

Donor Relations and Acceptance of Donations Policy and Procedure

1. Introduction

- 1.1. This policy and procedure ensures that the University operates in accordance with high standards of integrity and transparency and the Fundraising Regulator Code of Practice.
- 1.2. The objectives of this policy are to:
 - establish mechanisms for effective donor relations that serve the interests of the University over time
 - recognise generous donors and encourage the generosity of others towards the University
 - provide the basis to develop long term relationships with donors
- 1.3. Whilst the University expects its employees, staff and others in scope to comply with this policy, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions.

2. Who does this policy apply to?

This is a corporate policy and applies to:

- Donors and potential donors to the University of Northampton
- University employees and governors engaged in seeking donations and in considering their acceptance

3. Charitable Status

- 3.1. The University of Northampton is an independent corporate body established under the Education Reform Act 1988. The University is an exempt charity under the Charities Act 2011. The University's charitable purpose is the advancement of education.
- 3.2. As an exempt charity, the University has the same tax benefits as registered charities. These include the ability to recover tax deducted from donations under Gift Aid, exemption from Inheritance Tax for its donors, and exemption from Capital Gains Tax.

4. Definitions

- 4.1. **Connected persons** - members of the extended family (including live-in partners with whom there is an enduring family relationship and their children or step-children), companies in which the person has a financial interest
- 4.2. **Donation** – a gift given by physical or legal persons to the University in its capacity as a fund or cause and in support of that fund or cause. It is given typically for charitable or philanthropic reasons (A gift is given to an individual and is covered in the University's policy and procedure on gifts and hospitality)
- 4.3. **Naming opportunity** – occasions where a specific name which is not a function, description or designation may be placed on academic posts, student awards, buildings, facilities and equipment

5. Policy statement

- 5.1. The University welcomes and takes pride in the philanthropic support it receives, and uses this to further its mission and vision
- 5.2. The University of Northampton observes the requirements of charity law on the receipt and expenditure of donations, as well as any other relevant legislation and guidance. Decisions on the acceptance of donations will be made with due regard to law, sector guidance, the University's policies, procedures and governing documents, and the need to preserve and enhance University's good name and reputation
- 5.3. The University retains the right to refuse a donation
- 5.4. The University will not accept donations that are inconsistent with its mission, vision and values, or incongruent with its aims, as set out in its strategy
- 5.5. The University will not accept donations which arise in part or in whole from any activity which is unlawful in the UK or the jurisdiction from which the donation is made
- 5.6. The University will not accept donations if the terms of acceptance:
 - 5.6.1. require any unlawful action on the part of the University
 - 5.6.2. damage the University's reputation
 - 5.6.3. harm the University's relationships with its students, partners, benefactors, supporters or the local community
 - 5.6.4. cause financial damage to the University
 - 5.6.5. result in additional costs being incurred
- 5.7. The University does not accept donations from current students, from applicants to courses, posts or roles at the University, or from applicants to any grants or funding offered by the University. Donations from the connected persons of current students and applicants may be accepted subject to the explicit agreement of the donor to point 5.9 of this policy

- 5.8. Donations from companies in the UK and overseas are acceptable sources of funding if the giving is because of philanthropic interest. Such gifts will not be accepted if they aim to:
- 5.8.1. form a contractual relationship (with the exception of a naming opportunity, in which case a separate contract will be agreed for each case)
 - 5.8.2. gain exclusive information or publication
 - 5.8.3. gain financial benefit or control for the donor
- 5.9. The University will only accept donations on the understanding that the University is independent, and its decision-making and operations including but not limited to its research, scholarship and teaching are impartial and independent. Donations designed to induce the University to take an action, or refrain from taking an action, will not be accepted
- 5.10. The University will not accept donations from organisations or individuals that demonstrate the following characteristics; violation of human rights, exploitation of the work force, discrimination against the individual, manufacture and sale of tobacco products, manufacture and sale of armaments to any military regime, explicit environmental damage, illegal gambling or pornography
- 5.11. Those soliciting and accepting donations on behalf of the University must carry out due diligence on the donation following the procedure in Appendix 1.

