

DOCUMENT B

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

Operational guidelines for fundraising and other staff involved in making fundraising approaches

Definitions are as listed in Document A

1. Reporting, roles and responsibilities

- 1.1 Subject to the powers and delegations set out in this document, ultimate responsibility for all decisions relating to the acceptance and refusal of donations and funding, even where decision-making has been delegated to staff or volunteers, **MUST** rest with members of the University Council. The members (and their delegates) **MUST** take all decisions relating to the acceptance/refusal of donations and funding *'in the best interests of the University'* (see **Appendix 1**).
- 1.2 The overall fundraising strategy and priorities for the University are set by the *Strategic Fundraising Committee (SFRC)* which makes recommendations to Senate and Council and includes staff and lay members. The SFRC **MUST** report annually on activities to Senate and Council and refer all matters of doubt or with a value of £1m+ to Council who will exercise ultimate oversight of the operation of this policy.
- 1.3 The fundraising programme of activity is delivered by the *Development and Alumni Relations Office (DARO)* with the support of the SFRC. Terms of Reference for the SFRC are attached (see **Appendix 2**).
- 1.4 All parties within the University **MUST** be aware of the decision-making procedures agreed by Senate and Council with respect to the acceptance and refusal of donations and funding. All **MUST** recognise the boundaries

to their decision-making authority and the process for referral where this is exceeded.

2. Principles of practice for fundraising staff

- 2.1 Fundraising staff and volunteers **MUST**, in discharging their responsibilities, observe and promote the highest standards of personal and professional conduct and continually strive to increase their professional knowledge. They **MUST** also comply with all laws relating to charitable giving and follow the Ethical Principles adopted by CASE (see **Appendix 3**) and the Institute of Fundraising Codes of Practice.

3. Principles of practice for departmental and other staff involved in making fundraising approaches

- 3.1 All other staff who are or might be considering making approaches directly to prospective donors for gifts **MUST** contact DARO in the first instance.
- 3.2 They **MUST** be aware of the decision-making procedures agreed by Senate and Council with respect to the acceptance and refusal of donations. All **MUST** recognise the boundaries to their decision-making authority and the process for referral where this is exceeded. All staff involved in receiving donations directly to their department or office **MUST** contact DARO and confirm that they are following the Finance Department's guidelines for recording and receiving donations.

3.3 Discussions with potential donors, especially new donors, that are likely to give rise to significant public interest, or which raise complex questions with regard to acceptability, **MUST** be considered at the earliest stage possible by the appropriate decision makers who **MUST** be fully informed of the purpose and the background to the donation and the source of funds.

4. Donor Charter

4.1 The University of Leicester will comply with the Donor Charter detailed in **Appendix 4**.

5. Due diligence

5.1 The Development and Alumni Relations Office will carry out due diligence on the proposed donations and their sources of funding. It will make reasonable efforts to satisfy any questions raised before gifts are accepted. DARO is best placed to carry out this work and the University shall not accept gifts without this Office being made aware of them. The Director of Development will have responsibility in conjunction with the President and Vice-Chancellor for deciding whether gifts should be accepted, or whether further consideration by the SFRC or Council is required.

5.2 The University will seek appropriate legal and financial advice for correctly dealing with donations as required and it will also advise donors to do the same where appropriate.

5.3 In all areas of doubt, submissions **MUST** be made in the first instance to the President and Vice-Chancellor or the SFRC and if necessary to Council which will exercise oversight of the operation of this policy.

5.4 The SFRC shall have the authority to empower the Director of Development to undertake additional due diligence work and will be able to propose, in exceptional circumstances, that

the University Council be asked to render a final decision about the suitability of a gift.

5.5 The SFRC will consider a report on donations received, funds raised annually and funds expected in the autumn term and a report will be made to Council annually. However, the President and Vice-Chancellor will have the power to call extraordinary meetings to consider gifts of significant or pressing urgency.

5.6 A register of 'gifts in kind' **MUST** be maintained by the library and academic departments for inspection and review by the Departmental Senior Management Team on an annual basis.

5.7 Any gift or pledge, regardless of value, which, in the opinion of the Director of Development, is likely to breach any core principles, give rise to significant public interest, or potential controversy, or which raises complex questions with regard to acceptability, **MUST** be considered at the earliest possible stage by the President and Vice-Chancellor and/or the SFRC.

5.8 The identity of all donors **MUST** be known to the University before entering into any gift or 'gift in kind' negotiation. Action to solicit a gift **MUST** be suspended until this disclosure is made and abandoned if it is not forthcoming. It is the donor's right to seek anonymity in relation to the promotion of the gift. However a six monthly confidential report will be produced by the Director of Development for the President and Vice-Chancellor, Chair of Council and University Treasurer detailing current donors who wish to remain anonymous.

5.9 The Director of Development has responsibility for authorising all due diligence reports on gift pledges which fall below a threshold of £100,000. Where pledges are received which exceed this value the Director

of Development **MUST** escalate the decision-making on approvals as follows:

(a) £101,000 – £1,000,000: President and Vice-Chancellor/SFRC

(b) >1,000,000: Council

5.10 In respect of 'gifts in kind', submissions **MUST** be made to the Senior Manager/Director in the first instance where there is any doubt over the acceptability of the gift or the donor. The Senior Manager/Director will liaise as necessary with DARO and ensure that due diligence is undertaken as appropriate.

