

Advancement Office

Swinburne Philanthropic Gift Acceptance and Fundraising Conduct Statement of Practice

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1. Purpose

To set out the principles of gift acceptance as applied at Swinburne University of Technology. The purpose of this Statement of Practice is to ensure consistency and transparency in the University's consideration, acceptance and processing of philanthropic gifts.

2. Philanthropic Gift Acceptance Statement

Swinburne encourages the solicitation and acceptance of philanthropic gifts, which enhance the delivery of high-quality teaching, innovative research and the strategic growth of the University. It is imperative that the highest standards of due diligence are applied to determine 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. This Statement of Practice refers specifically to investments which are deemed *philanthropic* in nature.

It is the responsibility of the University and its staff to ensure that the highest standards of professionalism are followed when accepting gifts and working with donors. The Director, Advancement oversees the fundraising strategy for the University and is responsible for coordinating University fundraising activity. The Director, Advancement advises the Vice-Chancellor on appropriate allocation of donated funds, with consideration of the donor's intent and strategic alignment with the University. Oversight of significant gifts will be provided by the Swinburne Engagement Governance Committee.

The Gift Acceptance Statement of Practice document has been developed to set high standards for the University's consideration of gifts in order to protect the interests of both the university and its donors and to ensure donated funds are delivering the impact for which they are intended. It is designed to assist University staff and affiliates who deal regularly with offers of gifts. Further information and advice can be obtained about any aspect of the University's requirements for the acceptance and processing of gifts by contacting the University Advancement Office.

This Statement of Practice has been developed to ensure Swinburne acts in accordance with the legislative requirements of its Deductible Gift Recipient (DGR) status to ensure that all philanthropic gifts are managed in an efficient, effective and ethical manner.

3. 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](#)

4. 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 acceptance 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.

5. Scope

This Statement of Practice covers:

- a) the process of determining and approval of University philanthropic fundraising activities;
- b) coordination of relationships with philanthropic donors;
- c) guidelines for due diligence for receiving funds; and
- d) 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.

6. 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 must adhere to this Statement of Practice.

7. Principles for Philanthropic Gift Acceptance

- a) The purpose and use of a gift as proposed by the donor must be appropriate to the functions and character of the University as determined by the University's statutes, regulations and governing instruments and not require the University to act contrary to law or public policy or in an unethical manner.
- b) Gifts must be consistent with the Objects of the University and our mission.
- c) Gifts must be consistent with the values and strategy of the University and the community we serve.
- d) The University reserves the right to decline any gift that may morally, ethically or legally expose the University, result in adverse publicity, require an unacceptable level of commitment of University resources, or involve the University in unexpected responsibilities because of their source, restricted condition or purpose.
- e) Staff of Swinburne 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) Gifts must not be tied to an individual holding any position at the University
- g) University 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.
- h) If a gift is made in support of research and the gift is deemed to be philanthropic, rigorous costings must be undertaken in conjunction with the Swinburne research office to ensure the gift covers research costs.
 - i) No University staff member shall knowingly encourage a gift if the making of the gift is contrary to the donor's best interests.
 - j) 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 Engagement Governance Group.

7.1 Approval for Philanthropic Fundraising Activities

- a) The University encourages the solicitation and acceptance of gifts which enable the delivery of high quality research, learning and teaching.
- b) Fundraising activities will be strategic and contribute to the advancement of the University and its mission.
- c) 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.
- d) 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.
- e) 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.

7.2 Coordination of Relationships with Philanthropic Donors

Proposed meetings with philanthropic donors or potential donors need to be coordinated through the Advancement Office. Without proper coordination and recording on the University's philanthropy CRM, Raiser's Edge, we risk multiple, competing approaches being made to donors which will bring harm to Swinburne's reputation.

Anyone wishing to approach a philanthropic donor can reach out to giving@swin.edu.au for support, advice and coordination.

7.3 The Swinburne Engagement Governance Committee

The Swinburne Engagement Governance Committee is responsible for ensuring the development and oversight of engagement projects, curriculum, training initiatives and other activities within the Engagement portfolio. The Committee is responsible for governance and oversight of philanthropic gifts greater than or equal to \$100,000 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 [Risk Matrix Tool](#) (refer Addendum 1) that has been reviewed by the Engagement Governance Committee.

7.4 Valuing Philanthropic Gifts

The University will base its determination of the value of gifts on the Australian Tax Office regulations. Gifts are to be valued and credited on the date the donor relinquishes control of the assets and at a fair market value. The amounts recorded by the University are to be calculated independently of the donor's estimation of the gift value. It remains the donor's responsibility to settle their own valuation with the appropriate authorities and pay for any associated costs for the purposes of their own taxation.

7.5 Gifts Requiring Outlay of University Funds

Gifts requiring a financial commitment by the University (e.g., matching funds, financing of construction projects) must receive prior approval by the Vice-Chancellor, through the Director, Advancement.

