

University of Suffolk

CODE OF ETHICAL FUNDRAISING PRACTICE AND FUNDRAISING POLICY

All those involved in fundraising for any charitable organisation, including higher education institutions, have a responsibility to donors, to the organisation and to act in accordance with the agreed causes and objectives of the fundraising campaign. Openness, transparency and respect are required at all times to ensure the institution's integrity, mission and relationships with donors are not discredited.

University of Suffolk is an exempt charity under the Charities Act 2011, supervised by the Higher Education Funding Council for England (HEFCE) and a company limited by guarantee. Registered in England and Wales, company number: 05078498. Registered Address: Waterfront Building, Neptune Quay, Ipswich, IP4 1QJ. As such, the University of Suffolk will at all times observe the requirements of charity law and other application regulation and legislation.

University of Suffolk actively seeks gift income from donors as a legitimate and vital element of its overall funding. This Code covers the acceptance and disbursement of such gifts and bequests (also referred to as donations).

This Code covers fundraising on behalf of University of Suffolk by staff, contractors or volunteers.

Any fundraising by students for particular projects or events sits outside of the remit of this policy, unless acting on behalf of the Strategic and Philanthropic Relations Office.

This Code should be read in conjunction with the University of Suffolk Anti-Corruption Policy.

University of Suffolk will seek Gift Aid and tax deductions on gifts that are eligible.

This Code supports the work of the University of Suffolk Foundation Board as set out in its terms of reference.

The Strategic and Philanthropic Relations Office and the Directorate of Finance and Planning are responsible for the day to day operation of this Code.

This Code will be reviewed annually.

This code covers:

1. Donor Rights
2. Fundraising Practices
3. Financial Accountability
4. Acceptance and Disbursement of Funds
5. Due Diligence
6. Data Protection and Prospect Research

Donor Rights

1. All fundraising solicitations by or on behalf of the University of Suffolk will disclose the institution's name and purpose for which the funds are requested. Printed solicitations (however transmitted) will also include the institution's address or other contact information.
2. Donors and prospective donors are entitled to the following, promptly upon request:
 - a. The most recent annual report and financial statements
 - b. Confirmation of the exempt charitable status of University of Suffolk
 - c. 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 Suffolk is a volunteer, an employee, a consultant or a hired solicitor.
4. Donors will be encouraged to seek independent advice if the University of Suffolk 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 request to remain anonymous will be respected as far as legally possible.
6. The privacy of donors will be respected. Any donor records that are maintained by the University of Suffolk will be kept confidential. Donors have the right to see their own donor record, and to challenge its accuracy.
7. The Strategic and Philanthropic Relations Office will comply with the Data Protection Act 1998, in line with the University of Suffolk Data Protection Policy.
8. Donors and prospective donors will be treated with respect. The University of Suffolk will honour a donor or prospective donor's request to:
 - a. Limit the frequency of solicitations
 - b. Not to be solicited by telephone or other technology
 - c. Receive printed material concerning University of Suffolk
9. The University of Suffolk 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 Strategic and Philanthropic Relations 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 Registrar and Secretary of the University of Suffolk.

Fundraising Practices

1. Fundraising solicitations on behalf of the University of Suffolk will:
 - a. Be honest and truthful.
 - b. Accurately describe the activities and the intended use of donated funds.
 - c. Respect the dignity and privacy of individuals who are expected to benefit from a donation.
 - d. Ensure donor rights are respected.
2. All communications to potential donors concerning projects will be honest, truthful and comply with the law.
3. Volunteers, employees and professional advisors who solicit or receive funds on behalf of the University of Suffolk shall:
 - a. Adhere to the provisions of this Code.
 - b. Act with fairness, integrity, and in accordance with all applicable laws.
 - c. Adhere to the provisions of applicable professional codes of ethics, and standards of practice.
 - d. Cease solicitation of a prospective donor on request.
 - e. Disclose immediately any concern that a donation may contravene any of the criteria contained within the Acceptance and Disbursement Policy.
 - f. Not accept donations for use that are inconsistent with the institutions objectives or mission.
 - g. Ensure that no inappropriate benefit is secured in return for a gift.
4. Donors must accept and for donations of £10,000 and over sign appropriate gift agreements to confirm that the management and governance of programmes funded by gifts rest solely with the University of Suffolk.
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.
6. The university will not sell or exchange personal details of donors.
7. The University of Suffolk Executive and University of Suffolk Board will be informed, at least annually, of the number, type and disposition of complaints received from donors or prospective donors about matters that are addressed in this Code.

