



PHILANTHROPIC FUNDRAISING, GIFT ACCEPTANCE AND RECOGNITION POLICY

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First Approved by:	University Council		
Custodian title & e-mail address:	Director of Advancement giving@uow.edu.au		
Author:	Director of Advancement		
Responsible Division & Unit:	Advancement Division		
Supporting documents, procedures & forms:	Conflict of Interest Policy Delegations of Authority Policy Gift Acceptance Procedure Political Donations Procedure Privacy Policy Strategic Plan Student Prizes and Scholarships Policy Treasury Management Policy Use of the University Name in Public Statements Policy Please contact the Advancement Division to request copies of the following: Authority to Fundraise Gift Acceptance Agreement Cash Receipting and Banking Procedures		
Relevant Legislation & External Documents:	Australian Accounting Standards Australian Charities and Not For Profit Commission Act 2012 Australia's Foreign Relations (State and Territory Arrangements) Act 2020 Charitable Fundraising Act 1991 (NSW) Charitable Fundraising Regulation 2015 (NSW) Charitable Trusts Act 1993 (NSW) Foreign Influence Transparency Scheme Act 2018 Guidelines to counter foreign interference in the Australian University Sector Income Tax Assessment Act 1997 (Commonwealth)		



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1 Purpose of Policy

1. To ensure consistency, accountability and transparency in the University of Wollongong's consideration and processing of philanthropic gifts, this policy lays out the framework for philanthropic fundraising priorities, acceptance and refusal of gifts, naming conventions and recognition.

2 Definitions

Word/Term	Definition (with examples if required)
Affiliates	Includes people holding University of Wollongong Honorary Awards as conferred by the University Council, including the awards of Emeritus Professor, Honorary Doctor and University Fellow; people appointed in accordance with the University's Appointment of Visiting and Honorary Academics Policy; and people engaged by the University as agency staff, contractors, volunteers and work experience students
Cultural Gift	See Gift.
Deductible Gift Recipient	As per the Australian Taxation Office (ATO), organisations that are entitled to receive income tax-deductible gifts and tax-deductible contributions are called deductible gift recipients (DGRs).
Delegated Authority	An officer of, or body of, the University granted authority to accept gifts on behalf of the University under the Delegations of Authority Policy.
Donation	A donation is a gift.
Donor	A person, body corporate or other organisation making a gift.
Due diligence	The process of undertaking comprehensive background research into a prospective gift prior to accepting the gift or entering into a gift agreement.
Endowment	A sum of money where the principal is managed in a way that seeks to preserve (usually in line with inflation) or grow its value in perpetuity. Income from endowments is normally applied for a specified purpose. Examples include but are not limited to support an Academic Chair, scholarship or to undertake capital works. An endowment can be as a result of a gift or other sources of income.
Foreign Arrangement	A foreign arrangement is a written agreement, contract, understanding or undertaking between an Australian State/Territory entity (including the University) and certain foreign entities (primarily foreign governments and agencies, including certain universities), whether or not there are any other parties to the arrangement and whether it is legally binding or not.



Fundraising Activity	<p>The process of soliciting or receiving gifts on behalf of the University through a strategically aligned effort, whether solicited or unsolicited.</p> <p>Fundraising activities may include, but are not limited to, events, appeals and campaigns.</p>
Gift	<p>An item offered to or received by a staff member, or affiliate, in the context of their University role (not a formal gift to the University) or provided to an external party by a staff member, or affiliate, in the context of their University role, that has:</p> <ul style="list-style-type: none">• financial value;• physical form; or• can be considered a favour. <p>The term includes but is not limited to meals, tickets, bottles of alcohol, chocolates, hospitality, ties or other items of clothing, ornaments, artwork or similar, items of historical or cultural significance, cash or vouchers which can be exchanged for goods.</p>
Gift Acceptance Agreement	<p>A document which can be a Scholarship Agreement, Deed of Gift, Deed of Grant or a Gift Proposal which are relevant to gifts with conditions attached, signed by the Donor and the University, which as a minimum records:</p> <ul style="list-style-type: none">• the amount or description of the gift;• if the gift is to be made by instalments or otherwise over time, the schedule for the payments or transfers of the gift;• the purpose of the gift; and• any restrictions or requirements placed on the use or management of the gift.
Gift Acceptance Principles	<p>The Gift Acceptance Principles contained in this policy are a series of ‘tests’ that must be applied by a delegated authority when considering each offer of a gift covered by this policy.</p>
Grant	<p>The award of financial assistance from a grant-making body, which may include a corporation, foundation or trust. A grant is considered a gift if the grant does not involve the return of any material benefit to the grant-maker. Federal, state and local government grants are not philanthropic and are therefore out of scope of this policy.</p>
Legacy	<p>A gift of real or personal property made by will.</p>



