

## Donations Acceptance and Solicitation Procedures

### 1. COMPLIANCE OBLIGATION SUPPORTED

[Donations to Curtin Policy](#)

### 2. PROCEDURAL DETAILS

This procedure covers the acceptance, solicitation and administration of donations receivable by and in the name of the University.

#### Role of Advancement

- 2.1. Advancement has primary responsibility for managing the acceptance, solicitation and administration of donations.
- 2.2. Individuals who are directly approached regarding a donation, or who seek to raise funds in the University's name, will work in partnership with Advancement and in compliance with this procedure.
- 2.3. Advancement will engage with the leadership of relevant Faculties, Schools and Areas in the cultivation and solicitation of donations.
- 2.4. Individuals who become aware of a potential donation will notify Advancement at the earliest possible time.

#### Principles when soliciting/accepting donations

- 2.5. Donations must only be accepted if the relevant delegated authority (per 2.18) considers that this would be in the best interests of the University. In determining this, the delegated authority will consider whether the donation would:
  - 2.5.1. limit academic freedom or freedom of speech;
  - 2.5.2. compromise the University's status as an independent institution;
  - 2.5.3. be consistent with the University's Values, Vision and Strategy;
  - 2.5.4. cause damage to the University's reputation;
  - 2.5.5. cause financial loss or any other damage to the University; or
  - 2.5.6. deter significant numbers of donors.
- 2.6. The following donations will not be accepted:
  - 2.6.1. donations from individuals or entities which trade in tobacco or pornography, and their associated entities;
  - 2.6.2. donations from individuals or entities which have a current or former material financial interest in an entity listed in 2.6.1;
  - 2.6.3. donations which contravene applicable law/s;
  - 2.6.4. donations where the source of the funds in question is unknown; and
  - 2.6.5. donations which create conflicts of interest which cannot be appropriately managed in a reasonably practicable manner.
- 2.7. The Chief Advancement Officer (CAO) will maintain a list of [Donation Caution Areas](#) (accessible via the Staff Portal) which must be reviewed to assist in determining whether or not a donation should be solicited/accepted. The CAO will review and update the list annually.
- 2.8. Delegated authorities must consider the total value of a potential donation to the University, taking into account any associated costs or other obligations, for example additional funding or resourcing requirements, ongoing maintenance costs etc.

#### Conduct

- 2.9. Individual conduct when soliciting/accepting donations will:
  - 2.9.1. be in accordance with the [Code of Conduct](#);

- 2.9.2. be transparent about donations in terms of their sources and purposes;
- 2.9.3. be respectful towards donors and their wishes; and
- 2.9.4. comply with the wishes of donors who wish to remain anonymous, to the extent that it is legally and practically possible.

### **Due diligence**

- 2.10. Advancement will work with the relevant Faculty, School or Area to ensure that due diligence is conducted and recorded appropriately for each potential donation (refer to [Due Diligence Checklist](#)).
- 2.11. Due diligence must, at a minimum:
  - 2.11.1. identify the ultimate source of funding for the donation, having regard to the size and nature of the donation, and the relevant individual or organisation;
  - 2.11.2. identify the donor, and where applicable the individuals who control the legal entity, such as a corporations or trusts providing the donation;
  - 2.11.3. identify if the donation is unacceptable (as per 2.5 and 2.6) or relates to a [Donation Caution Area](#) (as per 2.7);
  - 2.11.4. identify whether the donation involves or relates to foreign individuals or entities;
  - 2.11.5. distinguish between rumour or speculation and matters of confirmed fact or legal finding regarding donors; and
  - 2.11.6. identify how the donation aligns with the University Values, Vision and Strategy and Faculty/Area business plan.
- 2.12. Donations involving foreign parties under 2.11.4 will be referred to the Office of the Chief Security Officer for advice.

### **Purpose of the donation**

- 2.13. The purpose of the donation will be clearly identified as either:
  - 2.13.1. designated – to a specific purpose; for example, a Faculty, School, Area, scholarship, program or research topic/project; or
  - 2.13.2. undesignated – the University has discretion to decide where to apply the donation.
- 2.14. The University may repurpose a donation where it considers that it is no longer reasonably practicable to apply the donation for the original intended purpose. In such instances, the University will:
  - 2.14.1. use reasonable endeavours to consult with the donor, or donor representative, on the future use of the donation; and
  - 2.14.2. ensure that, to the extent reasonably practicable, the donation is used for a purpose which is as close as possible to the original intended purpose.
- 2.15. Donations intended to support research will be referred to Advancement. Advancement will then work with academic leadership in Faculties and Schools, and with the Research Office at Curtin (ROC), to align the donor's wishes to appropriate research project(s) and priorities.
- 2.16. Applications to donors for research funding which fall within the following categories must be referred to Advancement for relationship and reporting purposes: Higher Education Research Data Collection Category 2: Other Public Sector Research and Experimental Development Income and Category 3: Industry and other Research and Experimental Development Income.

### **Authority to accept donations**

- 2.17. Curtin's [Register of Delegations](#) sets out employees who are authorised to accept donations to the University.
- 2.18. Delegated authorities may only approve donations where the subject matter is within their area of organisational authority.

