



Bequests procedure

Section 1 - Preamble

(1) This Procedure is effective from 22 May 2023.

Section 2 - Purpose

(2) This Procedure outlines the process for effectively managing bequests and prospective bequests to the University.

Section 3 - Scope

(3) This Procedure applies to the management of prospective bequests and the acceptance, recording and recognition of bequests to the University.

Section 4 - Policy

(4) This Procedure is pursuant to the [Philanthropic Gifts policy](#).

Section 5 - Procedure

Bequest enquiries

(5) Bequest enquiries should be directed to Deakin Advancement.

(6) University employees and office holders must maintain the highest ethical standards at all times when engaging a bequest donor or bequest prospective donor. This includes not accepting appointment as power of attorney, executor or trustee of a bequest, nor writing or witnessing a Will for a bequest donor or prospective donor unless they have family, social, or personal contacts with the donor or prospective donor which are separate to their position at the University and do not involve a conflict of interest (see [Declaration of Interest procedure](#)).

Prospective bequest donor

(7) If a prospective bequest donor approaches the University, the prospective bequest donor is to be introduced to the Development Manager – Gifts in Wills.

(8) The Development Manager – Gifts in Wills ensures that a Relationship Manager is assigned to the prospective bequest donor.

(9) The Relationship Manager will liaise with the donor and the relevant University stakeholders required to realise the donor's intention. They will develop a positive and trusted relationship with the donor with the aim of capturing the following details at a minimum:

- a. name and contact details of the donor, and where possible, a copy or excerpt of their Will along with their

trustee, solicitor or executor details

- b. name by which the bequest will be known
- c. amount if known and beneficiary of the gift
- d. donor's intention for the bequest
- e. sufficient detail to allow the Deakin Advancement to determine whether donor's intention can be realised
- f. a grandfather clause such that, if in the future the donor's specific intention cannot be met, an appropriate person can determine a way of ensuring that the donor's general intention can be met. This responsibility should be vested in an office approved by the donor such as the Faculty Pro Vice-Chancellor, the Chief Advancement Officer or the donor's trustee.

(10) Deakin Advancement records the bequest intent and sends a letter of acknowledgement.

(11) The Relationship Manager will thank the donor and maintain regular contact.

Receipt of a bequest

(12) On notification of an unanticipated bequest or the death of a confirmed bequest intender, the Relationship Manager liaises with the donor's executor and Deakin Advancement Central Gifts Team until the bequest is realised and payment received.

(13) Following receipt of payment or acceptance of gift in-kind, Deakin Advancement notifies:

- a. the Beneficiary
- b. Office of the General Counsel
- c. Deakin Finance, if an endowment.

Official correspondence with executors and trustees

(14) Correspondence with executors and trustees is the responsibility of Deakin Advancement. If legal issues arise Deakin's Office of the General Counsel will be consulted. The Office of the General Counsel shares information regarding Wills and confirmed bequests with Deakin Advancement and vice versa.

Bequest of property

(15) Disposition of bequest of property will be decided by the Chief Advancement Officer in consultation with the beneficiary and University policy and procedures relevant to the kind of property bequeathed.

Refusal or return of bequests

(16) The University reserves the right to refuse or return a bequest. All bequests must be acceptable under the University's [Philanthropic Gifts policy](#) and meet the requirements of the [Philanthropic Gift Acceptance procedure](#). The Chief Advancement Officer will resolve any question of adequacy or appropriateness of a bequest and bears ultimate responsibility for the authority to accept or decline a bequest.

(17) Any Bequest or Donation from a foreign government, foreign university, foreign business or any other foreign organisation or entity must be evaluated for the risk of seeking inappropriate access to, or influence over, particular persons, areas of activity, or research outcomes through various forms of funding arrangements (e.g. donations) or collaborations, financial or other inducements targeted at individuals. For further information see the [International Relations Regulation policy](#), the [Deakin University Foreign Interference page](#) or contact the Office of General Counsel as to how the University assesses and manages the risks associated with its foreign interactions.

Contested bequests

(18) The University will convene a contested bequests committee to consider the action to be taken in the event of a disputed Will. The committee will comprise:

- a. Chief Advancement Officer
- b. Chief Financial Officer or their nominee
- c. General Counsel or their nominee
- d. Development Manager – Gifts in Wills
- e. other members as determined by the Chief Advancement Officer.

Section 6 - Definitions

(19) For the purposes of this Procedure:

- a. Beneficiary: the area that will receive the benefits from a gift or sponsorship.
- b. Bequest: money, property or other assets bequeathed by Will.
- c. Endowment: a gift made with the intention that the funds are invested to support the Beneficiary from investment income.
- d. Relationship Manager: a member of staff, usually from the Deakin Advancement team, appointed to be responsible for the University's relationship with a particular donor.
- e. Will: a legal declaration of a person's wishes regarding disbursement of their assets after death.

Status and Details

Status	Current
Effective Date	22nd May 2023
Review Date	22nd May 2028
Approval Authority	Vice-Chancellor
Approval Date	10th May 2023
Expiry Date	To Be Advised
Responsible Executive	Jimmy Buck Chief Advancement Officer +61 3 92468723
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