

Gifts, Benefits and Hospitality Guidelines

Governance and Assurance



This *Gifts, Benefits and Hospitality Guidelines* provide direction to Swinburne's staff on how and when to accept or decline gift offerings, aligning with the principles stated in the People, Culture and Integrity Policy.

Pre-ambles

Swinburne employees – or, occasionally, their families, friends or associates – may be offered gifts or benefits by students, agents, suppliers, partner institutions or other persons or organisations. Accepting even modest gifts or benefits can be seen as improper conduct. This is particularly so because Swinburne is a public body. Some gifts and benefits are intended simply as a memento or a small token of appreciation – for example, a book or coffee mug presented to a speaker at a conference. Accepting a gift of this kind is okay. However, all employees need to be mindful of the restrictions on accepting gifts and benefits set out in these guidelines in order to avoid any suggestion of improper conduct.

There are three categories of gifts, benefits and hospitality offerings:

Clearly unacceptable	Needs authorisation to be considered acceptable	Clearly acceptable
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1. What is clearly Unacceptable?

Unacceptable	Examples of unacceptable items
Cash of any amount, or items that can be treated like cash such as gift cards	✗ An offer of anything for which the giver is seeking a favour in return
Items and benefits offered by any supplier to procurement staff	✗ A \$25 gift card as a token of appreciation – this is equivalent to cash
Items and benefits offered to any staff involved in sourcing and contracting suppliers that is more than a token courtesy gift	✗ Free tickets to an event by a company that is a supplier of goods or services to your business unit in the university
Items and benefits that cause a conflict of interest (actual, potential or perceived)	✗ A trip paid for by a third party which is not a requirement of your role
Items and benefits over \$100 with no legitimate business benefit	✗ An offer that, if accepted, would cause a member of the public to think the staff member could be influenced
Items that conflict with other University policies and guidelines	✗ Any item or offer from a supplier to your business unit that is beyond token or common courtesy. Examples of satisfactory tokens are: coffee, cheap advertising stationery (pens, notepads, mousepads), inexpensive working lunch.
	✗ Gift from a student beyond a token. <i>Any gifts from students are discouraged.</i>

Key action required

- Decline the offered gift, benefit or offer of hospitality immediately.
- Disclose the offer in writing to your manager as soon as reasonably practicable.
- If an unacceptable gift absolutely cannot be returned, it needs to be donated to the University. The recipient must inform the giver they cannot accept the gift personally.

2. What needs authorisation to be considered Acceptable?

Acceptable but requires authorisation	Examples of acceptable gifts over \$100 that require approval by the recipient's manager
<p>Gifts, benefits or hospitality offerings over \$100 in value but have a <i>legitimate business benefit</i> and do not fall into the Unacceptable gift category (see above).</p> <p>Multiple small gifts of common courtesy from the same giver over a 12 month period worth more than \$100 and do not fall into the Unacceptable gift category (see above)</p>	<ul style="list-style-type: none"> ✓ An invitation to a corporate viewing box of a Richmond Tigers football game, where Swinburne is a partner of that football club, and your presence at the game is part of your employment role, not just a personal freebie. ✓ A gift of a library of law books, accepted by the Department of Law, where it was agreed there is no potential conflict of interest. ✓ Four souvenir type gifts received during four international partner visits within a year, worth \$120 in total. ✓ An expensive dinner provided by an international agent or partner institution while you are meeting with them as part of your role.

What is a legitimate business benefit?

- A legitimate business benefit is something that promotes or furthers the conduct of official University business or other legitimate organisational goals to the University and/or its controlled entities. If the staff member is unsure that a legitimate business benefit exists they should speak with their manager. Their manager then decides who accepts the gift - either the individual staff member, or the University.
- Some items may appear to be gifts or benefits, but are deemed to be required to exercise a position or role held by the staff member. For example, a senior Engagement staff member attending a ticketed event for the work purposes of their role in industry engagement.

Key actions required:

- Consider **the GIFT test** to sense-check the offer – see below
- Disclose the gift or benefit in writing to your manager, and demonstrate the legitimate business benefit
- Manager to decide whether there is a legitimate business benefit and:
 - a. approve that the gift can be retained by the individual recipient or the University.
 - b. decide the gift is to be declined as it does not hold legitimate business benefit.
- Accepted gifts above \$100 in total must be disclosed and recorded in writing to your manager.

Why? As a public institution, it is important to maintain integrity and transparency. It also protects you from any claims of improper conduct.

