

PHILANTHROPIC GIFT ACCEPTANCE & FUNDRAISING CONDUCT STATEMENT OF PRACTICE

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Overview

Swinburne University of Technology recognises the important of philanthropy and fundraising in raising income to support its mission and strategic priorities. The University supports a culture of giving. In pursuing such opportunities, Swinburne University of Technology will protect its independence and intellectual freedom by ensuring that gifts and philanthropic partnerships are consistent with our values, priorities, policies and legislative requirements of its Deductible Gift Recipient (DGR) status.

Swinburne University of Technology also recognises the importance of socially responsible philanthropy and fundraising practices with the highest standards of professionalism and abides by the University Australia Code of Practice for Australian University Philanthropy.

Purpose

The purpose of the Philanthropic Gift Acceptance & Fundraising Conduct Statement of Practice is to ensure:

- Philanthropic gifts enhance the delivery of high-quality teaching, innovative research, and the strategic growth of the University.
- Consistency and transparency in the University's solicitation, consideration, acceptance, processing and fulfilment of philanthropic gifts.
- Highest standards of due diligence are applied in determining whether the University progresses a philanthropic relationship with a donor, to evaluate strategic alignment as well as reputational and financial risks of accepting a potential gift.
- Coordinated approach to philanthropic engagement, gift acceptance and fulfilment.
- Protection of the interests of both the University and its donors and to ensure philanthropic gift fulfillment are delivering the impact for which they are intended.
- Swinburne acts in accordance with the legislative requirements of its DGR status to ensure that all philanthropic gifts are managed in an efficient, effective, and ethical manner.

This Statement of Practice refers specifically to gifts/investments which are deemed philanthropic in nature (refer to Definitions and Terms).

Statements of Practice

1. Gift Acceptance

Gifts may be accepted for a specific or general Swinburne University of Technology purpose, ensuring:

- a) The purpose of a gift will be consistent with Swinburne University of Technology's functions, charter (determined by the University's statutes, regulations and governing instruments) values and strategy and not require the University to act contrary to law or public policy or in an unethical manner.
- b) To the extent practicable the wishes of the donor of any gift to Swinburne University of Technology will be honoured.

- c) Gifts must not be tied to an individual holding any position at the University.
- d) The acceptance of a gift will have no adverse impact on Swinburne University of Technology's admissions and awards policies, processes, and decisions.
- e) If a gift is made in support of research, costings must be undertaken in conjunction with the Swinburne research office to ensure the gift covers research costs.
- f) Gifts must not inhibit the principles of academic freedom recognised in the University's Governance Framework. If there is any ethical concern about a potential donation, regardless of the value of the donation, University staff are required to notify the Director, Advancement who will be responsible for bringing the matter to the Philanthropic Governance Group.
- g) A risk assessment is prepared on all higher risk gifts in accordance with the *Due Diligence Guidelines (including Gift Acceptance Risk Matrix)* for approval by the Philanthropic Governance Committee and/or Vice-Chancellor in accordance with the *Vice-Chancellor Delegations Framework*.

2. Right to Decline Gifts

The University reserves the right to decline any gift that:

- a) Is inconsistent with Swinburne University of Technology's functions and priorities or otherwise not in its best interest.
- b) May morally, ethically, or legally expose the University.
- c) May result in adverse publicity or impose unnecessary and burdensome responsibilities on Swinburne University of Technology because of the gift's source, restricted condition, or purpose (including gifts that may compromise Swinburne University of Technology's integrity, autonomy and/or commitment to academic freedom).
- d) Require an unacceptable level of commitment of university resources or impose unacceptable compliance obligations or administrative costs on Swinburne University of Technology.

3. Ethical Conduct and Fundraising

- a) Swinburne University of Technology staff will act with the highest standards of professionalism and integrity when soliciting, receiving, accepting or fulfilling a gift.
- b) Swinburne staff will not knowingly encourage a gift if:
 - The making of the gift is contrary to the wishes expressed by the donor; or
 - The donor does not have the legal capacity to make the gift.
- c) Swinburne staff should not present a gift proposal to a potential donor that the University or specific unit of the University cannot accept or would place the University in a position of unacceptable conflict of interest.
- d) Fundraising activities will be strategic and contribute to the advancement of the University and its mission. No fundraising activity (including but not limited to events, appeals, campaigns and solicitation of gifts) may be commenced on behalf of the University or its affiliates without the approval of the Director, Advancement and in accordance with the *Vice-Chancellor's Delegations Framework*.
- e) Swinburne staff will not provide financial or legal advice to prospective donors when planning or negotiating a gift. The University will not provide payment of any fees to the donor or to any advisers or agents acting on behalf of the donor.

