



Due diligence policy and procedure - philanthropic gifts

This policy and procedure should be read in conjunction with the [CASE Europe Ethical Principles Behind the Acceptance of Gifts](#)

All philanthropic gifts received by ARU will be subject to the University's Due Diligence Procedure for Philanthropic Gifts which is managed by the Development Office within the Marketing department. The definition of what is considered a philanthropic gift at ARU is described in section A below. Other grants and contractual arrangements which are not philanthropic gifts are subject to different procedures as outlined in section B below.

Definition of a philanthropic gift at Anglia Ruskin University (ARU)

A "philanthropic gift" is a voluntary payment (including art, artefacts and other goods or services of quantifiable value) made by an individual, company, trust, foundation or government source to enhance or otherwise contribute to the educational mission, values, purposes and strategic direction of ARU.

Services, courses and research grants which are not classified as philanthropic gifts

- Payment for consultancy, briefings or other services, commissioned research, courses/programmes, conferences and other activities that are managed by the Research and Innovation Development Office
- Grants or income from research councils, the EU, charities that exist solely for the purpose of funding academic research, learned institutions and normally other funders of research
- The majority of other research grants that are submitted and managed by the Research and Innovation Development Office (RIDO)
- The appointment of research staff funded at source by foreign governments

Representatives of the Research and Innovation Development Office (RIDO) and the Development Office will meet as required to discuss and agree on any research grants etc that may be considered philanthropic gifts.

Academic integrity and independence

In order to ensure academic integrity and independence at ARU, it is important that the rights and obligations of both the University and the donor are clearly set out in agreed documentation.

All such documentation will clearly articulate that the donor of a philanthropic gift will have no control or influence over any academic, strategic or operational decision-making process as of the gift being accepted. The gift will be owned in full by ARU and must not grant any financial benefit, intellectual property ownership, exclusive publication rights, preferential or reciprocal benefits of any kind, or control over its use.

However, public recognition and/or acknowledgement or naming rights, reporting back on projects, meetings and invitations to the donor to attend events and activities at or run by ARU are all compatible with a philanthropic gift. As such, gift documentation will also include sections on acknowledgement, recognition and reporting obligations.

Due Diligence Procedure for Philanthropic Gifts

1. Responsibility for all donor contact details, records and information regarding the donor's relationship with ARU, gift agreements and other relevant documentation lie with the Development Office. All such records and information will be held by the Development Office and where possible, recorded on Raiser's Edge database, in full compliance with the Data Protection Act and the General Data Protection Regulations (GDPR). Copies of gift agreements and other relevant information can and will be made available to other appropriate departments and staff members as required.
2. As soon as a new philanthropic donor relationship is proposed, from whatever source and from wherever at ARU, the Development Office must be informed by the proposer.
3. Summary desk-based research will be carried out by the Development Office, including informal conversations with relevant academics and experts who can share their knowledge of the donor and highlight any potential benefits or risks of an association. This should include a check to identify if the donor is themselves, or is in a close familial or personal relationship with, a current or prospective student.
4. If the proposed gift is of over £50,000 and up to £1m, or of a lower value but there is a risk identified to the University by a relationship with the donor or the acceptance of a gift, the VC and VCG (Vice Chancellor's Group) will be informed. If the proposed gift is of over £1m and up to £5m, Trustees, Governors, Vice Chancellor and CMT will be informed by the Head of Fundraising or relevant Deputy. In both cases a full due diligence report will be provided by the Head of Development, with recommendations if appropriate.
5. For gifts of less than £50,000 where there is no identified risk at Stage 4 above, the Head of Fundraising or relevant Deputy will determine the level of due diligence required beyond Stage 4.
6. If at Stage 4 the desk research indicates no reason why the proposed gift should not to be pursued, further discussion involving the relevant development team member, academic or professional services staff member as appropriate and the prospective donor will take place to understand the purpose of the gift, the scope of the relationship, the expectations of both parties and possible terms of the gift.

7. The relevant Development Office staff member will assess the donor and affiliated individuals/organisations against the ARU Donation Acceptance Policy checklist according to the information in the summary research.
- a. Advice will be sought from the relevant Dean or Director as to whether the project is consistent with the goals, purposes and strategic plan of the University or Faculty and can therefore be accepted on **strategic** grounds.
 - b. The prospective donor relationship will then be assessed by the Head of Fundraising (or relevant Deputy) and the relevant Dean or Director as to whether the project meets ARU's standards of **academic integrity and independence**. Questions to consider may include:
 - Does the gift limit freedom of enquiry?
 - Does the gift encroach on academic integrity, involve the expectation of undue influence on academic decisions and appointments, or require the University or School to provide special consideration for admission for the donor or designate?
 - c. The Head of Fundraising or relevant Deputy with direct legal advice from ARU's Legal Team (or other specialist law firm instructed by ARU if required) will assess whether there may be legal risks associated with the relationship and whether the gift can be accepted on **legal** grounds. Questions to consider include:
 - Is there credible evidence that the proposed gift will be made from a source or activity that involved tax evasion or fraud, required action that is illegal, violated international conventions that bear on human rights, or suppressed or falsified academic research?
 - d. The Head of Fundraising or relevant Deputy will assess whether there may be external/internal relations risks associated with the relationship and whether the gift can be accepted on **risk** grounds. Questions to consider include:
 - Will association with the donor or gift expose the University to adverse publicity, risk damaging its reputation, or harm its relationship with other benefactors, partners, or potential students?
 - Has this donor or gift been previously refused by ARU for any reason?
 - Will acceptance of the gift lead the University to contravene any enacted UK legislation (including but not limited to Freedom of Information, Data Protection, Proceeds of Crime Act, Bribery Act) or that of any relevant jurisdiction?
 - Is the donor a Specially Designated National?
<http://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx>
 - Is the donor associated with a regime that is currently subject to International sanctions?

- Is the donor associated with a country that is FCO-listed as unsafe?
- e. The risk analysis will include a scoring process **(to be defined)** correlating potential risk factors and the potential reward / benefit to ARU. Over time this scoring can be used to benchmark future (and past) judgements, and to ensure consistency in the process.
8. The ARU Gift Acceptance Form **(to be drafted)** will be completed and either (a) ARU will agree formally that it can accept the donation, (b) the donation will be refused, or (c) further information is to be sought due to concerns or if the decision is required to be made at a more senior level as detailed in the Donation Acceptance Policy.
 9. If there is any cause for concern from the Development Office, the relevant Dean, Director of Professional Services or another member of staff in a related field, then further research will be undertaken and further external advice sought.
 10. For all proposed donations of £1,000,000+ the information made available to the Gift Acceptance Panel and their recommendation will be taken to Panel 2 comprising Trustees, Governors and the Vice Chancellor for formal Gift Acceptance. The proposed donation must be approved by Panel 2 before being signed off. If a final decision cannot be made the proposed gift will be refused.
 11. The prospective new donor relationship must be reassessed in the light of any additional information and if necessary recommendations from the Development Office (agreed with the relevant Dean or Director) will be referred to Panel 1 or Panel 2 for Gift Acceptance (depending on the proposed gift value) for consideration and a final decision.
 12. A Gift Acceptance Record **(to be drafted)** must be completed for every gift to ARU of £10,000 and above (or of a lower value if there is a risk identified as outlined in Stage 5 above) and either (a) ARU agrees formally that it can accept the donation or (b) the donation is refused. The Gift Acceptance Record is to be stored on the donor's file held by the Development Office (digitally and hard copy).