

POLICY DEVELOPMENT FRAMEWORK

GIFTS, BENEFITS, AND HOSPITALITY

POLICY AND PROCEDURE

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Department/Unit	Compliance Management Function

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1. PURPOSE

1.1. The purpose of this Policy is to:

- 1.1.1. Provide guidance as to circumstances when it is and is not appropriate to accept gifts, benefits, and hospitality in accordance with the Prevention and Combating of Corrupt Activities Act (PCCA).
- 1.1.2. Articulate the correct procedures relating to the receipt of gifts, benefits, or hospitality.
- 1.1.3. Clarifies CPUT's position and provides guidance for all its staff members, representatives, and stakeholders in receiving gifts; benefits; or hospitality in the form of event attendance or event organisation.
- 1.1.4. To provide staff members and university representatives with guidance in receiving gifts, benefits, and hospitality and the professional behaviours, standards and ethics expected to maintain the reputation and integrity of CPUT.
- 1.1.5. To uphold CPUT's zero-tolerance approach against bribery and corruption and demonstrate its dedication to complying with South African anti-bribery and corruption laws.

2. SCOPE

2.1. This policy applies to:

- 2.1.1. All staff members and representatives of CPUT in respect of their work, duties, and functions for CPUT, when using resources of CPUT, when participating in CPUT related activities, such as work-related events or travel, conferences or sabbaticals, and any other circumstance in which a Staff member or affiliate is acting for, or representing, CPUT.
- 2.1.2. All university stakeholders and representatives when performing duties or functions for CPUT, for example, under a contract between their employer and CPUT to provide CPUT with goods or services, or as part of any activity connected with CPUT.
- 2.1.3. All gifts, benefits, and hospitality received by immediate family member(s) or close associate of a university staff member(s), which can be reasonably attributed to the staff members' or representative's official duties or association with the University.

2.2. This Policy does not apply to:

- 2.2.1. Philanthropic gifts made by individuals, corporations, foundations, or other entities received by CPUT in accordance with the Donor Recognition and Stewardship Policy administered by the CPUT's Advancement Directorate.
- 2.2.2. Gifts, benefits, and hospitality provided by CPUT to staff.
- 2.2.3. Gifts, benefits, and hospitality received by staff because of undertaking private work (refer Private Work Policy).

3. OBJECTIVE AND CONTEXT

- 3.1. CPUT acknowledges that it is not uncommon for individuals to receive gifts, benefits, and hospitality during the course of university operations and recognises that there may be occasions when staff member(s) or university stakeholder(s) or university representative(s) may be offered a gift, benefit, or hospitality.
- 3.2. Gifts, benefits, and hospitality may only be accepted by university staff member(s), representative(s), and stakeholder(s) when:
 - 3.2.1. the offer has been made for a proper purpose;
 - 3.2.2. acceptance is consistent with the purpose of the university;
 - 3.2.3. is appropriate and its value reasonable and proportionate to the circumstances; and
 - 3.2.4. acceptance accords with all applicable university policies and legislation.
- 3.3. A gift, benefit, or hospitality could be received from an internal party to CPUT, such as a staff member's line manager or a colleague in another Faculty or Division.
- 3.4. A gift, benefit, or hospitality could also be received from an external university stakeholder to CPUT, such as a service provider or a third party.
- 3.5. This Policy is intended to:
 - 3.5.1. Provide staff members, representatives, and university stakeholders with guidance principles on what is appropriate in relation to gifts, benefits, and hospitality received.
 - 3.5.2. Ensure that staff members, representatives, and university stakeholders are aware of their obligations in relation to gifts, benefits, and hospitality.
- 3.6. This Policy sets out:
 - 3.6.1. What is a gift, benefit, or hospitality.
 - 3.6.2. Whether a gift, benefit, or hospitality should be accepted.
 - 3.6.3. The guiding principles in accepting a gift, benefit, or hospitality.
 - 3.6.4. When a gift, benefit, or hospitality should be disclosed and registered.
- 3.7. In this Policy, when we mention a "line manager," it means:
 - 3.7.1. For staff members, this refers to either the individual they directly report to or the Head of their Department, Directorate, Unit, Faculty, or Division; and
 - 3.7.2. For other university stakeholders and university representatives, such as external service providers or students, the CPUT Staff member to whom they ordinarily report or to whom they are accountable in respect of their role.

