

# Gifts, Benefits and Hospitality Policy

Category	Talent and Culture
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## 1. Purpose

The purpose of this policy is to explain what gifts, benefits and hospitality staff may offer and receive during the course of their employment at RMIT to support staff to avoid conflicts of interest and maintain high levels of integrity and trust.

## 2. Overview

Offering or receiving gifts, benefits or hospitality can be a normal part of a modern working environment. However, it can also give rise to concerns about bribery, corruption or conflicts of interest, whether actual, potential or perceived.

This Policy outlines RMIT's position on responding to offers of gifts, benefits and hospitality, and providing gifts, benefits and hospitality.

## 3. Scope

The policy applies to all employees of RMIT University and its controlled entities (known as the RMIT Group).

## 4. Principles

- 4.1. Members of the RMIT group have a duty to act in the best interests of RMIT at all times and with the highest degree of professional independence and integrity. This duty extends to the responsible provision of gifts, benefits and hospitality.
- 4.2. Staff and contractors may offer and accept offers of reasonable and modest gifts and hospitality of the kind ordinarily given in the normal course of business where there is a legitimate business or cultural reason (including relationship development and formalisation for Aboriginal and Torres Strait Islander communities). Any such gift, benefit or hospitality should be modest and in line with local custom and cultural gift offering traditions.
- 4.3. RMIT expects dealings with current and prospective suppliers to be appropriate and for the benefit of the RMIT Group rather than offering personal benefits to staff.

- 4.4. A gift, benefit, or hospitality is not acceptable if:
- a) it is solicited or asked for in any circumstances
  - b) it is offered to secure a material benefit for the party offering it
  - c) it would constitute a probity breach where the gift, benefit or hospitality is from a supplier trying to win or maintain business opportunities with RMIT
  - d) it may cause staff or contractors to act, or be perceived to have acted, in a preferential or biased manner
  - e) doing so would compromise RMIT's reputation or impartiality
  - f) it breaches the law or the recipient's own rules for receiving gifts, benefits or hospitality
  - g) it may lead to an actual, potential or perceived conflict of interest
  - h) it is cash, used in a similar way to cash, or is easily converted to cash (except in very limited circumstances relating to cultural gift giving traditions, such as Chinese New Year, and provided that it meets the requirements under 4.2).

## 5. Responsibilities

- 5.1. All staff are required to:
- a) declare all acceptable gifts, benefits or hospitality in accordance with the conditions and disclosure requirements in Schedule 1
  - b) decline offers of gifts, benefits and hospitality that are not acceptable
  - c) ensure the responsible provision of gifts, benefits and hospitality.

Staff unsure of whether the gift, benefit or hospitality meets the criteria set out in this policy should consult their line manager.

- 5.2. Managers oversee management of direct reports' acceptance or refusal of gifts, benefits and hospitality, and provide advice to promote awareness and model good practice.
- 5.3. The Chief Procurement Officer manages compliance of RMIT suppliers and staff involved in procurement decisions under this policy and reviews the Gifts, Benefits and Hospitality Register to monitor supplier behaviour and compliance with probity and conflict of interest requirements.
- 5.4. The Executive Director, Human Resources investigates and manages conduct matters arising from an alleged or actual breach of this policy.
- 5.5. The Chief Operating Officer and Chief Finance Officer approve the threshold values, conditions and disclosure requirements for gifts, benefits and hospitality prescribed in Schedule 1.
- 5.6. Internal Audit, Compliance, Risk and Regulation monitors and reviews the Gifts, Benefits and Hospitality Register, risk profiles and improvement opportunities under this policy.

## 6. Compliance

- 6.1. Failure to comply with this policy may result in disciplinary action, up to and including summary termination of employment.
- 6.2. Breaches will be managed in accordance with the Code of Conduct and Managing Conduct Policy.

6.3. If the conduct is unlawful, such as constituting the offering or acceptance of a bribe, staff might also be subject to criminal or regulatory prosecution.

## 7. Gifts, Benefits and Hospitality Register

7.1. RMIT collects and holds personal information in the Gifts, Benefits and Hospitality Register for internal use for the purposes of complying with this policy. Declarable gifts, benefits and hospitality may include personal information of donors and recipients external to RMIT and will be managed in accordance with the RMIT Privacy Statement.