Financial Accountability

1. University of Suffolk' financial affairs will be conducted in a responsible manner, consistent with the ethical obligations of stewardship and the requirements of applicable higher education and charity regulators.
2. All donations will be used to support the vision and objectives of the University of Suffolk.
3. Any 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(s). If the donor is deceased or legally incompetent, and the institution 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.
4. The Strategic and Philanthropic Relations Office will comply with the Statement of Recommended Accounting Practice (SORP) as directed by the Directorate of Finance and Planning.
5. Annual financial reports on fundraising activity will be factual and accurate in all respects, disclosing:
 - a. The total amount of fundraising revenues.
 - b. The total amount of fundraising expenses.
 - c. Identify government grants and contributions separately from philanthropic donations.
 - d. Be produced in accordance with accounting standards and practices.
6. The Strategic and Philanthropic Relations Office will liaise with the Directorate of Finance and Planning 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.
7. The cost effectiveness of fundraising at the University of Suffolk will be reviewed, at least annually, by the University of Suffolk Board.

Acceptance and Disbursement of Funds

Acceptance of Donations

The test of compliance with this Code must be undertaken prior to solicitation wherever possible rather than at the point of acceptance.

The responsibility for the acceptance and refusal of gifts and bequests rests ultimately with the University of Suffolk Board. The University of Suffolk Board delegates overall decision making to the Foundation Board and the University of Suffolk Executive in accordance within agreed delegated authority limits.

The delegated authority limits for the acceptance of gifts is as follows:

Strategic and Philanthropic Relations Office and Finance Office
Up to £10,000

Director of Finance and Planning
Up to £250,000

University of Suffolk Executive
Up to £1,000,000

The Foundation Board and University of Suffolk Board
Above £1,000,000

The University of Suffolk Director of Finance and Planning is responsible for reporting a new gift agreement to the Foundation Board and University of Suffolk Executive Committee.

A gift agreement will be required for all gifts of £10,000 or over. A gift agreement will confirm that the management and governance of funding rests solely with the University of Suffolk. Each gift agreement will be completed via the Strategic and Philanthropic Relations Office in liaison with the Directorate of Finance and Planning. Any gift agreement will indicate the requirement for a gift to be compliance tested against this policy.

It is generally accepted that in most cases the interests of the University of Suffolk as a charity will be furthered by increasing the resources available to it. However in certain circumstances it may be advisable to refuse a donation after detailed examination of the circumstances. Refusal of donations will not be taken lightly and the decision to refuse will only be made if absolutely necessary. The Foundation Board will make the decision to refuse a donation after receiving appropriate due diligence reports.

The University of Suffolk will not accept a gift of any size which might:

- Compromise its independence or that of its partner institutions
- Impact negatively on teaching or research activity
- Limit the freedom of the institution to act within its objects
- Create unacceptable conflicts of interest
- Result in unmanageable reputation damage
- Result in financial loss or damage

The University of Suffolk will take all reasonable steps to ensure the ultimate source of a gift or bequest is legal and not derived directly or indirectly from illegal activity.

Any gift, for whatever amount, that may attract significant external interest will be notified to the University of Suffolk Executive Committee and the Foundation Board prior to its acceptance. The University of Suffolk Executive Committee will assess any risks associated with the source of funds and the purpose of the donation, and will decide how to proceed in consultation with the Strategic and Philanthropic Relations Office and Finance Office. At times it may be necessary to consult with the Foundation Board and/or the University of Suffolk Board, this may be via the Chairs.

Projects and activities for which funds may be sought will be identified and agreed by the Foundation Board. These priorities will evolve over time and the Case for Support will be regularly reviewed and reapproved by the Foundation Board.

All University of Suffolk staff, contractors or volunteers who seek to raise funds for University of Suffolk must do so in liaison with the Strategic and Philanthropic Relations Office to ensure compliance with this Code. Efforts to secure donations by any University of Suffolk School, Centre or Directorate must be brought to the attention of the Strategic and Philanthropic Relations Office before activity commences.

Types of Donation and Payment Methods

Types of gifts that may be accepted include:

- Cash or equivalent
- Personal property
- Shares
- Property or land
- Legacies or bequests

Payments can be made by debit or credit card via the University of Suffolk website, over the phone or by completing our official donation form.