6. Donors and prospective donors

- 6.1. The University of Northampton treats its donors and prospective donors with care and respect and in accordance with the University's Equality, Diversity and Inclusion Policy
- 6.2. Donors will be informed of the University's mission, vision, values priorities and strategy
- 6.3. A donor may designate a donation to any use that reflects their wishes, provided that this is in accordance with this policy and with the University's mission, vision and values, and in the best interests of the University
- 6.4. Where the purpose of a donation is specified by the donor, it will be used for that purpose
- 6.5. If the donation can no longer be used for its intended purpose, the University will discuss with the donor the options, and how their wishes for the use of the donation can be met
- 6.6. Donors will be informed of the impact of their donations and will have their donations acknowledged in a timely matter, with public acknowledgement if appropriate and unless anonymity has been requested
- 6.7. The donor's rights and personal information will be treated in compliance with the applicable data protection regulations
- 6.8. Responses to questions from the donor about their donation will be given in a timely and truthful manner
- 6.9. Complaints from donors will be investigated by a member of the University Leadership Team. Findings and recommendations from the investigation will be reported back to the University Leadership Team

7. Acceptance of donations by type

7.1. Cash or equivalent

Donations to the University cannot be made in cash as their source is untraceable. Cheques are accepted and should be made payable to the University of Northampton. The University also accepts payment by credit/debit card and Direct Debit. This does not prevent the collection of cash on University premises for other charitable causes provided that these are in accordance with all applicable law and regulation

7.2. Shares

The University would consider accepting both publicly traded and closely held securities. Acceptance is subject to section 5 of this policy, and particularly section 5.10

7.3. Tangible personal property

This includes art, jewellery, books, memorabilia, collections, vehicles, furniture or any other property item(s) owned by the donor. This includes corporate property e.g. donations of property owned by an organisation rather than an individual. The University will examine the potential gift for its financial value, use by the University, ongoing risks or costs associated with it and whether the item can be sold and converted to cash.

7.4. Real Estate (Property and Land)

7.4.1. Donations of real estate may include developed property or undeveloped land. Prior to accepting the gift, the University will require a survey of the real estate to assess the risks and costs to the University. The cost of such a survey will be met by the potential donor.

7.4.2. Prior to accepting the gift the University will seek such professional advice as it deems necessary. This will be at the

expense of the University. Through this advice, the University will seek to establish the following:

7.4.2.1. The ongoing costs associated with the real estate

7.4.2.2. If the real estate is marketable

7.4.2.3. If the real estate is useful for the purposes of the University

7.4.2.4. Restrictions or other limitations associated with the real estate

7.4.2.5. Whether the findings any survey show the real estate is in a reasonable state of repair and likely to remain so prior to disposal

7.4.3. A judgement about whether to accept the real estate will then be made.

7.4.4. The University may accept a remainder interest in a personal property, subject to the provisions above. The donor or other occupants may continue to occupy the property for the duration of the stated life. On the death of the donor, the University may use the property or dispose of it in any way it sees fit which is also in accordance with the University's vision, mission and values and with this Policy.

7.5. Legacies and bequests

The University accepts legacies and bequests

7.6. Donations from outside the UK

Donations to the University from individuals, governments or states with which the University has no standard diplomatic relations and from entities based in those states will not be accepted unless there are exceptional circumstances. In such cases, the decision on the acceptance of the donation will be made by the Board of Governors on the recommendation of the University Leadership Team.

7.7. Anonymous donations

The University does not accept anonymous donations as the source of the funding cannot be identified and this exposes the University to risk

7.8. Donations in memory or honour

Donations may be made in memory or in honour of an individual or organisation

7.9. Other Donations

The acceptance of donations not included above will be considered on a case-by-case basis by the University Leadership Team.

