
3-27 Business Gifts

FSC EFFECTIVE DATE: SEPTEMBER 1, 2017

FSC SUPERSEDES DATE: SEPTEMBER 1, 2010

FACILITY:

FACILITY SUPERSEDES DATE:

FACILITY EFFECTIVE DATE:

POLICY:

Gifts, meals, entertainment and other courtesies in a business context can create goodwill. If they do more than that, and could unduly influence judgment or create a feeling of obligation, we must not give or accept them. Further, CoreCivic employees should be vigilant to avoid giving or receiving gifts that could create the appearance of a conflict of interest, and are encouraged to seek guidance when confronted with situations that present potential conflicts. (4-4069; 4-ALDF-7C-02)

AUTHORITY:

CoreCivic Company Policy

DEFINITION:

Ethics and Compliance – The CoreCivic department responsible for day-to-day administration of CoreCivic's Policy 3-3 and related policies and procedures. For the purpose of approvals required by this policy, "Ethics and Compliance" includes the corporate Ethics and Compliance Officer or designee.

Executive Management – CoreCivic employees at the Executive Vice President level and above.

Gift – Anything of value given to or received by a CoreCivic employee from another person or entity, including, without limitation, meals, refreshments, entertainment, transportation, and other favors or courtesies. "Gift" does not include promotional materials of nominal or no value.

Government official – See Policy 1-9 Gifts to Governmental Officials.

Reasonable Value – Fair market value of fifty-dollars (\$50.00) per gift or one-hundred-fifty dollars (\$150.00) for any series of gifts from the same source in any calendar year.

Solicitation – Any request or endeavor to obtain, seek, or otherwise receive anything of value.

Source – A person or entity having or desiring current or potential business relations with the company, including, without limitation, current or prospective vendors, suppliers, consultants, or customers.

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PROCEDURES:

A. ACCEPTING GIFTS

CoreCivic expects each employee to exercise sound judgment and discretion in accepting any gift offered to the employee in connection with or related to his or her employment with the company. If there is any doubt as to whether or not a gift is acceptable, the employee should refuse (or return) the gift or seek guidance from his or her supervisor or Ethics and Compliance.

- A1. Solicitation and Unacceptable Gifts

- A1a. CoreCivic employees may not solicit a gift from a Source.
- A1b. CoreCivic employees may not accept the following gifts from a Source, even if they would otherwise be acceptable in section A.2:
 - A1b1. A gift of money, stock or similar nature;
 - A1b2. A gift that could be construed as a bribe, kickback, or other unlawful payment, or that is otherwise in violation of applicable law or regulation;
 - A1b3. A gift that is intended, or would appear from the perspective of a reasonable person to be intended, to influence company action or result in favorable treatment;
 - A1b4. A gift offered under circumstances that would create the appearance of a conflict of interest or improper payment or that could reasonably be expected to result in undue influence or create a feeling of obligation;
 - A1b5. A discount or rebate not generally available to the public, to CoreCivic employees, or which otherwise violates this policy;
 - A1b6. A loan other than a conventional loan at market rates; or
 - A1b7. A gift that the employee is aware the Source is prohibited from providing under policies applicable to the Source.

A2. Acceptable Gifts

CoreCivic employees may accept unsolicited gifts meeting the descriptions set forth below that are not prohibited elsewhere in this policy.

- A2a. Courtesies consistent with customary business practice such as meals, entertainment, local travel, or other courtesies so long as they meet each of the following requirements:
 - A2a1. Occasional (i.e., infrequent in nature and not reflecting a pattern);
 - A2a2. Of Reasonable Value;
 - A2a3. Intended only to foster good business relations; and
 - A2a4. In connection with a bona fide meeting or event where a Source representative is present.
- A2b. Advertising or promotional material (e.g., pens, hats, calendars) of Reasonable Value;
- A2c. Gifts based on obvious family or personal relationships when the circumstances make it clear that those relationships, rather than company business, are the motivating factors;
- A2d. Gifts of reasonable value related to commonly recognized events or occasions, such as a promotion, new job, wedding, retirement, or holiday; or
- A2e. Civic, charitable, or similar awards for recognition of service and accomplishment.

