

## GIFT ACCEPTANCE POLICY

### 1. Scope

This policy sets out:

- the principles that the University will follow when seeking and accepting gifts from individuals, charitable trusts and other corporate bodies, and
- the commitments that it makes to donors and prospective donors, and
- to highlight that we carry out due diligence when accepting donations

### 2. Context

#### 2.1 Regulatory Context and Reputational Factors

Abertay University is a charity registered in Scotland (SC016040). Accordingly, it is subject to charity law in Scotland and to regulation by the Office of the Scottish Charity Regulator (OSCR). The members of the University Court, the governing body of the University, are the charity trustees and thus are ultimately responsible for operations of the charity.

In addition, the UK Bribery Act 2012 and the Anti-Bribery & Corruption Code of Conduct & Policy (Abertay University, June 2013), requires the University to ensure, through due diligence and risk controls, that the receipt of a gift is not in relation to some inappropriate advantage that might be afforded the donor, such as the award of a contract or offer of a University place for a close relative.

This policy should be read in conjunction with the University's Anti-Bribery and Corruption Code of Conduct and Policy, dated June 2016, which lays out full detail of our processes (including due diligence and anti-money laundering). [https://www.abertay.ac.uk/media/2283/anti-bribery\\_and\\_corruption\\_code\\_of\\_conduct\\_and\\_policy.pdf](https://www.abertay.ac.uk/media/2283/anti-bribery_and_corruption_code_of_conduct_and_policy.pdf)

It is important both for donors and for the University that the reputations of all parties be wholly protected from any real or perceived impropriety in the relationship that is established through the offer and receipt of a gift.

In particular, it is imperative that the integrity of the University's teaching and research activities be free from compromise or undue influence, including the perception thereof. The freedom to pursue academic inquiry wherever it may lead is integral to the University's values. This must be part of the shared vision of the University and its supporters. The support provided by donors has frequently been valuable to facilitate such academic activities, but in so doing it is important to maintain an appropriate separation between the receipt of a gift on behalf of the University and the provision of academic services. The Fundraising Office plays a role in ensuring that an appropriate degree of separation exists, while still providing donors with access to regular information about the activities that they have supported.

#### 2.2 CASE

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The University recognises the guidance for fundraising published by CASE (Council for the Advancement and Support of Education) and the Chartered Institute of Fundraising.

### 3. General Principles and Procedures for Gift Acceptance

The following principles and procedures apply to all kinds and sizes of gifts.

3.1 The Fundraising Office of the University will co-ordinate the University's efforts to seek philanthropic support, including that from alumni, friends, trusts, foundations and corporates in the UK and abroad. It will also be the Office that will routinely receive gifts on behalf of the University, record them and arrange for their appropriate allocation.

3.2 Donations should not be directly received by academic Schools or by Services, unless previously agreed with the Fundraising Office. It is particularly important for the University to prevent any directness of influence (real or perceived) upon academic pursuits, processes or standards, including (in the case of gifts from family members) upon individual student outcomes.

3.3 The Fundraising Office will take all reasonable measures to ensure it is aware of the source of funding for gifts and will undertake due diligence to ensure that gifts are for purposes consistent with the University's mission and that no legal or reputational issues are raised by their acceptance. One such factor is the timing of a gift, if it may be construed as influencing or having influenced (for example) an academic outcome or a procurement process.

3.4 Members of the University staff must disclose immediately to the Fundraising Office any actual or apparent conflict of interest that a gift may pose.

3.5 The University recognises that perceptions of what is acceptable and factors affecting reputations may change over time. In its acceptance of gifts, the University will act in good faith according to the standards prevailing at the time of receipt.

3.6 The Fundraising Office will maintain appropriate records to enable tax to be reclaimed under the UK Gift Aid scheme. This will be an auditable record for every gift and donor (individual, trust or corporate), held in an electronic database. Regular audits will be carried out, and information may be required by bodies such as HM Revenue & Customs in respect of gift aid claims.

3.7 A donor's right to remain anonymous in terms of external donor recognition will be respected, but full details will be recorded in the Raiser's Edge database held by the University. If a gift is offered anonymously, so that the donor is unknown to anyone in the University, the Fundraising Office will be charged with seeking such information from the donor's representatives so as to ensure that it would be appropriate for the University to accept the funds. This will involve consideration of the principles outlined in sections 2.1, 3.2 and 3.3 of this document and any other possible influence that might be exercised by or any potential benefit that might be derived by a donor who seeks to remain anonymous. Where gifts arrive with no paperwork and it is impossible to return the gifts, the funds will normally be retained and credited to a student scholarship or bursary fund.

3.8 Where conditions are attached to the offer of a gift, other than designating use for a specific University project for which fundraising is taking place, the Fundraising Office will discuss with the donor any issues of concern in relation to those conditions so that an agreement can be reached by all parties prior to the University's acceptance of the gift. The University will not normally accept a gift prior to ensuring that any imposed conditions are appropriate and can be satisfactorily met by the University.

