



## Universität Hamburg Guidelines on the Acceptance of Benefits, Rewards, and Gifts (“Guidelines”)

The Guidelines are intended to ensure that all Universität Hamburg employees are aware of the requirements of the general prohibition on acceptance of benefits, rewards, favors, gifts, or other benefits in place for their position or official duties. The Guidelines provide the required operational framework for exceptions to this prohibition. The principle of trust in the personal integrity of employees applies. In addition, clear rules are intended to provide certainty and make an important contribution to ensuring the prohibition is observed.

In the public notice on the prohibition of the acceptance of rewards and gifts and permissible exceptions (*Bekanntmachung über das Verbot und die ausnahmsweise zulässige Annahme von Belohnungen und Geschenken*) of the Free and Hanseatic City of Hamburg, dated 29 October 2019, some specific instances are generally permitted or authorized as permissible exceptions. Further, the Guidelines define specific scenarios that may qualify for special permission to be granted on a case-by-case basis.

### 1. Basic premise and important information

- The previous rules on the acceptance of rewards and gifts are superseded by the Guidelines.
- The acceptance of any kind of reward, gift, or other benefit in relation to the office held or professional duties exercised is prohibited for all employees, including former employees, unless generally or exceptionally permitted.
- Breach of this prohibition carries consequences under labor law, civil service law, and criminal law and may lead to disciplinary action for employees with a civil service contract.
- Under no circumstances may benefit be requested or permitted to serve as compensation for a previous or future improper official act.
- Acceptance may only be considered with the prior agreement of the office responsible (see paragraph 5), unless it is subject to subsequent approval pursuant to paragraph 5 a). You must fully detail all circumstances relevant to the decision in your application for approval. This applies to applications or notifications for work-related travel and off-site work.
- If any doubts remain following proper assessment whether acceptance of any benefit requires approval or is covered by the general authorization, permission must be sought.
- You are obliged to inform your supervisor or next-higher level of management of any attempt to influence your actions in the conduct of your duties through the offer of gifts, rewards, or other benefit immediately.
- Benefits arising solely as a result of an employee’s private relationships are not conferred “due to office.” However, these relationships may not be linked with expectations related to the exercise of an employee’s duties. Should an employee come to

appreciate that benefits conferred within their private sphere may carry expectations related to the exercise of their duties, they may not accept any further benefit and must, where possible, return any undue benefit received.

- If a gift is sent to your home or place of work, as an employee, you must immediately inform the responsible office and return the gift where no authorization is granted for its acceptance.

## **2. Prohibition on acceptance of undue benefits<sup>1</sup>**

Acceptance of undue benefits is prohibited for the following:

- a) The acceptance of cash or cash equivalents (e.g., vouchers, lottery tickets, prepaid customer cards), even when these are small amounts or intended for charitable purposes
- b) The acceptance of benefits intended to provide private benefit, including all kinds of discounts and gifts for third parties (e.g., spouses, children)
- c) The support of professional or private events (e.g., company excursions, private promotion celebrations, anniversaries, leaving parties, weddings, confirmations, Christmas parties) held for the University, a government office, department, section, or individual person through the provision of funding, products, services, or other benefits of value
- d) The acceptance of benefits requested by you — in this context, requested means any benefit whose conferral was initiated by you.

Offers or the like must always be refused.

## **3. General exceptions that do not require authorization<sup>2</sup>**

General exceptions that do not require authorization include the following:

- a) Benefits arising from participation in an event (e.g., sporting, cultural, or charity events) including any catering arising from or in connection with social obligations arising from an employee's office (representation); whereby representing the University is reserved solely for members of the Executive University Board. The Executive University Board may charge specific employees to act as representatives on a case-by-case basis.
- b) Participation in a catered event arising from or on the occasion of official business, meetings, inspections, or similar at private or public companies or institutions that are usual and appropriate or are based on common rules of social practice and courtesy that public service employees cannot refuse without breaching cultural norms, in light of their particular obligation to objective conduct of duties

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<sup>1</sup> See paragraph IV number 1 of the administrative guideline on benefits, rewards, and gifts (*Verwaltungsvorschrift Vorteile, Belohnungen und Geschenke*).

<sup>2</sup> See paragraph IV number 2 of the administrative guideline on benefits, rewards, and gifts (*Verwaltungsvorschrift Vorteile, Belohnungen und Geschenke*).