## 8. Definitions

<b>Benefits</b>	include preferential treatment, privileged access, favours or other advantage. For example: invitations to sporting, cultural or social events, access to discounts and loyalty programs and promises of a new job.  The value of benefits may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour.
<b>Cultural Leaders</b>	include Traditional Owners or Elders or significant Indigenous leaders from Australia or overseas.
<b>Gifts</b>	are free or discounted items or services and any item or service that would generally be seen by the public as a gift. Examples include items of high value (e.g. expensive pens), low value (e.g. small bunch of flowers), consumables (e.g. chocolates, or wine), services (e.g. repairs, places in courses), the transfer or loans of money (including gift cards) or property, awards and prizes won at functions attended as a representative of RMIT (such as door prizes).  It does not include: <ul style="list-style-type: none"> <li>ceremonial gifts which are usually provided when conducting business with official delegates or representatives from another organisation, community or government agency. Ceremonial gifts offered or accepted by RMIT employees are done so on behalf of RMIT and are retained for the benefit of RMIT. They are not considered to create a personal benefit that may give rise to a conflict of interest or compromise integrity and trust.</li> <li>philanthropic gifts made by individuals, corporations, foundations or legal entities to assist RMIT in the pursuit of its objects and purpose.</li> </ul>
<b>Gifts, Benefits and Hospitality Register</b>	is an internal electronic record of all declarable gifts, benefits and hospitality offered and received by RMIT staff. It records the date an offer was made, the donor or recipient, the nature of the offer, its estimated value and how the offer was managed. For accepted offers, it details the reason for acceptance and the Manager approving the acceptance.
<b>Hospitality</b>	is the friendly reception and entertainment of guests. Examples include, luncheons, dinners, invitations to sporting, musical or theatrical events or other similar corporate hospitality, planned or impromptu light refreshments at a business meeting, expensive restaurant meals and sponsored travel and accommodation. The value of hospitality is calculated on a per head amount.
<b>Public Official</b>	usually includes, but is not limited to, politicians, public servants, and any employees or contractors of government entities or utilities, or international public-sector organisations.

## 9. Procedures and resources

- Schedule 1
- Gifts, Benefits and Hospitality Declaration Form
- Gifts, Benefits and Hospitality FAQs

# Schedule 1

This Schedule details the value thresholds and associated conditions and disclosure requirements for gifts, benefits and hospitality for all staff, including contractors, when dealing with third parties, regardless if the offer is accepted or declined. It does not apply to ceremonial or philanthropic gifts.

- (i) Threshold requirements for acceptable gifts, benefits or hospitality

Table 1: Conditions and disclosure requirements

Value of gift, benefit or hospitality	Conditions and options	Minimum disclosure required
Less than \$50	No requirement to disclose where it is acceptable in accordance with the policy <sup>1</sup>	None
\$50 to \$200	The gift, benefit or hospitality is acceptable if it's in accordance with the policy and the staff member may choose either to: <ul style="list-style-type: none"> <li>• offer/receive the hospitality</li> <li>• offer/keep the gift or benefit</li> <li>• donate the gift or benefit to a University-related project</li> <li>• retain the gift or benefit for the benefit the group/unit or the University as a whole</li> </ul>	Completed <i>Gifts, Benefits and Hospitality Declaration Form</i>
More than \$200	With Manager's approval <sup>2</sup> that the gift, benefit or hospitality is acceptable in accordance with the Policy, Manager may approve the staff member to either: <ul style="list-style-type: none"> <li>• offer/receive the hospitality</li> <li>• offer/keep the gift or benefit</li> <li>• donate the gift or benefit to a University-related project</li> <li>• retain the gift or benefit for the benefit the group/unit or the University as a whole.</li> </ul>	Completed <i>Gifts, Benefits and Hospitality Declaration Form</i> assessed and signed by Manager

<sup>1</sup> Cumulative offers from the same source over 12 months that exceed \$50 must be declared.

<sup>2</sup> Where it is not possible in the circumstances to seek prior approval from the Manager, it must be done as soon as possible after the offer is made.

- (ii) Staff and contractors participating in a procurement initiative must not accept any gifts, benefits or hospitality from a person directly employed, or representing, any of the entities participating in the initiative.
- (iii) When offering gifts, benefits or hospitality to or receiving them from a Public Official pre-approval must be obtained from RMIT Legal Services.
- (iv) When offering gifts, benefits or hospitality to or receiving them from Indigenous community members and Cultural Leaders, the Office of Indigenous Education and Engagement should be consulted. Ceremonial gifts may be declared in the Gifts, Benefits and Hospitality Register at the direction of the Manager for record keeping purposes. In this case, the Manager should ensure the nature of the gift is described as ceremonial and the official occasion to which it relates identified.

## Document history

Version	Approval date	Effective date	Summary of changes	Approval authority
1.0	22 November 2018	1 March 2019	New policy	Vice-Chancellor's Executive

## See also

- Conflict of Interest Policy
- Risk Management Policy
- Fraud and Corruption Prevention Policy (to be developed)
- Business Expenses Policy
- Income and expenditure management policy process
- Delegations Policy