Gift Acceptance: Due Diligence

VERSION 1.0

<table>
<thead>
<tr>
<th>PREPARED BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>JON ANGELL</td>
<td>11/19</td>
</tr>
<tr>
<td>CHECKED BY</td>
<td></td>
</tr>
<tr>
<td>STEVE JONES</td>
<td></td>
</tr>
<tr>
<td>NIC KATONA</td>
<td></td>
</tr>
</tbody>
</table>
Contents

Introduction .......................................................................................................................... 2
Due Diligence ....................................................................................................................... 2
1. Procedures for All Staff .................................................................................................. 3
2. Acceptance Levels ......................................................................................................... 4
   Level 1: Gifts up to £25k ................................................................................................. 5
   Level 2: £25k up to £100k ............................................................................................. 5
   Level 3: £100k and less than £1m ............................................................................... 5
   Level 4: £1m+ ............................................................................................................... 6
   Repeat Donors ............................................................................................................. 7
3. Gift Acceptance Considerations .................................................................................... 7
   3.1 Ethical Policy ........................................................................................................... 7
   3.2 Policy on Anonymous Gifts .................................................................................... 8
4. Appeals Process ............................................................................................................. 9
   Appendix 1: Role and responsibilities of Council and Authorised Decision Makers ....... 10
   Appendix 2: Forms ....................................................................................................... 11
      A2.1 Gift Notification Form ....................................................................................... 11
      A2.2 Intention to Cultivate Form .............................................................................. 11
   Appendix 3: Due Diligence Reporting .......................................................................... 12
      A3.1 Due Diligence Reports ....................................................................................... 12
      A3.2 Due Diligence Report Template ....................................................................... 13
Gift Acceptance Procedures: Due Diligence

Operational guidelines for all staff involved in receiving philanthropic gifts or making fundraising approaches

Introduction

The University of Leicester has an obligation to conduct its fundraising operations and relationships in an ethical manner, and to ensure that due diligence is observed when assessing whether to accept philanthropic gifts or establish specific philanthropic relationships. For guidance on the definition of a philanthropic gift, please refer to Guidance Note: Definition of Philanthropic Funding.

‘Gift’ covers all forms of philanthropic support received by or pledged to the University of Leicester, including cash, stocks and shares, and gifts in kind of equipment, services, property, etc.

The purpose of these procedures 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 gifts. These guidelines are to be observed by all staff of the University of Leicester engaged in these activities on the University’s behalf.

Ultimate responsibility for all decisions relating to the acceptance and refusal of gifts rests with the University Council, even where decision-making has been delegated to members of staff.

A gift will be deemed to have been accepted by the University once the following documents have been authorised:

- Due Diligence decision
- Gift Agreement

Due Diligence

Due diligence is defined as reasonable steps taken to ensure that the source of a gift is compliant with the University’s Ethical Policy.

- Due diligence should be performed before:
  - cultivation begins for a solicited gift
  - either a solicited or unsolicited gift is accepted by the University
- Due diligence reporting will be conducted by the University’s Prospect Research Team. It is therefore important that all gifts are reported on the University’s Gift Notification Form to ensure that the appropriate authorisation to accept the gift is given.
1. Procedures for All Staff

- I have received a gift
- I have been offered a gift
- I want to ask for a gift £25k+ from an individual or organisation

**Complete a Gift Notification Form**

**Complete an Intention to Cultivate Form**

Send form to the Office of Philanthropy, Alumni and Community Engagement

Keyworker assigned to gift if > £25k or due diligence concerns

Due Diligence procedures followed according to acceptance level

Decision Made by Authorised Decision Maker*

Decision Communicated Back to Originator

* Not all decisions require an Authorised Decision Maker (see notes on Acceptance Level 1)
2. Acceptance Levels

2.1 The value of the gift under consideration affects the reputational risk to the University. As a result, due diligence has been divided into four acceptance levels with increasing scrutiny and level of authority required as the value of the gift increases.

2.2 The delegated “Authorised Decision Makers” are, in increasing order of authority:
   i) Director of Philanthropy or Group Director of Philanthropy, Alumni and Community Engagement (formerly DARO, the Development and Alumni Relations Office)
   ii) University Leadership Team
   iii) Nominations Committee

The ultimate authority for acceptance of gifts rests with the University Council, even where decision-making has been delegated to members of staff.

2.3 Additionally, projects with a net value of £1m+ need to have been agreed with the President and Vice-Chancellor.

2.4 It is important to note that any Authorised Decision Maker can decide to refer complex cases, where a decision cannot be reached, up to the next level of authorisation.

