

## GIFTS AND BENEFITS POLICY AND PROCEDURE

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### 1. PURPOSE

The Australian National Institute of Management and Commerce (the Institute) recognises that employees may be offered gifts and benefits from third party individuals and organisations in the course of their employment at the Institute. Generally, acceptance of gifts and benefits offered as tokens of appreciation or courtesy will not compromise the ethical position of employees. However, there is some risk in accepting gifts and benefits that employees may be compromised in their decision making, or induced, or be perceived to be induced, to act dishonestly. The Institute is obliged under law to manage the giving and receiving of gifts and benefits effectively. Hence, there is a need for transparent rules and procedures to be applied to the receipt of gifts and benefits.

The purpose of this policy is to provide principles that must be applied to situations where employees are offered gifts and benefits. To ensure that the Institute's employees comply with legal requirements and maintain consistency and transparency, the policy specifies clear boundaries for when it is acceptable or unacceptable to accept gifts and benefits. The policy also outlines the procedures involved in disclosure, reporting, and recording the acceptance of gifts and benefits, including procedures for gifts of a nominal value or less and those valued at greater than a nominal value.

### 2. SCOPE

This policy applies to all academic and administrative staff, including sessional staff and conjoint appointments. It covers circumstances where staff perform work duties for the Institute and when staff represent the Institute, such as attending work-related functions and conferences.

### 3. DEFINITIONS

**Benefit** refers to a non-tangible item of value, or that might be perceived to be of value, to the recipient. Examples include, but are not limited to preferential treatment regarding employment; access to confidential information; attendance at events; memberships and discounts.

**Gifts** are items of value which an individual or organisation presents to another individual. Examples of gifts include, but are not limited to money, gift vouchers, tickets, travel, alcohol, or other products. For this policy, a gift does not mean a donation to the Institute.

**Gifts of appreciation** are gifts given to express gratitude or thanks for performing a specific task or exemplary duties' performance. For example, a gift of flowers or chocolates may be given to thank a staff member for speaking at an official function.

**Induce** refers to the situation where one party acts in a manner that causes another party to be influenced to act in a way they might not have otherwise acted.

**Nominal Value** refers to the amount set by the Institute to guide employees in terms of what would be considered a nominal value. The nominal value is currently \$100 or less.

**Official gifts** are usually presented from one organisation to another in recognition of services or achievements, recognising a valued relationship and/or gifts presented at ceremonial functions.

**Gifts of Hospitality** include food, drinks and entertainment offered at work-related functions.

**Gifts of influence/bribes** are gifts given to influence the recipient to act in a beneficial way to the provider.

**Solicitation** refers to the act of suggesting or asking another party for a gift or benefit, often in exchange for acting in a particular way or performing particular duties.

**Token gifts** refers to gifts that are exchanged as a formality or custom in business situations. Examples include pens, calendars and ties that contain a company logo.

## **4. PROCEDURE**

### **4.1 Principles**

The Institute applies the following general principles to the acceptance of gifts and benefits:

- Wherever practical, staff should decline offers of gifts and benefits.
- Staff must not accept gifts and benefits that could reasonably be perceived as having been provided with the intent to influence the staff member in carrying out their duties with the Institute.
- Transparent processes are a defence against allegations of graft or corruption. Therefore, the Institute requires that employees disclose offers of gifts and benefits and the outcome of the offer reported and recorded.

Management of the acceptance of gifts and benefits is based upon the fundamental principles of disclosure, transparency, and integrity. Staff must consider the value, frequency, and purpose of all offers and the perceptions of their acceptance.

### **4.2 Nominal Value of Gifts and Benefits**

Gifts and benefits fall into one of two financial categories:

1. Gifts valued at equal to or less than the **nominal value of \$100**, and
2. Gifts valued at more than \$100.

Although individual gifts may be less than the nominal value of \$100, repeated gifts may add up to a total greater than the nominal value. If gifts from one donor total \$100 or more within one calendar year, they must be treated as being gifts greater than the nominal value.

