**Gifts from University Funds UPPS No. 04.03.02**

**Issue No. 8
Effective Date: 10/07/2022
Next Review Date: 10/01/2026 (E4Y)**

**Sr. Reviewer: Associate Vice President for Financial Services**

**POLICY STATEMENT**

*Texas State University is committed to adhering to laws restricting the purchase of gifts from state funds.*

**01. SCOPE**

01.01 Texas State University employees may not make gifts of university funds unless the gift serves a public purpose.

01.02 [Article 3, Section 51](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.3.htm) of the Texas Constitution in part provides, "The legislature shall have no power to make or grant or authorize the making of any grant of public moneys to any individual, association of individuals, municipal or other corporations whatsoever."

01.03 State funds (public moneys) may be spent only for proper public purposes and must be exchanged for adequate public benefits. State funds include those appropriated by the legislature, charged as fees, earned through university operations, or received as gifts or grants.

01.04 The state attorney general has determined that granting scholarships within legislative guidelines does not violate [Article 3, Section 51](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.3.htm#3.51) of the Texas Constitution (see [UPPS No. 02.05.01](http://www.txstate.edu/effective/upps/upps-02-05-01.html), University Scholarship Policy and [Attorney General Opinion No. M-391 (1969)](https://www2.texasattorneygeneral.gov/opinions/opinions/44martin/op/1969/pdf/cm0391.pdf) for more information).

01.05 The Texas State University System (TSUS) Board of Regents permits expenditures of institutional funds that are not otherwise restricted, for the purchase of food, refreshments, and achievement awards under the provisions set forth in [TSUS Rules and Regulations, Chapter III, Section 6.8](https://www.tsus.edu/about-tsus/policies.html), if such expenditures assist the university in carrying out its educational functions, promote education in the State of Texas, and serve an important public purpose (see [UPPS No. 03.01.03](http://www.txstate.edu/effective/upps/upps-03-01-03.html), Allowable Purchases of Awards and Flowers for more information).

01.06 The purchase of gift cards and gift certificates is not allowed except in human subject research studies where gift cards may be used (see [UPPS No. 02.02.06](http://www.txstate.edu/effective/upps/upps-02-02-06.html), Research Cash Advances, for the established policy for paying human subjects for more information).

**02. RESPONSIBILITY FOR UNIVERSITY FUNDS**

02.01 Each account manager has primary responsibility for assuring that the university funds for which they have financial control are expended only for a valid public purpose.

02.02 Account managers will be held personally liable if they make inappropriate gifts from university funds (see [UPPS No. 03.01.09](http://www.txstate.edu/effective/upps/upps-03-01-09.html), Fiscal Responsibilities of Account Managers at Texas State for more information).

02.03 Offices in the Finance and Support Services division may review expenditures to assure that the expenditures serve a public purpose.

**03. REVIEWER OF THIS UPPS**

03.01 Reviewer of this UPPS includes the following:

Position Date

Associate Vice President for October 1 E4Y

Financial Services

**04. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Associate Vice President for Financial Services; senior reviewer of this UPPS

Vice President for Finance and Support Services

President