5.11 Due diligence process

1. DARO will avoid cultivating potential individual prospects and organisations who might contravene the core principles outlined in **Document A**.
2. DARO will routinely research all potential individual prospects and organisations that they believe may donate over £25,000, before cultivation against a comprehensive set of sources. The process for assessing wealth and sources are detailed in **Appendix 5**.
3. Where issues are identified the process laid out in **Appendix 5 MUST** be followed.
4. The legal and reputational rights of potential donors **SHOULD** also be considered as part of any due diligence undertaken in assessing the acceptability of a proposed donation. In this regard a clear distinction should be drawn between rumour or speculation and matters of confirmed fact or legal finding, whilst also accepting that institutions **MUST** consider the reputational risks that could be incurred through public perception of any particular donor.

6. Review of previous decisions to accept gifts

The University can at any time review and reconsider previous decisions taken in good faith relating to the acceptance or use of particular gifts.

7. Return of donations

Where a change in the donor's circumstances prompts a request for the return of all or part of the donation, great care **SHOULD** be exercised by the members of Council.

- Once the University has accepted a donation it **MUST** only return it:
 - if the terms and conditions of the gift provide for it to be returned in particular circumstances;
 - where the law specifically provides for the gift to be returned in particular circumstances.

8. Repurposing donations

8.1 Any philanthropic funds raised will be used for the purpose for which they were solicited. The University will inform donors in a timely manner should the activity they are funding change significantly or experience problems that could prevent the agreed outcomes being achieved.

8.2 The Director of Development and DARO will monitor philanthropic gifts which the University has already received and maintain up to date research on high value donor relationships. If an existing gift is found to contravene any of the principles outlined in **Document A**, the Director of Development **MUST** refer the matter immediately to the President and Vice-Chancellor and/or the SFRC.

8.3 The Director of Development will prepare a report in such cases for consideration by the

President and Vice-Chancellor/SFRC in the first instance and the response in such circumstances should be transparent and proportionate.

9. Gift agreements

- (a) Donors **MUST** accept and, for significant gifts, sign appropriate gift agreements or similar (e.g. exchange of letters), to confirm that the management and governance of programmes funded through philanthropic donations rest solely with the University.
- (b) The definition of a 'significant gift' is a matter for DARO as approved by the President and Vice-Chancellor and may be changed from time to time.
- (c) The University may choose, without undermining this core principle, to offer donors the opportunity for continuing engagement with the activities that they have funded.
- (d) The University will employ their standard procedures relating to recruitment, admissions, hiring, promotion, procurement, management and governance for all research, teaching, outreach, capital development, and student scholarship programmes funded by gifts.

10. Naming and recognition

10.1 The University of Leicester recognises the importance and potential value of naming opportunities for its buildings, facilities, research centres and institutes, and other areas of work and activities, including academic posts and scholarship and prize funds.

10.2 The principal motivation to consider a naming opportunity is that the University wishes to recognise an exceptional or

significant contribution to the institution by an individual, group or organisation. This contribution may be through exceptional leadership, outstanding academic contribution, excellence in a particular field or philanthropy.

10.3 The University has a tradition of naming buildings, facilities and prominent spaces after former Chancellors, Presidents and Vice-Chancellors, Chairs of Council and renowned academics. The University also recognises philanthropic support through naming opportunities. The Operating Policy and Guidelines for the Management of Naming Opportunities (**Appendix 6**) outlines the process of nomination, consideration, consultation and approval for naming opportunities which **MUST** be adhered to across the institution. **Appendix 7** outlines the approval and decision making process for the management of naming opportunities.

11. Freedom of Information Act 2000

11.1 The Freedom of Information Act 2000 gives a general right of access, subject to certain exemptions, to all types of recorded information held by public authorities, which for the purposes of the act includes universities. The aim of the act is to promote greater openness and transparency in how public authorities operate and in their use of public funding.

11.2 The University enforces the Section 40 Personal Information Exemption in regards to information provided in confidence and the Section 43 Exemption related to commercial interests.

12. The Development and Alumni Relations Office Complaints Policy

12.1 The Development and Alumni Relations Office endeavours to provide a high quality service for alumni and supporters of the University. However, feedback is encouraged in order to improve and develop future activities. All complaints regarding the work of the Development and Alumni Relations Office are dealt with in a prompt, polite and professional manner.

12.2 For the purposes of this policy, a complaint is deemed to be a clear expression of dissatisfaction with any aspect of the service provided by the Development and Alumni Relations Office. Confidentiality will be observed wherever possible, but anonymous complaints cannot be responded to.

12.3 In the first instance, complaints should be submitted directly to the individual in DARO with whom they have had contact. This can be done in person, by telephone, e-mail or letter. Most complaints can be dealt within a short timescale when submitted in this way.

12.4 Should the complainant feel that it is not appropriate to contact the individual in question or that their complaint has not been resolved satisfactorily, they should contact the Director of Development who will respond within 10 working days.