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- c) Low-value gifts (maximum value EUR 20 per donor per year) that would not generally be viewed as inappropriate (e.g., simple promotional objects such as pens, writing pads, simple calendars, flowers, chocolates, coffee, other promotional material, unrequested delivery of inexpensive magazines, etc.)
- d) Low-grade benefits that facilitate or accelerate the conduct of daily business (e.g., being picked up from a train station or airport or accepting a lift in a private vehicle for a distance of less than approx. 50 km)
- e) Participation in trade fairs and events relevant to the position where the costs of participation are paid by the office of the attendee.
- f) Gifts for visitors that are presented as part of the normal course of business; these include those given as part of normal exchange at the national or international level, the rejection of which could have a negative influence on the image of Universität Hamburg. Gifts with a value of more than EUR 20 must be handed over to the office determined by the head of administration. The head of administration determines the further use and storage of gifts.
- g) Participation in work-related and non-work-related events hosted by other departments or in offices of the Free and Hanseatic City of Hamburg.
- h) The usual and appropriate gifts given for birthdays, promotion, and similar events where these gifts come from colleagues or employees of the Free and Hanseatic City of Hamburg.

In individual cases, the head of administration may determine that a general exception to the requirement for authorization does not apply where it appears that an employee is conducting their duties in a manner that may be influenced by benefits granted or in pursuit of personal interests.

#### **4. Exceptions requiring case-by-case authorization<sup>3</sup>**

Exceptions requiring case-by-case authorization include, in particular,

- information events or presentations<sup>4</sup>
- travel involving information events or presentations<sup>5</sup>
- dealing with visitors' gifts in a way that differs from the usual
- participation in conferences, symposia, or other events staged by a company, association, or institute affiliated with said company or association that would usually

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<sup>3</sup> See paragraph IV number 3 of the administrative guideline on benefits, rewards, and gifts (*Verwaltungsvorschrift Vorteile, Belohnungen und Geschenke*).

<sup>4</sup>An information event or presentation is one held in the place of work as defined in Section 2 subsection 4 Hamburg travel expenses act (Hamburgisches Reisekostengesetz, HmbRKG) in the greater Hamburg metropolitan area covered by the Hamburg Public Transport Association (HVV).

<sup>5</sup>Travel involving an information event or presentation consists of traveling outside of the place of work, beyond the greater Hamburg metropolitan area covered by the HVV.

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charge a participation fee but for which no participation costs are requested from the employee(s)

- where doubt exists about acceptance, and for cases where no specific permissible exception is provided.

An individual assessment must be conducted for any benefit not listed in this circular or, in case of doubt, to ascertain whether acceptance of a specific benefit is permitted with regard to the office or official duty.

## 5. **Process, responsibilities, supervisors' duties**<sup>6</sup>

- a) Applications for approval or authorization must be submitted before acceptance. If this is not possible, an application must be made without delay.
- b) Employees with supervisory duties must ensure that the provisions of the prohibition on acceptance of undue benefits and the general exceptions that do not require authorization listed above are known, implemented, and followed on a regular basis by all employees. The Anti-Corruption Unit or the head of administration must be informed if it appears that an employee is conducting their duties in a manner that is open to influence by benefits granted or in pursuit of personal interests.
- c) Employees seeking to exercise the case-by-case authorization of an exception must submit an application to their supervisor detailing in full all circumstances relevant for the decision, with full disclosure and transparency. This supervisor must then forward the application to the Anti-Corruption Unit for assessment, which then submits it to the head of administration for a decision. The supervisor and the employee will then be informed of the decision.
- d) If the application is submitted by a member of the Executive University Board, the decision will be made by the head of the Ministry of Science, Research, Equalities and Districts (BWFGB).
- e) The process followed must be documented in a verifiable manner.
- f) As a supervisor of Universität Hamburg employees, you must implement appropriate organizational and human-resource related measures to prevent any breach of these provisions and criminal acts.
- g) On behalf of Universität Hamburg, the human resources department informs new employees about the contractual obligations and resultant duties arising from Section 42 of the federal act on the status of civil servants (Gesetz zur Regelung des Statusrechts der Beamtinnen und Beamten in den Ländern, BeamtStG) and Section 49 of the Hamburg civil servants act (Hamburgisches Beamtengesetz, HmbBG). The revised public notice on the prohibition of the acceptance of rewards and gifts and permissible exceptions dated 29 October 2019 and Universität Hamburg guidelines are to be published.

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<sup>6</sup> See paragraphs V and VII of the administrative guideline on benefits, rewards, and gifts (*Verwaltungsvorschrift Vorteile, Be-  
lohnungen und Geschenke*).

- h) You will continue to receive this notice annually and you are required to confirm receipt of this notice electronically.

The revised public notice on the prohibition of the acceptance of rewards and gifts and permissible exceptions with an alphabetic list of examples of benefit, their evaluation, and their explanation, as well as a series of helpful definitions (e.g., rewards, gifts, other benefits, related to official duties, and acceptance), are available in the Staff Service Portal on the Anti-Corruption Unit's page:

<https://www.kus.uni-hamburg.de/en/themen/geld-und-konto/korruptionsbekaempfung.html>.

Hamburg, 30 September 2022



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