



Acceptance of Gifts Policy

The University welcomes and actively seeks grants and gifts to support its work from a range of sources including individuals, companies, charitable trusts and foundations and its association of Friends. These gifts and donations may be in the form of cash; property; or gifts in kind such as items for the University, in-kind services or pro-bono voluntary work. This Policy is intended to clarify University policy in this regard and to assist staff seeking to attract donations.

As stipulated in the University's Anti-Bribery and Corruption Policy 2011, "any charitable donations received by the University must be for exclusively charitable purposes and in furtherance of its objects and shall not improperly influence and decisions or actions made by or on behalf of the University."

In accordance with its mission and values, the University's activities conform to the highest ethical standards. The University operates an ethical investments policy and engages the University's Investment Fund Managers to manage its investment funds in accordance with socially responsible investment policies. In addition an ad hoc ethics committee can be called by the Vice Chancellor, chaired by a lay member of council, should the situation be serious enough to require it.

1. All funding should support the University's strategic mission and be in keeping with its values, including academic freedom, accountability and integrity.
2. The University seeks funds for strategically important projects that enhance Kent's academic potential, academic standing or income-generating potential.
3. All staff members involved in the acceptance of gifts and donations (including gifts in kind) should ensure that they adhere to the University's Financial Regulations and any other relevant policies and procedures.
4. Gifts and donations should be proportionate to their intended purpose. In addition, it is important that there is a consistent approach across the University (for example, for a given purpose, gifts of a lower value should not be accepted in one part of the University than they would be accepted in another).
5. Members of staff should consult the Director of Development and seek advice before soliciting a gift or donation or accepting a gift or donation. If the Director has any concerns about the potential donation he/she should consult the Chair of the Fundraising Co-ordination Committee in the first instance
6. Decisions to refuse or accept donations should be recorded in writing on Raiser's Edge. It is important that the Fundraising Coordination Committee acts responsibly and due consideration to any risks can be demonstrated including the integrity of the decision making process.
7. Volunteers, employees and professional advisors who solicit or receive funds on behalf of the University shall:
 - Adhere to the provisions of this Code
 - Act with fairness, integrity and in accordance with all applicable laws
 - Adhere to of practice
 - Adhere to the University's policy and procedures covering fundraising:
 - Acceptance of Gifts Policy
 - Statement of Ethics
 - Naming Policy
 - Prospect Clearance Policy
 - Donor Charter

- o Raiser's Edge Policy & procedural manual

8. A gift should NOT be accepted:
 - 8.1 where there is credible evidence that it has derived in whole or in part from illegal or unethical activity;
 - 8.2 if it requires any illegal or unethical inquiry;
 - 8.3 if it has the potential to cause significant damage to the reputation of the University or its relationships with its constituencies, including donors, alumni, staff, current students, parents or other stakeholders (including those with whom it holds formal or informal relationships or with whom it hopes to establish relationships);
 - 8.4 if it has the potential to create unacceptable conflicts of interest;
 - 8.5 on terms and conditions inconsistent with what the University considers to be good practice;
 - 8.6 from parents/guardians until a student has registered at the University;
 - 8.7 from current students with the **exception** of allowing low level gifts from alumni who register for a further programme of study in the University.
9. Decisions regarding admissions to programmes of study will be made by academic Schools, based on the University's admissions criteria, and will not take other factors (i.e. pledged donations) into account.
10. Donations which fund undergraduate scholarships will be managed by Enrolment Management Services/International Development and not by academic Schools.
11. Donors will be stewarded as all other financial/other contributors to the University. A donor who has a relative registered as a student will not be privy to information about the progress of his/her son/daughter/other relative unless such information is freely given by the individual concerned. Similarly a donor will not be given information about the progress of a scholarship recipient unless that information is freely given by the scholarship holder concerned.
12. In the cases of potential gifts which may conflict with any or all of the above guidelines, and philanthropic gift of over £1,000, the Development Office will undertake the necessary due diligence and forward a report, including information on the identity of the donor, to the relevant Major Gifts Officer. If necessary, this report will be referred to the Chair of the Fundraising Coordination Committee, who will make a decision on acceptance or otherwise. The Chair of the Fundraising Coordination Committee can refer the matter to the University's Ethics Committee for a final decision.
13. The Director of Development will give an annual report to the Council (for its information) about philanthropic income received and progress concerning gifts received and fundraising strategy.

