

GIFTS POLICY

SCOPE

This policy applies to all forms of gifts both given and received by all Monash University staff and/or adjuncts acting on behalf of the University at all locations, and to all Monash College staff.

For the purpose of this policy, references to Monash University Australia or 'the University' includes activity at Monash University Malaysia, Monash College, Monash Suzhou and the Monash University Prato Centre, unless indicated otherwise.

POLICY STATEMENT

The giving and accepting of gifts ('gift activity') across the University encompasses different types of activities and arrangements. This policy outlines the University's position and requirements for:

- the acceptance and offering of gifts, benefits and hospitality by or to individual staff members and/or adjuncts (hereinafter referred to as 'staff'); and,
- philanthropic gift activity, which comprises the soliciting, acceptance and administration of gifts given by donors, to benefit the University.

1. General principles

- 1.1 All gift activity at the University must:
 - reflect the highest degree of professional integrity and independence;
 - maintain public trust in the University; and,
 - not limit academic freedom.
- 1.2 Philanthropic gift activity, including engagement with external stakeholders, will be undertaken in a manner that ensures the accountability, consistency and transparency of all gifts solicited and received for University purposes.
- 1.3 Staff members who are offered or offering gifts, benefits and hospitality on behalf of the University must exercise proper judgement in ensuring that the gift and/or expenditure is ethical, reasonable and proportionate.

2. Gifts offered to and made by University staff

- 2.1 In the course of their work, staff may be offered gifts by internal or external parties. Gift giving is an accepted aspect of business relationship culture, and gifts made using University funds may be offered by staff as a token of appreciation for staff, students or external parties such as volunteers or research participants.
- 2.2 Staff must act in the best interests of the University when offering or accepting offers of gifts. Staff must not seek or solicit gifts, personally accept a gift, or give a gift to internal or external stakeholders on behalf of the University if the gift activity could:
 - be seen as a bribe or inducement;
 - give rise to an actual, potential or perceived conflict of interest;
 - bring the University into disrepute; or
 - be perceived as a breach of probity.
- 2.3 When offering, accepting or refusing gifts, benefits and hospitality, staff must do so in accordance with the requirements set out in the Gifts, Benefits and Hospitality Procedure.
- 2.4 Staff must not personally accept a gift if the gift is cash.

- 2.5 Gifts must not be given as an alternative to payment for services performed for the University. Gifts of cash are not permitted to be paid to individuals unless the payment is given to research participants and prior approval has been given by the staff member's supervisor or manager (if the supervisor does not hold the relevant authorised financial limit).
- 2.6 Where a gift has been accepted or declined it must be reported to and approved by the Head of Unit or Portfolio Head, or the Director, Governance for Monash College staff only, in accordance with the Gifts, Benefits and Hospitality Procedure if the gift value is at or above:
- Monash University Australia: AUD500
 - Monash University Malaysia: RM300
 - Monash Suzhou: RMB500
 - Monash University Prato Centre: EUR300
 - Monash College: AUD200, or an aggregate value of gifts over AUD200 in a calendar year from a single source.

3. Philanthropic gifts received by the University

- 3.1 The University values philanthropic gifts from individuals and organisations to foster excellence in education and research, critical enquiry and debate, and positive community engagement.
- 3.2 The University maintains a consistent and integrated approach to sourcing and securing gifts, coordinated by External Relations, Development and Alumni (ERDA) and the External Engagement unit for Monash University Malaysia.
- 3.3 All queries regarding philanthropic gifts and/or prospective gifts and supporting documentation must be directed to ERDA via donor.relations@monash.edu. This includes any non-cash gifts that might be offered to the University, such as shares or property.
- 3.4 Philanthropic gifts must be accepted in a manner that protects the University's endorsed charitable status and meets all applicable tax and legal obligations.
- 3.5 Philanthropic gifts must be reviewed, processed and receipted in accordance with the [Philanthropic Gift Acceptance and Administration Procedure](#).
- 3.6 Refunds of philanthropic gifts made to the University will not be made unless an administrative or transactional error is identified.

4. Donations made to other organisations

- 4.1 In exceptional circumstances, University funds may be donated to external organisations. Approval to do so must be given by either Monash University Council or the Vice-Chancellor for Monash University Australia, the Monash University Malaysia Board for Monash University Malaysia or the Monash College Board for Monash College.
- 4.2 Approval will only be given in exceptional circumstances and where a donation has purposes that are consistent with the objectives of the University, set out in section 5 of the [Monash University Act 2009](#).
- 4.3 Staff who make unauthorised donations using University funds will be required to repay the amount.

