



UNIVERSITY_{OF}
WINCHESTER

Ethical Fundraising Policy

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Responsible Person and Department:	Pro Vice-Chancellor (Engagement), Executive Leadership Team
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Indicate whether the document is for public access or internal access only Indicate whether the document applies to collaborative provision? <i>(Strikethrough text, as appropriate)</i>	Public Access Internal Access Only Applies to Collaborative Provision
Summary: <p>1.1. This Policy applies to all those involved in fundraising activities at and/or for the University, whether they are members of staff, students or volunteers. At the heart of fundraising ethics lies the need to ensure that the University's mission and values, personal integrity, and the trust of the donor are upheld. This requires openness, transparency and respect. Furthermore, there is a need for the University to ensure that it does not expose itself by accepting donations from questionable or inappropriate sources.</p> <p>1.2. This Policy underpins the University's commitment to providing a high-quality professional service and standards that supporters can expect from the University.</p> <p>1.3. It also sets out the principles and governance of gift acceptance.</p> <p>1.4. This Policy also takes into account the Fundraising Regulator's Code of Fundraising Practice and the legal requirements identified in that code.</p>	

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Executive Summary

2. Supporting the University mission

- 2.1. The University's mission is to change the world through education – to educate, advance knowledge and serve the common good. The University's transformational education ensures its graduates have the skills they need to meet workforce needs and to live successful and meaningful lives. The University is making a difference by undertaking and sharing research which will inform and enable lasting change.
- 2.2. The University's values are: The Love of Learning; Individual and Shared Endeavour; and Making a Difference.
- 2.3. The University sees fundraising as one of the ways to resource programmes of work to sustain and deliver its mission.

3. Scope of Policy

- 3.1. When referring to fundraising in this policy, the University subscribes to The Council for Advancement and Support of Education (CASE) definition as follows:
 - 3.1.1. *Educational Philanthropy is the voluntary act of providing private financial support to nonprofit educational institutions. To be categorized as philanthropy in keeping with CASE standards, such financial support must be provided for the sole purpose of benefiting the institution's mission and its social impact, without the expressed or implied expectation that the donor will receive anything more than recognition and stewardship as the result of such support.*
- 3.2. This Policy applies to all those involved in fundraising activities at and/or for the University, whether they are members of staff, students or volunteers. At the heart of fundraising ethics lies the need to ensure that the University's mission and values, personal integrity, and the trust of the donor are upheld. This requires openness, transparency and respect. Furthermore, there is a need for the University to ensure that it does not expose itself by accepting donations from questionable or inappropriate sources.
- 3.3. This Policy underpins the University's commitment to providing a high-quality professional service and standards that our supporters can expect from the University, as well as explaining how supporters can provide feedback so that the fundraising service can continually improve.
- 3.4. This Policy also takes into account the Fundraising Regulator's Code of Fundraising [Practice](#) and the legal requirements identified in that code.

4. Policy review and updating schedule

- 4.1. This Gift Acceptance Policy shall be reviewed every three years by the Finance and Resources Committee. If there are changes to the laws and/or regulations covering fundraising, the policy will be reviewed ahead of this schedule to determine if amendments are necessary to address changes or new situations.

Principles of Practice

5. Fundraising standards

- 5.1. The University of Winchester subscribes to the CASE [Principles of Practice for Fundraising Professionals at Educational Institutions](#). These principles are consistent with the detailed 'Code of Fundraising Practice' produced by the Fundraising Regulator.