A3. Gifts in Connection with Procurement Activity

Procurement employees and managers with approval authority may not accept any gift from a Source while a procurement process or decision, including a contract negotiation, is pending with respect to that Source.

A4. Federal Anti-Kickback Regulations

No employee may accept a gift from a supplier, directly or indirectly, for the purpose of improperly obtaining or rewarding favorable treatment in connection with procurement under a federal contract or grant.

A5. CoreCivic Functions / Employee Awards

Gifts may not be solicited from Sources for CoreCivic functions or employee awards. This prohibition does not apply to the annual Chairman's Golf Tournament, donations to bona fide charitable organizations, or any other event expressly approved pursuant to section C.2 below and by CoreCivic executive management. Further, the foregoing does not prohibit acceptance of services or items of value from sources in connection with CoreCivic functions or employee awards where fair market value or a negotiated price is paid for those services or items.

A6. Return or Donation of Gifts; Perishable Items

- A6a. If a gift is received that is prohibited or otherwise questionable under the circumstances, it should be returned to the Source. Under certain circumstances, it may be appropriate to retain the gift but reimburse the source the fair market value of the gift.
- A6b. Perishable or non-returnable gifts may be disposed of or donated to charity in the Source's name.
- A6c. An employee who disposes of a gift in accordance with items a. and b. above should notify his or her supervisor in writing with a description of the gift was disposed.

B. OFFERING GIFTS

B1. Non-Governmental Sources

Nothing of value may be given to corruptly or unlawfully induce any person to obtain or retain business or obtain an improper business advantage. Subject to the foregoing, CoreCivic employees may offer a gift to a non-governmental source that the CoreCivic employee could accept pursuant to Section A.2 above, unless the CoreCivic employee is aware the Source is prohibited from accepting the gift under policies applicable to the Source, or if the gift is covered by Policy 1-9 Gifts to Government Officials or subject to another CoreCivic policy.

B2. Governmental Official

This policy covers giving and accepting gifts to non-governmental sources. See Policy 1-9 Gifts to Government Officials, for guidance on providing gifts to government officials.

C. Violations; Waivers; More Restrictive Departmental Policies

- C1. Violations of this policy may result in disciplinary action, up to and including termination of employment.
- C2. Waivers of this policy may be granted if consistent with the underlying goals of this policy and do not conflict with other considerations in CoreCivic Policy 3-3. Waivers must be granted by the applicable department Vice President level or above, and must be made in consultation with Ethics and Compliance. A waiver granted under this policy is for an isolated occurrence and does not constitute a waiver of CoreCivic Policy 3-3 or any other policy.
- C3. More restrictive departmental or facility policies may be adopted in consultation with the Ethics and Compliance.

D. ACKNOWLEDGMENT

- D1. Each CoreCivic employee will be provided a copy of this policy to read, and each employee is required to acknowledge receipt by signing 3-27A, Business Gifts Acknowledgment form upon initiation of employment and any subsequent policy changes thereafter.
- D2. The Human Resource representative or designee will be responsible for maintaining the 3-27A in accordance with CoreCivic Policy 3-9, Employee Records.

E. COMMUNICATIONS AND TRAINING

Communications and training regarding this policy will be provided as determined by Ethics and Compliance. CoreCivic managers are also encouraged to discuss this policy with their subordinates when circumstances, such as holiday seasons or other gift-giving scenarios, present an appropriate time for discussion.

REVIEW:

This policy will be reviewed by Ethics and Compliance and the President/CEO on an annual basis or more frequently as needed.

APPLICABILITY:

All CoreCivic Facilities

APPENDICES:

3-27A Business Gifts Acknowledgment Form

ATTACHMENTS:

None.

REFERENCES:

CoreCivic Policy 1-9

CoreCivic Policy 3-3

CoreCivic Policy 3-9

CoreCivic Policy 3-28

American Correctional Association (ACA) Standards:

4-4069

4-ALDF-7C-02

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