Potential donors should be referred to the University's Donor Charter which sets out, in very broad terms, what a donor can expect from the University.

Where funds are intended to contribute to a project, the full direct costs of the project (e.g. support staff costs, additional running costs, additional space or equipment costs) should be properly identified beforehand.

Staff should seek advice and support from the Development Office before soliciting a philanthropic donation or accepting other than a token gift. The primary contact is the Director of Development, or in his/her absence, contact the Head of Major Gifts.

Where a donor believes that the above Policy has not been followed, a complaint may be made to the Director of Development or, in his/her absence, the appropriate Executive Group member.

Any serious concerns over conflict of interest (when the interests of Kent differ from those of a potential supporter or when the interests of a member of staff differ from either Kent or the potential supporter) will be referred by the Director of Development to the Fundraising Coordination Committee.

Appendix 1 Gift Acceptance Process

The Development Office is responsible for the solicitation and management of any philanthropic income received, as well as the necessary stewardship of the individuals and the organisations that donate.

The following guidelines outline the processes undertaken in administering philanthropic income once accepted and received:

1. In the first instance, the Major Gifts Officer should check that the funds in question come from a legitimate source (i.e. that they are not the product of illegal activity) through the commission of a due diligence report. See appendix 2.
2. All philanthropic donations received by the University are administered by the Development Office and records held on the University's alumni and donor relational database: *Raiser's Edge*.
3. All philanthropic donations received by the University are recorded as charitable income and accounted for in accordance with the University's financial accounting procedures (see Financial Procedure 231).
4. The Development Office will comply with the requirements of the Statement of Recommended Practice (SORP) 2007 as directed by the Finance Office.
5. Any donations received where the donor is known are formally acknowledged within three days of receipt in an appropriate manner as determined by the Development Office.
6. Unless explicitly stated otherwise, donations of less than £5,000 are administered via the Kent Opportunity Fund and are utilised in accordance with the aims of the Fund.
7. A gift agreement is signed with major donors (over £5,000), template in Appendix A
8. The University is able to reclaim Gift Aid on any donation by the donor who has paid UK tax during the year to at least the value of the gift, and in addition has made a declaration that this is the case. There must be an audit trail back from each donor to a written declaration or confirmation of a verbal declaration. Evidence of such declarations are kept on Raiser's Edge. Gift Aid is claimed in accordance with HMRC Gift Aid regulations: http://www.hmrc.gov.uk/charities/gift_aid/reclaim.htm

Approval Authority Acceptance Limits for philanthropic gifts/donations

- a. £1,000 - £50,000: Director of Development
- b. £50,000- £250,000: Executive Group member with the Development portfolio, in consultation with the Executive Group.
- c. £250,000 - £1,000,000: Chair of the Finance and Resources Committee and the Vice-Chancellor and subsequently reported to the Finance and Resources Committee.
- d. £1,000,000: £2,000,000: Chair of the Finance and Resources Committee, the Vice-Chancellor and the Chair of Council and subsequently reported to the Finance and Resources Committee
- e. £2,000,000+: Chair and Deputy Chair of Council/Chair of the Finance and Resources Committee and the Vice-Chancellor and Senior Deputy Vice-Chancellor and subsequently reported to the Council.

Appendix 2 Due Diligence Procedure

This Procedure is supplemental to the Acceptance of Gifts Policy. It is intended to set out the approval and associated due diligence process for accepting philanthropic income and gifts, including legacies.

1. Due diligence practices

Due diligence will be conducted by the University's Prospect Researcher(s). It is the responsibility of the relevant Major Gifts Officer/Development Officer to request in a timely manner and to ensure that the Prospect Researcher is briefed on the nature of the proposal as well as any relevant issues.

The level of due diligence to be carried out will depend upon the circumstances.

Where sums in excess of £1,000 to £9,999 are involved, prospects will be subject to an **initial due diligence** check using the internet. Here 'initial' refers to a basic check on the web.