Email: alumni.relations@le.ac.uk

Tel: 0116 223 1071

Development & Alumni Relations Office
University of Leicester
University Road
Leicester
LE1 7RH

Appendix 1

Role and responsibilities of members of Council

Ultimate responsibility for all decisions, even where decision making has been delegated to staff or volunteers, **MUST** rest with the members of the University Council.

- The members (and their delegates) **MUST** take all decisions relating to the acceptance/refusal of donations and funding '*in the best interests of the University*'.
- Members **MUST** act reasonably and prudently in all matters relating to the University and need always to bear in mind that their prime concern is its interests. They **MUST NOT** let any personal views or prejudices affect their conduct as members. They **MUST** exercise an appropriate degree of care in administering the University.
- The members **MUST** be able to demonstrate that they have acted '*in the best interests of the University*', irrespective of any individual or collective personal interest or predilection, in each and every case. The members (or their delegates) have a duty to consider carefully, on the basis of the evidence available to them, whether the interest of the University will be better served by accepting or refusing the donation or funding and to act accordingly.
- In making these judgements, members and their authorised decision-makers **MUST NOT** allow individual or collective personal, political or commercial interests, nor personal views on political or ethical issues, which are not directly related to the interests of the University, affect their judgment.
- Consequently, where members decide to delegate their responsibility to staff, to volunteers or to local groups/branches, they **MUST** ensure that clear areas of responsibility are established within agreed management structures. Clear procedures for the delegation of decision-making **MUST** be

established in writing and agreed formally by the members.

- All parties within the University **MUST** be aware of the decision-making procedures agreed by the members with respect to the acceptance/refusal of donations and funding. All **MUST** recognise the boundaries to their decision-making authority and the process for referral where this is exceeded.
- Members **MUST** be particularly careful when refusing donations or funding based solely on the grounds of expediency, as judged by themselves.
- In such cases the members **MUST** be able to demonstrate clearly how *'the best interests of the University'* have been served in accepting or refusing the donation or funding in question.
- Members **MUST** derive no personal benefit (individually or collectively) from donations, funding, loans or other material support offered to the University.

3. To raise philanthropic funds for the University in line with the University's Strategic Plan and annual DARO plan.
4. To support, review and monitor the progress of fundraising operational plans including major appeals and campaigns.
5. To consider, select and prioritise fundraising projects for University and DARO support in line with the wider University strategy and policies.
6. To consider and approve grant applications for funding from the DARO Development Fund.
7. To raise awareness and the profile of the University with the key influencers and potential supporters in Leicestershire, the East Midlands Region, across the UK and worldwide.
8. To receive relevant reports on Fundraising and related Alumni Relations activity.
9. To operate within the delegated powers and responsibilities of the Ethical Policy and Guidelines for the Acceptance and Refusal of Donations and Research and Enterprise Funding as they relate to philanthropic giving.
10. To consider, record and address the potential equal opportunity impacts of decisions made by the Committee (in accordance with the 'due regard' provisions of the Equality Act 2010).

- **Reports to**
Finance Committee for normal business, and to Council as an annual report.

Constitution and membership 2015-16

- a) The President and Vice-Chancellor (Professor P Boyle)
- b) The Chair of Council (Dr B Towle)
- c) The Director of Finance (Mr M Riddleston)
- d) The Director of Development (Mr S O'Connor)
- e) The Director of External Relations (Ms T Carlton, Acting)
- f) A pro-vice-chancellor (vacancy)
- g) A senior academic staff member (Professor Sir N Samani)

Appendix 2

Strategic Fundraising Committee

Terms of Reference and Membership (2015-16)

- **Role**
To oversee all aspects of the development and implementation of the University's fundraising strategy.
- **Responsibilities**
 1. To recommend to the Finance Committee for approval by Council the University's fundraising strategy, consistent with the aims and objectives of the University's Strategic Plan.
 2. To advise and support the Director of Development and the University Leadership Team in developing and delivering the University's Fundraising strategy and activities.

- h) A lay person, appointed by the President and Vice-Chancellor, who shall be the Chair of the Committee (Dr R Graham-Brown, 2017)
- i) Between five and eight other lay people, appointed by the President and Vice-Chancellor:
 - Mr M Dunkley(2017)
 - Mr B Ghelani (2016)
 - Mr B Hindocha (2017)
 - Mr T Maxted (2017)
 - Dr V Sharma (2017)
 - Mr H Stevenson (2016)
 - Mr M Turnbull (2016)
 - Dr A Weston (2016)

- **Duration of appointment**

Members appointed under a) to e) are ex-officio. Members appointed under f) to i) shall serve for three years, renewable, but the maximum length of service is normally six years.

- **Normally in attendance at meetings**

The Deputy Director of Development (Mr A Vinick)

- **Secretariat**

Development and Alumni Relations Office

- **Frequency of meetings**

The Committee will normally meet at least four times in each academic year.

- **Quorum**

5 members, including the Chair and the Director of Development

Appendix 3

Ethical Principles for Fundraisers adopted by CASE

Approved by the CASE Board of Trustees in July 2014

Philanthropy is a voluntary exchange in which the values and aspirations of donors are matched with the values and aspirations of those they benefit.