3. What is clearly Acceptable?

Acceptable	Examples of common courtesy gifts and hospitality
Gifts, benefit or hospitality that do not exceed common courtesy and are <u>under the value threshold of \$100</u> and do not fall into the unacceptable category. ! Note: If you receive multiple gifts within a 12- month period from the same giver that are worth more than \$100 in total, they are considered to be over \$100, and require approval to retain.	<ul style="list-style-type: none">✓ Souvenirs✓ Token gifts of appreciation✓ A bunch of flowers✓ A cup of coffee✓ Lunch provided during an offsite meeting at another organisation's workplace

Key actions required:

- Consider **the GIFT test** to sense-check the offer – see below
- Disclose the gift, benefit or hospitality offering to your manager. To protect yourself, you may want to disclose in writing so that there is a record of you doing so.

Why? Managers need to know about small items in case they become a conflict of interest in the future. It maintains integrity and transparency, and protects you from any claims of improper conduct.

Tips for accepting and declining offers

When receiving an acceptable gift:

- Communicate transparently with the giver. Explain that acceptable gifts above \$100 will be recorded in writing, to provide transparency to the University and our regulators.
- Communicate transparently with your manager. This is to protect yourself, should any question arise about a conflict of interest or unfair benefit.
- You do not have to accept all gifts offered to you even if they are small and classed as acceptable. Remember, if you have any concerns with accepting an offer, decline it.
- Always declare gifts, benefits and hospitality offers to your manager in writing.

What to best do with the items:

- Some departments 'pool' acceptable gifts. This is when the gift is accepted and handed over to the University (rather than kept by the individual) and is pooled between the entire team. For example, an individual may receive a hamper worth less than \$100, and it may be shared and enjoyed amongst the team.

When declining an unacceptable gift:

- Communicate transparently with the giver. Explain why you cannot accept the gift.
 - Explain that Swinburne is a public institution with policies and processes for receiving gifts – this may help ease social discomfort when declining a gift.
 - There may be cultural complexities associated with declining a gift – the decliner should give consideration to their language, tone, and cultural traditions.
- You may consider 'paying your own way' when offered hospitality or a benefit in order to still participate in an event or activity.
- Disclose gifts transparently to your manager. Unacceptable gifts from suppliers or students may prompt an investigation if the supplier/student is trying to inappropriately influence staff.
- Return the gift: if the item has already been provided, arrange for it to be returned.

Contextual examples:

Clearly Acceptable Gift (less than \$100) - example:

Jess recently presented at a Victorian conference on Creative Innovation. Following the presentation, the MC provided her with a box of chocolates and a bottle of wine which had a total value of \$65. The gift is modest and is a token of appreciation for presenting. Jess accepts the gift and informs her manager in writing via email.

Acceptable Gift (more than \$100) Requiring Authorisation - Examples:

Michael recently presented at a conference in South East Asia. Michael and his colleague were presented with a cultural item worth approximately \$250. Michael cannot easily identify if there is a legitimate business benefit to accepting the item and declining the gift would cause offence. Michael speaks with his manager who suggests he accept gift on behalf of the University. Michael and his manager formally record this in writing.

Professor Jenz has received an invitation to present at an international conference. The organisation presenting the conference has offered to pay for flights and accommodation as a thank you for presenting at the conference. The Professor is being offered the flights and accommodation as a direct result of being employed at Swinburne and presenting at the conference would promote and further the organisational goals of the University. Professor Jenz speaks with her manager who approves her to accept the offer. Professor Jenz notifies the organisation. The professor and her manager formally record this in writing.

Unacceptable Gift Examples:

Judy is responsible for organising events at Swinburne, she regularly meets with suppliers and vendors. One supplier suggests they meet for lunch. Judy should politely decline the offer and arrange to instead meet with the supplier in her office, or pay her own way at the lunch (which may be a claimable expense).

Damien is working on a new partnership agreement between Swinburne and an AFL club. During negotiations the club send him two tickets to the AFL grand final. Attending the event may raise a perceived conflict of interest because the person offering the tickets may be seeking to influence his decision. Damien discloses the offer to his manager, declines the offer, and returns the tickets to the club.

The GIFT test (Giver, Influence, Favour, Trust)

<u>G</u>iver	Who is providing the gift, benefit or hospitality and what is their relationship to me? Does my role require me to select contractors, award grants, regulate industries or determine policies? Could the person or organisation benefit from a decision I make?
<u>I</u>nfluence	Are they seeking to gain an advantage or influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or valuable non-token offer? Does its timing coincide with a decision or endorsement I am about to make?
<u>F</u>avour	Are they seeking a favour in return for the gift, benefit or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?
<u>T</u>rust	Would accepting the gift, benefit or hospitality diminish public trust? How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?