

Gift Acceptance Policy

Section 1 - Purpose and Scope

(1) The purpose of this Policy is to set out how the University accepts Gifts.

Scope

(2) This Policy applies to all Gifts received by the University.

Section 2 - Definitions

(3) The following definitions apply to this Policy:

- a. ATO means the Australian Tax Office.
- b. Bequest means a pledge that a transfer of an estate, asset, interest or wealth will occur upon a donor's death.
- c. Donor means a person or organisation making a donation to the University.
- d. Fundraising Activity means any activity undertaken by or on behalf of the University with the intent of soliciting or receiving donations, gifts or bequests.
- e. Fair Market Value means the price a donated good or service would command on the open market between a willing buyer and a willing seller, acting independently of each other, and each having full knowledge of the facts.
- f. Gift means a grant, donation or transfer (including a bequest) of property where there is:
 - i. on the part of the donor, an intention to give;
 - ii. the gift belongs to the donor;
 - iii. a transfer of all right, title and interest in the property is made to the University; and
 - iv. no Material Benefit is received by the donor in return for making the Gift.
- g. Material Benefit means a benefit to the donor, including but not limited to logo acknowledgment, advertising or promotion or rights to intellectual property.
- h. Non-monetary Gift means a gift or donation in any form other than cash or cheque and normally requires a third-party valuation for tax purposes
- i. Pledge means a commitment from a donor (or on their behalf through their next of kin or legally binding executor) that they will make a donation at a future time.

Section 3 - Policy Objectives

(4) The objectives of this Policy are to ensure that:

- a. the University accepts Gifts that are in accordance with the University's mission, vision, values and policies;
- b. Gifts are accepted and receipted in accordance with the Australian Tax Office (ATO) regulations and guidelines; and
- c. the receipt of any Gifts is adequately documented, such as in a written agreement or letter with the Donor.

(5) This Policy does not relate to gifts received by individual University employees (see Code of Conduct).

Section 4 - What is a Gift

(6) A Gift is a grant or transfer of property where there is:

- a. on the part of the Donor, an intention to give;
- b. the gift belongs to the Donor;
- c. a transfer of all right, title and interest in the property is made to the University; and
- d. no Material Benefit is received by the Donor in return for making the Gift.

(7) A Gift may be of property or may be a Non-monetary Gift.

(8) The University may accept or decline a potential Gift, in accordance with this Policy.

(9) If the proposed Gift is conditional on the Donor receiving a Material Benefit, then the University will not accept the Gift.

(10) The University may accept Gifts that have a specific purpose, such as a Scholarship, subject to this Policy, and agreement between the Donor and the University on the terms of such Gift.

(11) In the absence of a written agreement between the Donor and the University, the University will use reasonable endeavours to apply the Gift towards the Donor's requested purpose.

(12) The University may accept a Pledge under the same terms as a Gift pursuant to this Policy.

Section 5 - Responsibility for Gift Acceptance

(13) All potential Gifts should be referred to the Office of the Vice President (Engagement), who will be responsible for managing the Gift process.

(14) The Office of the Vice President (Engagement) will liaise with Partnership and Advancement Managers as necessary in managing the Gift process.

(15) Only an authorised delegate (in accordance with the Delegations Rule) may accept a Gift to the University.

(16) Prior to accepting a Gift, the authorised delegate will consult with the Executive member whose area will benefit from the Gift.

(17) For Non-monetary Gifts, the Office of the Vice President (Engagement) will also liaise with the Director, Library Services, the Curator, University Art Collection, and the Senior Manager Engagement, as necessary.

(18) A report on all Gifts accepted on behalf of the University will be prepared by the Office of the Vice President (Engagement) for the University Council at the end of the financial year or as directed by the Council.

(19) Gifts made under the Cultural Gifts Program will not be returned to the donor, as the donor has already received the benefit of a tax deduction for the Gift.

Section 6 - Non-monetary Gifts

(20) In considering whether to accept a Non-monetary Gift, the authorised delegate will consider:

- a. associated costs in accepting the Gift such as storage, on-going maintenance requirements or the physical transfer of the Gift;
- b. assurance that the Gift can be retained by the University as an asset to be used in connection with University activities and that the University retains authority as to its use or disposal; and
- c. any requested conditions by the Donor.

(21) The authorised delegate may decline a Gift at their discretion, including where the acceptance of the Gift is administratively difficult or not in the University's best interest.

Section 7 - Bequests

(22) Nothing should be done which might be construed as an acceptance of a Bequest until a decision to accept has been made by the authorised delegate.

(23) The University's Legal Office must be consulted prior to acceptance of a Bequest. Where appropriate, the University Lawyer will liaise with estate administrators, trustees and executors in relation to the Bequest.

Section 8 - Agreements, Receipts and Valuations

(24) The Office of the Vice President (Engagement) will liaise with the University's Legal Office to ensure that any Gift is properly documented in an agreement or letter.

(25) The Office of the Vice President (Engagement) will liaise with the University's Finance Operations to ensure that any Gift is properly documented received, valued and receipted in accordance with ATO requirements.

(26) The cost of any valuation will normally be borne by the Work Unit that will ultimately benefit from the Gift unless the Gift is of broad benefit to the University, in which case the Office of the Vice President (Engagement) will bear such cost, such decision to be ultimately made by the Vice Chancellor in the event of disagreement.

(27) If a Gift is sold, any outstanding administrative costs will be recovered from the sale proceeds, and the University will have the discretion to allocate the remaining funds as it deems fit.

Section 9 - Scholarships

(28) The University has a number of giving funds including the Southern Cross Student Opportunities Fund, the Southern Cross Research Fund, the Southern Cross Entrepreneurs Fund and the Rising Stars Scholarships Program. The University welcomes donations to these programs online or by contacting the Advancement Team within the Office of Engagement.

Section 10 - Gift anonymity

(29) If a Donor requests anonymity, the University may agree to this request subject to any disclosures required by the University Council, the ATO or any other legally required disclosure.

Section 11 - Fundraising

(30) Advancement will develop annual fundraising priorities and programs designed to raise the private support necessary to help fulfil the University's Strategic Plan and objectives. These annual fundraising priorities and programs will be provided to the Vice President, Engagement for consideration and to the Vice Chancellor for approval.

(31) Work Units may submit a proposal for fundraising initiatives to Advancement. Prior to submission to Advancement, fundraising proposals must be approved by the relevant Head of Work Unit and contain sufficient information to assist Advancement in their consideration of the proposal.

(32) Any third-party fundraising proposals, such as fundraising or crowd-funding for a charity, must be in line with the Code of Conduct and must first be approved by the Head of Work Unit. The proposal will then be presented to Advancement, who will be given a reasonable time-frame within which to consider and approve such proposals.

Status and Details

Status	Historic
Effective Date	22nd February 2019
Review Date	6th January 2024
Approval Authority	Vice Chancellor
Approval Date	22nd February 2019
Expiry Date	19th March 2024
Responsible Executive	Anna-Maree Shaw Vice President (Future Students and Outreach)
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