

# Donation Acceptance - Operational Policy

## 1. Purpose

1.1 The purpose of this policy is to govern the acceptance of philanthropic gifts and to provide guidance to donors and their professional advisors in making gifts to the University. Donors may be individuals, foundations, associations, businesses or corporations.

## 2. Scope and application

2.1 The policy applies to the receipt of gifts whether cash, in kind, bequests, shares and some grants where there is an intention to give and the transfer of all right, title and interest in the property is to the University.

2.2 This policy applies to all staff and entities within the University.

## 3. Definitions

Please refer to the University's Glossary of Terms for policies and procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Gift, for the purposes of this policy, has the same meaning as donation.

## 4. Policy statement

4.1 The University is a Deductible Gift Recipient (DGR), which allows for the acceptance of tax deductible gifts. Securing funds through these sources enables the University to increase access to education and advance its research activity. Accepting and appropriately expending these funds ensures public trust and advances the public good that is created by the University.

## 5. Principles

### 5.1 Adequacy for purpose

5.1.1 The University encourages donations which support the advancement of its mission and goals.

### 5.2 Types of donations

5.2 Donations may be in the form of:

#### 5.2.1 Outright gifts

##### (a) Cash and cash equivalents

These gifts may take the form of currency, cheque, or credit card contribution. Cash gifts are reported as at the date the gift is received by the University. If the gifts are transferred electronically, the date the funds are transferred into the University's bank account is reported as the receipt date of the gift.

##### (b) Shares

The value of the shares is determined on the recognised gift date which is established when the donor relinquishes control of the shares.

##### (c) Real Estate

Real Estate may include improved or unimproved land, personal residences, commercial property, rental property, or rural land. If it is the intention of the donor that the University not immediately dispose of the real estate, an agreement between the University and the donor must be in place before the University may accept such a property. A gift of real estate must be tested with state and commonwealth laws, and the donor must provide satisfactory evidence of environmental compliance.

##### (d) In kind

### APPROVAL AUTHORITY

Vice-Chancellor and President

### RESPONSIBLE EXECUTIVE MEMBER

Pro Vice-Chancellor (Global and Engagement)

### DESIGNATED OFFICER

Director, Advancement Office

### FIRST APPROVED

20 January 2010

### LAST AMENDED

26 August 2022

### REVIEW DATE

22 November 2023

### STATUS

Active

The University may accept gifts of personal property, including but not limited to works of art, furniture, rare books, manuscripts, or any other item that is determined as being of value.

The University may sell or otherwise dispose of all gifts in kind unless the items can be used by the University to support its mission. The University's intention at the time of acceptance of the gift to either resell or use the gift in kind is to be communicated to the donor in writing.

#### 5.2.2 Pledges

Pledges are commitments to give a specific dollar amount according to a fixed time schedule. All pledges or changes to a pledge must be made in writing.

#### 5.2.3 Bequests

A charitable bequest involves the donor's transfer of money or property to the University at the donor's death through either the donor's will or trust.

#### 5.2.4 Endowment

An endowment is a sum of money where the principal is managed in a way that seeks to preserve or grow its value in perpetuity. Donations may be directed to a donor identified account or a general endowment account. The minimum amount to establish a donor identified endowment account is \$10,000 over three (3) years. Distributions from the endowment account will be reinvested until the minimum amount is met or unless advised otherwise by the donor.

### 5.3. Acceptance of donations

5.3.1 The Vice-Chancellor and President or delegate will be responsible for the review, acceptance or refusal of gifts to the University. The Vice-Chancellor and President may also establish a Donation Acceptance Advisory Committee to advise on gift acceptance. All staff must inform the Advancement Office of any planned approach to a potential donor, as well as any conversation that may occur with a donor regarding a prospective donation.

5.3.2 Core to the acceptance of gifts is the maintenance of the University's academic freedom. For example, a donor may provide funds for the appointment of academic staff and/or to enable research in specific areas, but the donor may not influence the decisions of the university when it comes to who is appointed and how the research is carried out and publicised.

5.5.3 Gifts for Chairs and Scholarships must comply with relevant policies.

5.5.4 While a donor may place some restrictions on the use of a proposed gift, the donor will maintain no influence over the money or property once transferred to the University. As per the *University of the Sunshine Coast Act 1998 (Qld)* (the Act), Council can propose an alternative use for the gift, if they are satisfied that the relevant provisions of the Act are met, for the Governor in Council's approval. The underlying principle for seeking an alternative use for a gift is to ensure that the impact of the gift is maximised in a way that is as close as practically possible to the donors wishes. Typically, the donor would be consulted on the alternative use, and their views taken into consideration, prior to determining the alternative use. The donor would be advised of the approved alternative use.

