



Version	Approved by	Approval date	Effective date	Next review
1.0	President and Vice-Chancellor	18 April 2017	18 April 2017	April 2020
Policy Statement				
Purpose	UNSW actively seeks and encourages the solicitation and acceptance of gifts. The purpose of this policy is to outline a set of principles to govern UNSW's solicitation and acceptance of gifts.			
Scope	<p>This policy applies across UNSW and applies to all gifts to the university that are to be received by UNSW for the benefit of its staff, students, and controlled entities.</p> <p>UNSW has been endorsed by the Australian Tax Office as a Deductible Gift Recipient and accepts gifts in accordance with the objects and functions of UNSW.</p>			
Policy Provisions				

1. Authority and responsibility for Gift Acceptance

The Division of Philanthropy is responsible for the solicitation, administration and management of gifts at UNSW. The Division of Philanthropy is a source of expertise in these areas. Any staff member who is engaging with a donor should make contact with the Division of Philanthropy.

The [UNSW Delegations of Authority](#) explains who has authority to accept a gift on behalf of UNSW. Authority is determined by reference to the value of the gift.

2. Gifts as distinguished from Sponsorships

A gift is distinguished from a sponsorship as outlined below.

2.1. Gifts

A gift has the following characteristics:

- there is a transfer of money or property to UNSW for its own benefit or of its students;
- it is made voluntarily;
- it does not provide a "material benefit" to the donor, and
- it is motivated by philanthropic intent, and generosity, on the part of the donor. (This does not preclude a donor from having a commitment to, or strong interest in, UNSW).

A donor is considered to receive a "material benefit" where it is provided/promised:

- logo acknowledgement;
- advertising or promotion;
- participation in promotional activities;
- rights to intellectual property;
- an arrangement for a student to undertake an internship with the donor; or
- items of value.

This is not an exhaustive list. The Division of Philanthropy will look at all the circumstances of a proposed gift prior to making a determination.

Public recognition of a donor's generosity, for example naming recognition, is not generally a material benefit. See related [Naming Recognition Policy](#).

UNSW does not provide legal or tax advice to donors considering making a gift. Donors should be advised to seek independent advice.

2.2. Sponsorship

Sponsorship is the provision of money, goods or services for a specific activity or program in return for a material benefit. A material benefit will generally be a taxable supply for the purposes of Goods and Services Tax (**GST**) and accordingly, unlike in the case of gifts, GST will be applicable for a sponsorship.

Sponsorship arrangements entered into and managed by the Division of Philanthropy will also be consistent with the Gift Acceptance Principles (see Section 3)

3. Gift Acceptance Principles

UNSW is permitted to accept gifts from individuals and organisations for the direct benefit of UNSW and its students.

A gift made to UNSW may be accepted if it is consistent with the Gift Acceptance Principles. The Gift Acceptance Principles require that in its purpose, source and nature, a gift must:

- Be aligned with the values, objectives and strategy of the UNSW;
- Enhance the reputation and standing of UNSW;
- Be consistent with the principles of academic freedom and autonomy;
- Be consistent with State and Federal legislation in Australia and any other relevant country, in particular the *Income Tax Assessment Act 1997* (Cth), and
- Be consistent with other relevant UNSW policies.

A gift will not be consistent with the Gift Acceptance Principles if the Vice-President, Philanthropy or the Gift Acceptance Committee (See Section 5) forms the view that:

- The gift may expose UNSW to reputational or financial harm.
- The gift may result in an unacceptable conflict of interest (see the [Conflict of Interest Policy](#)).
- In the case of gifts supporting research, the gift is not consistent with the [Guidelines and Codes of Conduct](#) as listed on the ARC Website.
- The gift is conditional on the donor retaining control over the selection of academic appointments or scholarship recipients supported through their gift.
- The intended purpose of the gift cannot foreseeably be met.
- The gift will not be of genuine benefit to UNSW, its students or controlled entities.
- There is a requirement that UNSW would need to return the gift if certain conditions are not met.
- The purpose of the gift is not achievable with the funds provided, and UNSW does not agree to secure the additional funds required.

The Division of Philanthropy will seek advice from the Legal Office where a gift is in a form other than money, involves or may involve the law of another country, or is otherwise unusual.

3.1. Acceptable Purpose

A donor may wish to designate a specific purpose for a gift. UNSW will act in good faith in respect of the purposes of the gift and intent of the donor. If the gift will be held in an Endowed Fund, that purpose should be defined broadly to ensure UNSW can continue to fulfil the purpose of the gift should circumstances change.

Before accepting a gift, the Vice-President, Philanthropy and, where appropriate, the Gift Acceptance Committee will consider any additional UNSW funding, long term financial risks or commitments required to maintain, administer or comply with the purpose and intended use of the gift.

Where the purpose of a proposed gift is to establish a scholarship, the Division of Philanthropy will consult with the appropriate stakeholders before a decision is made to accept the gift.

3.2. Acceptable Source

Gifts are accepted from a wide variety of public and private sector sources who are willing to support UNSW in accomplishing its objectives and strategy.

The Division of Philanthropy will conduct due diligence to ensure that the source of a gift is known, legal and consistent with UNSW's policies and Gift Acceptance Principles.

UNSW will not accept gifts from the tobacco industry, from any individual, foundation or similar body which is associated with the tobacco industry.

See related [UNSW Policy on Sponsorship with the Tobacco Industry](#).