Material benefit	<p>There is material benefit if, in return for a gift, the University is obliged to provide something of substantial value to the donor or its nominee. For example, public recognition of a donor's gift does not of itself constitute a material benefit, but the provision of substantial free advertising to a donor in return for a gift would constitute a material benefit.</p> <p>The only instance in which the Australian Taxation Office (ATO) considers corporate support not to be subject to GST (and therefore eligible for reporting) is where the advantage or acknowledgement is considered to be minor or non-material.</p> <p>The ATO has indicated that the value of the right or the goods or services (the benefit) to be received by the donor must not exceed the lesser of \$150 or 20 per cent of the value of the gift, or it will be considered to be material.</p>
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3 Application & Scope

1. This Policy applies to:
 - a. the process of determining and approval of University philanthropic fundraising priorities;
 - b. the process of gift acceptance, that is, from the point that a prospective donor makes an offer of a specific gift to the University, the consideration of that offer, through to recording the gift on an appropriate register of gifts;
 - c. the initial transactions involving the gift;
 - d. recognition of donors; and
 - e. should be applied in conjunction with the Gift Acceptance Procedure.

Gifts

2. This policy applies to all legacies and all other gifts to the University covered by the definition of Gift (see Section 2). It does not include personal gifts offered to individual employees or affiliates of the University, for example by companies, international dignitaries or collaborators. The University's policy on the acceptance of such gifts is contained in other University policies such as the Conflict of Interest policy.
3. This policy does not apply to the donation of bodies for medical and scientific research. For information on this program, refer to the University of Wollongong Body Donation Program.
4. This policy does not apply to the donation of student prizes. However, the management of prizes must adhere to the principles and values set out in this policy, in particular with regards to naming.
5. Philanthropic grants for research are gifts to the University. This policy does not apply to non-philanthropic sources of grant funding, such as commercial or government grants.
6. For information and guidance on political gifts and donations, refer to the Political Donations Procedure.



Entities and Individual

7. This policy applies to all staff and affiliates of the University and to entities or groupings that form part of the University including all Faculties, Departments, Schools, Colleges, Museums, Libraries, Institutes and Centres not separately incorporated.
8. This policy does not apply to gifts made to the Illawarra Health and Medical Research Institute (IHMRI), which has its own deductible gift recipient number. Gifts made to individual researchers in IHMRI which are committed to further areas of research are subject to this policy as they remain employees of the University.
9. This policy does not apply to UniActive.
10. This policy does not apply to University operations owned and managed by UOW Global Enterprises.

4 Background

1. The University welcomes, appreciates and relies upon the generosity of alumni and friends to support its mission and activities.
2. The consideration of gifts can sometimes involve an array of academic, ethical, legal, taxation, estate planning, investment, strategic alignment, feasibility, policy and reputational issues.
3. The University strives to ensure that all gifts offered to it are considered carefully through appropriate due diligence, and processed professionally. Gifts accepted on behalf of the University must serve to enhance the University's reputation and must not compromise its core objectives and values.
4. The Philanthropic Fundraising, Gift Acceptance and Recognition Policy has been developed to set high standards for the University's consideration of gifts in order to protect the interests of donors and the University. The Gift Acceptance Procedures support this Policy and seek to assist University staff and affiliates who deal regularly with offers of gifts. The Gift Acceptance Procedures must be adhered to in conjunction with this policy in order to undertake fundraising activities.
5. The University of Wollongong is registered as a deductible gift recipient by the Australian Taxation Office. To maintain this status, the University must satisfy a number of regulatory requirements and have high standards of accountability in relation to gift acceptance.
6. UOW is obliged to comply with relevant provisions of the Charitable Fundraising Act 1991 (NSW) and the Charitable Fundraising Regulation 2015 (NSW).
7. UOW philanthropic activities comply with and are guided by the Foreign Influence Transparency Scheme Act 2018, the Australia's Foreign Relations (State and Territory Arrangements) Act 2020 and the [Guidelines to counter foreign interference in the Australian university sector](#).