4. POLICY PRINCIPLE

POLICY STATEMENT

- 4.1. CPUT's Ethics Framework (our Code) requires all staff and university to behave with consistency, honesty and transparency in all activities and decision-making processes.
- 4.2. CPUT aims to conduct all its affairs in an honest and ethical manner.
- 4.3. CPUT has a responsibility to ensure that its activities, including those of its staff, representatives, and stakeholders, conform to acceptable standards of integrity and good conduct.
- 4.4. CPUT has a responsibility to implement and enforce effective systems to counter bribery and corruption.
- 4.5. Staff members, university representatives, and university stakeholders may only accept gifts, benefits, and/or hospitality in accordance with the provisions of this policy.

4.6. What is a Gift, Benefit, or Hospitality?

4.6.1. The following constitute a gift, benefits, or hospitality:

- 4.6.1.1. **General Gifts:** These encompass common tokens of goodwill, such as flowers, wine, chocolates, gift baskets, etc.
- 4.6.1.2. **Gift Vouchers:** Any form of vouchers or certificates redeemable for goods or services.
- 4.6.1.3. **Corporate Merchandise:** Items bearing the insignia or branding of a corporation.
- 4.6.1.4. **Products:** Including promotional products and product samples.
- 4.6.1.5. **Souvenirs:** Items given as mementos or keepsakes.
- 4.6.1.6. **Entertainment:** Encompassing dinners, theatre tickets, sporting event tickets, and conference invitations.
- 4.6.1.7. **Travel:** Any instance where a third party covers or subsidizes costs related to flights, accommodation, or meals.
- 4.6.1.8. **Sponsored and Corporate Events:** This includes cases where a third-party sponsors travel expenses for conferences or similar events.

4.6.2. The following do not constitute a gift, benefit, or hospitality:

- 4.6.2.1. **Research Grant Aligned Travel:** Travel or attendance at conferences supported by research grants that are aligned with a recognised government funding body.
- 4.6.2.2. **University-Sponsored Travel:** Travel or conference attendance expenses covered by another university or similar institution for

tasks associated with regular academic responsibilities, such as thesis marking, are not considered gifts, benefits, or hospitality.

4.6.2.3. **Academic Association Support:** Travel or conference participation, when a staff member presents within their field of expertise at an academic association or professional association conference and is funded and approved by the respective organization, is exempt from the gift or hospitality categorization, subject to CPUT's approval.

4.6.2.4. **Academic Achievement Prizes:** Travel or conference attendance granted as a prize in recognition of academic accomplishments is also not classified as gifts, benefits, or hospitality.

4.6.3. The activities outlined in statement 4.6.2 must be carried out in line with the **Staff Travel Policy** and with the full prior knowledge of the staff member's line manager (or equivalent).

4.6.4. A gift, benefit, or hospitality that falls under statement 4.6.1 could still be accepted, but it must be disclosed and dealt with in accordance with this policy.

4.6.5. All significant and major gifts, benefit, and hospitality, as defined in 4.9, given to staff in the course of their official duties are considered the property of CPUT, unless an exception is granted as per 4.9.

4.7. Assessing the appropriateness of a gift, benefit, or hospitality

4.7.1. A gift, benefit, or hospitality should not be accepted if it could influence, or seem like it might influence, staff members in a way that could compromise, or appear to compromise their integrity and impartiality.

4.7.2. A gift, benefit, or hospitality should not be accepted if a reasonable observer might think that the staff member may be obliged to act in a particular manner.

4.7.3. A gift, benefit, or hospitality should not be accepted if it could impact or appear to impact the performance of a staff member's official duties.

4.7.4. A gift, benefit, or hospitality should not be accepted if it could lead to an actual, perceived, or potential conflict of interest (see Conflicts of Interest Policy).

4.7.5. A gift, benefit, or hospitality must not be accepted if it is related to advice or decisions about, but not limited to, awarding contracts, facilitating academic assessment, academic credit, or awards, or giving approvals.

4.7.6. Staff members should not seek or request gifts, benefits, or hospitality, whether directly or indirectly.

4.7.7. Gifts, benefits, or hospitality in the form of money or anything that can be turned into money should not be accepted.

4.7.8. Any implied or potential obligations associated with gifts, benefits, or hospitality of higher than nominal value (see **4.9**) must be evaluated by one's line manager to ensure they do not compromise the university's integrity and impartiality.

