

Simmons University

Vendor Gift and Gratuities Policy

Sometimes, business gifts and gratuities are forms of business courtesies that are offered as a way of building or enhancing business relationships, and goodwill among business organizations. Nonetheless, ethical issues can arise from the acceptance of such items, particularly if it is perceived that the gifts and gratuities influence how Simmons University makes its decisions. As a respected private institution, Simmons University is committed to educational, business, and procurement practices that award contracts and the business of the University on merit, price, service and quality. Contracts and the business of the University should never be awarded on the basis of personal relationships, gifts, promotions, entertainment, and other gratuities that vendors, potential vendors, or others who hope to do business with the University may offer or provide to Simmons faculty, staff, or students or their families. It is also important to avoid the appearance of favoritism to potential vendors who market themselves through gifts and gratuities. Here are several guidelines designed to protect you, your unit and Simmons:

1. Simmons faculty, staff or administrators may not request or solicit any personal gift, benefit, gratuity, favor, or service (collectively, a “gift or gratuity”) from any vendor, potential vendor, or other person seeking any advantageous action by, or relationship with, Simmons University.
2. With respect to unsolicited gifts or gratuities, the general policy of the University is that all unsolicited gifts or gratuities should be declined and returned to the person providing such gifts or gratuities with only several narrow exceptions.
3. With respect to any University faculty, staff or administrator who is involved in the administration of a federally-funded program or research, there are no exceptions and all gifts and gratuities must be declined and/or returned to the person providing such gift or gratuity.
4. The following may be accepted if it is clear that no University business is being awarded in connection with such items:
 - a. A plaque, award, or similar professional recognition;
 - b. Items of truly insignificant value that are commonly given away as general marketing (e.g., pens, key chains, T-shirts, coffee mugs, bags, notepads, mouse pads, and the like);
 - c. Informational materials given by vendors as general marketing (e.g., booklets, CDs, audio/video media and the like);
 - d. Free programs sponsored by vendors and open to the general public or wide audiences as part of that vendor’s general marketing;

- e. Invitations to charitable, political or professional events that are fundraisers for the sponsoring organizations;
 - f. A gift or gratuity with a retail value of \$50 or less;
 - g. A gift or gratuity which is suitable for sharing with the members of a department and which is so shared (e.g., box of candy or cookies, a holiday fruit basket that is opened and placed in a department's common area for all to share);
 - h. Incidental and infrequent business meals of a nominal value where business is discussed.
 - i. Goodwill exchange gifts on missions abroad or with similar educational institutions where to refuse a gift might offend the other institution or official, but any gift or gratuity with a value in excess of \$100 needs to be reported to the General Counsel;
5. At no time should a University employee or family member accept any cash, gift certificate, vacation, or personal travel expense from any vendor, potential vendor, or other person seeking any advantageous action by, or relationship with, the University.
6. All University personnel are responsible for communicating and reinforcing this policy to the persons who report to them. No policy can explicitly cover all the various situations that may arise. University employees are professionals and Simmons expects you to exercise sound business judgment and common sense, including consideration of the possible public perception. In any unusual situation, you should ask yourself the following questions:
- ✓ Is this clearly related to the business of the University?
 - ✓ Is it moderate, reasonable, incidental, and in good taste?
 - ✓ Would I feel comfortable and at ease if this gift were known by other vendors, my colleagues, my manager, my family, and the media?
 - ✓ Do I feel any pressure or obligation to reciprocate or grant favors as a result of this gift?
 - ✓ Does this gift violate any law, any professional norm, or any policy of the University?

Any questions regarding the application or interpretation of this policy should be directed to the General Counsel along with the details necessary to providing guidance.

Examples

Here are some common types of situations and how this policy applies to these situations:

Sporting Event Tickets

Example: A vendor or potential vendor calls a University employee and offers her two Red Sox tickets for an upcoming game.

Response: The University employee should decline the tickets for his/her own use but may suggest to the vendor that the tickets could be accepted if the vendor were willing to have a departmental drawing to see who within the Simmons unit would attend. Same result if the tickets are ballet tickets, concert tickets, etc.

Lunch/Dinner

Example: A vendor or potential vendor calls a University employee to discuss a particular ongoing contract or a future business opportunity and suggests the University employee discuss it over lunch or dinner at a moderately priced restaurant.

Response: There is nothing magical about restaurants. In general, meetings at restaurants should be discouraged, but a University employee can attend a business meeting at a local restaurant and have the vendor pay. Most lunches will fall within this guideline.

Bank X Night at the MFA

Example: Bank X reserves the entire MFA or sponsors the special Rembrandt exhibit at the MFA and, as part of its general marketing, the Bank makes the museum or the exhibit open to its customers on one particular night. A Bank officer invites a University employee to attend the event.

Response: As long as the event is open to a wide segment of the Bank's customers, the University employee may attend.

Charitable or Other Fundraiser

A vendor or potential vendor has purchased a table at a particular charitable (e.g., American Cancer Society, City Year, Mothers Against Drunk Driving, CJP), political (Democratic/Republican committee, ACLU, GLAD) or professional (CPAs, Engineering, bar association) events that are themselves fundraising or quasi-fundraising events for the charity, political group, or professional association. That vendor asks a Simmons employee whether he would like to attend and sit at the vendor's table.

Response: The reality of these invitations is the vendor has made a donation to the charity, political group or professional group by buying a table and then is seeking to fill the table with interesting or engaging folks. Although a ticket to the event may "cost" the vendor hundreds of dollars in a charitable contribution, the true value of the dinner is

rarely substantial and, since further contributions may be solicited from attendees at the event, attendees rarely feel as though they are getting anything of value and, indeed, they may come away from the event poorer for having made a contribution. For all of these reasons, employees may want to be cautious about accepting these invitations, but these invitations will not be deemed an improper gift or gratuity.

By contrast, if the fundraising event included a free round of golf at an exclusive private country club, then the value of attending would appear to be the value of 18 holes of golf and that would appear to be substantial enough to require a Simmons employee to decline the invitation even though the event is billed as a charitable fundraiser.

Federally-funded Programs

In any of the above examples, if the University employee works with a federally-funded program and the vendor has or hopes to have a contract with that program, the University employee must decline the invitation.

Holiday Gift Basket

Example: A vendor to the University sends an employee in the University department that purchases from the vendor a simple holiday gift basket in December.

Response: The departmental recipient can retain the basket, open it in a departmental common area, and invite all members of the department to help themselves.

Tour of Facilities and Assistance with Products

Example: A food purveyor/vendor invites a University chef to take a tour of the vendor's local warehouse and test kitchen and offers the chef assistance in planning menus using the vendor's products.

Response: This example does not involve anything in the form of a gratuity or gift personal to the University employee. The tour of the vendor's facility is, presumably, to familiarize the University employee with the range and type of products that she can order from the vendor. As such, it is a benefit to the University, not personally to the Simmons employee. Similarly, the offer to assist planning menus is a benefit offered to the University and not something that benefits the employee. There would be no objection to either of these offers.

Adopted: March 2010