3.9 The Fundraising Office and Finance Department will reconcile funds received and the database record on a monthly basis. Funds will then be transferred to the relevant University account. Funds are not transferred outside the University.

3.10 Donors may expect to receive appropriate acknowledgement of their gifts and to be assured that their gifts will be used for the purposes for which they are given. Unrestricted gifts will be allocated to projects or other University uses at the discretion of the University, normally on the recommendation of the Fundraising Office with guidance from the Fundraising Strategy Oversight Committee. To this effect, the Fundraising Office will ensure that donors of unrestricted gifts are informed of the allocation of their gift through an initial letter and, thereafter, by on-going communications from the Fundraising Office, as appropriate.

3.11 The University will not raise funds on behalf of another charity or allow use of its alumni and donor databases for such purposes. This is necessary to ensure the University's charitable status is maintained by OSCR.

#### 4 Gifts up to £5,000

4.1 Gifts up to £5,000 will normally be accepted by the Fundraising Office without further investigation if (i) they are given without conditions in support of an existing fundraising project or programme and (ii) are received from donors already known or on the donor's database. In other cases, the Fundraising Strategy Oversight Committee will judge whether to accept the gift, conduct a more extensive process of due diligence, or liaise with the donor regarding any concerns.

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## 5 Gifts over £5,000

5.1 All such gifts will be notified to the office of the Head of Fundraising on their offer or receipt, which will initiate an appropriate process of due diligence and assign a named contact/canvasser.

5.2 To manage the balance between the need to know and the right to privacy, in its due diligence investigation the Fundraising Office will typically focus on reviewing and noting only information that is relevant to the funds or donor and that is in the public domain (which is often considerable).

5.3 If the donor is a corporate or charitable body that is legally permitted to operate in the UK, then the source of funding will not normally be contested. The Fundraising Office relies on the UK charity regulators and Companies House for information and would not normally seek (or be a position) to conduct an independent investigation of funding sources. The position is similar in the United States, where charities are also highly regulated.

5.4 Gifts from states or governments outwith the UK will usually be offered with conditions that require legal and reputational factors to be taken into account prior to acceptance. If normal diplomatic relations do not exist between the UK and the state in question, then the offer of a gift would not normally be accepted. Exceptionally, the offer may be referred to the Fundraising Strategy Oversight Committee for consideration and a recommendation to the Head of Fundraising.

5.5 Donors offering pledges valued at over £5,000 will be asked to complete a gift agreement that outlines the details of the gift, the project to be supported (if designated), a pledge payment schedule and naming rights (if applicable). The agreement will be signed by the donor and (on behalf of the University) by the Head of Fundraising. Oral pledges are not officially logged until confirmed in writing.

5.6 In any cases of concern, and for gifts in excess of £50,000, the Head of Fundraising will normally seek additional guidance from the Fundraising Strategy Oversight Committee after completing the process of due diligence. This referral is required for gifts of £250,000 or more. At any time, the Head of Fundraising may also seek any other advice to enable a decision to be reached regarding the acceptance of a gift and its conditions. This will include liaison with the Communications Office.

## 6 Return of Gifts

6.1 Gifts made to the University will not normally be returned to the donor.

6.2 In cases where a gift with agreed restrictions has been received by the University in good faith but where circumstances have changed so that the original purposes of the gift cannot be fulfilled in whole or in part, then the University will normally seek to use the funds in a way that closely corresponds to the original objectives of the donor, consulting the donor or the donor's representative wherever possible.

6.3 Gifts that are paid in error by the donor's bank and bank overpayments, will be refunded to the donor.

## 7 Administration of Gifts of Non-Monetary Assets

7.1 Legacies/bequests - The University can accept legacies and bequests made by individuals in their wills, where either all or part of their estate is set aside for Abertay University or Abertay Foundation. The University will work closely with donors to establish the terms on which any such gifts, and any income deriving from such gifts during the donor's lifetime (if applicable), are held.

7.2 Shares, Real Estate, Articles of Value – The University can accept transfers of shares, an outright gift of an unencumbered property, and gifts of jewellery, artwork, books, antiques or collections. Any legal expenses, valuation costs or transport charges pertaining to the transfer of such items to the University will normally be the responsibility of the donor or executor. Unless otherwise agreed with the donor, the University reserves the right to dispose of shares or property at a time to be decided by the University. Unless otherwise agreed with the donor, articles of value or collections are accepted on the understanding that the University would have full authority to use, lend, exhibit, donate or sell the property.