8. Return of Donations

8.1. Donations made to University of Northampton will not normally be returned to the donor

8.2. If a donation was made to the University with agreed restrictions but the circumstances have changed so that the original purpose of the donation can no longer be fulfilled in whole, or in part, the University will discuss with the donor alternative ways to use the funds. If no agreement can be made with the donor, the unexpended portion of the donation will be returned. If the donor is deceased then the donation will be used in a way that is as consistent with the donor's original intent as possible

8.3. Gifts made in error or overpayments will be refunded to the donor on request

9. Procedure

9.1. The Donor Due Diligence Procedure at Appendix 1 applies and must be followed prior to any agreement to accept a donation

- 9.2. Where due diligence indicates that the acceptance of the donation would not be in accordance with this policy, it will be refused
- 9.3. Donations will be processed within 72 hours of their receipt, and receipt will be acknowledged within four working days. In the case of an award, bursary or scholarship to a student, it is the responsibility of the associated University department to ensure that the recipient of the award also writes a letter of thanks to the donor
- 9.4. Where a donor wishes to donate for a specific purpose, the University Leadership Team will delegate one its members to discuss this with donor in order to ensure congruence with the University's mission, vision and values, this policy, and the best interests of the University
- 9.5. Where there is a dispute about the purpose to which the donor wishes to specify that the donation is put, the University Leadership Team will adjudicate. The decisions of the University Leadership Team in respect of this are final. There is no further right of appeal
- 9.6. Decisions to refuse a donation will be taken by the University Leadership Team. The decisions of the University Leadership Team in respect of this are final. There is no further right of appeal
- 9.7. Decisions on naming opportunities will be made by the University Leadership Team in accordance with the policy on the Naming of Assets by Donation. The decisions of the University Leadership Team in respect of this are final. There is no further right of appeal
- 9.8. At the time of the acceptance of the donation, the University Leadership Team is responsible for identifying an individual and/or department responsible for thanking and ongoing stewardship of the donor
- 9.9. Where a donation is made by a corporate body or other organisation but made up of separate donations from individuals linked to that body or organisation, it will be identified as one donation and will be

acknowledged as such. Where individuals would like acknowledgement and recognition for their part of the donation, then separate payments should be made.

10. Records retention

Records of donations including due diligence reports are retained in accordance with the University's records retention schedule. Records must be retained in accordance with the General Data Protection Regulations and all other applicable regulation.

11. Further guidance

Guidance on how to apply this policy and procedure is available from the Supporter Relations Co-ordinator and the Clerk to the Board of Governors.

12. Raising concerns

If you are concerned that someone has accepted a donation which is not in accordance with the policy and procedure, you are encouraged to speak up. Concerns should be raised with the person's line manager in the first instance. Where concerns are not addressed, the University's Whistleblowing Policy and Procedure has guidance on what to do.

13. Breaches

Breaches of this policy may be addressed through the University's Disciplinary Policy and Procedure or the Board of Governors' Disciplinary Policy and Procedure in the case of Board members.

14. Ownership

The Supporter Relations Co-ordinator owns this policy on behalf of the University of Northampton. Changes to the policy are subject to the approval of the University Leadership Team.

15. Associated Documents

- Naming of University Assets by Donation Policy and Procedure
- Policy and Procedure on Conflicts of Interest
- Fundraising Regulator's Code of Practice
- Code of Conduct for Staff
- Governors' Code of Conduct
- Anti-Bribery, Fraud and Corruption Policy and Procedure
- Equality, Diversity and Inclusion Policy
- The Seven Principles of Public Life

16. Equality impact assessment

An Equality Impact Assessment has been completed for this policy and procedure.

17. Approval Process

17.1. Approving bodies:

- Trade Union Liaison: 11 July 2023
- University Leadership Team: 25 July 2023

17.2. Review schedule

- Review frequency: Every 3 years
- Date of next review: July 2026

17.3. Version Control

- v1.0, 12 September 2017
- v1.1, 13 August 2019 - Removal of references to the Advancement Team and Development Committee. Responsibilities redirected to ULT
- v.2.0, 25 July 2023 – Changes to wording for clarity