Educational fundraising professionals work on behalf of those served by their institutions during this exchange of values and represent their universities, colleges and schools to donors, volunteers, and the larger public. In doing so, they also represent the integrity of the institution and of the fundraising profession. They must, in discharging responsibilities, observe and promote the highest standards of

personal and professional conduct and continually strive to increase their knowledge of the profession.

The following principles are consistent with the CASE position on commission-based compensation originally developed by the CASE Commission on Educational Fundraising (now the Commission on Philanthropy) in 1991, and the Donor Bill of Rights, developed in 1993. They are intended to provide guidance and direction to educational fundraisers and volunteers as they make ethical choices during the philanthropic exchange of values. The principles are not, and cannot be, an exhaustive list of rules to be applied to every decision in which ethical principles may be involved.

These ethical principles go hand-in-hand with the expectation that educational fundraising professionals are expected to comply with the letter and the spirit of all laws relevant to charitable giving.

Ethical Principles

5. Personal Integrity

Individuals will:

- be fair and honest and conduct themselves with integrity;
- not maintain any vested interest in a professionally related activity that could result in personal gain, or be perceived as a potential conflict of interest, without prior full disclosure and institutional approval;
- respect that their relationships with prospective donors, donors, volunteers, and employees are professional relationships and may not be exploited.

6. Confidentiality

Individuals will:

- safeguard and respect donor and prospective donor information;
- honour the wishes of an individual and/or organisational constituent with regard to how directory information and/or giving history is used or shared;
- record and keep only information relevant to cultivation, solicitation, and stewardship;
- identify the source of retained information;
- safeguard prospective donor, donor, and other constituent lists compiled by the

institution as the property of the institution; these lists may not be distributed or used for unauthorised purposes or for personal gain;

- make every effort to ensure that volunteers, vendors, and external entities with access to constituent information understand and agree to comply with the organisation's confidentiality and public disclosure policies.

7. Public Trust

Individuals will:

- ensure donated funds are used in accordance with donors' directions and intentions;
- obtain specific instructions from a donor before altering conditions of a restricted gift
- provide prompt, responsive and truthful replies to donor and public inquiry in accordance with the organisation's stated policies;
- place the mission and interest of the institution and its donors above personal gain;
- pursue only gifts that fall within, or advance, the institution's mission and/or approved priorities.

8. Disclosure

Individuals will:

- be truthful about the institution's mission, intended use of funds, and capacity of the institution to use donations effectively for the intended purpose;
- be proactive in sharing information regarding any institutional gift assessment or management fee structure related to the donor's contribution;
- be truthful and specific about the identification of the organisation they represent and their employment or volunteer status;
- understand and disclose their areas of expertise and will give appropriate advice regarding the involvement of the donors' legal, accounting, financial and tax advisors; not offer legal, accounting, financial and/or tax advice;
- help ensure appropriate and consistent accounting, budgeting, and reporting

methodologies in accordance with nationally adopted standards and guidelines.

9. Compensation

Individuals will:

- not accept commission-based compensation or compensation based on a percentage of funds raised;
- not accept external compensation for the receipt of a gift or information leading to a gift;
- agree not to pay compensation to individuals in respect of a gift or information leading to a gift.

Appendix 4

Donor Charter

The University of Leicester is dedicated to treating its donors with the highest level of care and respect. Leicester is an institution that since its very beginning has relied on philanthropic support to advance its mission and sustain academic freedom. Such generosity allows intellectual curiosity to flourish, leading to breakthroughs that can benefit us all and help to maintain Leicester as a world-class teaching and research university.

1. At the University of Leicester we will always:

- Inform donors of the way we intend to use donated resources and of our commitment to using donations efficiently.
- Keep donors updated about the impact of their philanthropy and the University's evolving needs and priorities.
- Provide the University's most recent published financial accounts and other relevant financial information in an easily accessible format online.
- Respect donors' rights to privacy and fully comply with the Data Protection Act 1998.
- Appropriately acknowledge, recognise and publicise donations in consultation with donors, and respect anonymity where requested.
- Provide progress reports and updates to donors on supported activity.

- Ensure donors have access to the DARO Complaints Policy

2. How your donation will be used

- All donations, when undesignated, will be used for such purposes as the University judges will best advance its academic priorities.
- Where the donor wishes to express a preference for the application of their donation, the University will take the greatest care to ensure that such wishes are carried out.
- Where the donor restricts the application of their donation, the University will apply the gift to the purpose originally intended. The academic priorities of the University will change from time to time. Should this happen, alternative uses for restricted donations will be discussed with the donor or the donor's representative (if alive).
- All donations will be acknowledged promptly.

Further Online Reference Information

- **Freedom of Information**
The University is subject to the requirements of the Freedom of Information Act 2000. Further information regarding the Act can be viewed at the following link:
www2.le.ac.uk/offices/ias/foi/what
- **Data Protection**
Your data is held securely in the University's database. Full details on how your data is held and used are set out in our Data Protection Statement at the following link:
www2.le.ac.uk/offices/ias/dp/what
- **University of Leicester's Financial Statements**
www2.le.ac.uk/offices/finance/statements
- **University of Leicester's Charity Status**
<http://www2.le.ac.uk/institution/charity>

Contact Information

Any questions regarding the Donor Charter should be directed to:

Emily Bateman (Development Officer)

Development & Alumni Relations Office

University of Leicester

E: elb49@le.ac.uk

T: 0116 229 7464

Appendix 5

Due diligence process

DARO will **avoid cultivating** individuals or organisations that do not meet the requirements of the Core Principles described in **Document A**.

