

GIFT ACCEPTANCE POLICY 2013

The Vice-Chancellor and Principal, as delegate of the Senate of the University of Sydney, adopts the following policy.

Dated: 18 March 2013

Date commenced: 6 August 2013

Last amended: 13 June 2017 (administrative amendments only)

Signature:

Position: Vice-Chancellor and Principal

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1 Name of policy

This is the Gift Acceptance Policy 2013.

2 Commencement

This policy commences on 6 August 2013.

3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds the University, staff, students and affiliates.

4 Statement of intent

This policy:

- (a) sets out the principles to be applied when considering whether to accept a proposed gift to the University;
- (b) establishes the Gift Acceptance Committee; and
- (c) provides for appropriate, consistent and transparent acknowledgement, processing and recording of gifts to the University.

5 Application

- (1) This policy applies to the University, staff and affiliates.
- (2) This policy does not apply to gifts:
 - (a) generated through the Sydney Development Fund;
 - (b) received as a result of direct mail, email or telephone contact with a donor as part of a fundraising campaign initiated by the University, or a part of the University; or
 - (c) offered to individual employees or affiliates, for example by companies, international dignitaries or collaborators.

Note: The University's policy on gifts to individuals is set out in the [Code of Conduct – Staff and Affiliates](#).

6 Definitions

affiliate has the meaning set out in the [Code of Conduct – Staff and Affiliates](#).

At the date of this policy, this is:

a clinical title holder, an adjunct, conjoint and honorary appointee, a consultant or contractor to the University, an office holder in a University entity, a member of any University Committee and any other person appointed or engaged by the University to perform duties or functions on its behalf.

bequest means a gift of real or personal property made by will.

delegate means an employee, member or committee of Senate or any other person or entity to whom or to which a delegation has been made by Senate.

donation means a gift.

gift means any grant or transfer of property to the University where there is:

- (a) on the part of the donor, an intention to give (which is evidenced in writing or through another act);
- (b) a transfer of all right, title and interest in the property to the University; and

- (c) no material benefit received by the donor in return for making the gift.

gift acceptance agreement	means a written agreement between the donor and the University which records at least the details specified in clause 11.
gift acceptance principles	means the criteria for evaluating proposed gifts, which are set out in clause 8
non-financial gift	means a gift of real or personal property other than a gift of cash or its equivalent.
University committee	means any committee or governing body of any entity established by or with the authority of the Senate.
University entity	means any entity established by, or with the authority of, the Senate.

7 Gift acceptance generally

- (1) Only an appropriately authorised delegate may accept a gift to the University.

Note: See the [University of Sydney \(Delegations of Authority – Administrative Functions\) Rule 2016](#).

- (2) A gift to the University may only be accepted if it:

- (a) is consistent with the University's object and core values;

Note 1: The University's object is defined in clause 6 of the [University of Sydney Act 1989 \(NSW\)](#), as:

the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching and academic excellence.

Note 2: The University's core values include: the freedom to pursue open inquiry in a responsible manner; recognition of the importance of ideas and ideals; tolerance, honesty, respect, integrity and ethical behaviour; and an understanding of the needs of those whom the University serves.

- (b) is aligned with the University's strategic objectives;
(c) preserves or enhances the University's reputation; and
(d) is consistent with the gift acceptance principles.

- (3) If a delegate is uncertain as to whether a proposed gift should be accepted, he or she should first seek advice from the Development Office, and from such of the following as may be appropriate:

- (a) the Vice Chancellor and Deputy Vice-Chancellors;
(b) General Counsel;
(c) the Director, Development;
(d) the Director, Office of Museums and Cultural Engagement;
(e) the Director, Office of Investment and Capital Management

- (f) the Director, Scholarships and Prizes Office;
 - (g) the University Librarian;
 - (h) the University Archivist.
- (4) If, after taking appropriate advice, the delegate remains uncertain he or she should refer the matter to the Gift Acceptance Committee for further advice.
- (5) Gifts from tobacco companies must not be accepted.

Note: See [Tobacco Industry Funding Policy 2003](#).

8 Gift acceptance principles

(1) No material benefit to donor.

- (a) A contribution in exchange for which the University is obliged to provide something of substantial financial value to the contributor or a nominee cannot be accepted as a gift as it provides a material benefit to the donor
- (b) The determination of what constitutes a material benefit must be made on a case-by-case basis, taking into account the circumstances of the proposed donor and the proposed terms of gift.
- (c) Material benefits may include, but are not limited to:
 - (i) naming an event after a contributor;
 - (ii) exclusive display of a contributor's name and or logo;
 - (iii) participating in a contributor's promotional activities;
 - (iv) allowing a contributor to use a name or logo associated with the University;
 - (v) free or discounted attendance at a fundraising event;
 - (vi) granting exclusive or priority booking rights; or
 - (vii) providing substantial free advertising.
- (d) An advantage or acknowledgement which is minor will not be a material benefit. Non-material benefits may include, but are not limited to:
 - (i) recognition through membership of a University or Vice-Chancellor's donor circle;
 - (ii) including the donor's name on a list of supporters;
 - (iii) a small gift such as a calendar, pen or notebook;
 - (iv) invitations to University outreach events;
 - (v) naming a building, academic chair or lectureship after a donor without the use of a logo; or
 - (vi) attaching a donor's name to an item at the University, such as a chair in a lecture theatre or a musical instrument.

(2) Acceptable conditions.

Conditions attached to gifts must be consistent with:

- (a) the principle of academic freedom, especially in relation to:
 - (i) methods of research;
 - (ii) research conclusions and findings; and

(iii) dissemination and publication of research.

Note: See: [Charter of Academic Freedom](#)
[Research Code of Conduct 2013](#)

- (b) legal obligations and restrictions which affect the University or any individual member of staff or student;
- (c) maintaining the University's good reputation; and
- (d) all applicable University policies.

