

# University of Essex

## Fundraising Codes of Practice and Acceptance of Donations Policy

### The Fundraising Function

The fundraising function in this context is primarily concerned with income generation from “philanthropic” sources – namely, grant giving bodies, individual donors, companies, groups and associations and fundraising events – to provide additional resources to supplement the income provided by the University’s core funders.

In undertaking these fundraising activities, the University recognises the need to conduct its fundraising within the context of:

1. The Institute of Fundraising’s Codes of Fundraising Practice
2. The Institute of Fundraising’s International Statement of Ethical Principles in Fundraising
3. The ImpACT (Improving Accountability, Clarity and Transparency) coalition’s Transparency Manifesto
4. CASE Europe: Ethical Principles Behind the Acceptance of Gifts

### Fundraising Code of Practice

The following Code of Practice is intended as a guide to staff in their dealings with external stakeholders. It is intended to protect the interests of all members of the University where the University acts as a corporate body in accepting funding.

### Fundraising Practices

1. It is agreed that the basis on which the University of Essex will actively seek funding is:
  - That the full cost of the project is identified (i.e. required support staff costs, additional running costs, additional space requirements are all included).
  - That the project is approved by the University Steering Group as being strategically important in enhancing Essex’s academic standing and/or income generating potential.
2. Fundraising solicitations on behalf of the University of Essex will:
  - Be honest and truthful.
  - Accurately describe the University’s activities and the intended use of donated funds.
  - Respect the dignity and privacy of individuals who are expected to benefit from a donation.
  - Ensure donor rights are respected
3. All communications to potential donors concerning projects will be honest, truthful and comply with the law.
4. Volunteers, employees and professional advisors who solicit or receive funds on behalf of the University shall:
  - Adhere to the provisions of this Code
  - Act with fairness, integrity, and in accordance with all applicable laws
  - Adhere to the provisions of applicable professional codes of ethics, standards of practice etc.
  - Cease solicitation of a prospective donor who identifies solicitation as harassment or undue pressure
  - Disclose immediately to the Director of Advancement any concern that a donation may contravene any of the criteria contained within the Acceptance of Donations Policy
5. Donors must accept and for donations over £1000 sign appropriate gift agreements to confirm that the management and governance of programmes funded through benefaction rest solely with the university

5. Paid fundraisers, whether staff or consultants, will be compensated by a salary, retainer or fee, and will not be paid a finders' fee, commissions or other payments based on either the number of gifts received or the value of funds raised. Compensation policies for fundraisers, including performance-based compensation practices (such as salary increases or bonuses) will be consistent with the University's policies and practice that apply to non-fundraising personnel.
6. The University will not sell or share its donor list.
7. The Vice-Chancellor will be informed of the number, type and disposition of complaints received from donors or prospective donors about matters that are addressed in this Code.

### **Donors Rights**

1. All fundraising solicitations by or on behalf of the University of Essex will disclose the University's name and purpose for which the funds are requested. Printed solicitations (however transmitted) will also include the University's address or other contact information.
2. Donors and prospective donors are entitled to the following, promptly upon request:
  - The most recent annual report and financial statements
  - Confirmation of the charitable status of the University of Essex
  - A copy of this Code
3. Donors and prospective donors are entitled to know, upon request, whether an individual soliciting funds on behalf of the University of Essex is a volunteer, an employee or a hired solicitor
4. Donors will be encouraged to seek independent advice if the University has any reason to believe that a proposed gift might significantly affect the donor's financial position, taxable income, or relationship with other family members.
5. A Donor's requests to remain anonymous will be respected.
6. The privacy of donors will be respected. Any donor records that are maintained by the University will be kept confidential. Donors have the right to see their own donor record, and to challenge its accuracy.
7. Advancement will comply with the Data Protection Act 1998
8. Donors and prospective donors will be treated with respect. The University will honour a donor or prospective donor's request to:
  - Limit the frequency of solicitations
  - Not to be solicited by telephone or other technology
  - Not receive printed material concerning the University
9. The University will respond promptly to a complaint by a donor or prospective donor about any matter that is addressed in this Code. A designated member of the Advancement Office or volunteer will seek to satisfy the complainant's concerns in the first instance. A complainant who remains dissatisfied will be able to appeal in writing to the Vice-Chancellor of the University of Essex

### **Financial Accountability (Advancement Office)**

1. All donations will be used to support the objectives of the University of Essex.
2. All restricted or designated donations will be used for the purposes for which they are given. If necessary due to programme or organisational changes, alternative uses will be discussed where possible with the donor or the donor's legal designate. If the donor is deceased or legally incompetent, and the University is unable to contact a legal designate, the donation will be used in a manner that is as consistent as possible with the donor's original intent.