To achieve this, DARO will routinely research all potential prospects we believe may donate over £25,000¹, before cultivation, against a comprehensive set of sources².

- (a) Where no issues are identified
 - (i) Those with a potential gift value from £25,000 will be noted at a meeting of the DARO Senior Management Team as '*Donor Cultivation: No Sensitivities*'
 - (b) Where issues are identified:
 - (i) Those with a potential gift value from £25,000 will be debated at a meeting of the DARO Senior Management Team, under the heading '*Donor Cultivation: Sensitivities*' (and treated as *Commercial in Confidence*), and one of the following decisions will be taken:
 - Cultivation will be suspended pending further investigation, or
 - Cultivation will not be approved, or
 - Cultivation will be approved (see iii), or
 - A decision will be escalated to the President and Vice-Chancellor
 - (ii) Those with a potential income value over £100,000 will be referred to the President and Vice-Chancellor for active consideration under the heading '*Donor Cultivation: Sensitivities*' and details of the sensitivities will be provided (these should be treated as *Commercial in Confidence*).

One of the following decisions will be taken:
 - Cultivation will be suspended pending further investigation, or

- Cultivation will not be approved, or
- Cultivation will be approved (see iii).

(iii) In all cases where either the DARO Senior Management Team or the President and Vice-Chancellor approve a donor where sensitivities have been identified, the Director will notify the SFRC as part of normal reporting requirements.

In all cases for (bi2) and (bii2), where donors have not been approved for cultivation, their records (culled from public domain sources) will *not* be retained on file by the University following the decision by the DARO Senior Management Team or the President and Vice-Chancellor.

(c) These rules may be amended in general or in specific cases only with the authority of the SFRC.

Reference Notes

- ¹ **Assessing wealth:** We assess net wealth based on annual income; property, shareholdings and assets. This in turn is derived from either declared business income; remuneration as found in company annual reports; as listed in Bureau van Dijk's DASH and FAME-UK directory of Directors and Shareholders; Zoopla, Business week, Level Business; Sunday Times Rich List; /Pro-online Research High Net Worth alerts; Lexis news searches; news alerts. We use the standard of UK individuals giving 5% of net wealth.
- ² **Sources:** 192.com, Bureau van Dijk, DASH and FAMEUK, Who's Who, Charity Commission, LexisNexis, Who's Who online, PRO Research, Zoopla, Business week, Level Business, i-wave. In addition, Corporate Social Responsibility policies are also reviewed (where available), as well as coverage within the world press via LexisNexis, a business intelligence database. When reviewing press articles, we will utilise only practising professional journalism (mainly broadsheets), and give credence to issues confirmed by two reputable sources.

Appendix 6

Operating Policy and Guidelines for the Management of Naming Opportunities

1. Introduction

- 1.1 The University of Leicester recognises the importance and potential value of naming opportunities for its buildings, facilities, research centres and institutes, and other areas of work and activities, including academic posts and scholarship and prize funds.
- 1.2 The principal motivation to consider a naming opportunity is that the University wishes to recognise an exceptional or significant contribution to the institution by an individual, group or organisation. This contribution may be through exceptional leadership, outstanding academic contribution or excellence in a particular field or philanthropy.

2. Purpose

- 2.1 The Operating Guidelines for the Management of Naming Opportunities **MUST** be read in conjunction with **Document A** of the University's Ethical Policy and Guidelines for the Acceptance and Refusal of Donations and Research and Enterprise Funding.
- 2.2 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 consideration and approval of naming opportunities. These guidelines **MUST** be observed by all staff of the University of Leicester engaged in this activity on the University's behalf.

3. General principles

The following key general principles are to be used as a starting point to guide deliberations with respect to naming:

- Naming opportunities should not endanger or detract from the core values or integrity of the University, create a conflict of interest or confer special privileges;
- The University can at any time review and reconsider previous decisions taken in good faith relating to naming (e.g. if subsequent events or the subsequent availability of additional information are considered to require it);
- Naming opportunities may be offered for a fixed period of time where appropriate;
- Previous decisions should not be seen as a precedent for the 'automatic' recognition of individuals or organisations making a similar contribution (e.g. each decision should be made on a case-by-case basis);
- In cases where naming is associated with a philanthropic donation to the University, this must be subject to a satisfactory due diligence report and be specified in the gift agreement between the University and the donor;
- As a general rule, naming opportunities for major capital builds should be reserved for major philanthropic donations;
- These guidelines seek to preserve maximum flexibility in the process so that the Strategic Fundraising Committee, ULT and other relevant bodies and individuals can decide on naming opportunities on a case by case basis;
- All naming agreements should comply with the University's Ethical Policy and Guidelines for the Acceptance and Refusal of Donations and Research and Enterprise Funding;
- All philanthropic gifts should be received, processed and managed by the Development and Alumni Relations Office (DARO) to ensure proper allocation and stewardship.