- f) If a community group or Club (including those related to Swinburne) wish to fundraise on behalf of the University, a formal written request to fundraise, outlining the purpose, strategy, implementation, and budget, must be submitted to the Director, Advancement for approval. A formal notice of public fundraising activities is required by the Victorian State Revenues Office.
- g) 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 activity or is unsustainable.

4. Valuing Gifts-In-Kind, Stock, or Property

- a) Gifts are to be valued in accordance with Australian Tax Office regulations and requirements and credited on the date the donor relinquishes control of the assets.
- b) Swinburne will determine and record the value of the gift independently.

5. Gifts Requiring Outlay of University Funds

- a) Swinburne University of Technology may make a contribution to attract further philanthropic support.
- b) Gifts requiring a financial commitment by the University (e.g., matching funds, financing of construction projects) must receive prior approval by the Philanthropic Governance Committee and/or Vice-Chancellor in line with the *Vice-Chancellor Delegations Framework*.

6. Gifts from Staff

Swinburne will accept gifts from staff where there are sufficient controls in place to ensure the donor does not control the expenditure of that gift, including:

- a) Not crediting the funds to a project/grant account in the university's accounting system that is managed or controlled by the donor of that gift
- b) Gifts must be administered by a Head of School, Dean or Director. Where a Head of School, Dean or Director makes a gift to their own business unit, that gift must be managed by that individual's manager.

7. Acknowledgement and Anonymity

Swinburne Advancement will ensure:

- a) All donors and their gifts are recognised publicly. Where anonymity is requested, donors are thanked and stewarded, but the details of the donor are not included in published lists.
- b) Public recognition of major philanthropic generosity is considered in alignment with Swinburne's *Acknowledgement and Naming Rights Guidelines*.
- c) That only Minor or Non-Material Benefit is provided when acknowledging a gift. Acceptable Minor or Non-Material Benefit could include:
 - Recognition of a gift through an honour roll or list, stories or articles produced publicising an activity funded by a gift and recognising a donor.
 - In line with ATO guidelines, a small gift such as a pen, calendar, book etc.
 - Invitations to donor and alumni engagement activities.
 - Naming rights on infrastructure (e.g., building), academic chair or scholarship

(without the use of a logo).

- Attaching the donor's name to an item such as a piece of equipment, a bench, pavers or lecture theatre seating.

8. Relationship Coordination

Swinburne staff will ensure:

- Coordination of external engagement and meetings with philanthropic donors / prospects is through the University Advancement Office (maintaining engagement records on the University's philanthropy CRM, Raiser's Edge, to ensure a coordinated approach thus reducing multiple, competing approaches being made to donors which will bring harm to Swinburne's reputation.

9. Records, Reports and Receipts

Swinburne Advancement will ensure:

- The University (as required by the Australian Taxation Office) maintains records of all donations to the University.
- Timely issuing receipts for tax-deductible donations in accordance with Australian Taxation Office (ATO) regulations.
- Recording, acknowledging, recognising and providing acquittals to donors.
- Reporting the University's fundraising revenue and for maintaining the University's official database of record for all non-student relationships, including the records of gifts, donors and alumni engagement.
- Periodically report to the Philanthropic Governance Committee, regarding Swinburne University of Technology's Advancement program including amounts available, or expected to be available, to Swinburne University of Technology by way of bequest, donation or special grant, and the spending of the amounts.

10. Endowments

- Fixed term endowment is the preferred option for funding academic positions and scholarships. Some endowments may attract matching funding from the University.
- All funds received by the University for endowment, whether it is fixed-term or perpetual, will be managed by the Treasury Office within the Finance team.

