

Gifts Guideline

Function: Compliance
Policy: [Gifts to Employees from Non-RF Sources](#)
Contact: The Compliance Office

Guidelines on Gifts

Overall Purpose and General Observations—The purpose of this Gifts Guideline is to avoid actual conflicts of interest and those situations where a reasonable observer might conclude that the RF Employee or Representative has a conflict of interest. It is of paramount importance that RF Employees and Representatives avoid any situation where under the totality of circumstances, an actual conflict or an appearance of conflict exists. While there are certain absolute prohibitions, it is essential that if any RF Employee or Representative has a question or concern about a problematic gift, that situation should be discussed with the RF's Compliance Officer or the Office of General Counsel and Secretary. It is understood that the best practice is to discuss the situation in advance and receive clearance from the Chief Compliance Officer. It is also understood that situations may arise where advance approval is not obtained and that an Employee or Representative may seek post- receipt of gift guidance from the Chief Compliance Officer. That guidance may include approval of the gift and/or a direction to immediately return the gift and/or a direction to make immediate payment of the fair market value of the gift back to the donor.

Any employee that receives a gift and pays the market value of the gift to the gifter or declines the gift and returns it to the gifter should document their compliance with the Policy.

A failure to follow the [Gifts to Employees from Non-RF Sources Policy](#) may subject the individual to the RF's [Progressive Discipline Policy](#).

Illustrative Examples—It is impossible to identify every possible situation where an RF Employee may be confronted by gift issues. However, several examples are presented to identify real world situations and what analysis should be conducted.

1. An RF vendor invites you to a free golf outing. You will get 18 holes of golf, a cart and free drinks during this daylong event. **Analysis** *You cannot accept this gift. This is not a gift of nominal value. You can attend the golf outing as long as you pay the fair market value of the golf outing.*

2. An RF vendor offers to take you for dinner to the best French restaurant in the area. **Analysis** *You cannot accept this gift as it is not a gift of nominal value. Nominal Value is generally considered under \$15 in value and there is nothing on this French restaurant's menu that is less than \$30. You can attend this dinner as long as you pay the actual cost of your dinner.*

3. The NCAA First Round Basketball tournament is being held at the downtown arena. It is a sold out event and the only tickets available are advertised on websites for amounts far in excess of face value. Two days before the event, an RF vendor offers you free tickets or to sell you the tickets at face value. **Analysis** *You may not accept the free tickets as it is not a gift of nominal value. You may not accept the offer to pay the face value of the tickets. At the time of the offer, the fair market value is far in excess of the face value. Under the totality of the circumstances, the only way you can accept the offer of tickets is to pay fair market value for the tickets.*

4. A vendor who provides accounting services to the RF offers to prepare your federal and New York state taxes for free. **Analysis** *You may not accept this generous offer. This is not a gift of nominal value.*

5. A vendor has a meeting where souvenir coffee mugs and hats with the vendor's logo are being given to all attendees of the meeting. **Analysis** *You may accept these items as they appear to be of nominal value. Of course, the analysis would be different if the vendor is giving away items that are not of nominal value. For example, a hat with the vendor's logo but autographed by a famous sports figure would not be an acceptable gift. Additionally, a ski parka with the vendor's logo would not be an acceptable gift as it is of more than nominal value.*

6. You have known a vendor's representative since college. He is a family friend and you have socialized with him/her for years. He is invited to your wedding. The family friend makes a gift to you and your new spouse. **Analysis** *You may accept this gift, if under the totality of the circumstances, it is reasonable to conclude that the gift was based on a pre-existing personal relationship. Caveat* *On a more sophisticated review, the gift must be proportionate. If it is an unreasonable amount that could lead a reasonable observer to conclude that the gift was for the purpose of exerting influence over you as an RF employee, you may not accept that excessive gift.*

Other Related Materials

[The RF Ethics Program Part II](#)

Change History

Date	Summary of Change
March 15, 2013	New

Feedback

Was this document clear and easy to follow? Please send your feedback to webfeedback@rfsuny.org.