Cheques are accepted and should be made payable to University of Suffolk Ltd.

Individual cash donations of over £250 will not be accepted.

Disbursement of Donations

All donations will be handled responsibly and in accordance with the law.

A donation will be used for the purpose(s) for which it was originally donated, unless consent is given for change of use by the donor. Unrestricted donations will be disbursed by the Foundation Board and will be administered via the Strategic and Philanthropic Relations Office.

Adequate records of gifts will be maintained by the Strategic and Philanthropic Relations Office and the Finance Office in accordance with University of Suffolk' standard accounting practices.

The University of Suffolk will not return gifts that have been accepted in accordance with this policy and are restricted to do so by law. In exceptional circumstances a decision to accept a gift will be reviewed and a decision to return a gift will always be the decision of the Foundation Board and the University of Suffolk Board on the recommendation of the Director of Finance and Planning or Registrar and Secretary after seeking appropriate legal advice, if deemed necessary.

Due Diligence Process

This outlines the mechanisms and processes for ensuring that the University of Suffolk meets its legal obligation to take all reasonable steps to check the ultimate source of a gift or bequest is legal and not derived directly or indirectly from illegal activity.

Due diligence is the range of practical steps that the University of Suffolk takes to be reasonably assured of the provenance of funds donated, is confident that it knows the people and organisations that it works from a fundraising perspective and that any associated risks are identified and managed.

Working to guidelines produced by the Charity Commission in the Compliance Toolkit the University of Suffolk applies the 'Know Your' principles to due diligence activity.

The 'Know Your' principles are:

- Know Your Donor
- Know Your Beneficiaries
- Know Your Partner

The 'Know Your' principles are part of the legal duties and responsibilities of trustees in charity law. The core elements of due diligence across the 'Know Your' principles that help to ensure reasonable checks have been made and that the University of Suffolk applies to all donations above £10,000 are:

- Identify – know who you are dealing with.
- Verify – where reasonable, and the risks are high, verify identities.
- Know an organisation's/individual's business – research the business(es) and be assured they are appropriate to be involved with.
- Know what their specific business is with University of Suffolk – ensuring their objectives meet those of the University of Suffolk.
- Watch out – be aware of unusual or suspicious activities, conduct or requests.

As advised by the Charity Commission the 'Know Your Donor' principles do not mean that the University of Suffolk cannot accept anonymous donations. It is the University of Suffolk's responsibility to look out for suspicious circumstances, put adequate checks and safeguards in place, ensure record keeping is accurate and that any concerns or suspicious activity is reported to the appropriate authorities.

Depending on the size of the potential donation and the associated background of the donor the general questions in appendix 1 will be applied to mitigate risk and ensure reasonable steps have been taken to check the provenance of funds, individuals and organisations. It is usually accepted that due diligence checks will be made for all donations of £10,000 or above and in exceptional circumstances donations below £10,000.

It is the responsibility of the Strategic and Philanthropic Relations Office in conjunction with the Directorate of Finance and Planning to undertake due diligence checks, appendix 1 provides a proforma checklist for this purpose.

Small and regular donations

In accordance with the guidance from the Charity Commission, University of Suffolk is not expected to know the identity or take steps to find out the identity of each small cash donor. It is not considered reasonable to check the provenance of small one off donations or donations made at events. The University of Suffolk will not routinely apply the due diligence checks above to donations below £10,000, but is likely to consider making limited checks for donations between £5000 - £10,000.

For any small regular donations that the University of Suffolk receives via Direct Debit, the University of Suffolk automatically records the name, address and bank details of the donor, along with any associated Gift Aid declaration. The University of Suffolk is unlikely to make any further additional checks against these payments, unless there is some reason for suspicion, for example extreme increases in regular payments.

Legacies and Wills

For any funds due to be received from legacies left in Wills, the University of Suffolk will routinely request to receive a copy of the Will in advance of accepting the funds to allow the University of Suffolk to make any background due diligence checks if required.

Data Protection and Prospect Research

1. Any fundraising activity will comply with the Data Protection Act 1998, in line with the University of Suffolk Data Protection and Data Security Policy.
2. At all times the Strategic and Philanthropic Relations Office will be aware of the sensitivity of information gathered and held on individuals and organisations, ensuring information gathered is treated with the utmost respect.
3. All prospect research conducted by the Strategic and Philanthropic Relations Office will:
 - a. Have a clear understanding of what information is fair and relevant to the purpose it is being used.
 - b. Not use unethical methods to obtain information or data.
 - c. Avoid personal prejudice and bias.
 - d. Be open, honest and transparent with regard to the purpose of research and identify University of Suffolk when seeking information.
 - e. Take into account the reliability of the sources of information used.
 - f. Ensure information and research when presented is accurate, relevant for its purpose and is timely.