4.8. Acceptance of Gifts, Benefits, and Hospitality

- 4.8.1. The acceptance or refusal of a gift, benefit, or hospitality must be handled openly, honestly, and with a commitment to integrity.
- 4.8.2. Staff members should engage with their line managers about gifts, benefits, or hospitality to ensure that there are no real, perceived, or potential conflicts of interest (see Conflicts of Interest Policy) or breach of this policy. In certain situations, it may be necessary to complete a Conflict of Interest Declaration Form as specified in the **Conflicts of Interest Policy**.
- 4.8.3. Any gifts, benefits, and hospitality received by a staff member must be reported in accordance with the guidelines set out in 4.9.
- 4.8.4. Depending on the value of the gift, benefit, or hospitality (see 4.9), staff members may be required to complete the **Gifts, Benefits, and Hospitality Declaration Form**.
- 4.8.5. A gift, benefit and/or hospitality given to a staff member's spouse or immediate family member(s) should be considered a gift, benefit, or hospitality in terms of this policy, if motivated by, or related to, a current or desired business relationship.

4.9. Authority and conditions for accepting a gift, benefit, or hospitality

- 4.9.1. The following table outlines the authority and conditions for accepting a gift or hospitality.

CATEGORY OF GIFT, BENEFIT, OR HOSPITALITY	AUTHORITY AND CONDITIONS OF ACCEPTING GIFT, BENEFIT, OR HOSPITALITY	DISCLOSURE REQUIRED
Nominal: fair value of less than R500.	Staff member can accept the gift, benefit, or hospitality subject to verbally informing their line managers ¹ (and where the gift, benefit, or hospitality meets the standards of appropriateness as detailed in statements 4.7).	Verbal.

¹ 1st Level Line Manager.

CATEGORY OF GIFT, BENEFIT, OR HOSPITALITY	AUTHORITY AND CONDITIONS OF ACCEPTING GIFT, BENEFIT, OR HOSPITALITY	DISCLOSURE REQUIRED
Significant — single: fair value of between R500 – R1500.	<p>With their line manager's approval, a staff member may choose to:</p> <ul style="list-style-type: none"> accept/keep the gift, benefit, or hospitality give it to a university-related project, or keep it for the benefit of the division/faculty/directorate/unit or university. <p>Whatever is chosen, it must meet the standards of appropriateness as detailed in statements 4.7.</p>	<p>Completed declaration form assessed and signed by the line manager.</p>
Major — single: fair value of single gift greater than R1500.	<p>With the head of division/faculty/directorate/unit's approval (2nd line manager), a staff member may choose to:</p> <ul style="list-style-type: none"> keep the gift, benefit, or hospitality give it to a university-related project, or keep it for the benefit of the division/faculty/directorate/unit or university. <p>Whatever is chosen, it must meet the standards of appropriateness as detailed in statements 4.7.</p>	<p>Completed declaration form assessed and signed by the line manager and head of division/faculty/directorate/unit.</p>
Major — cumulative: total value of multiple nominal or significant gifts received by a staff member in one calendar year from the same organisation or	<p>With the head of division/faculty/directorate/unit's approval (2nd line manager), a staff member may choose to:</p> <ul style="list-style-type: none"> keep the gift, benefit, or hospitality give it to a university-related project, or 	<p>Completed declaration form assessed and signed by the line manager and head of division/faculty/directorate/unit.</p>

CATEGORY OF GIFT, BENEFIT, OR HOSPITALITY	AUTHORITY AND CONDITIONS OF ACCEPTING GIFT, BENEFIT, OR HOSPITALITY	DISCLOSURE REQUIRED
individual that is in excess of R500.	<ul style="list-style-type: none"> keep it for the benefit of the division/faculty/directorate/unit or university. <p>Whatever is chosen, it must meet the standards of appropriateness as detailed in statements 4.7.</p>	

4.10. Register of Significant and Major Gifts, Benefits, and Hospitality

4.10.1. The register for significant and major gifts, benefits, and hospitality serves as a record of the specifics pertaining to significant and major gifts, benefits, and hospitality, whether they are offered, accepted, or rejected by the university. The responsibility of managing this register, along with any related procedures and necessary documentation, lies with the **Compliance Management Function**.

4.11. Monitoring and Quality Control

4.11.1. The Compliance Management Function is responsible for establishing and executing quality assurance procedures aimed at monitoring compliance with this policy. This includes monitoring the declaration forms received, conducting inquiries into any declarations that do not comply with this policy and, where appropriate, referring matters to the University **Governance and Ethics Committee (GEC)**.