7.3 The University wishes to ensure that gifts which it receives can be used in a manner that is both appropriate within the context of the University and reflects the objectives of the donor. Certain types of gifts may only be accepted following advice and approval from specialists in Schools or Services. This will be co-ordinated by the Fundraising Office. For example, acceptance of donations of books or artefacts (often through bequests) will be subject among other things to available space, appropriate storage conditions, resources for cataloguing and displaying of items and relevance of the subject matter. Donations of equipment to the University will be subject to similar constraints and considerations such as agreement as to the transportation of items.

## 8 Gifts offered to Schools and Services

8.1 In many cases individual Schools and Services have strong relationships with donors, and it is important to encourage the contact between donors and the staff who are leading projects in which donors have an interest. Yet, for the reasons outlined above in sections 2.1, 3.2 and 3.3, it is also important that the actual administration of gifts and the process of due diligence are conducted within the University by the Fundraising Office. The Fundraising Office will work with Schools and

Services to co-ordinate fundraising, facilitate contacts, conduct due diligence and ensure that all gifts are received and recorded in a consistent and appropriate manner.

8.2 Heads of Schools and Services should ensure that the Fundraising Office is consulted prior to soliciting gifts or receiving gifts. All philanthropic gifts offered to or (exceptionally) received by a School / Service must immediately be reported to the University's Fundraising Office .

## 9 Research Grants and Corporate Sponsorships

9.1 For the avoidance of doubt, philanthropic gifts are distinguished from research grants, the latter being administered by REIS. However, with the approval of the Finance Office, and for the purpose of complete and consistent reporting, income received through REIS from trusts, foundations, companies and other organisations, which may be categorised as philanthropic (in accordance with generally accepted definitions), may be recorded on the Raiser's Edge database.

9.2 Philanthropic gifts are also normally kept distinct in terms of reporting from corporate sponsorship (for example, with respect to CASE returns).

## 10 Gifts to University Staff

10.1 From time to time supporters of the University offer small gifts to University employees as tokens of appreciation. The terms for acceptance of any such gifts by University employees are governed by University policy Up-to-date guidelines can be found at:  
<https://intranet.abertay.ac.uk/services/finance/ppf/>

## 11 Donors' Benefits

11.1 In addition to expressing its appreciation and keeping donors informed about projects that they support, the University may also offer donors invitations to events or small gifts of appreciation. In certain cases 'naming rights' appropriate to the level of the gift are also offered. All benefits afforded to donors under the gift aid scheme, however, must comply with existing HM Revenue & Customs rules and relevant legislation. Further advice may be obtained from the Fundraising Office.

## 12 Rights of Donors and Prospective Donors

12.1 Abertay University is committed to its donors and remains dedicated to treating alumni, friends and all supporters with the highest level of care and respect. The following donor charter has been  
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produced to assure donors and prospective donors of the integrity and accountability of the Fundraising Team and of their commitment to the highest professional standards at all times.

#### 12.2 Donors and prospective donors may expect:

- To be treated by members of the Fundraising Office, volunteers and other University staff involved with the solicitation and receipt of gifts in a fair, transparent, accurate and honest manner in accordance with all applicable laws and the professional code of fundraising ethics and good practice.
- To be informed in all fundraising solicitations of the University's name, contact details and charitable status.
- To be informed whether those seeking gifts are volunteers, employees of the University or financial / legal advisors.
- To receive fundraising solicitations and stewardship reports from the University that is truthful, accurately describing the University's activities and the intended / actual uses of donated funds.
- To receive prompt responses to questions relating to gifts or any other aspect of the Fundraising Office's work.
- To receive appropriate and timely acknowledgment, recognition, and publicity for their gifts unless donors indicate a preference for privacy.
- To remain anonymous in terms of external donor recognition, if requested (but see section 3.7 above).
- To be assured that donor' rights to privacy and confidentiality will be respected, with all donor records being kept securely and in full compliance with the Data Protection Act 1998 and the GDPR Act 2018. Donors will have the right to see their own donor record and to challenge its accuracy.
- To be asked in writing for permission to be cited in case studies and other promotional material (including photographs) prior to publication.

- To be consulted, where possible, about alternative uses of a donation if their gift cannot be used for its originally intended purpose.
- To be kept informed of the impact of their philanthropy and the University's evolving needs and priorities. This includes receiving progress reports on supported activities and invitations to attend relevant events to see first-hand the benefits their support brings the University.
- To have their details removed from the University's alumni and fundraising databases or to have the number / type of solicitations limited upon request.
- To be assured that the University will not sell or give its donor list to a third party.
- To have access to the University's most recent published financial accounts and be assured that the University's financial affairs are conducted in a responsible manner, consistent with the obligations of stewardship and legal requirements of the Office of the Scottish Charity Regulator.

### 13 Complaints Procedure

13.1 Abertay University will seek the opportunity to set right anything a donor feels has been done wrongly and will do its utmost to discuss and resolve such issues. In the first instance any complaints should be raised with the Head of Fundraising for investigation. If a donor remains dissatisfied with the initial response, then the complaint will be addressed in accordance with the University's relevant complaints procedure.

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