7.6 Gift Acknowledgement and Anonymity

The Advancement Office is required by the University and the Australian Taxation Office to maintain records of all donations to the University. It is also responsible for issuing receipts for tax-deductible donations in accordance with Australian Taxation Office (ATO) regulations.

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.

7.7 Acceptable Minor or Non-Material Benefit

Examples of minor or 'non-material benefit' could include:

- a) 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;
- b) In line with ATO guidelines, a small gift such as a pen, calendar, book etc
- c) Invitations to donor and alumni engagement activities;
- d) Naming a building or academic chair etc (without the use of a logo);
- e) Attaching the donor's name to an item such as a piece of equipment, a bench, pavers or lecture theatre seating.

8. Prospective Donor Research, Data Protection and Donor Privacy

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. When conducting prospective donor research, the Director, Advancement must ensure that Advancement staff:

- a) have a clear understanding of what information is fair and relevant for that purpose;
- b) use only ethical methods to obtain prospect research information;
- c) avoid personal prejudice and bias;
- d) are honest and transparent about its purpose and identity when seeking information;
- e) consider the reliability of the sources of information used; and
- f) ensure that research when presented is as accurate as possible, relevant to its purpose, and timely.

The Director, Advancement must ensure Advancement staff deal appropriately with information gathered and held by alumni, other individuals and organisations.

9. 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.

10. Recording Fundraising Revenue

The Advancement Office is responsible for recording and 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.

Addendum 1 - Risk Matrix, Consequence and Likelihood Tool

Risk Matrix

The following risk matrix is used to assess the risk and possible consequences of Swinburne accepting funds greater than \$100,000 from an individual, organisation or business.

Swinburne’s Responsible Investment Charter should be included as a reference for determining risks. Assessment and consideration of the potential donor’s practices as they relate to Aboriginal and Torres Strait Islander peoples should also be considered as part of the risk assessment to confirm that the donor’s values align with those held by Swinburne. In particular, identifying evidence and/or policy related to positive and sustainable outcomes for Aboriginal and Torres Strait Islander peoples should be assessed as part of the due diligence process.

Using the Likelihood and Consequence rating tools, this should inform the below Risk Matrix, with the rating used to support recommendations for potential donor engagement to the Swinburne Engagement Governance Committee.

	CONSEQUENCE RATING				
LIKELIHOOD RATING	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Critical (5)
Rare (A)	Low	Low	Low	Medium	Medium
Unlikely (B)	Low	Low	Low	Medium	Major
Possible (C)	Low	Low	Medium	Major	Major
Likely (D)	Low	Medium	Medium	Major	Extreme
Almost certain (E)	Low	Medium	Major	Extreme	Extreme

Likelihood Table

The following can be used as a guide for determining likelihood. Using the below definitions under each criterion, identify the most relevant and applicable criteria for rating the likelihood of the risk. Where multiple criteria can be applied in different levels, use the highest likelihood rating.

Level	Likelihood	Expected frequency experienced and % ranking
A	Rare	<ul style="list-style-type: none"> • May only occur in exceptional circumstances; 0-5% • Would be very surprised if risk occurred • Not expected to occur within next 5 years
D	Unlikely	<ul style="list-style-type: none"> • Could occur at some time; less than 6-19% chance of occurring • Slight possibility of the risk occurring • Expected to occur within 3-5 years
C	Possible	<ul style="list-style-type: none"> • Might occur at some time; 20-59% chance of occurring • There is potential for this risk to occur • Expected to occur within 2-3 years
D	Likely	<ul style="list-style-type: none"> • Will probably occur in most circumstances; 60-89% chance of occurring • Likely impacting factors outside control of Swinburne • Expected to occur within 1-2 years
E	Almost certain	<ul style="list-style-type: none"> • Can be expected to occur in most circumstances; more than 90% chance of occurring • Highly likely there are impacting factors outside control of Swinburne • Expected to occur within 6 months • Would be extremely surprised if risk didn't occur

Consequence Table

The following is a guide to determining consequence. The applicability of the operational definitions of each category of consequence of the identified risk.

Rating of Risk	Organisational outcomes Description
Insignificant (1)	<ul style="list-style-type: none"> • Little impact • Dealt with in BAU
Minor (2)	<ul style="list-style-type: none"> • Dealt with in BAU • Risk must be visible and reported to the Director • Risk must be reviewed at least annually • Requires relevant monitoring and reporting to the Director
Medium (3)	<ul style="list-style-type: none"> • Some threats to achieving objectives • Requires relevant manager's active monitoring • Risk must be visible and reported to the Director • Risk must be reviewed at least annually
Major (4)	<ul style="list-style-type: none"> • Achievement of objectives under serious threat • Management should be a priority and have active stakeholder involvement • Risk must be reviewed at least every six months • Risk should be reported to the Engagement Governance Committee
Critical (5)	<ul style="list-style-type: none"> • Objectives will not be achieved • Requires urgent attention & highest priority of relevant manager(s) and Director • Risk must be visible and reported to the Engagement Governance Committee • Risk must be reviewed at least every six months