- 5.2. These industry standards have been adapted and incorporated into this Policy:

- i. The University will only accept donations that comply with this policy for the acceptance and refusal of philanthropic donations and that are in the best interests of the institution. If a donation is turned down, a record will be kept, in line with the University's retention policy, of the reasons for that decision.
- ii. The Ethical Fundraising Policy sets out the University's intentions in respect of their relationship with donors and supporters.
- iii. Any complaint from donors or prospective donors will be treated seriously and with respect and the complainant will receive a response within a reasonable time frame. Where the complaint is found to be valid, appropriate measures will be taken to address the concerns and issues raised and to prevent similar issues arising in the future. Please view the policy here [Public Complaints Policy \(winchester.ac.uk\)](#).
- iv. Associated schemes and practises for donor recognition will be proportionate to the significance of the gift and will comply with both prevailing charity and tax law. Honorary degrees will not be conferred directly as a result of a major gift but with due consideration and timeliness, in line with current practice within the University, so as to ensure a broader deliberation of an individual's contribution to the University.

The Donor

- v. Donors will be provided with accurate information about the University and the purpose for which their philanthropic funds are being solicited.
- vi. Any philanthropic funds raised will be used for the purpose for which they were given. The University will inform donors in a timely manner should the activity they are funding be changed in a significant manner or the agreed outcomes cannot be achieved for any reason.
- vii. Where an agreement between the University and the donor exists, funds can only be repurposed with the explicit prior permission of the donor or as charity law allows.
- viii. All key conditions relating to donations over £10,000 will be contained in a signed Gift Agreement or exchange of correspondence with which both parties will comply.
- ix. The University may encourage prospective donors or legators, but it will not put individuals under pressure to give.
- x. The University will provide all donors with appropriate updates on their contribution to the University's goals. It will also comply with any specified reporting requirements that are a condition of a specific donation, as set out in a gift agreement, in a timely manner.
- xi. Information about prospects and donors will be kept secure and in compliance with the UK GDPR and Data Protection Act (2018).
- xii. Donors will be informed, through appropriate means (such as websites, donation forms, and individual discussions) and prior to making a donation(s), about the University's policy on publicising donor names and on its obligations under the Freedom of Information Act (2000) to reveal, in certain circumstances, the identity of donors who would otherwise have remained anonymous.

Fundraisers and Volunteers

- xiii. The University will ensure that all those who solicit gifts on its behalf (including volunteers and students) are fully briefed on this policy.
- xiv. The University and all fundraisers will respect the clearly expressed preferences of donors and prospects about the method and timing of fundraising approaches and will ensure

that those preferences are appropriately recorded and disseminated across the institution.

- xv. If the University is working with an independent third-party organisation or individual as a 'professional fundraiser' to solicit philanthropic gifts on its behalf, the arrangement will be subject to the relevant legal requirements and a 'written agreement'.
- xvi. Third-party fundraisers will not be paid by commission other than in exceptional circumstances and where the conditions set out in the Fundraising Regulator's Code of Practice have been met.
- xvii. If the University uses volunteers or students on its behalf to cultivate and/or solicit gifts from prospective donors then the organisation will comply with its consequent legal duties and the donor will be made aware of the nature of that relationship.

Acceptance of Gifts and Donations

6. Principles of gift acceptance

6.1. The University subscribes to CASE Europe's 10 principles for the acceptance of gifts:

- i The University will seek philanthropic support which is aligned with its mission, values, strategic goals and financial needs.
- ii The Ethical Fundraising Policy will be available in the public domain.
- iii The University is committed to the principles of academic freedom – the freedom of teachers and students to teach, study and pursue knowledge and research without unreasonable interference. The University will not accept philanthropic gifts if this is not clearly understood and accepted by all parties.
- iv The Ethical Fundraising Policy sets out clearly the governance of gift acceptance (see section 9).
- v All reasonable steps will be taken to ensure that the source of funding for each gift is clear and the funds do not derive from activity that was or is illegal, or runs counter to the core values of impartial, independent research, scholarship and teaching.
- vi Discussions with potential donors that are likely to give rise to significant public interest, or which raise complex questions with regard to acceptability, will be considered at the earliest stage.