In the case of the Nominations Committee, complex cases would be referred to the full University Council.

2.5 If any Authorised Decision Maker, or member of an Authorised Decision Maker, is to be a beneficiary of the gift e.g. through direct funding of their area of work, or there is the possibility of any other conflicts of interest, then they must declare their interest and withdraw from the decision making process. Where withdrawal would mean a decision can no longer be made, or a meeting of the Authorised Decision Makers is not quorate, the decision should be referred up to the next level.
Level 1: Gifts up to £25k

**Authorised Decision Maker:** Not applicable unless contentious – see below.

As for all authorisation levels, gifts must be reported on a Gift Notification Form, and will be reviewed by an assigned keyworker. Gifts below £25k will generally be accepted by the University without further due diligence checks or authorisation required, with the following exceptions:

i) The identity of all donors making gifts over £1k must be known to the University and a record kept (see 3.2 Policy on Anonymous Gifts).

ii) If it is immediately apparent that a gift might be contentious e.g. a gift from the tobacco industry, then it will be referred to Level 2 for a decision, regardless of gift size. See Ethical Considerations for guidance.

Level 2: £25k up to £100k

**Authorised Decision Maker:** Director of Philanthropy or Group Director of Philanthropy, Alumni and Community Engagement (though in all cases the Group Director needs to be informed). In cases where the Director of Philanthropy is personally involved in the Gift solicitation, the Group Director will be the Authorised Decision Maker (and vice versa).

i) A due diligence Report will be prepared by the Prospect Research Team

ii) The due diligence report will be presented by the assigned keyworker to the Director of Philanthropy or Group Director of Philanthropy, Alumni and Community Engagement for a decision.

**For due diligence reports with no concerns arising:**

iii) The Director of Philanthropy or Group Director of Philanthropy, Alumni and Community Engagement may authorise acceptance of the gift on and return to the keyworker.

**For due diligence reports with concerns:**

iv) The report will be discussed at a minuted meeting of the Philanthropy, Alumni and Community Engagement Senior Management Team, chaired by the Group Director.

v) Where appropriate, members of staff relevant to the gift may be invited to the meeting.

vi) Following the meeting, the Prospect Research Team will record the decision, as recorded in the meeting minutes, on the University’s fundraising database.

vii) There are three possible decisions: Accept; Reject; Refer to Next Level

Level 3: £100k and less than £1m

**Authorised Decision Maker:** University Leadership Team

i) A due diligence report will be prepared by the Prospect Research Team

ii) The due diligence report will be presented by the assigned keyworker to the Director of Philanthropy or Group Director of Philanthropy, Alumni and Community Engagement to record their opinion on the acceptability of the gift on the due diligence report.

iii) The due diligence report will be passed to the University Leadership Team by the Prospect Research team.

iv) The due diligence report will be discussed at a minuted meeting of the University Leadership Team, chaired by the President and Vice-Chancellor.
v) Where appropriate, members of staff relevant to the gift may be invited to the meeting.
vi) Following the meeting, the Prospect Research Team will record the decision, as recorded in the meeting minutes, on the University’s fundraising database.

vii) There are three possible decisions: Accept; Reject; Refer to Next Level

Level 4: £1m+

**Authorised Decision Maker:** Nominations Committee

i) A due diligence report will be prepared by the Prospect Research Team

ii) The due diligence report will be presented by the assigned keyworker to the Director of Philanthropy or Group Director of Philanthropy, Alumni and Community Engagement to record their opinion on the acceptability of the gift on the due diligence report.

iii) The due diligence report will be sent to the Nominations Committee by the Prospect Research team.

iv) The due diligence report will be discussed at a minuted meeting of the Nominations Committee. If a gift decision is urgently needed and the timing does not fit with a scheduled meeting of the Committee, a decision will be sought by electronic means.

v) Where appropriate, members of staff relevant to the gift may be invited to the meeting.

vi) Following the meeting, the Prospect Research Team will record the decision, as recorded in the meeting minutes, on the University’s fundraising database.

vii) There are three possible decisions: Accept; Reject; Refer to Next Level (Full University Council)

2.6 All decisions (acceptance or rejection) taken by the Nominations Committee, and any decisions to reject gifts made by the Group Director of Philanthropy, Alumni and Community Engagement, or University Leadership Team, will be reported formally to the next meeting of Council by the Group Director of Philanthropy, Alumni and Community Engagement.

