Philanthropic Gift Acceptance Policy

Section 1 - Summary

(1) This Policy sets out the principles to be applied when considering philanthropic gifts to Victoria University.

(2) The purpose of the Policy is to provide clear guidance to staff regarding the consideration and acceptance of philanthropic gifts.

Section 2 - TEQSA/ASQA/ESOS Alignment

(3) Nil.

Section 3 - Scope

(4) This Policy applies to all Staff across the University.

(5) This Policy does not relate to:

a. the acceptance of non-philanthropic gifts, benefits or hospitality, which is covered by the Gifts, Benefits and Hospitality Policy;
b. sponsorships;
c. non-philanthropic grants.

Section 4 - Definitions

(6) Bequest: means a gift that the University receives as a consequence of a will of a donor.

(7) Deductible Gift Recipient (DGR): means an organisation approved by the Australian Taxation Office (ATO) as being entitled to receive tax deductible gifts.

(8) Donor: means an individual or organisation that is making or has made a Gift.

(9) Gift (philanthropic): means a transfer of property which is made voluntarily as an act of benefaction on the part of the donor, who does not receive any material benefit or advantage as a consequence of the gift. A gift to the University must be applied towards the objects of the University, as set out in section 5 of the Victoria University Act 2010 (Vic) . A gift may be made during the lifetime of the donor or after the death of the donor (a 'bequest'). A gift may take many forms, including cash, property, objects, works of art, shares, library or archive materials.

Section 5 - Policy Statement

(10) Victoria University (the University) is registered as a Charitable Institution with the Australian Tax Office and the Australian Charities Not for Profits Commission and is endorsed to operate a Deductible Gift Recipient Fund that is

covered by [Item 1](#) of the table in section 30-15 of the [Income Tax Assessment Act 1997 (Cth)](#), and accepts gifts in accordance with the objects and purposes of the University.

(11) The University welcomes, encourages and seeks philanthropic support from donors whose values are consistent with those of the University and who are interested in supporting the University's [Vision](#) to be inclusive, open and excellent, creating exceptional value for any student from any background and uplifting the communities in which it operates.

(12) The University does not accept gifts for purposes that are inconsistent with the objects of the University (according to the [Victoria University Act 2010 (Vic)](#)).

(13) The University will not accept gifts for purposes or conditions proposed by a prospective donor which may:

   a. contravene state and/or federal laws in Australia;
   b. create unacceptable conflicts of interest;
   c. expose the University to undue adverse publicity or reputational risk;
   d. cause any other damage, including financial damage, deterring other donors to the University;
   e. are inconsistent with the University's established academic priorities and compromise its integrity, autonomy and commitment to academic freedom;
   f. result in a material benefit to the donor or an individual or entity affiliated with the donor (i.e. family member, company etc.);
   g. conflict with the values, aims and policies of the University in any other way.

(14) The University will not accept donations from organisations or individuals that in the University's view, are not aligned with the University in their social, ethical, financial and/or environmental conduct or whose operations and activities are injurious to populations.

(15) Gifts for new awards, academic appointments, programs or facilities must be brought forward with the endorsement of a college or relevant division, and approved by the relevant authority.

(16) Cultural gifts (whether by bequest or donation) can only be accepted by the VU University Library as part of the Australian Commonwealth Government's Cultural Gift Program. They must be brought forward with the consultation and endorsement of the Victoria University Library, and approved by the relevant authority.

(17) All reasonable efforts will be made by the University to identify the source of a gift and, while respecting the right of donors to remain anonymous, the University will not accept a gift where the identity of the donor is not known, either to the University itself or by a reputable intermediary (usually a recognised law firm, trust or foundation).

(18) Before accepting a gift, the University will consider any additional University funding or commitment required to maintain, administer or comply with the conditions and intended use of such gift.

(19) The acceptance of the gift should not impose conditions that the University cannot reasonably fulfil and nor should the conditions be contrary to the University's priorities, objectives or taxation status.

(20) Donors cannot direct the University to give, nor can the University give, undue consideration to the donor, or anyone they designate, in the use of their gift.

(21) Many donors wish to designate a specific purpose or other conditions for a gift and for the gift to be used expressly for that purpose or conditions. Due to the costs and potential complexity involved in the administration of trusts, donors should be encouraged to make such a gift by way of a conditional gift rather than establishing a trust (Special Purpose Trust) to achieve that purpose.

(22) The University may, at the request of the Donor, establish a Special Purpose Trust over a gift of significant value, if it is also deemed in the University's interest to do so. In the event that a decision is made by the University to declare a Special Purpose Trust, the purpose should be defined as broadly as possible, to prevent subsequent failure of the trust, or difficulty in performing the trust terms, should circumstances change.

(23) Unrestricted gifts not subject to specific purpose terms may be used to advance the University's mission and academic priorities as determined by the Vice-Chancellor, with advice from the Chief Engagement Officer.

(24) A donor may choose to be anonymous but the terms and conditions governing the use of a gift may be a matter of public record.

(25) Donors do not have deciding control over judgements about the recipient of a scholarship or other award funded by them, or the appointee to an academic post supported through their gift.

(26) Naming proposals associated with philanthropic gifts are assessed and determined in accordance with existing University policies and procedures, including the [Naming of Buildings and Features Policy](#), or otherwise assessed and determined by the Vice-Chancellor.

(27) An employee of the University must not derive any personal benefit from the acceptance or refusal of a gift and must declare any real or perceived conflict of interest in relation to the consideration of a gift.

(28) The terms and conditions attached to any gift will be documented in writing.

(29) The University may review any gift that has already been accepted by the University and decide whether it is appropriate to retain the existing gift, to return the gift to the donor (where possible at law) or to take any other action in relation to the gift.

(30) Only those University officers authorised to do so under the [Philanthropic Gift Acceptance Procedure](#) can accept a gift to Victoria University, and in compliance with the [Delegations and Authorisations Policy](#).

Section 6 - Procedures

(31) [Philanthropic Gift Acceptance Procedure](#)

Status and Details

Status	Current
Effective Date	11th August 2023
Review Date	11th August 2026
Approval Authority	University Council
Approval Date	27th June 2023
Expiry Date	Not Applicable
Accountable Officer	Wade Noonan Deputy Vice-Chancellor External Relations and Partnerships +61 3 9919 5151
Responsible Officer	Patrice O'Brien Chief Engagement Officer +61 3 9919 5071
Enquiries Contact	Patrice O'Brien Chief Engagement Officer +61 3 9919 5071