Where sums in excess of £10,000 are involved, prospects will be subject to **full due diligence**. This shall include:

- **Identify checking** – a review using sources which confirm a prospect's identify e.g. Raiser Edge, Who's Who, Nexis Biography, Charity Commission, Companies House, FAME and Google.
- **Checking for high risk indicators** – an internet search using the prospect's name and the following terms: tax evasion, fraud, human rights, falsification, falsification of academic research, bribe, bribery, controversy, crime. (Sources used: Google)
- **Biographical information search** – desk research looking at standard biographical information e.g. family members, career history. (Sources used: Who's Who, Nexis Biography)
- **News source review** – broader reading of news sources regarding the prospect, seeking background information and any indications of controversy.
- **Business database check** – a check on business databases to analyse how a prospect acquired their wealth, including analysis of subsidiary companies, and to identify potential conflicts of interest. (Source used: FAME)
- **Charity Commission review** – a check of the charitable organisation linked to the prospect using the Charity Commission website. (Source used: Charity Commission Website).
- **Public records check** – a search of online court papers for outcomes of legal proceedings involving the prospect and/or associated companies. (Sources used: Ministry of Justice Website).
- **Bankruptcy and court judgement check** – a search using databases to locate any bankruptcy or court judgements. (Sources used: Ministry of Justice websites to check publicly available notices).
- **University history** – a check of the University's records (e.g. using Raiser's Edge and electronic search tools) for information regarding previous University relationships and cultivation history. This includes details of previous donations.
- **Human Rights/environmental/other record checks** – a review of research reports from NGOs, e.g. Amnesty, Human Rights Watch, Greenpeace, etc. to consider human rights, environmental or other ethical issues.

It is noted that often quick decisions need to be made in relation to the acceptance of gifts. To this end, the Prospect Researcher(s) shall endeavour to:

- Complete all Standard due diligence and reporting within five working days (where possible)
- Complete all Full due diligence and reporting within two weeks.

Current policy is for the due diligence form to be completed and stored on Raiser's Edge, but this is under review to ensure compliance with relevant data protection legislation. Following submission of the completed report to the Major Gifts Officer concerned, it is the responsibility of the fundraiser to ensure that the gift

acceptance decision is communicated according to the template to the Prospect Research Officer to record on the database.