## **Referral of decision to solicit or accept a donation**

- 2.19. Delegated authorities will refer to the CAO for a decision as to whether or not to solicit or accept a donation when:
  - 2.19.1. after considering the factors in 2.5 and 2.6, they are proposing not to accept a donation;
  - 2.19.2. the donation is from an area identified as a [Donation Caution Area](#) (as per 2.7); or
  - 2.19.3. the donation is likely to lead to a more than Insignificant (1) rating for any of the Consequence categories in the Consequence Table 2 within the [Curtin Risk Rating and Acceptance Tables](#).
- 2.20. The CAO will refer a decision to the Vice-Chancellor when a donation is not within the CAO's financial delegation and/or when a potential donation is likely to lead to a more than Minor (2) rating for any of the Consequence categories in the Consequence Table 2 within the [Curtin Risk Rating and Acceptance Tables](#). The Vice-Chancellor will be provided with all available information arising from the due diligence process.
- 2.21. There may be instances where the University will review a previous decision to accept a donation. The CAO will refer to the Vice-Chancellor, who may seek advice from Legal Services before making a final decision.

## **Donation agreement/recording and acknowledgement**

- 2.22. The University will endeavour to enter into formal Donation Agreements with donors for all donations above \$10,000 in value. Donation Agreements will record the purpose of the donation (where specified), and all other relevant terms and conditions.
- 2.23. The University acknowledges that some donors may not wish to enter into a formal Donation Agreement. In these circumstances, the purpose of a donor's contribution (where specified), as well as all terms and conditions of the donation, will be documented in the donor acknowledgement as per 2.25.6 below.
- 2.24. All Donation Agreements will be saved in the Raiser's Edge database.
- 2.25. Advancement is responsible for:
  - 2.25.1. creating Donation Agreements in collaboration with Faculties, Schools and Areas;
  - 2.25.2. recording donations and Donation Agreements (if applicable) and relevant supporting documentation in the Raiser's Edge database and University financial records;
  - 2.25.3. recording due diligence information in the Raiser's Edge database;
  - 2.25.4. raising an invoice or pledge statement for a donation (where required);
  - 2.25.5. issuing a donation receipt;
  - 2.25.6. sending donor acknowledgement; and
  - 2.25.7. managing donor funds in a careful, responsible, transparent and consistent manner.
- 2.26. A Goods and Services Tax (GST) will be applied to donations if required by the relevant Legislation, for example where the donor receives material benefit, such as a corporate sponsorship.
- 2.27. All donors will be offered opportunities for continuing engagement with the activities that they have funded, however, the management and governance of those activities will rest solely with the University.

## **Reporting**

- 2.28. Advancement will maintain adequate records of all donations received which will reconcile with the University financial records.
- 2.29. The CAO will provide a report on an annual basis to the Vice-Chancellor detailing donations received and compliance with these procedures.

## **Advice to donors**

- 2.30. Individuals will not provide financial or legal advice to donors or potential donors. Donors will be encouraged to consult with their relevant advisor.
- 2.31. Individuals will not function as the Executor or witness of any Will which contains a donation.

## **Complaints by donors**

- 2.32. Where a donor or prospective donor makes a complaint related to this procedure, they will be referred to the online Complaints Portal as per the [Complaints Procedures](#).

## **3. RESPONSIBILITIES**

Responsibilities are as set out in Section 2.

## **4. SCOPE OF PROCEDURES**

These procedures apply to employees, adjuncts, University Associates, in any location or campus, within Australia.

## **5. DEFINITIONS**

(Note: Commonly defined terms are located in the [Curtin Common Definitions](#). Any defined terms below are specific to this document)

### **Donor**

Refers to an individual, foundation, corporation, trust, institution, group, government or other entity who makes a donation.

### **Donation**

A contribution to the University, either financial or in-kind, which may be directed toward a specific purpose or used according to the University's discretion. Examples of types of donations are cash or equivalent, capital equipment, tangible personal property (art, coin collections, jewellery), objects of significant cultural or historical value, shares, real estate (built property and land), corporate sponsorships (not funded by Curtin) and bequests; but exclude items such as research consumables. ([See University Advancement Staff Portal](#)).

## **6. SCHEDULES**

Nil

## **7. RELATED DOCUMENTS/LINKS/FORMS**

[Research Management Policy](#)

[Generating and Receiving Income Policy](#)

[Endowment Policy and Procedures](#)

[Donations to Curtin Policy](#)

[Naming Rights Procedures](#)

[Complaints Procedures](#)

[University Advancement Staff Portal \(Caution areas/Types of Donations and Due Diligence Table\)](#)

[Risk Rating and Acceptance Tables](#)

[Register of Delegations](#)

[Higher Education Research Data Collection \(HERDC\)](#)

[State Records Act WA 2000](#)

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<b>Approval Authority</b>	Finance Committee
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**REVISION HISTORY** (*filled out by Compliance Services*)

<b>Version</b>	<b>Approved/ Amended/ Rescinded</b>	<b>Date</b>	<b>Committee / Board / Executive Manager</b>	<b>Approval / Resolution Number</b>	<b>Key Changes and Notes</b>
	Approved	05/11/2015	Vice President, Corporate Relations	EM1518	Conditional upon PMC rescission of the Donations Policy and Procedures. PMC rescinded the Donations Policy and Procedures on 24th November 2015 PMC 100/15
	Administratively Updated	28/04/2016	Director, Legal and Compliance Services		Removal of Guiding Ethical Principles to Curtin Values
	Approved	01/02/2024	Finance Committee	FC11/24	Attachment A