Appendix 1 Donor Due Diligence Procedure

1. Introduction

- 1.1. This procedure ensures that the University has a clear, comprehensive and auditable process in place to satisfy itself, within the reasonable capacity of the organisation, that donations do not derive from sources which are illegal or counter to the University's values.
- 1.2. The University takes all reasonable measures in order to:
 - ascertain the source of donations
 - ensure that donations are made for purposes consistent with the University's values and strategy
 - determine that no legal or reputational issues are raised by the acceptance of a donation

2. Procedural rules

- 2.1. Due diligence is carried out prior to accepting any donation. This procedure applies to all donations.
- 2.2. If there is concern over the ethical implications of a potential donation, regardless of the value of the donation, the member(s) of staff offered the donation are responsible for bringing the matter to the attention of the University Leadership Team. The University Leadership Team is responsible for bringing such matters to the attention of the University's Board of Governors where appropriate, for example due to the level of risk
- 2.3. A Gift Agreement will be completed for all donations accepted. This ensures that all the relevant information is agreed upon. See Section 5

- 2.4. Table 1 below sets out the policy and procedure for due diligence research, reporting and decision making, and the signature of Gift Agreements
- 2.5. Due diligence reports are prepared in accordance with the table. The contents of due diligence reports are set out in Section 3 of this procedure
- 2.6. On receipt of a due diligence report, the options for the reviewing authority are:
 - 2.6.1. Authorise acceptance of the donation
 - 2.6.2. Reject acceptance of the donation
 - 2.6.3. Request further information, for example more detailed due diligence
- 2.7. The reasons for the decision must be clearly documented.

Table 1: Policy and procedure for due diligence research, reporting, decision making and gift agreements

Donation value	Applies to	Type of due diligence report	Report lead time	Report author	Review and authorisation to accept	Gift agreement signed by
Under £5,000	All donations	Basic	1 week	Enterprise team member	Dean or Director of person /function to whom the donation is offered OR ULT member by delegated by ULT	Staff member delegated by ULT
Over £5,000	<ul style="list-style-type: none"> • single donations • the total value donated is over £10,000 from the same source including prior donations 	Enhanced	2 weeks	ULT member delegated by ULT	ULT	VC
Over £100,000	<ul style="list-style-type: none"> • single donations • the total value donated is over £100,000 from the same source including prior donations 	Full	3 weeks	ULT member delegated by ULT	ULT	VC

3. Contents of due diligence reports

3.1. Basic

3.1.1. Check the Policy and Procedure on Donor Relations and Acceptance of Donations and confirm that nothing in that policy would be breached by acceptance of the donation before proceeding

3.1.2. Donor name and contact details

3.1.3. Source of the donation

3.1.4. Risk assessment (See Section 4)

3.1.5. Recommendation

3.2. Enhanced

3.2.1. Check the Policy and Procedure on Donor Relations and Acceptance of Donations and confirm that nothing in that policy would be breached by acceptance of the donation before proceeding

3.2.2. Donor name

3.2.3. Donor contact details

3.2.4. Brief background information on potential donor

3.2.5. Any issues with reputational risks which can be uncovered through an electronic search of the potential donor's-name (and aliases, pseudonyms etc.) including a search of the registers of disqualified directors and charity trustees

3.2.6. Risk assessment (See Section 4)

3.2.7. Recommendation

3.3. Full

- 3.3.1. Everything covered in an Enhanced Report
- 3.3.2. Any potential influence on/involvement in the University and/or academic decision-making and activities
- 3.3.3. Fuller statement of potential donor's financial and legal background, including any links to activities which may risk reputational damage to the University
- 3.3.4. Fuller statement of any media coverage which may risk reputational damage to the University
- 3.3.5. Nature of any previous or current relationships between the potential donor and the University

4. Risk Assessment Scoring

4.1. Risk Rating: None, Score: 0

Reasons:

None of the risk factors identified below are present

4.2. Risk Rating: Low, Score: 1

Reasons:

- Minor rumour/speculation/protest at behaviour by the proposed donor, considered by some to be unethical (but legal)
- Remote potential for conflict between the interests of the University and the interests of the donor

4.3. Risk Rating: Medium, Score: 2

Reasons:

- Significant rumour/speculation/protest at behaviour by the proposed donor, which is considered by some to be unethical (but legal). Allegations of illegal or unethical activity by an individual or organisation which is not

the direct source of funding, but is nonetheless closely associated with that source

- Potential for conflict between the interests of the University and the interests of the donor

4.4. Risk Rating: High, Score: 3

Reasons:

- Unproven allegations or rumour/speculation of illegal activity by the proposed donor, where the illegal activity relates directly to the source of funding for the donation, or can be reasonably assumed to be a significant underlying source of funding for the donation
- Proven (in court of law) allegations of illegal activity by a proposed individual or organisation which is not directly connected to the source of funding, but is nonetheless closely associated with that source
- Actual conflict between the interests of the University and the interests of the potential donor

5. Storage and dissemination of due diligence reports

- 5.1. Information about donations and donors, including personal data and due diligence reports are stored securely and in accordance with the University's records retention schedule. Information may only be shared with individuals within the University of Northampton, unless the donor in question submits a subject access request or the University is required by a regulatory or legal authority to release the information
- 5.2. Information is held and managed in accordance with the provisions of the UK General Data Protection Regulation (GDPR) and other applicable legislation. They may only be shared using secure means
- 5.3. Should a person who is the subject of a due diligence report wish to

submit a subject access request, information contained in the due diligence report will be disclosed to them, and they will be given the opportunity to challenge the accuracy of the information contained therein, including the right to erasure of the information if appropriate

6. Gift Agreement Form

The University of Northampton

Gift Agreement

This Gift Agreement is made between.....
(hereinafter referred to as the 'donor') and The University of Northampton, an educational institution (hereinafter referred to as the 'University'). The donor and the University agree as follows:

1. Gift

The donor gifts to the University

2. Purpose

It is the donor's intention that the gift be used for

.....
.....

The gift will be administered in accordance with the University's financial regulations.

3. Recognition by the University

Unless the donor requests their donation to be anonymous, The University may publicise the gift in the form of news announcements, both internal and external, only with the explicit permission of the donor. The University's Donor

Relations Policy outlines the University's commitment to sustaining a long-term and meaningful relationship with the donor in recognition of and gratitude for their support. In any public acknowledgement the donor's name shall be given as:

4. Gift Aid

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I would like to Gift Aid the enclosed donation and any donations I make in the future or have made in the past 4 years to the University of Northampton. I am a UK taxpayer and understand that if I pay less Income Tax and/or Capital Gains Tax than the amount of Gift Aid claimed on all my donations in that tax year it is my responsibility to pay any difference.

Yes/no

I would prefer to not gift aid this donation

Yes/no

5. Privacy notice

The University collects and stores the contact details of donors and information about the nature of donations.

This information is provided by donors. Additional due diligence information is gathered by University staff.

The University uses this information to:

- identify donors
- administer donations and manage the relationship with donors
- recognise the contribution of those donors who would like recognition
- mitigate the risk that the University is associated with fraud, money-

laundering or other illegal or unethical conduct

- keep comprehensive records of the sources of its funding in order to satisfy accountancy and audit requirements

This information is not shared outside the University of Northampton unless required by a law enforcement or other government or regulatory agency e.g. the Police or the Office for Students whilst carrying out an investigation.

Under the UK General Data Protection Regulation (UK GDPR), the lawful basis the University relies on for processing this information are its legitimate interest in preventing and avoiding fraud, satisfying accounting and reporting requirements, and in protecting its reputation by upholding the highest ethical standards.

Personal data will only be held for as long as necessary to fulfil the purposes it was collected, including for the purposes of satisfying any legal, accounting, or reporting requirements, and in accordance with the University's Retention Schedule.

The University keeps personal information secure. Confidentiality is respected, and all appropriate measures are taken to prevent unauthorised access and disclosure. Only members of staff who need access to information are authorised to do so. Information is stored electronically.

Individuals have a right to access personal information, to object to the processing of, to rectify, to erase, to restrict and to port personal information.

6. Donor's details

Signature:

Name:

Date:

Address:

Email:

7. University representative

Signature:

Name:

Position:

Date