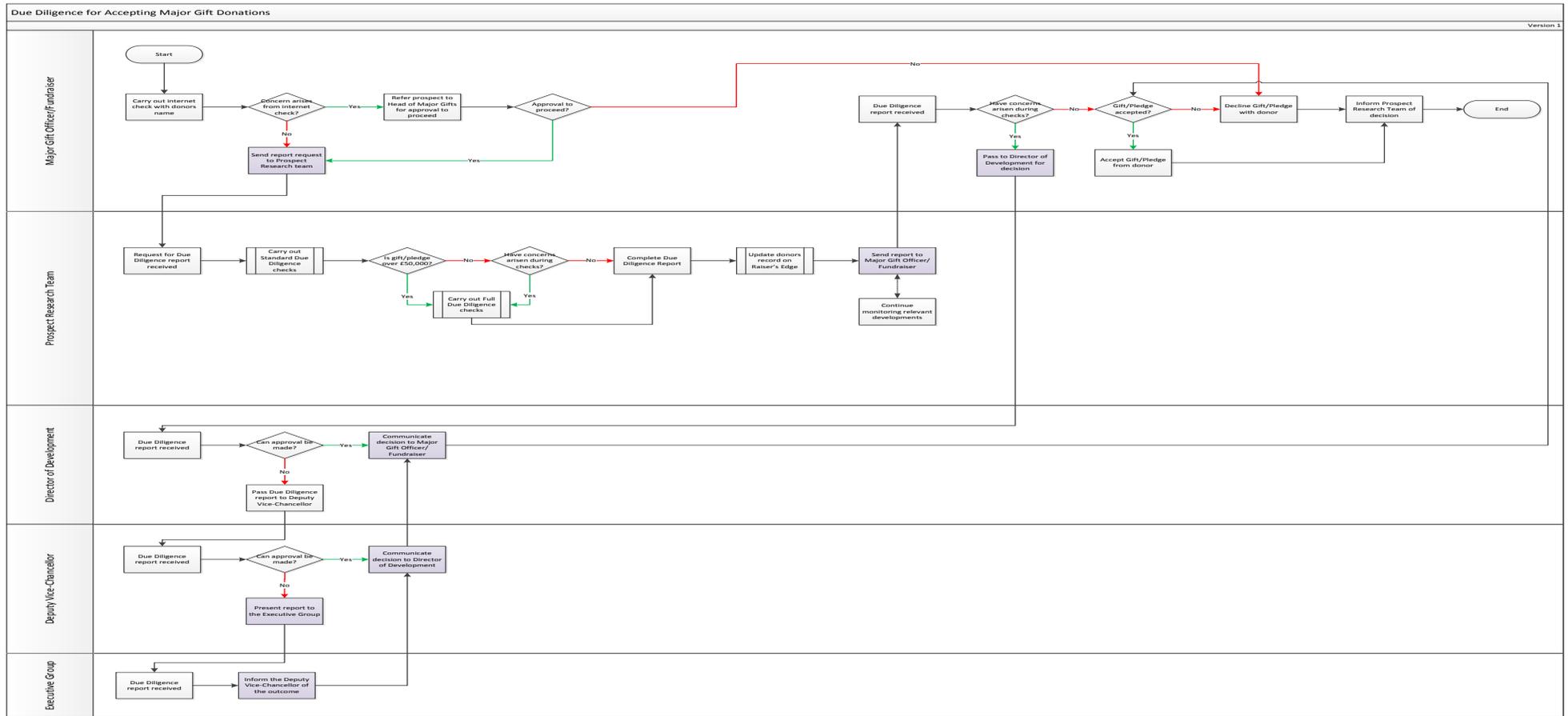
It is acknowledged that the position of an existing donor may change over time. In the event that the Development Office has reason to believe that a review of due diligence is required, a new due diligence report shall be carried out accordingly.

2. Legacies

Where gifts are being provided to the University under the terms of a Will, appropriate due diligence needs to take place both at the point the University is notified that a pledge has been made and also at the stage that the pledge is fulfilled.

3. Escalation of ethical issues

If the Director of Development identifies an area of concern during the solicitation/negotiation or review of a proposed gift, the Director shall consider the matter and direct and provide guidance to the Major Gifts Officer as appropriate. Matters that cannot be resolved at this level should be referred by the Director of Development to the Fundraising Coordination Committee (if time allows) or to the University's Executive Group if a more immediate decision is required.





Appendix 3 Gift Agreement Template

Supporting the University of Kent

[Title of Donation]

This agreement is made between the *[insert donor's name]* (hereinafter referred to as the "Donor") and the University of Kent (hereinafter referred to as the "University").

The Donor and the University agree as follows.

1. **Pledge:** The Donor pledges a gift to the University the sum of *[amount in numbers]*
2. **Purpose:** In keeping with the donors wishes the gift will be used to *[description of project] [and added to existing fund][The Donor reserves the right to increase the Fund through additional gifts and hereby consents to additional contributions to the Fund by any individual, corporation,and all gifts so designated shall be subject to the provisions of this Agreement.]*
3. **Fulfilment:** The donor will make *[a]* payment[s] of *[amount in numbers]* to the University, *[frequency]* for the next *[number of]* years. *[The continuation of the fund is subject to an annual review]*
4. **Recognition & Stewardship by the University:** To express its sincere thanks, Donors may be recognised in the Donor Report and other publications and electronic media at the University's discretion with the permission of Donor. / *[wishes to remain anonymous]* Donors will be informed as to how their donation has been used via regular communication or/and an annual review.
5. **Publicity:** The *[University may publicise this gift in the form of news announcements, both internally and externally]* / *[donor wishes to remain anonymous]*
6. **Gift Disbursement :** This gift will be disbursed by *[Lead name in School/Department]* and colleagues in the University's *[name of School/Department]* and be allocated *[annually / Lump sum]*
7. **Administration of Gift:** The fund will be managed by the University's Development Office. The financial investment of the fund will be managed by the University's Finance Division.
 - a. The University reserves the right to claim any additional eligible financial benefits such as Gift Aid and matched funding available as a result if this donation subject to availability.