### **4.3 Unacceptable Offers of Gifts and Benefits**

Staff must not:

- Solicit gifts from an external party for themselves or on behalf of someone else.
- Under any circumstances, accept monetary gifts such as cash, cheques, traveller's cheques, direct deposits, gift vouchers and/or store cards.
- Accept a gift from a third party that has, or is likely to have, a commercial agreement with the Institute. Acceptance could potentially be perceived as inducement for the Institute to seek the services of the third party.

- Accept a gift of influence or bribe. Gifts of influence may place an employee under obligation and may induce them to act unethically to, for example: alter grades or give an academic advantage; compromise academic freedom or research ethics; give an advantage in business dealings; give employment advantage; provide access to confidential information concerning the Institute, or current or past students/employees of the Institute.

Even if gifts and benefits do not fall into the above categories, staff should be particularly wary when gifts and benefits are offered on an ongoing basis. Although one small gift may be acceptable, the same party's regular gifts may imply an expectation of ongoing favours.

The Institute recommends staff seek advice from their supervisor if they have any concern about accepting a gift or benefit. As well as refusing any of the offers outlined above, staff must disclose the details of the offer to their supervisor. Staff must also report any knowledge they have of other staff involved in solicitation or receiving unacceptable gifts or benefits.

#### **4.4 Acceptable Gifts and Benefits**

It is generally acceptable for staff to receive gifts and benefits in circumstances other than those listed in 4.3 above. Acceptable gifts and specific rules governing their acceptance are listed below.

- Gifts of appreciation are acceptable if less than nominal value. Staff must decline offers greater than nominal value, politely explaining the Institute's policy. All gifts of appreciation should be reported and recorded in the Institute's Gift Register.
- Token gifts may be offered to the Institute's employees in the course of business, cultural and community events. To avoid offending, the Institute deems it appropriate to accept token gifts of nominal value. Token gifts accepted by an employee should be reported to a supervisor, but do not need to be recorded in the Gift Register. Generally, staff may retain token gifts for display or utilisation as appropriate.
- Official gifts may be presented to employees representing the Institute in an official capacity at business and community events. It is reasonable for staff to accept gifts on behalf of the Institute. Official gifts must be reported and recorded in the Gift Register. Normally the gift will remain the Institute's property and, if suitable, displayed in a secure location. As a general rule, official gifts of nominal value or less can be disposed of after 12 months. Gifts greater than nominal value may be added to the Institute's collection or disposed of appropriately.
- Gifts of hospitality are generally acceptable for staff representing the Institute in work-related functions. Staff should not accept extravagant offers of hospitality, frequent or regular hospitality as these can be designed to foster goodwill with the potential for future compromised decision making. Gifts of hospitality should be reported to supervisors.
- Gifts and prizes offered at trade shows or conferences are considered token gifts if less than nominal value. Gifts and prizes greater than nominal value should not be accepted. In situations where it is not appropriate to refuse the offer, staff must disclose details of the gift or prize and details must be recorded in the Gift Register. (Note these gifts do not include prizes awarded for excellence based on merit such as for a presentation or other 'pro bono' work.)
- Travel, accommodation, or conference attendance funded by research grants, another institution, an academic prize, or an organising committee are not considered gifts or benefits. Accordingly, the Institute employees may accept and do not need to disclose these offers.

#### **4.5 Disclosure, reporting and recording**

Staff who are offered a gift or benefit above the nominal value must disclose the offer, whether or not it has been accepted. It is the employee's responsibility to report the offer to their supervisor within 14 calendar days. Reports must be made in writing and include details of employee's name; the name

of the donor; date offered; description of the gift or benefit; an estimate of the gift's value (if possible); and outcome of the offer (i.e., accepted/refused).

If there is doubt concerning the value of a gift or benefit and/or if the item is likely greater than nominal value, staff members must consult with their supervisor to decide on an agreed value. If a decision cannot be made regarding whether the gift is greater than the nominal value, details should be forwarded to the financial officer for review.

The supervisor's responsibility is to review the details supplied by the employee and, once approved and if appropriate, forward the details to the financial officer for recording in the Institute's Gift Register. The Gift Register must record whether the employee has retained a gift or benefit or if the gift has become the Institute's property.

## **5. RELATED DOCUMENTS**

- i. Conflict of Interest Policy*
- ii. Employee Handbook*
- iii. Staff Code of Conduct*