Appendix 1

University of Suffolk Donation Due Diligence Proforma

The due diligence procedural questions below will be routinely applied to gifts of more than £10,000. The answers to these questions will be used to make the decision of accepting or refusing a donation.

Potential Donor:
Potential Donation Amount:
Date:
Due Diligence Completed by:
Submitted to:

General information

- Who is the donor or donors?
- What is already known about them?
- Do we already have a relationship with them?
- Do additional identity checks need to be made? If yes, full use should be made of web searches checking news stories, legal cases, if an organisation is registered with regulators, authorities, company accounts or governing documentation. It may also be useful to search social media.
- Are the donors UK tax payers and has a Gift Aid declaration been completed?
- In what form is the money being received?
- Have any public concerns been raised about the donor or their activities? If so, what was the nature of the concerns and how long ago were they raised? Was it a legal matter? Did the police or a regulator investigate the matter? What was the outcome?
- Is there any adverse publicity about the donor? If yes, will this cause reputational concern for University of Suffolk?

The nature of the donation and any conditions

- How big is the donation?
- Is it a single donation or one of a number of regular donations, or the first of multiple future donations?
- Is it an unusual or substantial one-off donation?
- Are there conditions attached to the potential donation? What are they? Are they reasonable?
- Is the donor proposing to make a loan to University of Suffolk and therefore the funds are only retained for a period of time before being returned to the donor?
- Is the donation conditional on particular individuals or organisations being used to apply the funds?
- Is the donation conditional on particular individuals benefiting from the use of the funds?
- Is the donation being made in sterling or another currency?
- Are any of the donors based, or does the money originate, outside of the UK? If so, from which country? Does this pose a particular risk?
- Is the proposed giving mechanism typical or unusual?
- Any additional concerns with the potential donation?

If any of the above questions reveal evidence of crime University of Suffolk is obligated to report this to the police/and other appropriate authorities.

Under the Counter-Terrorism and Security Act 2015 the University of Suffolk is obligated to immediately report any suspicion that a donation is related to terrorism funding to the police.

In the case of suspected money laundering, reports will be made to either the police, a customs officer (HMRC), or an officer of the Serious Organised Crime Agency.

Appendix 2

University of Suffolk Equality Impact Assessment – Initial Screening

Directorate:	Vice-Chancellor's Office
Policy/Procedure Title:	Code of Ethical Fundraising Practice and Fundraising Policy
Name of the manager responsible for this assessment:	Caroline Waters, Head of Strategic and Philanthropic Relations
Name(s) of any other people involved in this assessment:	Polly Bridgman, Director of External Relations
Date of assessment:	February 2016
Is this new or existing?	New

Section 1: Purpose

What is the purpose of the policy?	To ensure the solicitation, acceptance and disbursement of philanthropic gifts to University of Suffolk are managed in an open, transparent and respectful way, ensuring that the institution's integrity, mission and relationships are not discredited.
Does the policy, procedure or process involve, or have consequences for, the people University of Suffolk serves and employs	The code covers fundraising on behalf of University of Suffolk by staff, contractors or volunteers. Any fundraising by students for particularly projects or events sits outside of the remit of this policy, unless acting on behalf of the Strategic and Philanthropic Relations Office.

Section 2: Impact

3.	How is the policy seeking to achieve its purpose?	The policy details the rights of donors, the fundraising practices that will be used and how we will work within data protection and financial requirements.
4.	Does the policy require decisions to be made in relation to individuals or groups of individuals?	Yes <input checked="" type="checkbox"/> please give details below No <input type="checkbox"/>
5.	What is the decision-making process and is it fair and transparent?	The decision making process relates to building a profile of and accepting a gift from an individual, organisation or trust. A process of due diligence will be undertaken as outlined in the policy, to ensure the legitimacy of funds being gifted. Any research will be conducted from public sources of information and the process is clearly outlined in the policy.