(3) Acceptable source.

- (a) The source of a proposed gift must be legal and consistent with all applicable University policies.
- (b) The source of a proposed gift must not arise wholly or partly from any activity which suppressed or falsified academic research or limited freedom of inquiry.

(4) Feasibility.

Before accepting a proposed gift, a delegate must be satisfied that:

- (a) it is adequate to achieve its intended purpose, or that the University agrees to meet any additional costs which may arise from accepting it;
- (b) any obligations proposed to be attached to it are reasonable and the University is able to meet them; and
- (c) accepting the gift would not lead directly or indirectly to a net decline in the University's asset base, particularly if the gift is a non-financial gift.

9 Gift Acceptance Committee

- (1) There will be a Gift Acceptance Committee which will be chaired by the Provost and Deputy Vice Chancellor.
- (2) The Gift Acceptance Committee will meet as required on an *ad hoc* basis.
- (3) Members will be appointed by the Vice Chancellor from time to time as follows:
 - (a) at least two external representatives chosen for their standing in the community or business, their knowledge and experience and their understanding of the University, its objects, values and strategic priorities;
 - (b) at least four senior representatives of the University, including the General Counsel;
 - (c) at least one Deputy Vice-Chancellor, other than the Provost;
 - (d) at least one Dean not directly connected to the gift under consideration; and
 - (e) Director of Development
- (4) The Gift Acceptance Committee will be responsible for reviewing any proposed gift referred to it by a delegate against the gift acceptance principles and providing advice to the relevant delegate.
- (5) The terms of reference for the Gift Acceptance Committee are set out in the Schedule to this policy.

10 Accepting or declining gifts

Responsibility for deciding whether to accept a proposed gift always remains with the relevant delegate.

11 Confirming and documenting gifts

- (1) The proposed donor must be appropriately acknowledged, and advised of the University's decision to accept or decline a gift.
- (2) The terms of any gift must be clearly documented in writing in:
 - (a) a will;
 - (b) a gift acceptance agreement; or
 - (c) a letter from the University to the donor confirming acceptance.
- (3) The document recording acceptance of a gift must also clearly record all terms or conditions attached to it.
- (4) Where appropriate, donors should be informed of relevant University policies that may affect the administration of their gift, and that these policies may change over time.

12 Reporting

The relevant delegate responsible for accepting a gift must ensure that it is appropriately processed and recorded.

13 Procedures

The Director, Development may, by written determination, establish procedures for the implementation of this policy.

NOTES

Gift Acceptance Policy 2013

Date adopted:	18 March 2013
Date commenced:	6 August 2013
Date amended:	13 June 2017 (administrative amendments only)
Administrator:	Director, Development
Review date:	18 March 2018
Related documents:	
	University of Sydney Act 1989 (NSW)
	Charter of Academic Freedom 2008

Code of Conduct - Staff and Affiliates

Research Code of Conduct 2013

Donor and Alumni Information: Guidelines for Confidentiality and Privacy 2000

Student Recognition Awards Policy 2016

Foundations Policy 2016

Foundations Procedures 2016

Gift Acceptance Procedures 2010

Gift Administration Policy 2012

Naming of Buildings and Other Significant Physical Assets Policy 2005

Naming Policy- Positions and Events 1995

Tobacco Industry Funding Policy 2003

Donor Charter

AMENDMENT HISTORY

Provision	Amendment	Commencing
Entire policy	Rewritten to conform to new format and template	6 August 2013
6	Definition of academic college deleted	6 August 2013
	Definition of gift amended	
	Definition of non-financial gift added	
	Definition of endowment deleted	
8	Definition of material benefit amended	6 August 2013
7(1)note	Updated reference to <i>University of Sydney (Delegations of Authority – Administrative Functions) Rule 2016</i>	13 June 2017
8(2)(iii); related documents	Updated references to internal policy documents	13 June 2017

SCHEDULE

GIFT ACCEPTANCE COMMITTEE TERMS OF REFERENCE

PURPOSE

The Gift Acceptance Committee will, in response to a request from a delegate, provide an independent source of considered and consistent guidance about the advisability of accepting a proposed gift or gifts. In providing such advice the Gift Acceptance Committee will consider and apply the gift acceptance principles set out in the Gift Acceptance Policy.

The Committee may also advise in relation to proposed commercial arrangements with third parties, such as sponsorship.

CHAIR

The Committee will be chaired by the Provost and Deputy Vice-Chancellor.

MEMBERSHIP

Members will be appointed by the Vice-Chancellor from time to time. The Committee will comprise:

- (a) at least two external representatives chosen for their standing in the community or business, their knowledge and experience and their understanding of the University, its objects, values and strategic priorities;
- (b) at least four senior representatives of the University, including the General Counsel;
- (c) at least one Deputy Vice-Chancellor, other than the Provost;
- (d) at least one Dean not directly connected to the gift under consideration; and
- (e) Director of Development

MEETINGS

The Committee will meet on an *ad hoc* basis, in response to a request from a delegate. The Committee may consider issues and reach decisions by circulation of documents where necessary.

PROCESS

A delegate seeking the Committee's advice should notify the Chair in writing. The delegate should provide full details of the proposed arrangement, including copies of

relevant documents and any advice received from the Development Office, Office of General Counsel or any other relevant University office.

The Committee may draw on information from any source it considers relevant, including the knowledge of individual Committee members.

After consideration of a proposal the Committee will provide written advice as to whether the gift should be declined, accepted or accepted subject to conditions being negotiated with the potential donor. The Committee will provide reasons for its advice.

SECRETARIAT SUPPORT

The Development Office is responsible for providing support to the Committee.