- b. These additional benefits will be applied to this gift to increase its value and longevity as set out according to University of Kent practices and policies
8. **Unforeseeable circumstances:** In the unlikely event that in the future, it becomes impossible for the donation to serve the specific purpose for which it was created, the University shall in the first instance discuss this with the donor to find a resolution. If the Donor cannot be contacted then it will be devoted to purposes that are most consistent with the wishes of the donor. If this is not possible it should be reassigned in consultation with the Vice-Chancellor.
9. **Amendments:** This Agreement may be amended at any time by either party by means of an exchange of letters signed by each party that sets out the details of each variation concerned.
10. **Data Protection:** The University of Kent is legally required to comply with the Data Protection Act 1998. In accordance with its Data Protection Code of Practice, the University will only use personal information about individuals for educational, social and fundraising purposes. This code is available on request at www.kent.ac.uk/data-protection.

As a most valued donor, the University thanks you for your generosity.

Signatures

Donor Name
Title, Organisation

Date:

Name
Title, University of Kent

Date:

Appendix 4



DONATION CHECKLIST AND FUND AGREEMENT

Section 1: To be completed by Major Gift Officer						
Major Gifts Officer name						
Telephone/email						
Donor's name (Foundation/Company)				Raiser's Edge ID		
Pledge amount and currency		£	\$	Euro	Other:	
Is gift eligible for Gift Aid (refer to - 'Gift Aid Explained')	Yes	No	If Yes check RE for declaration, if no declaration recorded send paper form to donor			
Reason for pledging to Kent (i.e. legacy)						
Purpose of gift (how the gift is going to be used)	Scholarship		Hardship			
	Research		Other: (please specify)			
Does the awarding criteria include a Protected Characteristic under the terms of the Equalities Act?	Age		Marriage/civil partnership			
	Disability		Ethnicity			
	Gender		Religion/belief			
	Gender reassignment		Pregnancy/maternity			
	Sexual orientation					
If a corporate gift, does it conform to HMRC definition	No contract exists		No Intellectual Property rights			
	No entitlement to exclusive info		No direct financial benefit			
	No entitlement to exclusive publication		University retains overall control			
	No consultancy in agreement					
Frequency of gift	Monthly/quarterly/annually					
When gift(s) will be received,						
Type of payment	BACS	Cheque	Notes or Other:			

Which financial year will funds start to be used?		End Date If known	
Amount to be disbursed/awarded			
Is gift to be recommended for Internal Matched Funding?			
Draft of Gift Agreement & Check list sent to School/College/Dept.	Yes		Contact Name
	No		
Comments/Outcome: Link to Gift Agreement:			
Is the gift/pledge over £1,000? (due diligence check required)	Yes/No	Date req.	Pledge over £1,000
			Not an alumnus
Is Due Diligence report satisfactory?	Yes / No		Decision noted on RE?
Gift Agreement signed according to Acceptance of Gifts Policy?	Yes / No		
Other comments:			

Section 2: To be completed by Gift Processing Officer					
Draft sent to Enrolment Management Services (EMS)	Yes/No	Date		Note	
Draft Sent to Kent Innovation and Enterprise (KIE)	Yes/No	Date		Contact Name	
Draft Sent to Research Services	Yes	Date		Contact Name	
	No				
New Codes (if applicable)					
Comments/Outcome:					
Final scanned copy sent to Finance Office (if not research)	Yes	Date		Contact Name	
	No				
New codes (if applicable)					
Comments					
Final scanned copy sent to School Finance Officer	Yes	Date		Contact name	
	No				
If BACs inform Payments Office Date office informed:					
Received Final Gift Agreement?	Yes	Date received			
	No				
Donation received		Date			
Section 3: To be completed by Operations Team					
Proposal and Action Added to Raiser's Edge - (if applicable)	Yes	Date added			
	No				
Pledge gift added	Yes	Date added			
	No				
New Fund set up	Yes	Date Set Up			
	No				
New Scholarship record created	Yes	Date Created			
	No				
Date Stewardship Officer Informed					