

Policy Title:	Employee Gifts	Policy Number:	PE-65
Approved By:	Policy Committee	Approval Date:	03/20/2023
Department:	Compliance & Privacy	Revision/Review Date(s):	

PURPOSE

To avoid the appearance of impropriety, these guidelines set employee limitations for extending gifts to and receiving from individuals or organizations with a business relationship with BAMSI.

POLICY STATEMENT

An employee may not solicit or accept a gift from any external source(s) who:

- Has or seeks official action or business with BAMSI;
- Regulates BAMSI; or
- Interests may be substantially affected by the performance of an employee's duties.

SCOPE

These guidelines apply to all BAMSI employees. This policy does not regulate the BAMSI activities covered by the Gifts and Donations Policy (#BO-08). Furthermore, it does not regulate activities described in the Gift Cards and Gift Certificates Policy (#BO-18).

DEFINITIONS

“BAMSI Award” means awards given to an employee from BAMSI at the recommendation of an external source(s).

“Compliance” means the same as it does in the Corporate Compliance Program Policy (#AD-03).

“Directly Presented” [with a gift] means a person receives a gift from another person or organization with no other person or organization in between.

“Donation” means to give something to a qualified organization, qualified charitable organization, or certified non-profit organization or NPO (e.g., BAMSI) **not** to an employee for personal use. *Note – a “gift” can be given to anyone (person or organization) and a donation cannot.*

“External Source” means a person (e.g., persons served and their families and guardians) or organization (e.g., agents of BAMSI, state regulators, funders, vendor, etc.) that is not an employee of BAMSI.

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“Gift” means anything of monetary value, including but not limited to money or cash, gift cards, gratuities, favors, discounts, entertainment, outings, coffee and donuts, dinner, tickets, services, training, transportation, travel, meals, lodging, etc. **Note** –

- *the use of gift cards under this policy is not the same activity described under the Gift Cards and Gift Certificates Policy (#BO-18).*
- *a gift (under this policy) to an employee is not the same as a donation or gift to BAMSI, and a gift or donation to BAMSI accepted by an employee is not the same as a gift to an employee and therefore is not covered by this policy (read the Gifts and Donations Policy (#BO-08) for details).*

“Indirectly Presented” [with a gift] means a person receives a gift from another by way of another person or organization.

“Person” means a natural person.

“Solicit” [a gift] means to ask for or request something of value. **Note – employees asking for gifts and donations on behalf of BAMSI is not “soliciting” under this policy and is solely regulated by Gifts and Donations Policy (#BO-08).**

“Token of Appreciation” means a modest or small act of appreciation or show of kindness (e.g., a thank you card) toward an employee from an external source(s). It cannot and should not qualify as a gift under this policy.

PROCEDURES

General Requirements

1. When an employee received a donation to BAMSI (a qualified charitable organization) on its behalf, they will handle the donation as instructed in Gifts and Donations Policy (#BO-08).
2. Nothing in this policy interferes with a BAMSI employee from giving a gift or token of appreciation to another BAMSI employee.
 - a. Giving a gift or token of appreciation (from one BAMSI employee to another BAMSI employee) to pressure or persuade their decision-making in the course of their work on behalf of BAMSI is strictly prohibited. Such acts constitute a conflict of interest under the Conflict of Interest Policy (#PE-50) and the Board’s Conflict of Interest Policy (#BD-05).
3. Nothing in this policy interferes with a BAMSI employee receiving a gift or token of appreciation from an external source(s) who **no longer** has or seeks official action or

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business with BAMSI, regulates BAMSI, or their interests no longer affect the performance of an employee's duties.

4. An external source may recommend an employee(s) for a BAMSI award in lieu of a gift(s).
5. An external source may offer and an employee may accept a token of appreciation from an external source.
 - a. When an employee receives a token of appreciation from an external source, they are not required to report receipt of such to Compliance.
 - b. No token of appreciation should qualify as a gift under this policy and if it does, it will be treated as a violation of this policy.
6. BAMSI employees will avoid soliciting or accepting a gift from any external source.
 - a. Any employee presented with a gift, directly or indirectly, from an external source will politely decline the gift.
 - i. Gifts received indirectly will be reported in accordance with the Event and Incident Reporting Policy (#LE-10) and give the gift to Compliance for tracking and return to the external party.
 - ii. When an employee knowing keeps a gift, they are in violation of this policy.
7. Employees who are aware of another employee wrongly receiving or giving gifts as covered by this policy are required to report such activities as described by the Event and Incident Reporting Policy (#LE-10).
8. Violations of this policy may result in disciplinary action per the Progressive Discipline Policy (#PE-43), up to and including possible termination of employment.

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REFERENCES

Internal

Corporate Compliance Program Policy (#AD-03)
 Event and Incident Reporting Policy (#LE-10)
 Gift Cards and Gift Certificates Policy (#BO-18)
 Gifts and Donations Policy (#BO-08)
 Progressive Discipline Policy (#PE-43)

External

IRS.gov (2022). Publication 526 (2022), Charitable Contributions: Introductions: Qualified Organizations. Retrieved on March 1, 2023, from <https://www.irs.gov/publications/p526#:~:text=Qualified%20organizations%20include%20nonprofit%20groups,cruelty%20to%20children%20or%20animals.>

Mass.gov (2023). Apply for Certification as a Non-Profit Organization. Retrieved on March 20, 2023, from <https://www.mass.gov/how-to/apply-for-certification-as-a-non-profit-organization>