4. Hierarchies of approval and delegated authorities

- 4.1 All permanent and term naming opportunities and naming rights proposals associated with philanthropic support **MUST** be submitted to DARO in the first instance for initial assessment and onward reporting where required.
- 4.2 All permanent and term naming opportunities and naming rights proposals associated with philanthropic support **MUST** be considered and approved by the SFRC.
- 4.3 Where it is proposed that a philanthropic donation, academic excellence or exceptional contribution in a particular field (e.g. the Arts or Sport) is to be recognised through the naming of a whole building, facility, centre, institute, unit or other major part of the University estate, the actual name, value of donation and period of naming **MUST** be agreed in advance by the SFRC via ULT and approved the University Council.
- 4.4 As a general rule, decisions pertaining to the naming of buildings and land **MUST** be approved by the University Council. Those pertaining to the naming of academic posts, scholarships and prizes shall generally be made by the SFRC.
- 4.5 In respect to delegated authorities, DARO will make decisions on naming rights in recognition of philanthropic gifts up to £25,000, the SFRC will make naming decisions for gifts between £25,001 and £1,000,000 and that the Council will make naming decisions for gifts of over £1,000,000.
- 4.6 These operating guidelines **MUST** be used in conjunction with the naming approvals and decision making process document in **Appendix 7**.
- 4.7 The naming opportunity gift levels listed in this document are based on values for the

2015-16 financial year. Gift recognition levels may be amended or changed upon the recommendation of the Director of Development to the Strategic Fundraising Committee. Naming opportunity gift levels will be approved on a project by project basis.

5. Naming assets

5.1 Buildings

- 5.1.1 A building is defined as a major new capital construction, replacement or refurbishment project approved by Council, managed by the Estates Department with a minimum value of £5m and underwritten by the University.
- 5.1.2 A building and room naming 'menu' **MUST** be prepared for each fundraising appeal associated with a new building capital project by the Director of Development for approval by the SFRC.
- 5.1.3 The guideline value in 2015-16 for a major philanthropic donation to be recognised through a building naming opportunity **SHOULD** be circa 30-40% of the construction cost of a new building, replacement or refurbishment cost of an existing building or of the associated fundraising appeal target. However, the specific value will be agreed on a project by project basis as part of the room and building naming menu approvals.
- 5.1.4 The entry threshold for room naming is currently set at a minimum donation level of £25,000. The size of the room, cost of construction/refurbishment and provision of equipment therein **SHOULD** then be taken into account to decide a suitable value for each particular room. Based on these factors, naming opportunities and associated values can be pre-determined at the start of an appeal for rooms, floors and other spaces available within a building.

5.2 Facilities

- 5.2.1 Facilities are defined as new capital construction, replacement or refurbishment projects approved by Council, managed by the Estates Department with a minimum value of £1m and underwritten by the University. Facilities include laboratories, teaching rooms, meeting rooms, other rooms in a building, part of a whole building such as a floor or wing and open-air facilities. More than one opportunity may be present in the same project, for example, the whole facility may be named as well as multiple rooms within the building.
- 5.2.2 A facility and room naming 'menu' **MUST** be prepared for each fundraising appeal associated with a new capital facilities project by the Director of Development for approval by the SFRC. The guideline value for a major philanthropic donation to be recognised through a facility naming opportunity **SHOULD** be circa 50% of the construction cost of a new facility, replacement or refurbishment cost of an existing facility or of the associated fundraising appeal target. The specific value will be agreed on a project by project basis as part of the room and building naming menu approvals.

The entry threshold for room naming is currently set at a minimum donation level of £25,000. The size of the room, cost of construction/refurbishment and provision of equipment therein **SHOULD** then be taken into account to decide a suitable value for each particular room. Based on these factors, naming opportunities and associated values can be pre-determined at the start of an appeal for rooms, floors and other spaces available within a facility.

5.3 'Centres, 'Institutes' and 'Units'

- 5.3.1 In addition to physical spaces within buildings such as laboratories and seminar rooms, there may be opportunities to recognise significant philanthropic donations and exceptional leadership and academic contributions through the naming of a particular area of work or research programme which may or may not be located in a physical space. Examples of these projects include 'Centres of Excellence' and 'Research Institutes' supported by external funding and/or philanthropic gifts.
- 5.3.2 In cases such as these, naming opportunities may arise to recognise a donor whose substantial donation has enabled the work of a 'Centre, 'Institute' or 'Unit' to be established, to continue or to be extended. The minimum entry threshold for a naming opportunity associated with such projects to be set at £250,000.
- 5.3.3 A 'Centres', 'Institutes' or 'Units' naming 'menu' **MUST** be prepared for each associated fundraising appeal by the Director of Development for approval by the SFRC.

5.4 Significant public spaces

- 5.4.1 In addition to buildings, facilities, centres, institutes and units, and other internal physical spaces, there may be opportunities to recognise significant philanthropic donations and exceptional leadership and academic contributions through the naming of a particular outdoor space, such as a square, garden, amphitheatre or plaza.
- 5.4.2 The entry threshold for naming a public space is currently set at a minimum donation level of £25,000. The size of the space and its location and potential use

SHOULD be taken into account to decide a suitable value for any existing spaces. The cost of construction/refurbishment and provision of amenities therein **SHOULD** also be taken into account to decide a suitable value for any new spaces. Based on these factors, naming opportunities and associated values can be pre-determined at the start of an appeal to fund the creation of such spaces.