2.7 In all cases involving a keyworker from the Philanthropy Team, the due diligence report will be presented by the keyworker to the Director of Philanthropy or Group Director of Philanthropy, Alumni and Community Engagement for approval.

2.8 The Prospect Research team will subsequently submit papers to the University Leadership Team and Nominations Committee, where required, in order to coordinate and collate all gifts requiring authorisation.

2.9 The University can at any time review and reconsider previous decisions taken in good faith relating to the acceptance or use of particular gifts, should circumstances have changed such that the gift would adversely impact the reputation, image, mission or integrity of the University, or now breach the University’s Gift Acceptance policy.

2.10 On rare occasions, gifts may be received by the University and held in a suspense account prior to being officially accepted by the University. The suspense account will be ring-fenced to prevent expenditure occurring until the funding has been authorised by the appropriate Authorised Decision Maker. Examples in which funds may be placed into a suspense account include:
• A donation is deposited directly into the University’s bank account without the prior knowledge of the University. The University has not officially accepted the donation until the appropriate Authorised Decision Maker has approved the gift.
• An unexpected and unsolicited gift is offered, and the timescale to complete the full authorisation process (via ULT or Nominations Committee) might jeopardise the donation. In such circumstances a Gift Agreement should be signed and authorised, and due diligence be conducted and approved by the Director of Philanthropy or Group Director of Philanthropy, Alumni and Community Engagement. It will be made clear to the donor that the gift will not be officially accepted by the University, nor publicity be given, until the appropriate Authorised Decision Maker has approved the gift.

Repeat Donors

2.11 Due diligence will be refreshed on donors where authorisation to accept a gift from the same donor has been given within the preceding five years.

2.12 Gift acceptance may be authorised directly by the Director of Philanthropy or Group Director of Philanthropy, Alumni and Community Engagement to authorise gift acceptance, so long as the donation sought or offered is at the same authorisation level as the previous authorised gift AND there are no additional concerns arising following due diligence.

2.13 Where the gift exceeds the previous authorisation level, or where the refreshed due diligence reveals any new concerns, then the standard authorisation procedures should be followed.

3. Gift Acceptance Considerations

Authorised Decision Makers must take all decisions relating to the acceptance/refusal of gifts in the best interests of the University. In making a decision in the best interests of the University, Authorised Decision Makers will need to take a balanced view, and will be fully informed of the purpose and background to the gift.

3.1 Ethical Policy

In line with Charity Law, and CASE Europe’s Ethical Principles Behind the Acceptance of Gifts guidance, it is the University’s policy to refuse gifts or funding that it judges to be illegally obtained or which might adversely affect its reputation or compromise its academic freedom or integrity.

This can encompass, but is not limited to, refusing to accept a gift 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 gift/funding derives from, or is directed to, an 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 gift/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 reputation and relationship with other philanthropic donors, research funders, partners, students or prospective students.

8. The gift arises from individuals or organisations where the major part of their business demonstrates the following characteristics (in line with the University’s Treasury Management Policy):
   - Explicit environmental damage
   - Manufacture and sale of armaments to military regimes
   - Institutional violations of human rights, including exploitation of the work force
   - Discrimination against the individual in any shape or form
   - Manufacture and sale of tobacco products

9. It can be clearly shown that the cost to the University of accepting a gift will be greater than the financial or intellectual value of the gift itself.

10. The gift may give rise to an actual or perceived conflict of interest between the donor and their activities and the area of work or research being funded. Examples that may represent potential conflicts of interest include:
    a) the donor, or a member of their immediate family, is a current student or applying to study at the University. The University will only accept philanthropic gifts from students or their immediate family if there is no personal or academic gain for that student from making such a gift.
    b) The organisation in which the donor or their spouse have a significant material interest (as a director, shareholder or senior employee) holds, or could potentially compete for, a University contract as a supplier. The Procurement Unit should be informed of the proposed gift, so that they may advise on the level of risk attached, e.g. a tender exercise could be made vulnerable to the risk of legal challenge on the basis that the winning bidder gained undue influence by making a donation to the University. In general, negotiations concerning philanthropic gifts should not be held whilst the University is undertaking, or planning to undertake, a procurement exercise where the organisation offering the gift could potentially be a (winning) bidder.
    c) If the donor stands to gain financially from providing this gift (e.g. if the gift is to fund research from which the donor, or their company, would benefit financially)
    d) If the donor is, or is to become, an employee (including honorary or visiting appointment) of the University

11. If the Authorised Decision Maker is to be a beneficiary of the gift, e.g. through direct funding of their area of work, or there is the possibility of any other conflicts of interest, then they must declare the interest and refer up to the next level by completing a Gift Decision Acceptance form and returning to the Prospect Research Team.