- vii 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 will be drawn between rumour or speculation and matters of confirmed fact or legal finding, whilst also accepting that the University may wish to consider the reputational risks that could be incurred through public perception of any particular donor.
- viii Donors must accept and, for significant gifts (as determined by the University), sign appropriate gift agreements to confirm that the management and governance of programmes funded through benefaction rest solely with the University. Without undermining this core principle, the University will offer donors opportunities for continuing engagement with the activities they have funded.
- ix The University will employ its standard policies and procedures relating to recruitment, admissions, hiring, promotion, procurement, management and governance for all research, teaching, outreach, capital development, or student scholarship programmes funded by gifts.
- x The University may reconsider previous decisions taken in good faith relating to the acceptance of particular gifts if subsequent events or the subsequent availability of additional information require it. The response to such circumstances will be transparent and proportionate to the particular circumstances that have arisen.

7. Gift acceptance criteria

7.1. The University will accept gifts that:

- i fit within the University's mission and values;
- ii support the University's Strategic Plan; and/or
- iii support the University's financial needs as a legitimate component of its income.

7.2. The University will not accept gifts that:

- i are not in line with the University's mission, values and strategic aims;
- ii derive in part or in whole from activity that is illegal or that conflicts with the University's [Ethical Investment Policy](#), including never knowingly accepting gifts from companies with any link to the production of munitions, tobacco, pornography, gambling or any company that is primarily focused on coal or oil extraction or processing;
- iii are not in line with the principles of academic freedom and impartiality;

- iv could damage the University's reputation or deter other donors;
- v give rise to any material conflicts of interest;
- vi are offered by current students and would afford them personal or academic gain for making such a donation;
- vii could cause any damage, including financial, to the University; and/or
- viii from countries, administrations or groups currently under financial sanctions imposed by the UK government.

Governance of Gift Acceptance

8. Board of Governors

- 8.1. The University's Board of Governors approves the Ethical Fundraising Policy, and the Finance and Resources Committee is the body to oversee the Policy. The Board of Governors, via the Finance and Resources Committee, will receive an annual report on donations.
- 8.2. The Finance and Resources Committee has oversight of University fundraising activity to ensure that the University operates effective processes for soliciting, receiving and managing gifts and donations.
- 8.3. The Finance and Resources Committee shall approve the acceptance of donations and endowments greater than £500,000, in accordance with the following:
 - a. to consider any strategic, financial, legal, ethical and/or reputational issues associated with the gift or proposed gift;
 - b. to take all reasonable steps to clarify the source of funding; and
 - c. to determine whether the gift in question may be accepted or, proposed gift solicited.
- 8.4. If the Finance and Resources Committee considers that there are issues involved with a gift or proposed gift it may seek advice, formally or informally, before making a decision. The focus in making a decision will be, in the light of all available information, if the best interests of the University are served in accepting or refusing the donation in question.
- 8.5. If the Committee does not consider there to be a conflict, then the solicitation plan may resume. If the Committee agrees that there is a conflict, then the solicitation plan will cease.

8.6. Where concerns are raised under this Policy about a gift that has already been accepted by the University, a similar process of consideration and scrutiny will be followed to that set out above in order to determine whether it is appropriate to retain the gift, to return it to the donor or to take any other action in relation to the gift.

9. Executive

9.1. The Vice-Chancellor will be informed of all donations or bids for funds of £10,000 or more to determine whether or not there is conflict with any of the principles set out above. If the Vice-Chancellor believes that there may be cause for concern, the gift in question may be considered further by ELT and/or the Finance and Resources Committee, and the above process followed for determination as to whether or not the gift should be accepted.

9.2. If subsequent events (including the availability of new information) so require, the University may review and reconsider previous decisions to solicit or accept particular donations. The response to such circumstances shall be transparent and proportionate.

Responsibilities to donors

10. Donor rights

- 10.1. All fundraising solicitations by, or on behalf of, the University will disclose the University's name, contact information and purpose for which the funds are requested.

