

# Philanthropic Donations and Gifts Received Policy

## Section 1 - Purpose

(1) This policy sets out the governance and processes for solicitation, acceptance and management of donations and gifts to Charles Sturt University (the University).

### Scope

(2) This policy applies to all philanthropic donations and gifts

- a. received by the University for purposes including but not limited to scholarships, research, capital works and academic programs
- b. received by the University and the recipients of such donations and gifts, including:
  - i. any faculty, school, division, unit, fundraising committee, student club or body, or individual staff member or officeholder
  - ii. all controlled entities (including the Charles Sturt University Foundation Trust)
  - iii. any private ancillary fund as defined in the [Taxation Administration Act 1953 \(Cth\)](#).

(3) This policy does not apply to personal gifts or donations and gifts made from the University to others (see instead the [Code of Conduct](#) and [Conflict of Interest Procedure](#)).

## Section 2 - Policy

### Donations to the University

(4) The University may solicit and will accept donations or gifts to assist in the pursuit of its objectives and enhance the quality of its education, research and student scholarships and support programs, consistent with this policy and the terms of the Charles Sturt University Foundation Trust (the Trust).

(5) The Trust is a registered charity and a deductible gift recipient.

(6) Donations or gifts to the University may be made by individuals, corporations, foundations and/or other legal entities.

(7) A donor may express a wish for a donation to be put to a specific purpose. This must be set out in documentation accompanying the donation, and if accepted, the value of the donation will be put to such purposes.

(8) Donations and gifts that may be accepted by the University include but are not limited to:

- a. endowments
- b. bequests
- c. real estate
- d. tangible personal property and artworks
- e. life insurance

f. donations of in-kind gifts or services.

(9) The University will not accept a donation or gift which:

- a. bears with it any discrimination prohibited by the University's policies or by prevailing law
- b. imposes constraints on the freedom of speech or academic freedoms of University staff or students
- c. exposes the University to unacceptable risk
- d. conflicts with its values.

(10) Donations or gifts may be declined if their source, conditions and/or purpose:

- a. are not aligned with the University's objectives
- b. could expose the University to reputational damage, or
- c. could extend the University's resources beyond reasonable limits.

(11) Donations that require the University to commit funds, either upon receipt or in the future, in addition to the amounts donated or pledged must receive prior approval from the Chief Operating Officer of the University.

(12) Prospective institutional donors, particularly those making large donations or planned donations, are strongly encouraged to seek legal and financial assistance from an independent adviser on all questions relating to their donation, taxation and estate planning.

### **Charles Sturt University Foundation Trust (the Trust)**

(13) The Trust is the principal instrument for receipt and management of donations for the benefit of the University.

(14) Donations will be received in the name of the University or the Trust as a registered charity.

(15) Where a donation to the Trust is not permitted (for example, where it is prohibited by the terms of another foundation), the donation may be accepted in the name of the University and deposited to an appropriate University endowment or gift fund account in accordance with this policy.

### **Solicitation**

(16) Fundraising is centrally coordinated. Planned approaches to potential donors should be made in consultation with Advancement. Opportunistic approaches should be reported to Advancement immediately, whether successful or not, for record keeping purposes.

(17) Potential donors who initiate contact with the University must be referred to the Advancement Office.

(18) See the [Philanthropic Donations and Gifts Received Procedure](#) for more information.

### **Acceptance and receipt**

(19) The acceptance and receipt of donations and gifts by the University, by any means, must be coordinated with and/or by the Advancement Office. Copies of any accompanying documentation such as letters, cards, notes and agreements forwarded to the Director, Advancement or specified officer.

(20) Organisational units that receive donations of in-kind gifts and services must forward records of the donations to the Advancement Office at the close of each financial quarter.

(21) The [Philanthropic Donations and Gifts Received Procedure](#) sets out the methods by which donations or gifts

will be received.

(22) The Advancement Office will receipt, record, deposit, and acknowledge donations and gifts to the University, in accordance with the financial policies and procedures of the University.

### **Valuation of donations**

(23) Valuation of donations and gifts will be conducted as per the [Philanthropic Donations and Gifts Received Procedure](#).

(24) The value recorded by the University will be arrived at independently of the donor's estimate.

(25) It is the donor's responsibility to settle their valuation with the Australian Taxation Office for their own taxation purposes.

### **Treatment of donations and accountability**

#### **Australian Taxation Office regulations**

(26) The University will comply with relevant laws, including the prevailing rules and regulations of the Australian Taxation Office when accepting and structuring the various types of donations covered by this policy.

#### **Investment and distribution**

(27) All funds are invested in accordance with the [Investment Policy](#). Corpus and endowment funds are entitled to receive interest as determined by the average performance of the University's investment fund and applied annually.

(28) A copy of the [Investment Policy](#) will be available for distribution to donors.

(29) Distributions may be made from the corpus. The amount available for distribution shall be determined by the University having regard to the investment income on the funds and the purpose of the fund. A portion of the distribution may be applied to support initiatives to enhance the objectives and capacity of advancement.