12. 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.

3.2 Policy on Anonymous Gifts

1. The identity of all donors making gifts over £1k must be known by the University before accepting a gift or entering into any gift or ‘gift in kind’ negotiation.

2. At a minimum, disclosure of identity must be made to the Group Director of Philanthropy, Alumni and Community Engagement and either (in order of preference) the President and Vice Chancellor, Registrar or Chair of Council. The donor’s identity will also, where agreed with the donor, be confidentially disclosed to a member of the Prospect Research Team in order to allow due diligence
to be conducted, as set out in this policy. The identity of the donor is to be kept in a restricted confidential file within the Group Director’s Office.

3. It is the donor’s right to restrict knowledge of their identity to the above named officers and/or to seek anonymity in relation to the public promotion of the gift.

4. Action to accept or solicit a gift must be suspended until this disclosure is made and abandoned if it is not forthcoming.

5. In keeping with the Memorandum of Assurance and Accountability between HEFCE and Institutions, HEFCE expects the University to report any gifts of more than £25,000 from unknown donors, or where the source cannot be verified, as a serious incident.

6. A six monthly confidential report will be produced by the Group Director of Philanthropy, Alumni and Community Engagement for the Chair of Council detailing current donors who have requested anonymity. In the case of donors who wish to withhold their identity from the Chair of Council, details of the gift, including the amount, the area supported and the Officers to whom the donor’s identity has been revealed, must be reported.

4. Appeals Process

4.1 Should a donor, or potential recipient of a gift, disagree with a decision to reject the gift, a review of the procedures followed will be undertaken by the Group Director of Philanthropy, Alumni and Community Engagement to confirm that the Authorised Decision Maker has followed the procedures as laid out in this document. The matter will then be presented to the University Council for a final decision. There will be no further right of appeal beyond the decision made by the University Council.
Appendix 1: Role and responsibilities of Council and Authorised Decision Makers

Ultimate responsibility for all decisions about the acceptance of gifts, 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 gifts 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, nor short term financial pressures on the University, 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 gift 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.

- 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 gift or funding in question.

- Members must derive no personal benefit (individually or collectively) from gifts, funding, loans or other material support offered to the University.
Appendix 2: Forms

A2.1 Gift Notification Form

A2.2 Intention to Cultivate Form
Appendix 3: Due Diligence Reporting

A3.1 Due Diligence Reports

Due diligence reports are written by the Prospect Research Team within the Philanthropy Team.

1. Due diligence reports are prepared based on a review of material that is publicly available which can be used to examine the background and financial condition, business operations and contractual obligations of a person or organisation.
   a. **Sources used for assessing wealth**: Net wealth is assessed 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 directory of Directors and Shareholders (Mint); Zoopla, Business week, Level Business; Sunday Times Rich List; /Pro-online Research High Net Worth alerts; Lexis news searches; news alerts. The Prospect Research Team use the standard of UK individuals giving 5% of net wealth.
   b. **Sources used for assessing reputation**: 192.com, Bureau van Dijk, Mint, 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 use only professional journalistic sources (mainly broadsheets), and give credence to issues confirmed by two reputable sources.

2. The legal and reputational rights of potential donors must be considered as part of any due diligence undertaken in assessing the acceptability of a proposed gift. In this regard a clear distinction will be drawn between rumour or speculation and matters of confirmed fact or legal finding, while also accepting that institutions must consider the reputational risks that could be incurred through public perception of any particular donor.

3. The positive benefits of accepting the gift must be fully understood and communicated on the due diligence report. The assigned keyworker should also provide their opinion as to the acceptability of the gift on the due diligence report.

4. Where insufficient information has been provided on either the Gift Notification Form or Intention to Cultivate Form, further details will be sought. Where Authorised Decision Makers require further detail, the member of staff submitting the Gift Notification Form, or other members of staff involved, may be invited to join the due diligence discussion at an appropriate point.

5. The Philanthropy Team will seek appropriate legal and financial advice for correctly dealing with gifts, as required.
A3.2 Due Diligence Report Template

A due diligence report will be completed by the Prospect Research Team for:

i) All gifts £25k or more in value

ii) Gifts below £25k in value where there is cause to believe the University’s Ethical Policy might be compromised

iii) All prospects believed to be capable of making a gift over £25k in value, prior to cultivation.

---

1 http://ucts.canterbury.ac.uk/