

# Gift Committee

## Terms of Reference



*A committee of Council established in accordance with section 18(1)(b) of the University of Melbourne Act 2009 (Vic) and section 38 of the Standing Resolutions of Council*

*Approved by Council 15 March 2023*

### 1. PREAMBLE

The Gift Committee is a committee of the University of Melbourne Council. It is charged with representing donors' interests and assists Council in overseeing and administering philanthropic gifts and sponsorship income from donors and partners to any part of the University.

The Committee ensures the appropriate and effective acceptance and use of gifts to the University and the appropriate acceptance of sponsorship cash and/or in-kind support.

The Committee also oversees the University's stewardship of all gifts to the University including those that are held by the University on trust.

### 2. MEMBERSHIP

Members	
Chair (external member of Council with financial and/or legal expertise) appointed by Council	Professor Andrew Cuthbertson AO (Deputy Chancellor and Chair)
Chancellor (or nominee)	Chancellor Jane Hansen AO
Vice-Chancellor (or nominee)	Professor Nicola Phillips, Provost (nominee)
Deputy Vice-Chancellor (International)	Professor Michael Wesley
Three persons appointed by Council, at least one of whom is a Council member or Council elected member.	Professor Lou Harms (Council member; Chair and Head of Social Work, and Deputy Head of the School of Health Sciences, Faculty of Medicine, Dentistry and Health Sciences)  Associate Professor Daniel Halliday (Associate Professor in Political Philosophy, School of Historical and Philosophical Studies, Faculty of Arts)  Peter McMullin AM
Up to three additional external members co-opted on the basis of relevant experience in gift acceptance.	Lara McKay
A Dean of a Faculty or Graduate School or Head of other University body, appointed by Council on an annual basis with a view to rotating amongst Faculties, Graduate Schools and other University bodies that receive gifts.	Professor Mark Cassidy (Dean, Faculty of Engineering and Information Technology)

In Attendance	
Vice-President (Administration and Finance) and Chief Operating Officer	Paul Axup
Vice-President (Advancement)	Nick Blinco
General Counsel and Executive Director, Legal and Risk (or nominee)	Sarah Morgan (nominee)
Senior Director, Advancement Operations	Joanna Watts
Head of Prospect Research and Management, Advancement	Edwina Kenrick

The quorum for the Committee is three members.

### 3. TERMS OF REFERENCE

The functions of the Gift Committee are:

#### ***Oversight of philanthropic framework, compliance and reporting***

- 3.1 Oversee University philanthropy practices and policies ensuring donor wishes are honoured, the Gift Policy is adhered to, and gift compliance obligations (including any external obligations) are fulfilled.
- 3.2 Report annually to Council on the administration of philanthropic gifts at the University.
- 3.3 Receive reports on the investment performance of philanthropic funds, under management by Finance Committee, and ensure that relevant information is provided to the University's donors.

#### ***Gift acceptance***

- 3.4 Provide advice to Council on an appropriate gift acceptance and review framework that aligns with and supports the University's strategy, reputation and Objects as defined in the *University of Melbourne Act 2009* (Vic).
- 3.5 This Committee has a delegation from Council to receive and/or request further information and to decide whether or not to accept a gift as referred from the Vice-President (Advancement) or from the Vice-Chancellor.
- 3.6 Where the Vice-President (Advancement) or the Vice-Chancellor believe there may be conflict with any of the principles set out in the Gift Policy and Donations Framework, they may refer the situation to the Gift Committee, which then determine whether the gift will be accepted by the University.
- 3.7 Receive reports on outcomes and/or request further information about gifts that are supporting research and have been reviewed by the University's Research Due Diligence Advisory Group (RDDAG).
- 3.8 In making the decision whether a gift will be accepted by the University, the Committee must consider whether, in the light of all available information, the best interests of the University of Melbourne are served in accepting or declining the gift in question.
- 3.9 Review any concern raised about a 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.

#### ***Sponsorship (cash and/or in-kind) support acceptance***

- 3.10 Receive and decide referrals from the Vice-President (Advancement) or from the Vice-Chancellor of any sponsorship (cash and/or in-kind support) where they believe the acceptance of such may create reputational risk for the University and determine whether the sponsorship cash and/or in-kind support will be accepted by the University.
- 3.11 Review any concern raised about sponsorship cash and/or in-kind support that has already been accepted by the University and decide whether it is appropriate to retain the existing sponsorship cash

and/or in-kind support, to return the sponsorship cash and/or in-kind support to the partner (where possible at law) or to take any other action in relation to it.

#### ***Gift administration***

- 3.12 Consider any matters referred to it by Council relating to gifts, including those gifts held by the University on trust, and refer issues to Council that require decisions by Council as they arise.
- 3.13 Provide advice to Council on the policy and practices that the University is to apply in relation to the proper administration and performance of trusts and gifts held long-term in the University's Common Fund and other funds involving fiduciary obligations.
- 3.14 These includes the proper content and form of University documentation recording trust obligations or donor's wishes and gift related administrative arrangements.
- 3.15 Review and provide such advice to Council as the Committee considers appropriate on the report to be provided annually by the Vice-Chancellor on the administration and performance of each trust and gift held long-term against its obligations, including any external compliance obligations.
- 3.16 Recommend to Council for approval the gift threshold levels in accordance with the Gift Policy.
- 3.17 Report to Council on any approved proposals to apply gift property in a manner that varies from donor wishes for gifts not held on trust in accordance with the Gift Policy.
- 3.18 Recommend to Council for approval application of gift property that is not held on trust in a manner that varies from donor wishes in accordance with the Gift Policy.
- 3.19 Receive notification of any significant donor complaints, monitor the University's response, and/or request further information. Where relevant, provide advice on any appropriate response.

#### ***Proactive fundraising entities<sup>1</sup>***

- 3.20 Review and approve for recommendation to Council all proposals for the establishment of any new (or amendment(s) to existing) charitable trusts or gifts to be held long-term in the University's Common Fund as proactive fundraising entities.
- 3.21 Receive reports from all University trusts or gifts held long-term in the University's Common Fund which have been established as proactive fundraising entities.

## **4. FREQUENCY OF MEETINGS**

At least four times a year, or as required.

## **5. REPORTING TO COUNCIL**

The Chair will provide a written report on the outcomes of matters considered by the Committee. The report will be considered at the first meeting of Council held after the Committee meeting.

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<sup>1</sup> Proactive fundraising entities mean philanthropic fundraising entities who have a board or leadership team whose purpose is to raise funds for the University as a whole or generally for a faculty, school or other unit within the University (e.g. foundations for particular faculties, schools or other units at the University.) This definition does not include small scale, specific, one-off appeals (i.e. appeals for named scholarships or appeals to honour individuals).