5.5.5 The University will not accept gifts that require it to provide any valuable consideration to the donor or anyone designated by the donor, such as employment in the University, enrolment in a University program, or a University procurement contract.

5.5.6 The University will not accept gifts that would involve unlawful discrimination.

5.5.7 The Advancement Office is responsible for ensuring that staff are aware of their responsibilities relating to soliciting and managing gifts for the University under this policy.

5.5.8 Where a donation might be subject to the purchase of equipment, it should be made clear to the donor that the University's processes relating to purchase of equipment prevail.

5.5.9 Some gifts may not be kept by the University in the form in which they are donated. For example, shares may be sold as soon as they are received by the University. In such instances this should be communicated to the donor before the gift is made.

5.5.10 Once a gift has been accepted, the Advancement Office is responsible for recording and acknowledging it.

#### 5.6 Non acceptance of gifts

5.6.1 Gifts which do not support the University's mission and goals, or which could damage the University's reputation will not be accepted by the University.

5.6.2 In rare circumstances the University may deem it necessary to refund gifts because:

(a) it is in the best interest of the University; or

(b) the conditions agreed to in accepting a gift cannot or will not be met and the University decided it would not be appropriate to seek an alternative use.

## 5.7 Stewardship

5.7.1 Stewardship or the reporting to donors on the impact of their gift is a vitally important part of the responsibility in accepting a gift. Timely acknowledgements will be sent to all donors and, where appropriate, special recognition of certain gifts will be given. This acknowledgement demonstrates the University's commitment to maintaining long term donor relations and thereby maximising support to the University.

## 5.8 Gift naming

5.8.1 Certain gifts may be acknowledged with a naming opportunity as outlined in the University's Naming – Governing Policy. However, donations which result in material benefit to the donor, for example substantial free advertising, may be considered sponsorship, with relevant taxation implications – refer to the Incoming Sponsorship – Operational Policy.

## 5.9 Management of donations

5.9.1 The Director, Advancement Office is responsible for the management of donations, including the management of databases and systems that facilitate the appropriate handling of donor and donation information.

5.9.2 The spending of donations must be consistent with the requirements of the *University of the Sunshine Coast Act 1998* (Qld).

## 5.10 Legal and tax counsel

5.10.1 The University is an endorsed deductible gift recipient (DGR) and is entitled to receive income tax deductible gifts and tax-deductible contributions.

5.10.2 The University encourages donors to seek legal and tax advice before making a gift. The University is not able to provide such advice to donors.

5.10.3 The University will inform the donor of circumstances which require the University to use legal counsel to assist with a gift, for example to review transactions with potential conflicts of interest or to assess any tax or other legal implications in accepting a gift.

## 5.11 Ethical Standards

5.11.1 The University will work within the Universities Australia Code of Practice for Australian University Philanthropy.

## 5.12 Compliance

5.12.1 The Advancement Office will ensure that the University complies with relevant legislation with regards to fundraising include the submission of required reports.

# 6. Authorities / Responsibilities

6.1 The following authorities are delegated under this policy:

ACTIVITY	UNIVERSITY OFFICER/S
Responsible for the review, acceptance or refusal of gifts to the University	Vice-Chancellor and President
Management of donations	Director, Advancement Office
Approve expenditure of funds available (up to financial delegation amount) to the University by way of bequest, donation or special grant for a matter funded by bequest, donation or special grant.	Vice-Chancellor and President

END

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## RELATED DOCUMENTS

- Naming - Governing Policy
- Scholarships, Bursaries and Prizes - Operational Policy
- Staff Gifts and Benefits - Operational Policy
- Staff Gifts and Benefits - Procedures
- UniSC Art Collection - Operational Policy

## RELATED LEGISLATION / STANDARDS

- Constitution of the University of the Sunshine Coast Foundation
- Information Privacy Act 2009 (Qld)
- Australian Charities and Not-for-profits Commission Act 2012 (Cth)
- Charities Act 2013 (Cth)
- Collections Act 1966 (Qld)
- Income Tax Assessment Act 1997 (Cth)
- Code of Practice for Australian University Philanthropy