5. Roles and responsibilities

- 5.1 All staff are responsible for undertaking gift activity honestly and with good judgement on behalf of the University, as set out in this policy and its associated procedures.
- 5.2 Supervisors and line managers are responsible for overseeing the acceptance and refusal of gifts, benefits and hospitality and for providing direction to promote awareness and model good practice.
- 5.3 The Vice-President (Advancement) is responsible for accepting or refusing philanthropic gifts on behalf of Monash University Australia, and the Registrar on behalf of Monash University Malaysia.

6. Monitoring and reporting

- 6.1 The Gifts Reporting Register will be maintained by Monash HR for all locations and will be submitted to the Audit & Risk Committee on an annual basis.
- 6.2 The University treats any breach of policies or procedures seriously, it encourages reporting of concerns about non-compliance and manages compliance in accordance with the applicable Enterprise Agreement, relevant instrument of appointment or contract terms.

DEFINITIONS

Cash	<p>Cash is defined to mean money, including notes, coins, cheques or deposits made by electronic transfer.</p> <p>For the purpose of this policy, gift vouchers are not considered cash.</p>
Designated Gift	<p>A gift where the donor has indicated a preference for how it should be used (e.g. scholarships, research, and programs).</p>
Donation	<p>Has the same meaning as “Gift” and the words are used interchangeably throughout this policy.</p>
Donor	<p>An individual, entity, or estate who makes a philanthropic gift to the University. In the case of bequests, donors may also be referred to as bequestors or testators.</p>
Due Diligence	<p>The range of practical steps taken by the University, so it is reasonably assured of the origin of the gifts and its prospective donors and is able to identify and manage associated risks.</p>
Gift	<p>A gift is something voluntarily transferred from one person to another without an expectation of payment or other compensation from the person who receives the gift. For the purpose of this policy, a gift includes free or discounted items, including hospitality and/or entertainment, and any item given or accepted that would generally be seen by the public as conferring a benefit to the individual receiving it. Philanthropic gifts received by the University are separately defined.</p> <p>Gifts may be provided as cash or non-cash items (e.g., property, artwork, flowers, jewellery and alcohol). Gifts can also include benefits (e.g. favours or privileges such as access to memberships or programs) and hospitality and/or entertainment (such as tickets to a show or sponsored travel).</p> <p>Prizes, awards and grants are excluded from the definition of a gift, as are scholarship payments to students.</p>
Head of Unit	<p>The head of an academic or organisational work unit, for example Head of School, Head of Department.</p>
Monash College staff	<p>For the purpose of this policy, ‘Monash College staff’ includes all Monash College staff, contractors and members of the Monash College Board.</p>
Philanthropic gift	<p>The transfer of money, property or other assets to the University, made with philanthropic intent, where:</p> <ul style="list-style-type: none"> ● the transfer is made voluntarily; ● the transfer arises by way of benefaction; ● no material benefit or advantage is received by the donor by way of return; and ● the money, property or other assets will be owned in full by the University once received. <p>Gifts may be designated for a specific purpose by the donor (e.g. scholarships, research, and programs) or undesignated.</p>
Undesignated Gift	<p>A philanthropic gift where the donor has not indicated a preference for how it should be used, thereby providing the University with flexibility to use the gift where it is needed most.</p>
University funds	<p>Any revenue source Monash University legally owns or is entitled to, that has not specifically been set aside for, or subject to a condition to be allocated or spent on philanthropic, research or another specified purpose.</p>

GOVERNANCE

Supporting procedures	<p>Bequests Procedure Gifts, Benefits and Hospitality Procedure Philanthropic Gift Acceptance and Administration Procedure</p>
Associated policies	<p>Monash University Coursework Scholarships and Prizes Policy Ethics Statement Policy Fraud and Corruption Policy Integrity and Respect Policy Procurement Policy</p>

	Whistleblower Policy Monash College Staff Personal and Professional Code of Conduct Policy Whistleblower Policy Fraud, Bribery, Foreign Bribery and Corruption Policy Conflict of Interest Policy
Legislation mandating compliance	Australian Charities and Not-for-profits Commission Act 2012 Income Tax Assessment Act 1997 (Cth) Fundraising Act 1998 (Vic)
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Policy owner	Chief Operating Officer & Senior Vice-President
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