#### **Donations for philanthropic naming**

(30) Donations that carry naming conditions (e.g. philanthropic naming of facilities/premises) must be approved by the Vice-Chancellor or the Nomination and Remuneration Committee (NRC) (see the [Protocols Policy](#) and [Protocols Procedure - Naming Facilities and Memorials](#)). NRC may pre-approve official naming of certain facilities on request of the Trust, to allow for naming rights to be offered as part of an appeal.

(31) The University will comply with the [Protocols Procedure - Naming Facilities and Memorials](#) when dealing with donations for philanthropic naming.

### **Promotion**

(32) The University will not promote donations as tax shelters or financial investments but rather as donations to the work of the University.

(33) Advertisements, literature and estate planning seminars will appeal to basic philanthropic motivations and donative intent as important components of giving. The satisfaction of contributing to a worthwhile cause shall be emphasised in all communications.

(34) To encourage philanthropy, Australian tax laws provide certain economic benefits to donors. Such benefits may help determine the amount of the donation and may even influence the decision to donate or make a gift. For this reason, the University may cite the tax implications in their communications with donors and prospective donors,

though not to the exclusion of less tangible benefits or as a primary motive.

(35) All relevant written communications will include a disclaimer that University staff are not financial or legal advisers or able to provide such advice to prospective institutional donors.

## **Annual report**

(36) The University will publish information about donations and gifts to the Trust in its annual report, including the name of the donor (except where the donor has requested anonymity).

## **Roles and Responsibilities**

(37) The University is the trustee for the Charles Sturt University Foundation Trust (the Trust).

(38) The Director, Advancement, is responsible for:

- a. management of philanthropy and meeting the University's philanthropic objectives, and
- b. oversight of the Advancement Office.

(39) The Advancement Office is responsible for:

- a. providing strategic support to the philanthropic activities of the University, including but not limited to faculties, divisions, fundraising committees and other groups within the University
- b. supporting relationships between the University, donors and potential donors in relation to donations
- c. managing major, whole-of-institution, prospects and solicitations
- d. working with the Division of Finance in administering the Trust
- e. liaising with University stakeholders on the priorities for fundraising and solicitation of donations
- f. conducting all fundraising and solicitation activities professionally, and
- g. ensuring they do not portray themselves as financial or legal advisers to prospective donors.

(40) The University will seek the advice of the University's Legal Services in matters relating to the acceptance of donations and gifts involving formal agreements and in other cases in which such involvement is warranted.

(41) [Delegation Schedule C - Finance](#) list the delegated authorities regarding donations and gifts to the University or the Trust.

(42) All University staff are responsible for informing and involving the Advancement Office in any activity related to gifts and donations.

## **Section 3 - Procedures**

(43) [Philanthropic Donations and Gifts Received Procedure](#).

## **Section 4 - Guidelines**

(44) Nil.

## Section 5 - Glossary

(45) This policy uses the following terms:

- a. Bequest - means philanthropic provisions in a donor's will expressed as a specific amount, percentage or remainder of the estate.
- b. Controlled entities - means an entity of the University as described by the [Guidelines for Commercial Activities Policy](#).
- c. Corpus - means the original capital pledge or donation plus any capital maintenance adjustment that may have been applied to the original sum.
- d. Deductible gift recipient - means an organisation that is entitled to receive income tax-deductible gifts (i.e. the donor can generally claim the value of the gift as a tax deduction subject to specific taxation requirements).
- e. Donation or gift - means a voluntary transfer of money or property from a donor to a recipient arising by way of benefaction where no material benefit or advantage is received by the donor. Any donation that includes a material benefit or advantage for the donor is a sponsorship.
- f. Donor - means the giver of a donation or gift where there is no material benefit or advantage received by the individual or institution making the donation or gift.
- g. Endowment - means a fund where the principal is to be maintained and invested with the income derived from the investment available for distribution in accordance with the fund's purpose.
- h. Fund - means a grouping or accumulation of donations or pledges established for a purpose.
- i. Gift fund - means a fund where the whole amount of the gift may be applied or distributed in accordance with the purpose of the fund.
- j. Institutional donor - means an organisation, entity or body (not being an individual) that is a donor or potential donor.
- k. Registered charity - means an organisation registered as a charity with the Australian Charities and Not-for-Profits Commission.
- l. Scholarship - see the [Prizes, Scholarships and Grants Policy](#).
- m. Specified officer - means an officer authorised to act on behalf of the Director, Advancement.
- n. Trust - means the Charles Sturt University Foundation Trust.
- o. Trustee - means Charles Sturt University.
- p. University endowment or gift fund account - means an account established within the finance ledger designated for the purpose of the gift or endowment.

## Section 6 - Document context

<b>Compliance drivers</b>	<a href="#">Australian Charities and Not-for-profits Commission Regulations 2022</a> and associated ACNC Governance Standards.
<b>Review requirements</b>	As per <a href="#">Policy Framework Policy</a>
<b>Document class</b>	Management

## Status and Details

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