

DOCUMENT A

Ethical Policy and Guidelines for the Acceptance and Refusal of Donations and Research and Enterprise Funding

The Core Principles

1. Introduction

- 1.1 The University of Leicester has an obligation to conduct its fundraising, research and enterprise funding operations and relationships in an ethical manner, and to ensure that due diligence is observed when assessing whether to accept significant donations and funding or establish specific philanthropic relationships or contracts.
- 1.2 The purpose of these guidelines is to allow members of the University Council and the staff who support them to make clear and consistent decisions regarding the acceptance or refusal of donations and funding. These guidelines are to be observed by all staff of the University of Leicester engaged in these activities on the University's behalf.
- 1.3 The guidelines consist of the following documents which should be read together;

Document A – The Core Principles

Document B – Operating guidelines for fundraising staff and other staff involved in making fundraising approaches

Document C – Operating guidelines for staff involved in securing or accepting research and enterprise funding.

- 1.4 Irrespective of any internal delegation procedures within the University, it **MUST** be noted that the ultimate responsibility in respect of the acceptance or refusal of all donations and funding rests with members of the University Council. There is no single

specific statute to guide members in law on this matter. However, there are relevant legal principles that members and their advisers **MUST** ensure are met when deciding whether or not to accept donations or funding. The law requires members, in deciding whether to accept or refuse a particular donation or funding, to consider which course of action will be, taking an overall view, in the University's best interests. The law allows practical and ethical factors to be taken into account as long as they are likely to affect the specific interests of the University.

- 1.5 These guidelines therefore seek to provide guidance on decision-making in each of these circumstances.

2. Definitions used in Documents A, B and C

- 2.1 In these guidelines a phrase where the word **MUST** is in bold indicates a requirement that is mandatory in respect of this policy and at law in England and Wales. Where **SHOULD** is in bold it indicates a course of action that is recommended as best practice.
- 2.2 'Donor' covers person or persons who give philanthropically to the University, and can include individuals, charitable trusts and foundations, corporate organisations and government agencies.
- 2.3 'Donation' and 'gift' covers all forms of philanthropic support received by the University of Leicester, including cash, stocks and shares, and gifts in kind of equipment, property, etc.

- 2.4 'Due diligence' means the process for researching and assessing all potential prospects or funders who may donate or provide funding.
- 2.5 'Ethical giving and funding' is that obtained through means which satisfy the conditions of the policies laid out below.
- 2.6 'Funder' covers person or persons who provide funding to the University, and can include public sector organisations, charities, non-governmental organisations, corporate organisations and government agencies (UK and non-UK).
- 2.7 'Funding' covers all forms of external funding in support of research and enterprise activities, including but not exclusively research grants and contracts, consultancy and industrial research contracts and grants in kind providing access to external expertise, facilities, equipment etc.
- 2.8 'Pledge' means an undertaking received from a third party to make a philanthropic donation to the University.

3. Core principles relating to the acceptance and refusal of donations and funding

- 3.1 It is University policy not to accept donations or funding that it judges to be illegally obtained or to risk adversely affecting its reputation or compromising its academic freedom or integrity.
- 3.2 This can encompass, but is not limited to, refusing to accept a donation or funding where:
1. It results from illegal activities (including unlawful discrimination, violation of international conventions on human rights or any form of theft, bribery, fraud, tax evasion, money laundering or terrorist activity) whether in the UK or overseas.

2. It requires an action or actions on behalf of the University or its staff which are deemed illegal.
3. The activities of the donor/funder are contrary to the values and strategic goals of the University.
4. The donation/funding derives from activity that limits freedom of enquiry or runs counter to the core values of impartial, independent research, scholarship and teaching.
5. The conditions tie the donation/funding to a specific activity which causes unacceptable conflicts of interest for the University and/or is not in keeping with the values and strategic goals of the University.
6. It will cause unacceptable damage or injury to third parties.
7. It will harm the University's relationship with other philanthropic donors, research funders, partners, or students.
8. It can be clearly shown that the cost to the University of accepting a donation/funding will be greater than the financial or intellectual value of the donation/ funding itself.
9. The donation/funding may give rise to an actual or perceived conflict of interest between the donor/funder and their activities and the area of work or research being funded.

4. Other associated University policies

- 4.1 Staff and members of the University Council **MUST** follow all of the University's policies and procedures at all times. The requirement to follow the University's Financial Regulations when involved in fundraising activities or bidding for funding and the stewardship of the funds raised is of

paramount importance. In particular, the attention of those involved in fundraising and bidding for and managing funding is drawn to the provisions on:

- Code of Conduct, Declaration of Interests, Gifts and Hospitality (Section 2.6 of the Regulations);
- Money Laundering (Section 2.7 of the Regulations);
- Purchasing Ethics (Section 4.16 of the Regulations);
- The Seven Principles of Public Life from the Report of the Committee of Standards in Public Life (Appendix A of the Regulations);
- The University's Policy on the Prevention of Bribery and Corruption (Appendix D of the Regulations);
- Research Grants and Contracts (Section 3.10 of the Regulations);
- Services to Businesses and the Community (Section 3.11 of the Regulations);
- Research Code of Conduct (Research and Enterprise Division website);
- Ethics Code of Practice (Committee for Research Ethics website).

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