6.	How will this policy contribute to our values and operating principles?	This policy should support all of our values and operating principles, the work that this policy supports should raise funds to additional support our students, facilities, resources and staff, and will ensure that any fundraising is delivered in an ethical way.
7.	Please give details of what equality training is/will be provided for decision makers?	All those who undertake due diligence checks and those who are involved in the disbursement process will have completed the Equality Online training.
8.	What links to other policies are there attached to this policy?	University of Suffolk Anti-Corruption Policy University of Suffolk Data Protection and Data Security Policy
9.	Are there any external considerations? (legislation/government directive etc)	University of Suffolk (University of Suffolk) is an Exempt Charity in accordance with the Charities Act 2006 (Statutory Instrument 1978, number 453). The Charity is exempt from regulation by the Charity Commission but has, as its principal regulator, the Higher Education Funding Council for England. As such, University of Suffolk will at all times observe the requirements of charity law and other application regulation and legislation. The current governmental review of the regulation of charities in the UK and the planned introduction of the Fundraising Preference Service is being monitored and any legally required changes in the process or management of philanthropic funds will be put in place.
10.	Who are the stakeholders and what are their interests?	Internal stakeholder – Finance, External Relations, Provosts Office – who donors and potential donors are, the gifts being given and pledged. External stakeholders – University of Suffolk Foundation Board members, potential donors and current donors – what the rights of donors are, what they should expect from University of Suffolk, how we accept/disburse funds and what checks we make of potential donors.
11.	To summarise, what outcomes do we want to achieve and for whom?	To increase the philanthropic gifts to University of Suffolk making transformational impact on our students, potential students and environments. That donors are treated with respect, integrity and in an open appropriate manner, and to ensure we comply with financial processes, charity law and data protection.

Section 3: Evidence decision for impact – Data Collection

12.	Identify any baseline data or gaps in data available about the impact of this policy in relation to equality groups (e.g. monitoring data, student/staff surveys, enquiry records, complaints, comments, research, outcomes of reviews, inspections, audits, feedback from previous consultations, known inequalities).	<p>As this is a new policy and a new area to the institution the impact of the policy is being monitored by the University of Suffolk Executive and the University of Suffolk Board.</p> <p>All new gift agreements are being monitored and reported, the proposed purpose of any restricted gifts will be considered as per the policy before being accepted, any complaints from donors or other interested parties will be reported as outlined in the policy.</p> <p>All due diligence will be reviewed by a secondary party to ensure valid reasoning and appropriate research.</p>
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Section 4: Impact on students, staff and the wider community

		Positive Impact?	Potential negative consequences /Inequalities?	No Potential Impact?	Type of impact, reason and any evidence
13	Disability				<p>All donations given and the reasons for the donations being made may provide opportunities for positive impact on a particular group(s) for genuine reasons, for research or student recruitment for example, all in accordance with University of Suffolk mission and operating principles and values.</p> <p>Monitoring of new gifts and reasons for them will be undertaken and reviewed for any adverse impact.</p> <p>It may be appropriate to complete an assessment in</p>
Gender					
Race/ethnic origin					
Religion/Belief					
Sexual Orientation					

Age				line with the Equality Impact Assessment Procedure for any initiative considered relevant.
Transgender				
Marriage and civil partnership				
Pregnancy and Maternity (employment only)				
Could other socio-economic groups be affected e.g. carers, ex-offenders, certain pay grades?				

Section 5: Opportunities for positive promotion/action

14.	<p><i>What steps have been taken to positively promote equality? Please refer to guidance notes</i></p> <p>As specified above.</p>
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Section 6: Outcomes

15.	As a result of this assessment, have you identified any opportunities to improve the inclusivity of this policy? If so, what are they?	No
16.	Do you consider this policy should be the subject of a more detailed Impact Assessment?	No, EIA assessments may be undertaken for any initiative identified as relevant to the EIA policy.

17.	What is your rationale for this outcome?	Appropriate process in place.
18.	How will this policy be monitored?	This policy will be monitored by the University of Suffolk Foundation Board and University of Suffolk Executive.
19.	Do you plan to revisit this assessment? If so, when?	As appropriate when gifts are received, at the completion of the first philanthropic campaign which is 31 July 2017.

We are satisfied that an initial screening has been carried out and a full impact assessment is/is not required* (please delete as appropriate).

Completed by: Caroline Waters

Date: 02.03.16

Role: Head of Strategic and Philanthropic Relations

Date:

Thank you for completing this assessment. Please retain a copy for your records and attach this as an annex to the relevant policy. An electronic copy should be sent to the EIA Working Group (see email grouping)