5 Fundraising Approvals

Approval for Philanthropic Fundraising Activities

1. The University encourages fundraising activities which enable the delivery of high quality research, teaching and scholarly activity. Fundraising activities will be strategic and contribute to the achievement of the advancement of the University and its mission.
2. No fundraising activity may be commenced on behalf of the University or its affiliates without the written approval of the Director of Advancement.
3. Any faculty, unit or individual proposing to undertake a fundraising activity on behalf of the University must complete a written Authority to Fundraise, outlining the purpose, strategy, implementation and budget, and submit that Authority to Fundraise to the Director of Advancement for approval. A written response on whether the activity is approved will be provided, noting any relevant conditions placed on the fundraising activity. The Director of Advancement may seek further approval from the Vice-Chancellor regarding a fundraising proposal.
4. Any fundraising activity may be stopped at any time if the activity does not fit with the University's values and priorities, does not adhere to the approved Authority to Fundraise or is unsustainable.

Authority to Accept or Decline Gifts

5. Authority to accept or decline gifts on behalf of the University of Wollongong (the University) is delegated by the University Council to senior officers of the University through the Delegations of Authority Policy.
6. The principles and processes for gift acceptance set out below and in the Gift Acceptance Procedures apply to any person or body authorised, as set out in the Delegations of Authority Policy, to accept a gift on behalf of the University. As required and at the recommendation of the Director of Advancement, the Vice-Chancellor may choose to convene appropriate senior staff (based on the nature and purpose of the gift) to assess gift proposals. This assessment may include:
 - a. reviewing existing and new gifts to the University;
 - b. receiving due diligence reports for gifts;
 - c. taking decisions on the acceptance of gifts, and
 - d. reviewing existing or new decisions on Naming and Recognition of gifts.
7. The University reserves the right to decline any gift.
8. This policy shall be read subject to the requirements for gift acceptance contained in the Delegations of Authority Policy. Any gift accepted outside of the requirements of these delegations may be deemed invalid and may be returned to the donor by the University.

Process for the Acceptance of Gifts

9. In support of this policy and the principles for acceptance of gifts, the separate Gift Acceptance Procedures set out the processes to be followed by the Advancement Division before accepting a gift on behalf of the University, and provide access to document templates for use at different stages of the gift acceptance process.



6 Principles for the Acceptance of Gifts

1. The following Gift Acceptance Principles apply to gifts covered by this policy.

Overview

2. Gifts must only be accepted by the University if they align with the University's strategic objectives and core values, and preserve or enhance the University's reputation.
3. An objective of the University is to partner with organisations and individuals on shared social purposes through philanthropy to create transformative change. The University's values of intellectual openness, academic freedom, and excellence underpin its collaborative endeavours and partnerships. Appropriate due diligence practices are undertaken for all gifts to the University. All necessary steps will be taken to obtain the best available information when undertaking due diligence to ensure gifts comply with the principles of this policy.
4. Prospective donors may seek restrictions on the use of funds or that the University make undertakings in return for gifts. Where such requests do not align with the University's objectives, values, autonomy or academic freedom, or may influence University operations, staff or academic programs they will not be acceptable to the University.
5. In other cases, while potential donors may not seek restrictions on the use of gifts or undertakings that do not align with the University's objectives or core values, it is important to consider the likelihood of the gift achieving the donor's wishes. The degree to which acceptance of the gift is consistent, and seen to be consistent with, the University's objectives and core values, strategic direction and reputation should be a key consideration.
6. The University may at any time review previous gift decisions that were made in goodwill, if new information is made available that supports a review.

