

Monash University Policy

Policy Title	Bequests Policy
Date Effective	07-June-2011
Review Date	07-June-2014
Policy Owner	Senior Manager, Donor Stewardship and Recognition
Category	Operational
Version Number	1.2
Content Enquiries	Senior Manager, Donor Stewardship and Recognition Email: donorservices@monash.edu
Scope	All campuses All faculties and divisions All staff All bequests and planned / deferred gifts
Purpose	The Bequests Policy provides general principles and guidelines in relation to the acceptance of philanthropic gifts as bequests or testamentary gifts through wills at Monash University.
POLICY STATEMENT	

Principles

Donors may choose to leave Monash University a gift through a will which may take the form of a legacy, residuary bequest, pecuniary bequest, contingency bequest or specific bequest.

Monash University will ensure that benefactors are appropriately honoured for their generosity and that the integrity of the bequests is maintained. The University will seek to maintain the highest ethical standards in the acquisition and administration of bequests.

Monash University will only accept bequests which are made to the University with no specified purpose (i.e. unrestricted), or if specified, where the purpose of that bequest is aligned with the University's core values and strategic direction. With this in mind the expressed wishes and intentions of the donor will be paramount in determining the purpose for which the gift will be used.

Monash University may accept or refuse any gift. Responsibility for decisions relating to the acceptance or refusal of gifts lies ultimately with the University Council, and is delegated to the Executive Director, External Relations, Development and Alumni (ERDA).

The External Relations, Development and Alumni Division is responsible for the acknowledgement and recording of philanthropic gifts.

Supporting Procedures	Bequests Procedures Gift Acceptance Procedures Physical Entity Naming - Functional Naming Procedures
------------------------------	--

	Physical Entity Naming - Honorific Naming Procedures Physical Entity Naming - Philanthropic Naming Procedures Potential Donor Management Procedures	
Responsibility for implementation	Executive Director, External Relations, Development and Alumni (ERDA) Director, Communications, Research and Information Services Deans Office of the General Counsel	
Status	new	
Approval Body	Academic Quality and Standards policies Name: Meeting: Date: Agenda item:	Operational policies Name: Vice-President (Advancement) Date: 07-June-2011
Endorsement Body	Academic Quality and Standards policies Name: Meeting: Date: Agenda item:	Operational policies Name: Director, Communications, Research and Information Services Date: 03-June-2011
Definitions	<p>Bequest: A gift of a monetary sum or property derived from the estate of a deceased individual through a will given into the permanent possession of the University. The income may be used to fund prizes, bursaries and/or scholarships. A bequest is sometimes also called a legacy.</p> <p>Bursary: An award carrying financial advantage in undertaking a specified course of study which also takes into account special needs and circumstances of applicants. The advantage is usually in the form of full or partial payment to cover fees, or meeting of costs associated with the course of study such as living costs, purchase of books, or accommodation.</p> <p>Codicil: A document that amends, rather than replaces, a previously executed will. Amendments made by a codicil may add or revoke a few small provisions (e.g., after something is sold or bought), or may completely change the majority of the devises and bequests. Each codicil must contain the same legal requirements as the original will, such as the signatures of the testator and two or three disinterested witnesses.</p> <p>Contingent Bequest: A gift that takes place only if the testator is not survived by certain individuals or if other stated conditions are not met. A contingent bequest can be either a specific bequest or a residuary bequest.</p> <p>'Cy près': When a gift is made by will or trust and the named recipient of the gift no longer conducts the activity for which the gift is made, then in some cases the estate or trustee may make the gift to the faculty/department which comes closest to fulfilling the purpose of the gift.</p> <p>Designated Gift: Bequests and planned gifts may also be designated to a faculty, area of research/study, or pre-existing Foundation. In this case, the University will establish Regulations under Monash University (Council) Regulations Part 12, to formally record the wishes of the donor as expressed through the wording of their will. Faculty heads (Deans) will decide on the best way to apply the funds.</p> <p>Endowment: An endowed fund, named for the donor or another person the donor chooses to honour, the income from which is usually for a designated</p>	

	<p>purpose. Named endowments are co-mingled with other endowments for investment purposes, but accounted for separately.</p> <p>Executor: The person named in a will to administer an estate. If there is no will or if the executor appointed in the will cannot for some reason perform such duties, the person appointed by the court to settle the estate is called the “administrator.”</p> <p>“Intention to Make a Bequest” document: A document that details the donor’s intent to make a planned gift by his or her Will, and outlines the donor’s wishes.</p> <p>Probate: The court-supervised process of exhibiting and proving a will by the executor of an estate, and the obtaining of a certificate from the court to show that the will has been proved.</p> <p>Prize: A reward given to a student or staff member in recognition of outstanding achievement in academic or work related studies.</p> <p>Proportional Bequests: A percentage of an estate, asset or a percentage of the net estate.</p> <p>Residuary Bequests: Gifts of the remainder of a deceased estate after specific bequests, debts, taxes and other expenses have been paid. A residuary bequest may be all of the remainder of any estate, or a percentage of the remainder.</p> <p>Scholarship: A merit award based on academic performance which provides financial advantage to students undertaking a specified course of study. The advantage is usually in the form of full or partial payment to cover fees, or meeting of costs associated with the course of study such as living costs, purchase of books, or accommodation.</p> <p>Specific Bequests: Defined gifts of assets made by Will such as a particular amount of money, a particular parcel of real estate, or specific books, shares or jewellery.</p> <p>Trust: A mechanism that for example allows a spouse or other person to use property and receive all income derived from an estate in their lifetime; Monash University can be nominated to receive the capital after their death.</p> <p>Trustee: The person or institution that holds legal title to property in a trust and has responsibility for managing it.</p> <p>Unrestricted Gift: A gift that the donor has determined should be free of circumscriptions, thereby providing the University with the flexibility to use the gift where it is needed most. It may be spent immediately on an urgent issue, or added to the University’s endowment fund. Such a decision is made by the University Council.</p> <p>Will (also: Last Will and Testament): In the common law, a document by which a person (the testator) attempts to regulate the rights of others over his/her property or family after death. A will can also be used as the instrument establishing a trust (called a testamentary trust).</p>
Legislation Mandating Compliance	<p>Monash University Statutes and Regulations: Monash University (Council) Regulations Part 12</p> <p>Australian Legislation: Australian Taxation Office Goods and Services Tax Ruling GSTR 2000/11 (Sections 57 – 61) Fundraising Act (Vic) 1998 Fundraising Regulations 2009 (VIC) Income Tax Assessment Act 1997 Australia (Sub-divisions 30-A, 30-BA and 30-CA, Sub-divisions 50-A and 50-B)</p>

	<p>Information Privacy Act 2000 (VIC) (Schedule 1)</p> <p>Tobacco Act 1987 Section 9 (incorporating amendments as at 5 April 2005 (VIC))</p> <p>Malaysian Legislation:</p> <p>Income Tax Act 1967</p> <p>South African Legislation:</p> <p>Income Tax Act 58 of 1962</p> <p>National Heritage Resources Act (No. 25 of 1999)</p> <p>Non-Profit Organisations Act 71 of 1997</p>
<p>Related Policies</p>	<p>Fundraising Policy</p> <p>Gift Acceptance Policy</p> <p>Potential Donor Management Policy</p> <p>Physical Entity Naming Policy</p> <p>University Privacy Policy</p>
<p>Related Documents</p>	<p><u>ERDA Website</u></p> <p><u>Universities Australia Code of Practice for Australian University Philanthropy</u></p> <p><u>University Ethics Statement</u></p>