3.3. Acceptable Gift Type

A gift to UNSW may take the following form:

- a. money;
- b. pledges of money or non-monetary assets;
- c. securities and shares; or
- d. Other non-monetary assets (see Section 4).

4. Non-monetary Gifts

Prior to acceptance of non-monetary gifts, UNSW will consider whether:

- the gift will serve its best interests;
- the gift will result in an administrative or financial burden;
- it is able in practice to convert the non-monetary gift into cash, and
- it is able to manage the gift throughout its lifetime.

The Division of Philanthropy will consult with any internal stakeholders prior to acceptance of any non-monetary gifts.

Where a gift of property is made, a valuation of the property will be required and UNSW will, wherever possible, reserve the right to convert the property to cash.

The valuation and receipting of non-monetary gifts will be in accordance with regulations set out by the Australian Taxation Office (ATO).

UNSW will not normally accept a gift of a partial interest in property or property encumbered by a mortgage. Where a gift of this kind is proposed, advice from the Legal Office should be obtained.

Any proposals for gifts for new initiatives, academic appointments, programs or facilities must be made to the Vice-President, Philanthropy with the endorsement of a Dean or Head of Division.

5. Gift Acceptance Committee

The Gift Acceptance Committee will be responsible for reviewing any proposed gift referred to it by the Division of Philanthropy. The Gift Acceptance Committee will comprise the:

- a member of the UNSW Executive Team; and
- Vice-President, Philanthropy, and
- a member of the UNSW Foundation Limited Board.

Prior to referring a gift to the Gift Acceptance Committee, the Division of Philanthropy will consider seeking advice from the Legal Office in relation to a gift referred to it, for example, where a gift is in a form other than money, involves or may involve the law of another country or is otherwise unusual.

The Gift Acceptance Committee will review a proposed gift against the Gift Acceptance Principles set out above and other relevant UNSW policies. The Gift Acceptance Committee will then make a recommendation to the delegate authorised to accept the gift regarding its acceptability.

6. Documentation and recording of gifts

6.1. Documentation

Once a determination is made to formally accept a gift, the donor will be appropriately acknowledged and the gift accepted. The purpose and conditions of the gift must be documented in writing through either:

- a. a Gift Acknowledgement document;
- b. a letter confirming acceptance of the gift; or
- c. a will in the instance of a bequest.

A Deed of Gift may also be used in certain circumstances.

See related procedure [Receipting and Administration of UNSW Fundraising Income Procedure](#).

6.2. Gift Recording

All gifts and significant interactions involved in the solicitation of gifts will be recorded on the Division of Philanthropy Customer Relationship Management Database.

Accountabilities	
Responsible Officer	Vice-President, Philanthropy
Contact Officer	Director of Operations, Division of Philanthropy
Supporting Information	
Legislative Compliance	This Policy supports the UNSW's compliance with the following legislation: <i>Income Tax Assessment Act 1997</i> (Cth) <i>Charitable Fundraising Act 1991</i> (NSW)
Supporting Documents	Nil
Related Documents	Naming Recognition Policy Conflict of Interest Policy UNSW Policy on Sponsorship with the Tobacco Industry Community Fundraising Procedure Receipting and Administration of UNSW Fundraising Income Procedure Gifts and Benefits Procedure
Superseded Documents	Nil
File Number	2017/11804
Definitions and Acronyms	
Deductible Gift Recipient (DGR)	A DGR is an organisation that can receive income tax deductible gifts. Normally a private gift can only be tax deductible if it is made to a DGR. DGR's are either endorsed by the Tax Office or listed by name in the tax law. There are more than 40 general DGR categories including public universities and ancillary funds. UNSW has DGR status in item 1 of the table in section 30-15 of the <i>Income Tax Assessment Act 1997</i> .
Division of Philanthropy	The Division of Philanthropy is responsible for the management and administration of gift solicitation and acceptance, the raising, reporting and administration of all fundraising income and alumni relations for UNSW.

Endowed Fund	An Endowed Fund comprises a donation, bequest, sponsorships or grants to be held in perpetuity, with the capital invested, and income earned on these Funds expended in accordance with the terms and conditions of the endowment. The amount disbursed in any year will be affected by the amount of income generated by the Endowed Fund and will be reviewed annually.			
Gift Acknowledgement	A UNSW document outlining the intended purpose and processes for the administration of a gift.			
Gift	<p>A voluntary transfer of money or other property that has the characteristics described at section 2.1 above. Gifts are normally tax deductible if made to entities that are endorsed as Deductible Gift Recipients by the ATO and if relevant legal requirements are satisfied.</p> <p>A gift made to a non-profit organisation is not regarded as consideration for a supply and therefore does not trigger a GST liability for the recipient of the gift.</p>			
Pledge	An assurance or commitment from a donor (either an individual or corporate entity) that they will make a gift at a future time. It is not a legally binding contract.			
Receipt	A document evidencing the acceptance of a payment, issued by UNSW.			
Scholarship	A Scholarship is a grant of financial aid to a student with a minimum value. New or revised Scholarships must be approved by the Scholarship Steering Committee before they can be implemented and funds should be received before UNSW is required to pay to the student the first stipend of each year (after census date).			
Sponsorship	The provision of money, goods or services for a specific activity, event or program in return for a material benefit.			
Revision History				
Version	Approved by	Approval date	Effective date	Sections modified
1.0	President and Vice-Chancellor	18 April 2017	18 April 2017	This is a new Policy.