Requirements for Gifts

7. Where a donor wishes for certain requirements to be placed on the use or management of a gift, the requirements must be consistent with the following principles:
 - a. the principle of academic freedom, especially with regard to methods of research, conclusions and findings, and the dissemination and publication of research;
 - b. the University's objectives and core values including its educational purpose;
 - c. ensuring that any legal obligations and restrictions do not affect the University, any individual student or member of staff;
 - d. maintaining the good reputation of the University;
 - e. adherence to all applicable University policies;
 - f. alignment with the University's strategic priorities (See the University's Strategic Plan); and
 - g. compliance with NSW State and Commonwealth laws.

Sources of Gifts

8. The source of a gift must be consistent with the University's objectives, values, strategic direction and reputation. The source of a gift must:



- a. be legal;
- b. not arise in whole, or part, from any activity which may have been considered to suppress or falsify academic research or limit freedom of inquiry; and
- c. be consistent with all applicable University policies.

Feasibility of Gifts

9. The feasibility of a gift achieving the donor's objectives is an important consideration. In exercising their delegated authority, officers of the University must satisfy themselves that:
 - a. the proposed gift will achieve the intended purpose, or that the University agrees to meet any additional costs that will arise from accepting the gift;
 - b. any obligations that a donor wishes to impose upon the University, in relation to the management or administration of the gift, are reasonable and able to be met; and
 - c. acceptance of the gift would not lead directly or indirectly to a net decline in the asset base of the University.
10. Further considerations when assessing the feasibility of a non-cash gift include:
 - a. whether the gift will serve the best interests of the University
 - b. whether the gift will result in an administrative or financial burden
 - c. whether the University is able in practice to convert the non-cash gift into cash after vesting, which is its preference
 - d. whether retaining the gift in its non-cash form is more beneficial considering the nature and purpose of the gift.

Testing a Gift against the University's Gift Acceptance Principles

11. The [Gift Acceptance Procedures](#) support this policy and should be referred to when assessing a potential gift against the Gift Acceptance Principles. Where an officer of the University is uncertain whether a potential gift satisfies the University's Gift Acceptance Principles, the officer should seek advice from the Advancement Division. The Advancement Division may liaise with senior University officers as appropriate, including the Vice-Chancellor and Deputy Vice-Chancellors, Chief Operating Officer; and Director, Governance and Legal Division.

Accepting or Declining a Gift

12. The supporting Gift Acceptance Procedures set out the process for determining whether a gift is accepted or declined.
13. A gift should be declined if it does not align with one or more, of the Gift Acceptance Principles set out in this policy. A gift may also be declined at the discretion of the University officer with Delegated Authority.
14. Where a gift is declined, the donor must be advised. On acceptance of a gift, the University must advise the donor and document the process as outlined in section 7 of this policy.



7 Confirming and Documenting the Terms of a Gift

15. Where a gift is approved by the Delegated Authority, the University must ensure that the donor is appropriately advised and acknowledged, that there is clarity about the terms of the gift, and that appropriate records are kept in accordance with the UOW Records Management Policy. All donor requirements that apply to a gift must be documented clearly in:
 - a. writing in a will;
 - b. Gift Acceptance Agreement; or
 - c. letter from the University to the donor confirming the University's acceptance of the gift and its terms.
16. Where appropriate, donors should also be made aware of any relevant University policies that may affect the administration of the gift. Donors should also be made aware that University policies covering gift administration may be reviewed and updated.
17. Gifts that involve a Foreign Arrangement must also be notified to the Minister for Foreign Affairs, both when proposed and when finalised, in accordance with the Australia's Foreign Relations (State and Territory Arrangements) Act 2020. Such notifications are coordinated by the Global Strategy Division.
18. Guidance on how to document gift acceptance is provided in the Gift Acceptance Procedures. The Advancement Division should be contacted if further information is required.

8 Naming and Recognition of Gifts

1. The University may recognise individuals or organisations who contribute significantly to the University, by naming a building, a section of a building, or another campus space, professorship or other program or event after that person. Such recognition will require approval by the appropriate UOW delegate or by the University Council.
2. The University must ensure that naming and recognition is only bestowed upon those individuals and/or organisations that contribute significantly to the University. The University will ensure that the purposes of the gift being recognised, are consistent with UOW values and strategic direction.
3. On the recommendation of the Vice Chancellor, the University Council may choose to honour an individual who has given the University outstanding service or whose gift has met the General Naming Principles clauses 5 to 9.
4. The Advancement Division maintains a recognition framework as approved by the Vice-Chancellor, which details the Naming and Recognition Standards. Advice on the Framework can be sought from the Director of Advancement. Should any naming or recognition activity need to occur outside of the preapproved framework, approval will need to be sought as defined under General Naming Principle's clauses 5 to 9.