11. Philanthropic Governance and Roles

- The Director, Advancement oversees the fundraising strategy for the University and is responsible for coordinating University fundraising activity.
- Oversight of significant gifts will be provided by the Philanthropic Governance Committee, as guided by the Vice-Chancellor Delegations Framework. The Committee is responsible for governance and oversight of philanthropic gifts acceptance where there is a perceived reputational risk to the University. The Director, Advancement will be responsible to provide the Committee with a risk assessment of potential donations based on the *Due Diligence Guidelines (including Gift Acceptance Risk Matrix)*.
- The Philanthropic Governance Committee advises the Vice-Chancellor on appropriate allocation of donated funds, with consideration of the donor's intent and strategic alignment with the University.

12. Privacy, Data Protection and Prospect Research

- a) The University Privacy Policy applies to handling personal information of donors and, upon request, the University Privacy Officer must advise on privacy matters related to donors and prospective donors.
- b) The Advancement Office must:
 - Ensure Advancement staff deal appropriately with information gathered and held by alumni, other individuals, and organisations. Appropriately manage and protect information gathered on donors and prospective donors in line with the University's *Alumni, Donor, and Supporters' Collection Information notice*.
- c) When conducting prospective donor research, the Director, Advancement must ensure that Advancement staff:
 - have a clear understanding of what information is fair and relevant for that purpose.
 - use only ethical methods to obtain prospect research information.
 - avoid personal prejudice and bias.
 - consider the reliability of the sources of information used.
 - ensure that research when presented is as accurate as possible, relevant to its purpose, and timely.

Coverage

This Statement of Practice applies to all staff at Swinburne, and anyone who acts for or on behalf of the University to facilitate philanthropic contributions to the University. The Statement of Practice also applies to Swinburne University of Technology controlled entities.

University Policies & Legislation

The following University policies and government legislation should be read in conjunction with this Statement of Practice:

- [Swinburne People Culture and Integrity Policy](#)
- [Swinburne Conflict of Interest Framework](#)
- [Swinburne Finance Policy](#)
- [Swinburne Privacy guidelines](#)
- [Income Tax Assessment Act](#) 1997 (Commonwealth)
- [Privacy Act](#) 1988 (Commonwealth)
- Swinburne [Counter Foreign Interference guidelines](#)
- [Australian Federal Government University Foreign Interference Taskforce – Guidelines to counter foreign interference in the Australian University Sector](#)

Definitions and Terms

Bequest – a gift or gifts of real estate or personal property made via a will.

Donor – the person, entity or other organisation making a gift.

Fixed-term endowment – a fund in which the donor has stipulated that the principal is to be maintained until a particular event or for a stated period of time, after which all or part of the principal may be expended.

Fundraising – the process of soliciting or receiving gifts on behalf of the University.

Gift Agreement (Deed of Gift) – a document produced for philanthropic gifts signed by the Donor and the University, in accordance with University delegation authorities, which records as a minimum:

- the amount or description of the gift.
- if the gift is to be made in instalments or over a period of time, the schedule of payments or transfers of gifts.
- the purpose of the gift.
- any restrictions or requirements placed on the use or management of the gift; and
- reporting requirements.

Material benefit – is, but not limited to, logo acknowledgement, advertising or promotion, participation in promotional activities, and or rights to intellectual property in return for payment. Public recognition of a donor's gift does not in itself constitute a material benefit.

Naming rights – where an individual, corporation, or other entity, has provided extraordinary support to the University, the Director, Advancement may recommend to the Vice-Chancellor that the support merits recognition through naming in their honour tangible or intangible property, units, or activities of the University including, but not limited to, buildings, parts of buildings, outdoor areas, academic units, academic positions including professorial chairs, programs and projects.

Perpetual endowment – A fund in which the donor has stipulated the principal be maintained in perpetuity, but that all or part of the income derived from investment of the principal may be expended.

Philanthropic gift – an irrevocable transfer of personal property (e.g., Cash, securities, books, equipment) or real property by a donor, either outright or through a planned/deferred gift vehicle, for the charitable purpose designated by the donor and without expectation of material benefit to the donor and life income in the case of planned/deferred gifts.

Philanthropic grant – a contribution made by a trust or foundation for a specified purpose. Grants are usually conditional upon certain qualifications as to the use, or maintenance of specific standards.

Statement of Practice Approval

Version	Date	Approver	Contact
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