3. The Advancement Office will comply with all Statement of Recommended Practice (SORP) 2007 as directed by the Finance Office.
4. Annual financial reports on fundraising activity will be factual and accurate in all material respects, disclosing:
  - The total amount of fundraising revenues
  - The total amount of fundraising expenses
  - Government grants and contributions (to be presented separately from philanthropic donations)
5. The Advancement Office will liaise with the Finance Office to ensure all income is attributed to the correct finance codes and any unspent funds are discussed with the donor to agree an appropriate course of action.
6. The cost effectiveness of the University's fundraising programme will be reviewed regularly by the Vice-Chancellor.

## **Acceptance of Donations Policy**

### **Responsibility for acceptance of a donation**

The ultimate responsibility to accept or decline a donation rests with the University Steering Group with day-to-day responsibility devolved to the Director of Advancement. The University Steering Group will seek Council approval on individual cases as it deems relevant.

The Director of Advancement is responsible for seeking donations and support within the framework of the agreed budget and strategy, consulting with relevant staff and the University Project Prioritisation Board<sup>1</sup>.

### **Guidance on the acceptance of donations**

The guidance on the acceptance of donations has been developed to protect the reputation of University of Essex, its staff, students, alumni and stakeholders from damage that the acceptance of an inappropriate donation might inflict. It also provides clarity and transparency for both internal and external parties. The guidance is as follows:

1. It is the responsibility of volunteers, employees and hired solicitors who solicit or receive funds on behalf of the University to disclose immediately to the Director of Advancement, any concern that a donation may contravene the Acceptance of Donations Policy.
2. It is the responsibility of the Director of Advancement, at an early stage in discussions and certainly before a request for funding has been made to a prospective donor, to alert the University Steering Group.
3. The following questions will guide discussion and decisions on potential donations which may, in the opinion of the Advancement Office and the University Steering Group, have a controversial dimension. They should in any case be considered in the case of all gifts that amount to over £500,000 in total value:
  - a) Is the gift consistent with the University's objectives, mission and vision?
  - b) Is there published or other credible evidence that the proposed gift will be made from a source that arises in whole or in part from an activity that:
    - Evaded taxation?
    - Involved fraud or any other criminal activity?
    - Violated international conventions that bear on human rights?
    - Limited freedom of inquiry, or encroached on academic freedom?

- c) Is there evidence that the proposed benefaction, or any of its terms will:
- Require action that is illegal?
  - Constrain academic freedom to question and test received wisdom and put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs?
4. If there are concerns arising from these questions and it is felt more information is required, an investigation into the donor and/or source of funds should be undertaken by an external agency to enable an informed decision to be made. The results of which will be presented to Council, by a senior member of the University Steering Group, who will then decide whether or not further discussion should be pursued with the potential benefactor.
5. The University will decline a donation or sponsorship if acceptance is considered likely to:
- Damage the effective operation of the University in fulfilling its stated objectives
  - Cause significant harm to relationships with other partners, visitors, funders or stakeholders
  - Create an unacceptable conflict of interest
  - Damage the University's reputation
  - Lead to a demonstrable net decline in the assets of the University

In addition the University will decline a donation or sponsorship if acceptance is dependent upon the fulfilment of conditions unacceptable to the University.

6. A detailed, written description of the decision making process for all donations that have been flagged as a concern or are over £500,000 in value will be completed and signed off by the University Steering Group and a copy given to the Advancement Office. The University Steering Group minutes will provide the formal record of all decisions. This will ensure that any internal or external enquiry can be promptly and appropriately responded to.

**July 2011**

**Updated 13 March 2013 (following Pinsent Masons analysis of the Woolf Report)**  
**Updated 16 December 2013 (following change from DARO to Advancement)**