General Naming Principles

5. The University Council holds the authority to approve any significant naming requests such as naming a building, a section of a building, other campus spaces, professorships or other programs and events after a person or The University Council reserves the right to revoke any naming decision, if it constitutes a significant and continuing impairment to the University's reputation, or if the agreed philanthropic contributions are significantly reduced.



6. Naming is for an agreed period of time, the University reserves the right to rename the entity on the expiration of the defined period.
7. When a named space is proposed for renaming in line with a change of purpose etc. reasonable efforts will be made to inform the original honouree/donor in advance. If the honouree/donor is deceased, reasonable efforts will be made to inform family members in advance of renaming.
8. Naming of academic units shall not impede the University from altering its academic and research priorities and shall align with the University's policies and guidelines governing the establishment of such units.
9. Recommendations for the naming of a new building or major segment include:
 - a. Significant support from the broader University community for the naming in recognition of the person's leadership contribution to the growth and reputation of the university, or
 - b. An individual (or corporation's) significant financial, or in-kind contribution towards the capital or continuing operating cost of the facility, within the context of the University's Strategic Plan. Naming as a result of future gifts (legacies etc.) will not normally be granted until such time as the gift is realised.

Approval Procedure

10. Naming suggestions may be received from any member of the University community.
11. Individuals contemplating a significant naming opportunity, to recognise outstanding service and/or philanthropic donations, may consult with the Advancement Division for information and advice on alignment with philanthropic naming.
12. The Advancement Division will submit significant naming requests, in writing to the Chief Operating Officer for review.
13. The Chief Operating Officer, once satisfied that the significant naming recognition aligns with the principles set out in this policy and should be supported, will make recommendation to the Vice-Chancellor for consideration.
14. The Vice-Chancellor will submit the recommended names to the University Council for approval.
15. If the University Council does not approve the recommendation it will be returned to the Advancement Division, who will inform the submitting party.

Plaques and Naming Signage

16. Plaques or other signs recognising donors and named spaces should be of a consistent design and should align with the University's branding guidelines. The Advancement Division should approve all named space and recognition signage.

9 Responsibility for Applying Gifts Once Accepted

1. Once the University accepts a gift, it undertakes to carry out the donor's wishes or instructions (unless expressly made non-binding) as set out in the will, Gift Acceptance Agreement or other document and is bound by that undertaking.



10 Gifts must not be used for a purpose that is contrary to the donor's wishes or that would contravene the terms of the gift. Reporting

1. The Advancement Division is responsible for processing gifts and must ensure that the gift is appropriately acknowledged, processed and recorded on the University gift registry.
2. The Gift Acceptance Procedures set out the documentation and reporting requirements for gifts covered by this policy.

11 Roles & Responsibilities

1. The Vice-Chancellor is responsible for setting the strategic fundraising priorities for the University.
2. The Director of Advancement oversees the Fundraising Strategy for the University and is responsible for co-ordinating the University's fundraising activities.
3. The Advancement Division has been designated by the Vice-Chancellor to administer all donations to the University in accordance with the requirements and processes outlined in this policy and the supporting procedures.



12 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	7 December 2012	University Council	First version.
2	27 July 2013	Finance & Resources Committee	Minor amendments and updated references.
3	28 September 2015	Finance & Resources Committee	Major amendments and updated references to position titles.
4	29 June 2017	Chief Administrative Officer	Inclusion of clause identifying the University's obligations to comply with relevant provisions of the Charitable Fundraising Regulation 2015 (NSW).
5	5 May 2020	Vice-Chancellor	Administrative amendment to update Senior Executive titles.
6	12 February 2021	Vice-Chancellor	Minor amendments, and inclusion of references and further articulation of practices to comply with Guidelines to counter foreign interference in the Australian University sector and Foreign Influence Transparency Scheme Act 2018.
7	16 December 2021	Vice-Chancellor	Inclusion of reference to obligations under the Australia's Foreign Relations (State and Territory) Arrangements Act 2020.