- 5.4.3 The specific value will be agreed on a project by project basis and a proposal **MUST** be approved by the SFRC.

5.5 Academic posts

- 5.5.1 The SFRC recognises there may be opportunities to name academic posts including endowed professorships and chairs arising from philanthropic donations.
- 5.5.2 Naming rights will be considered where the funds endowed or donated cover the agreed annual costs for a minimum of five years. Costs may be determined to be the full costs of the post or the cost differential between, for example, a Senior Lectureship and a Chair.
- 5.5.3 Naming opportunities associated with philanthropic donations will be considered on a case by case basis and approved by the Head of Department and Head of College with the Director of Development. All major chair and professorship posts naming proposals **MUST** be brought to the SFRC for approval.

5.6 Scholarships and prizes

- 5.6.1 Scholarships and prizes may be endowed or funded annually. Named scholarships to support Masters and Doctoral Research can currently be funded by philanthropic

gifts starting at £4,000 per year for certain subjects. A philanthropic gift of £100,000 - £125,000 will currently endow a named scholarship to support postgraduate study in perpetuity.

5.6.2 If a donor is minded to establish a Prize Fund, the new entry level is set at a minimum endowed gift of £5,000 and a minimum annual gift of £500.

5.6.3 Naming opportunities associated with such philanthropic donations will be considered on a case by case basis and **MUST** be approved by the Head of Department with the Director of Development.

5.7 Other activities

5.7.1 In the case of existing activity where at least 50% of the cost is met through a philanthropic donation, there may be an opportunity to name the activity. Qualifying philanthropic gifts may be cash or goods or services in-kind (GSIK), providing that the in-kind gift has a budget-relieving effect.

5.7.2 For new activities not currently funded by the University, 100% of the ongoing cost of the activity should be covered by the philanthropic gift (e.g. the introduction of a new named lecture series).

5.7.3 The entry level is set at a minimum endowed gift of £10,000 and a minimal annual gift of £1,000.

5.7.4 Naming opportunities associated with such philanthropic donations will be considered on a case by case basis and **MUST** be approved by the Head of Department with the Director of Development.

6. Recognising outstanding leadership, academic excellence or outstanding achievement

6.1 Where naming recognition is proposed for outstanding leadership, academic excellence, outstanding achievement in a particular field (e.g. the arts or sport) or other such similar achievement associated with those assets in the categories 3.1, 3.2 and 3.3, initial nominations **MUST** be presented to the President and Vice-Chancellor for approval by the SFRC via ULT and subsequent approval by Council.

6.2 Where naming recognition for the President and Vice-Chancellor for outstanding leadership is proposed and associated with those assets in the categories 3.1, 3.2 and 3.3, initial nomination **MUST** be made to the Registrar and Chair of Council and for approval by the SFRC via ULT and subsequent approval Council.

7. Due diligence

7.1 The due diligence approval process is summarised in **Appendix 7**.

7.2 Due diligence **MUST** be completed for any philanthropic gift relating to a naming opportunity with a value of £25,000 or more in accordance with the University's ethical policy and guidelines for the acceptance and refusal of donations and research and enterprise Funding.

8. Hierarchy of delegated authorities

8.1 As follows:

1. DARO - approval for naming rights with a value of up to £25,000
2. SFRC - approval for naming rights with a value between £25,001 - £1m
3. Council - approval for naming rights with a value of over £1m

8.2 Naming opportunities which fall outside the category definitions described will be managed on a case by case basis and guidance **MUST** be sought from the President and Vice-Chancellor or Registrar and the Chairman of the SFRC in the first instance.

9. Termination of naming

9.1 There may be circumstances where the University wishes to consider revoking the naming rights conferred on a donor. In the first instance the Director of Development will discuss the position and associated risks with the President and Vice-Chancellor, the Chair of Council and the Chair of the SFRC and a plan of action will be agreed.

9.2 The following clause or similar clause approved by the University's solicitor **MUST** be inserted into all gift agreements where a philanthropic donation has been recognised by a naming opportunity.

'In addition to any rights and remedies available at law, the University Council may terminate a Gift Agreement and all rights and benefits of the Donor thereunder, including terminating the Naming:

- (a) In the event of any default in payment of the Gift as provided in this Agreement, or*
- (b) In the unlikely event the University Council determines in its reasonable and good faith opinion that circumstances have changed such that the naming and/or continued association with the name would adversely impact the reputation, image, mission or integrity of the University, or the University Council, in the event of a continued association with Donor and the continuation of the Naming provided for therein.*

Upon any such termination of this Agreement and/or the naming

hereunder, the Council and University shall have no further obligation or liability to Donor and shall not be required to return any portion of the Gift already paid. The Council, however, may in its sole and absolute discretion determine an alternative recognition for the portion of the Gift already received.'

