

Ethical Fundraising Policy



BATH SPA
UNIVERSITY

1. Definitions

- 1.1 'The University' is Bath Spa University.
- 1.2 'Donor' covers a person, persons or organisation(s) who give philanthropically to the University, and can include individuals, charitable trusts and foundations, corporate organisations and government agencies.
- 1.3 'Donation' covers all forms of philanthropic support received by the University, including financial gifts, pledges, endowments, legacies, in-kind gifts, pro-bono gifts and any other non-financial donations.

2. Overview

- 2.1 This policy has been developed to guide anyone who raises funds for Bath Spa University, examples include: paid staff, consultants, volunteers, Board members, students. The policy should be read in conjunction with the University's Prevention of Fraud, Bribery and Corruption Policy and Procedures.
- 2.2 This policy outlines:
 - i) Donors' Rights
 - ii) Fundraising Practices
 - iii) Financial Accountability
 - iv) Acceptance and Refusal of Donations.

There are four guiding principles to the ethics of fundraising:

- The University will accept donations on the clear understanding that the donor will have no influence over the academic freedom and independence of the University.
- The University's selection criteria for admissions are based exclusively on academic achievement and potential and are fully independent of philanthropic support of the University
- Donations will have no bearing or influence on the academic record or award of any past, current or future student of the University
- Due diligence will be undertaken to ensure there is no conflict with the University's ethical policies or risk of reputational damage to the University.

Those involved in any form of fundraising – whether paid University employees, consultants or volunteers – must comply with this policy. Although the primary purpose of this policy is to assist fundraisers in their work, it will also be available to donors should they request it, as an expression of our openness and integrity with regards to fundraising.

3. Donors' Rights

- 3.1 There will be complete transparency in all our dealings with donors. Specifically:
- All fundraising solicitations by or on behalf of the University will disclose the University's name and the purpose for which funds are requested
 - Printed solicitations will include full University contact details.
- 3.2 Donors are entitled to the following upon request:
- The most recent annual report and financial statements
 - Confirmation of the exempt charitable status of the University
 - A copy of this policy.
- 3.3 Donors are entitled to know, upon request, whether an individual who is soliciting funds on behalf of the University is a volunteer, employee or consultant.
- 3.4 Donors will be encouraged to seek independent advice if the University has any reason to believe that a proposed donation might significantly affect the donor's financial position, taxable income, or relationship with other family members.
- 3.5 A Donor's request to remain anonymous will be respected. The exception to this is if the University is legally required to disclose information relating to the donation.
- 3.6 The privacy of donors will be respected. The University will ensure it is in compliance with the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR), and the Privacy and Electronic Communications Regulations 2003, and will ensure that it does not obtain, process, store, sell or pass on data unlawfully.
- 3.7 Donors and prospective donors will be treated with respect. Every effort will be made to honour their requests:
- To limit the frequency of solicitations
 - Not to be solicited by telephone or other technology
 - Not to receive printed material concerning the University.
- 3.8 Any complaints that are concerned with a breach of any matter that is addressed in this document will be addressed through the University's Complaints Policy.

4. Fundraising Practices

- 4.1 Volunteers, employees or consultants who solicit or receive donations on behalf of the University shall:
- Adhere to the provisions of this policy

- Act with fairness, integrity, and in accordance with all applicable laws
- Adhere to the provisions of applicable professional codes of ethics and standards of practice
- Disclose immediately to the University any actual or apparent conflict of interest
- Seek approval for projects for which donations are sought from the relevant members of University Leadership Group to ensure projects are strategically important to the University
- Ensure the full cost of the project is identified.

4.2 Fundraising solicitations on behalf of the University will be truthful and accurately describe the University's activities and the intended use of the donated funds.

4.3 Fundraising employees will be remunerated by a salary; fundraising consultants (where deemed appropriate) will be compensated with a retainer or fee. They will not be paid finders' fees or commission, or other payments based on either the number of gifts received, or the value of funds raised. Employees are bound by the Code of Fundraising Practice and consultants by the codes of conduct of the Association of Fundraising Consultants and other regulations published by the Fundraising Regulator.

4.4 The University will not sell its donor list. Data will only be passed to third parties when necessary for administration or when required by law.

4.5 There may be occasions where an individual is offered a gift from a supporter, well-wisher or supplier. Gifts can only be accepted in accordance with the University's Gifts and Hospitality Policy.