4.11.2. As part of the annual management sign-off process, middle and senior management within the university are required to confirm compliance with this policy.

4.12. Breaches

4.12.1. All suspected breaches of this policy should be reported to line managers and directly to the Compliance Management Function.

4.12.2. Breaches of this policy are considered a failure to comply with the Ethics Framework (our Code) and will be dealt with under the code. This includes the right of CPUT to notify a relevant statutory authority and/or agency where there is a breach of legislation.

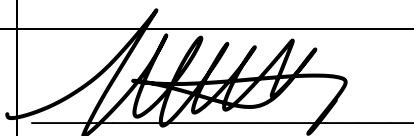
5. COMMONLY USED TERMS & DEFINITIONS

- 5.1. **Gift:** defined as any item of value, including goods, money (in whatever form), services or hospitality received or given by a CPUT staff member, as a consequence of, or resulting from, their employment at CPUT, other than those received from CPUT as part of the staff members employment terms. This includes, inter alia, promotional items (calendars, pens, etc), lunches, event tickets, flights and/or hotel accommodation.
- 5.2. **Hospitality:** Food and drink either free or highly discounted, to be consumed at the time it is provided. Where food or drink is provided for an employee to take away to consume later it should be treated as a gift (e.g., a bottle of wine, box of chocolates or a box of fruit).
- 5.3. **Immediate family member:** shall include parents, siblings, children, and any other relative/ person who resides in the same household as the employee.
- 5.4. **Fair value means:** the domestic recommended retail price (if known), or the monetary value set by a licensed valuer (for example for antiques or jewellery), or the monetary value that has been mutually agreed by the line manager/head of division/faculty/directorate and the Compliance Management Function.
- 5.5. **Benefits:** Any preferential treatment, privileged access, favours, or other advantage offered.
- 5.6. **Register of significant and major Gift, Benefits, and Hospitality** means: the official register maintained by the Compliance Management Function and used to record details of significant and major gift or hospitality. Details stored in the register are treated as confidential information.

6. RESPONSIBILITY

Accountability and Authority:	
Implementation:	Executive Management Compliance Management Function Deans and Directors of Units Line Managers
Compliance:	All Departments and Units
Monitoring and Evaluation:	Internal Audit Registrar Council GEC Compliance Management
Development/Review:	Compliance Management - This policy should be reviewed in accordance with the attainment of CPUT's strategic objectives.
Approval Authority:	Council
Interpretation and Advice:	Compliance Management

Policy Development Framework				
Policy Type(s):	A: Institutional Governance Policy. B: Administrative Policy.			
Type:	Policy	√	Guideline	Manual
	Procedure	√	Regulation	Plan
CPUT Statute and/or Regulation Reference no. and date:	Cape Peninsula University of Technology Statute, Government Notice No 46382 of 20 May 2022.			
Relevant Legislation and/or Policy, Codes of practice, Professional authorities:	<ul style="list-style-type: none"> Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996) (The Constitution). Higher Education Act (No. 101 of 1997) as amended. 			

	<ul style="list-style-type: none"> • Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004). • Protected Disclosures Act, 2000 (Act No. 26 of 2000). • Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001). • National Prosecuting Authority Act, 1998 (Act No. 32 of 1998). • Protection of Personal Information Act, 2013 (Act No. 4 of 2013). • Public Finance Management Act, 1999 (Act No. 1 of 1999). 				
Relevant Institutional Policies/ documents/manuals/ handbooks	<ul style="list-style-type: none"> • Cape Peninsula University of Technology Strategic Plan: Vision 2030. • Ethics Framework. • Whistleblowing Policy. • Gifts, Benefits, and Hospitality Policy. • Conflict of Interest Policy. • Private Work Policy. • Compliance Management Policy. • Compliance Management Program. 				
Policy Reference and Version no.:	The next number in the document index. To be inserted by the Compliance Office.				
Consultation Process To be verified and signed off before approval					
Policy Owner/Sponsor	ED: VC				
Compliance Officers	Compliance Owners				
Certification of Due process: To be verified and signed once approved by the relevant authority	<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  Vice Chancellor </div> <div style="text-align: right;"> <u>06.12.2023</u> Date </div> </div>				
Approval Date		Commencement Date		Review Date	

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