10. Modification of naming

10.1 There may be circumstances where the University wishes to consider modifying the naming rights conferred on a donor. In the first instance the Director of Development will discuss the position and associated risks with the President and Vice-Chancellor, the Chair of Council and the Chair of the SFRC and a plan of action will be agreed.

1. The following clause or similar clause approved by the University's solicitor **MUST** be inserted into all gift agreements where a philanthropic donation has been recognised by a naming opportunity.

'If during the useful life of a named building or facility, the building or facility is transferred or conveyed from the University, closed, deconstructed, destroyed or severely damaged, significantly renovated, upgraded, or modified; relocated, or replaced, then the Naming will cease. In such event, the University at its absolute discretion in consultation with the Donor (if alive), will have the right to have another available building or facility named after the Donor subject to the approval of the University Council.'

11. Advice and Further Information

Advice and further information is available from the University's Director of Development in the first instance:

Email: alumni.relations@le.ac.uk

Tel: 0116 223 1071

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Appendix 7

Approval and decision making process for the management of naming opportunities

1. Buildings

- 1.1 A building and room naming 'menu' will be agreed on a project by project basis:
- Initial naming nominations will come from the Director of Development
 - Nominations will be approved by SFRC
- 1.2 The naming of a building, the duration of naming and the value of donation will be agreed on a project by project basis:
- For major capital projects with a minimum value of £5m, the donation 'value' should represent 30-40% of the construction cost, replacement cost or of associated fundraising appeal target
 - Initial naming nominations will come from the Director of Development via ULT to SFRC
 - Nominations will be approved by Council

1.3 Room naming:

- Room naming requires a minimum philanthropic gift of £25,000, pre-agreed as part of the approved building and room naming 'menu'
- Initial naming nominations will come from the Director of Development
- Nominations will be approved by SFRC

2. Facilities

- 2.1 Building and room naming 'menu' will be agreed on a project by project basis:
- Initial naming nominations will come from the Director of Development
 - Nominations will be approved by SFRC
- 2.2 The naming of a facility, the duration of naming and the value of donation will be agreed on a project by project basis:
- For new capital construction projects which have a minimum value of £1m (e.g. laboratories, floors and wings), donation

levels should represent 50% of the build, replacement or refurbishment cost or associated fundraising target

- Initial naming nominations will come from the Director of Development via ULT to SFRC
- Nominations will be approved by Council

2.3 Room naming:

- Room naming requires a minimum philanthropic gift of £25,000, pre-agreed as part of the approved building and room naming 'menu'
- Initial naming nominations will come from the Director of Development
- Nominations will be approved by SFRC

3. 'Centres', 'Institutes' and 'Units'

- 3.1. A building and room naming 'menu' will be agreed on a project by project basis:
- Initial naming nominations will come from the Director of Development
 - Nominations will be approved by SFRC
- 3.2. The naming of a 'Centre', 'Institute' or 'Unit', the duration of the naming and value of donation will be agreed on a project by project basis:
- The minimum donation entry level for a naming opportunity associated with research programme or activity is set at £250,000 (at 2015 prices)
 - Initial naming nominations will come from the Director of Development via ULT to SFRC
 - Nominations will be approved by Council
- 3.3. Room naming:
- Room naming requires a minimum philanthropic gift of £25,000, pre-agreed as part of the approved building and room naming 'menu'
 - Initial naming nominations will come from the Director of Development
 - Nominations will be approved by

4. Significant public spaces

The entry threshold for naming a public space is currently set at a minimum donation level of £25,000. The specific value will be agreed on a project by project basis and a proposal **MUST** be agreed by the SFRC before approval by Council.

- Initial naming nominations will come from the Director of Development via ULT to SFRC
- Nominations will be approved by Council

5. Academic posts

- Naming agreed by Director of Development, Head of Department and Head of College except for Chairs and Professorships which must be nominated to SFRC by Director of Development
- Approved by SFRC
- Naming rights will be considered where a philanthropic gift will cover annual post costs for a minimum of 5 years

6. Scholarships and prizes

- Scholarships can be named for annual gifts ranging from £4k p.a. to endowments starting at £100k
- For prize funds, a new minimum annual philanthropic gift level of £500 or a minimum endowed gift of £5,000k is required
- Agreed between Head of Department and Director of Development
- Approved by SFRC

7. Other activities

- At least 50% of the cost of an existing activity must be met to name the activity and 100% to name a new activity
- A minimum annual gift of £1k and minimum endowed gift of £25k are required
- Agreed between Head of Department or Pro Vice-Chancellor/

Head of College and Director of Development

- Approved by SFRC

8. Recognising outstanding leadership, academic excellence and/or outstanding achievement

8.1 Naming buildings, facilities, centres, institutes or units or prominent public spaces in recognition of outstanding leadership, academic excellence and or outstanding achievement of an individual associated with the University.

- Initial nominations to SFRC via ULT from the President and Vice-Chancellor, Pro Vice-Chancellors, Heads of Colleges and Departments
- Approved by Council

8.2 Naming buildings, facilities, centres, institutes or units or prominent public spaces in recognition of outstanding leadership, achievement or long service of the President and Vice-Chancellor.

- Initial nominations to SFRC via ULT from the Registrar
- Approved by Council

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