11. Donor entitlements

- 11.1. All donors and prospective donors are entitled to the following upon request:
- i the most recent University annual report and financial statements;
 - ii confirmation of the charitable status of the University; and/or
 - iii confirmation of whether an individual soliciting funds on behalf of the University is a volunteer, an employee, or a hired fundraiser.
- 11.2. Donors and prospective donors will be treated with respect. If the University has been so informed, it will honour their request(s) to:
- i limit the frequency of solicitations;
 - ii not be solicited via certain communications channels; and/or
 - iii receive printed material concerning the University.

12. Anonymity

- 12.1. The University will be transparent about gifts received, their sources and purposes. In cases where a donor wishes to remain anonymous, such request for confidentiality must be received in writing. Such anonymity will be respected for all public purposes. The University may disclose details of any donor where it is required to do so by law, by any governmental or other regulatory authority, or by court order. In the event of a Freedom of Information request, the University would prepare any response in accordance with FOI regulations and exemptions which may require anonymity to be broken.

13. Privacy

- 13.1. The privacy of donors will be respected. Any donor records that are maintained by the University will be held in accordance with Data Protection law. Donors have the right to see their own donor record, and to challenge its accuracy.

14. Donor details

- 14.1. The University does not sell supporter details on to third parties.

15. Asking for support

- 15.1. The University will not fundraise in a way which is an unreasonable intrusion on a person's privacy, is unreasonably persistent or places undue pressure on a person to donate.

16. Third parties

- 16.1. If the University is working with a third-party organisation or individual as a 'professional fundraiser' or charity partner to solicit philanthropic gifts on its behalf, the arrangement will be subject to the relevant legal requirements and a written agreement.

17. Legal advice

- 17.1. Donors are encouraged to seek independent legal and/or financial advice. The University is unable to and will not give legal or financial advice.

18. Data protection

- 18.1. The University processes certain personal data about staff and students to fulfil its purpose and to meet its statutory obligations to funding bodies and the government. The University's data handling processes comply with The Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR).

- 18.2. The University has a Data Protection policy to ensure that the University and others who process personal data on behalf of the University are doing so in accordance with these regulations. For more information on the University's privacy policy please visit <http://www.winchester.ac.uk/Privacyandcookiepolicy/Pages/Privacyandcookiepolicy.aspx>

19. Prospect Research

- 19.1. The University will ensure it is compliant with the Data Protection Act (2018) and the 2003 Privacy and Electronic Communications Regulations, with the advice of the Data Protection Officer, so that it does not obtain, process, store, sell or pass on data unlawfully.
- 19.2. When conducting prospect research, the University will:
- i have a clear understanding of what information is fair and relevant to the purpose it is being used for;
 - ii not use unethical methods to obtain prospect research information;

- iii avoid personal prejudice and bias;
- iv be honest and transparent with regard to their purpose and their identity when seeking information;
- v take into account the reliability of the sources of information used; and,
- vi ensure that research when presented is accurate, relevant to its purpose, and timely.

19.3. The University will at all times be aware of the sensitivity of information gathered and held on alumni, other individuals, and organisations and will ensure that information acquired via all channels, particularly information not in the public domain, is handled in accordance with data protection legislation. When using external agencies or when data may be shared with a third party, for example mailing houses, the University will ensure that all issues, such as data ownership, fitness for use and confidentiality, are governed by a data sharing agreement.

19.4. The University will require companies appointed to carry out data processing on the University's behalf to sign the Agreement relating to Data Processing drawn up by the University's Data Protection Officer.

19.5. The University will refer any Data Protection Agreements that third-parties wish the University to accept to the University's Data Protection Officer for approval.

20. Reputation

20.1. The legal and reputational rights of potential donors will always be considered as part of the due diligence process applied to potential gifts to the University of Winchester. A clear distinction will be drawn between what is rumour or speculation, and what is confirmed fact or legal finding. However, potential donors must be aware that the University has the right to consider any potential reputational risks that may result from the current or past public perception of said donor. The University ultimately has the right to determine a potential gift as unacceptable according to this consideration and to refuse or return it.