5. Financial Accountability

5.1 The University is an exempt charity under the terms of the Charities Act 2011. The manner in which the University delivers its charitable purpose within the context of the Charity Commission's guidance on public benefit is outlined in the University's annual financial statements. The University has no linked charities.

5.2 All donations will be used to support the vision and the strategy of the University.

5.3 All restricted or designated donations will be used as agreed with the donor. If necessary, due to programme or organisational changes, alternative uses will be discussed where possible with the donor or their legal designate(s). If the donor is deceased or not legally competent, 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.

5.4 Details of all donations greater than £500 need to be lodged with Finance to ensure they are disclosed appropriately in the financial statements.

- 5.5 Details of all restricted or designated donations and endowments will be lodged with Finance to be recorded on the restricted donations register with associated documentation recording the conditions of the award. This is to ensure the conditions of the award can be complied with and also to ensure they can be appropriately disclosed in the financial statements.
- 5.6 The University will freely disclose all donations to the tax authorities, if appropriate.
- 5.7 All financial affairs will be conducted in a responsible manner.

6. Acceptance of Donations

- 6.1 Irrespective of any delegation, the ultimate responsibility ensuring donations are accepted or declined in accordance with this policy resides with the Chief Operating Officer.
- 6.2 The Fundraiser will refer any donation seen as contentious or potentially problematic in terms of ethics or reputational value to the University Leadership Group. If a consensus cannot be reached, the donation will be referred to the Board of Governors.
- 6.3 The University will only decline a donation if it is felt by the Governors or their delegated representatives that the donation has a controversial dimension:
- Would impair the University in fulfilling its responsibilities and objectives
 - Is at odds with the objectives of the University, its agreed policies or beneficiaries.
 - Would lead to a demonstrable net decline in the assets of the University (potentially through reputational damage associated with the donation or the donor).
 - Consists of goods, property or services which the University cannot lawfully use, convert, sell or exchange in direct support of its charitable aims.
 - Is dependent on the fulfilment of unacceptable conditions applied by the donor.
- 6.4 A donation is liable to be refused if there is published or credible evidence that the proposed donation will be made from a source that arises in whole or in part from an activity that:
- was illegal and / or involved money laundering
 - evaded taxation or involved fraud
 - violated international conventions that bear on human rights
 - limited freedom of enquiry, or encroached on academic freedom
 - compromised academic integrity or suppressed or falsified academic research

- In addition, no gifts of cash can be accepted.
- 6.5 Unproven allegations or rumours under any of the above points will not themselves prevent acceptance of a particular donation, but care will be taken in accepting any donation, or continuing negotiations towards a possible donation, where there is a significant potential damage to the University's reputation.
- 6.6 Where the University offers to name a building, academic post or other aspect of its activities in recognition of a particular donation, the University reserves the right to withdraw such named recognition in the future, where it subsequently transpires that the source of funding arose in whole or in part from any activity listed under point 6.4 above.
- 6.7 A truly anonymous donation, where the University only deals with an intermediary who will not identify the donor on a strictly confidential basis, will not be accepted.
- 6.8 Any donation over £500,000 in value, either singly or cumulatively, will automatically be referred to the University Leadership Group. If the University Leadership Group expresses any concern or doubt, the matter will be referred to the Governors.
- 6.9 Any donation over £100,000 but under £500,000 will be reviewed, and a decision on the acceptance of the donation made by the University Leadership Group.
- 6.10 Any donation, of whatever value, which has an associated naming opportunity, must be referred for approval to the University Leadership Group and Governors.
- 6.11 'Due diligence' will be undertaken in respect of all single gifts greater than £1000,000 or where the cumulative value of donations amounts to more than £500,000. This will be a review that assesses the acceptability of a proposed donation against the criteria above. In such instances, a clear distinction will be drawn between rumour or speculation and matters of confirmed fact or legal finding. Potential reputational risks that may result from negative public perception will be considered.
- 6.12 All donations will be considered by the Fundraiser against these ethical guidelines and may be referred for further scrutiny if there is perceived to be conflict with any of the principles set out above.
- 6.13 Where concerns are raised under these ethical guidelines about a donation 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 donation, to return it to the donor or to take any other action in relation to the donation.

Document Details

Responsible Office: Centre for Innovation and Knowledge Exchange

Responsible Officer: Chief Operating Officer

Approving Authority: Vice-Chancellor

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Prevention of Fraud, Bribery and Corruption

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