Vendors that are promotional in nature (items displaying company logos or symbols). Logos/symbols on purchased items are allowed.
- C. The OHSU Integrity Office shall post and periodically update:
- 1) Information related to compliance with federal, state, and local laws; national guidance; and best practices related to the acceptance of Gifts from industry;

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- 2) A listing of current OHSU Vendors; and
- 3) A compilation of questions, answers (FAQs), and resources regarding gifting issues.

4. DEFINITIONS

- A. **Gift:** Something with financial value including items of token value such as notepads, pens, coffee mugs, clocks, or similar items; food; beverages; travel; entertainment such as (but not limited to) attendance at or tickets to theater or sporting events, movies, concerts, or similar events; but excluding informational material, publications, or subscriptions related to the OHSU Member's official duties.
- B. **Honoraria:** Money or other items of monetary value provided for presentations, serving on panels, mediating events, and similar work.
- C. **OHSU:** In the context of this policy "OHSU" refers to OHSU as an institution, its Schools, Units, Research Institutes, Hospitals and Clinics, Divisions, and Departments or their respective parts, sub-parts, or sub-units, but does not include the OHSU Foundation or Doernbecher Foundation.
- D. **OHSU Member:** All OHSU officers, employees, faculty, students, trainees, and volunteers.
- E. **Position of Authority:** A position in which one does or may influence the selection, retention, evaluation, direction, or supervision of a Vendor, including influencing the decision to place business, increase or decrease business, or continue, modify, or terminate a relationship with a Vendor. This includes but is not limited to:
 - 1) Prescribing OHSU health care providers relative to pharmaceutical Vendors;
 - 2) OHSU Members with grants relative to Vendor suppliers;
 - 3) OHSU Members with fiscal authority relative to a specific business decision with a Vendor; and
 - 4) Each OHSU employee as to all Vendor relationships:
 - a. Within the employee's oversight authority;

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- b. Where the Vendor relationship is a part of a Vendor selection process in which the employee participates such as an RFP; and/or
 - c. Where the employee exerts or attempts to exert influence over the awarding of business to the vendor.
- F. **Product, Service, and/or Project Evaluation Activity:** Activity, participation, or other effort associated with evaluation of a product, service, project, or potential business arrangement, where the final decision to purchase the item or service or initiate the project has not been made or where additional education about the product, service, or project is needed to meet obligations in a business agreement.
- G. **Relative:** The spouse, domestic partner, child (including adult children), siblings, spouses of siblings, parents of an OHSU Member, or parents of the spouse of an OHSU Member.
- H. **Representing OHSU:** An OHSU Member who attends a meeting, event, business negotiation, product evaluation, or similar activity in his/her official OHSU capacity as a part of his/her OHSU position and responsibilities is representing OHSU.
- I. **Vendor:** An, industry, business, or representative of same that currently has a business relationship with OHSU or is seeking a business relationship with OHSU including, but not limited to, a business that is selling products or services to OHSU or that is seeking to sell products or services to OHSU.
- J. **Vendor Fair:** An event on OHSU premises where a vendor or several vendors provide information related to their products and/or services.

5. EXCEPTIONS

The following are exceptions to the prohibitions in Section 3. OHSU Members:

- A. Who provide presentations at professional meetings or institutions may accept expense reimbursement and reasonable honoraria for their participation. (Honoraria for attendance only are not permitted);

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- B. Who are invited to speak or serve on a panel at a reception or meeting and who are listed as part of the scheduled program may accept a meal and beverages;
- C. Who are Representing OHSU at a product, service, and/or project evaluation activity; business negotiation; business meeting; reception; or charitable event may accept admission, travel expenses, food, and beverages so long as reimbursement for travel and lodging is reasonable and appropriate for the time spent in the OHSU-related activity;
- D. Who are Representing OHSU by delivering a speech, making a presentation, participating on a panel, or attending a convention, fact-finding mission, or other meeting may accept reasonable expense reimbursement, food, and beverages.
- E. Who are involved in meetings for the review or closing of a borrowing, investment, or other financial transaction or for a business agreement may accept food and beverages during such meetings;
- F. May accept a token of appreciation for service or a presentation, such as a plaque, if its resale value is no more than \$25.00;
- G. May accept food incidental to Vendor Fairs (definition above) when that food/beverage is served reception style and the attendees do not sit to consume a plated meal, and may accept items of educational or scientific value, but not items that are solely promotional of one or more Vendors;
- H. May participate in meetings of professional societies as part of their continuing education and other professional obligations even when the meetings are partially sponsored by industry but organized by professional societies.
- I. And their Relatives who receive Gifts from a source that could not reasonably be known to have or be seeking a business relationship or financial interest in OHSU are excepted from section 3-A of this policy.
- J. And their Relatives may accept Gifts offered to them as part of (i) the usual and customary practices of their private business, or (ii) their employment or volunteer activity outside of OHSU, when the items bear no relationship to their official position at OHSU.

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- K. Who have or whose Relatives have a personal relationship (friendship, spouse/domestic partner) with a Vendor are not expected to alter those relationships to comply with this policy, but should consult with the OHSU Integrity Office for advice should they have questions about such relationships.

6. MONITORING AND ENFORCEMENT

The OHSU Integrity Office (OIO) is responsible for enforcing and monitoring compliance with this policy and, in coordination with the Legal Department, will serve as a resource for implementing the policy.

Background: ORS 244.010-244.040

Related policies, procedures and forms:

- **Fact Sheet: Acceptance of Gifts from Industry/Vendors by Individuals at OHSU**

Implementation date: August 27, 2001

**Revision dates: December 23, 2002; October 25, 2004; November 14, 2006; January 1, 2008;
August 12, 2009**

Responsible office: OHSU Integrity Office