21. Copyright or intellectual property issues

21.1. Where donors wish to place conditions on gifts, for example relating to copyright or intellectual property (IP) issues, they must be understood clearly, and it must be ensured that the conditions are appropriate, and that the University can comply with any associated requirements. In some circumstances, for example where the University does not believe it can meet the proposed copyright or IP conditions or requirements, the University may not be able to accept a gift.

22. Conditions on a gift

- 22.1. Where a donor offers to make a donation with conditions attached, the University reserves the right to make the final decision on acceptance or refusal of the gift. Any gift with attached conditions that contravene the University's mission and strategic aims or which the University cannot otherwise meet will not be accepted.

23. Additional costs

- 23.1. Any additional costs associated with the acceptance of a gift need to be clearly identified and agreed with the donor. The University reserves the right to not accept a gift if the additional costs to the University outweigh the potential benefit of the gift.

24. Gift administration document

- 24.1. For a major gift to be accepted by the University, the donor may be required to sign a document which sets out the administration of the gift. A copy will be held by both the University and the donor. This document should detail how the gift will be used and the payment schedule.

25. The University's right over the gift

- 25.1. The University has the right to use the gift in the way stipulated by an agreement signed by all parties at the time the gift is made. If necessary, due to programme, organisational, legal or regulatory changes, alternative uses of restricted/designated philanthropic donations will be discussed with the donor or donor's legal designate(s). If the donor is deceased or legally incompetent and the University is unable to contact a legal designate, the donation will be used in a manner that is as consistent as possible with the donor's original intent. If necessary, the matter may be referred to the University's Finance and Resources Committee.
- 25.2. The University has the right to review and reconsider any previous decisions made upon the availability of new information concerning the Donor or the Gift.

26. Vulnerable donors

- 26.1. The University will take all reasonable steps to treat a donor fairly, enabling them to make an informed decision about any donation. This will include taking into account the needs of any potential donor who may be in a vulnerable circumstance or require additional care and support to make an informed decision.
- 26.2. If the University believes the person they are working with to be in a vulnerable circumstance or may require additional care and support to make an informed decision, a decision on whether this person should or should not be solicited will be taken by a member of ELT.

27. Stewardship and reporting

- 27.1. Donors can expect to be thanked and recognised for their gift, expect where they have asked not to be recognised. Where appropriate, donors will be offered opportunities for continuing engagement with the activities they have funded. However, donors will not receive any preferential treatment in respect of the University's academic activities or business affairs. In particular, no donation shall lead to any departure from standard policies and procedures in respect of the recruitment and admission of students, the appointment or promotion of staff, procurement or governance and management (including the governance and management of any activity or facility funded by a donation).
- 27.2. The University will provide all donors with a general report on their contribution to the institution's goals. It will also comply with any specified reporting requirements in a timely and accurate manner.

28. Initial Complaints

- 28.1. If a donor or prospective donor has concerns about any matter that is addressed in this Policy, they are encouraged to raise this with their primary contact within the University. If they do not feel they are able to resolve their concerns at this level, they may make a complaint under the University's Public Complaints Policy (see [https://www.winchester.ac.uk/media/Critical-Documents/Public-Complaints-Policy-\(2\).pdf](https://www.winchester.ac.uk/media/Critical-Documents/Public-Complaints-Policy-(2).pdf)).

29. Contact details

- 29.1. The University of Winchester, Winchester, SO22 4NR, United Kingdom.

30. Legal status

- 30.1. University of Winchester is an exempt charity and as such it is required to have charitable purposes and apply them for the public benefit. It must comply with the general law of charity. Members of the Board of Governors are charitable trustees.
- 30.2. Exempt charities are organisations whose purposes are charitable, have charity status and are required to comply with charity law, but which are accountable to a body other than the Charity Commission. The University of Winchester is accountable to the Office for Students (OfS) and UK Research and Innovation (UKRI) as the Principle Regulators under the Charities Act and given the comprehensive monitoring and audit processes already in place is exempt from registration with the Charity Commission.