



## **SIDNEY SUSSEX COLLEGE**

### **DONATION SOLICITATION AND ACCEPTANCE POLICY**

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Author:	Development Director
Sub-committee responsible:	Development Committee
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## Revision History

Version	Author	Summary of changes	Sub-committee Review Date / Council Approved	Date by which next full review is due
1.0	Development Director	New Policy	11 Nov 2020	MT 2023
2.0	Development Director / College Registrar	Reformatted into new template  Complete update of policy  Added specifics of due diligence  Cross-reference to Anti-Money Laundering Policy, Anti-Bribery and Corruption Policy, and Employment Handbook  Added definitions  New section on solicitation of donations  New procedures for returns of donations	9 June 2023 / 28 June 2023	MT 2023

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## 1. Introduction

- 1.1 Sidney Sussex College (“the College”) is a registered charity and its [annual accounts are published online](#)<sup>1</sup> and submitted to the Charity Commission. It is registered with The Fundraising Regulator and adheres to its [Code of Practice](#)<sup>2</sup>, including standards on accepting, refusing and returning donations.
- 1.2 This policy is set up pursuant to Ordinance D, III (Administration of Trusts and Donations) to set out the procedures for accepting and managing donations to the College. It sets out in detail the principles that the College will follow when soliciting and accepting philanthropic support from individuals, charitable trusts, and corporate bodies. It is intended to provide assurance to College members, prospective donors, and their advisors, that:
- the College complies with all relevant law, and with its own Statutes and Ordinances, Regulations and Policies;
  - donations are accepted on a clear and ethical basis and will be handled responsibly for the purposes of the College and in accordance, so far as is possible, with any purposes or preferences of the donor;
  - all potential and current donors are treated equitably, and all communications concerning the use of donations will be honest and comply with any relevant law which applies at the time;
  - donors’ rights to privacy and preferences for anonymity will be respected within the limits of any relevant law which applies at the time; and

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<sup>1</sup> <https://www.sid.cam.ac.uk/about-sidney/published-information/financial-statements>

<sup>2</sup> <https://www.fundraisingregulator.org.uk/code>

- any concerns raised in relation to the acceptance or use of donations will be dealt with promptly and, so far as is possible, transparently.

1.3 In the event of any non-alignment between these procedures and the College's Statutes and Ordinances, and any Regulations made thereunder, Statutes, Ordinances and Regulations (in that order) will take precedence.

## 2. Definitions used

2.1 **Prospective student:** An individual who is in active engagement with the College in respect of admission to a particular programme of study, whether as an undergraduate or as a postgraduate, including those individuals who are attending Open Days and those who are in receipt of an offer from the College.

2.2 **Current student:** An individual who has accepted an offer from the College to study, and whose place has been confirmed and taken up, but who has not yet graduated. This also includes any undergraduate student who has become a candidate for postgraduate studies and intends to commence immediately following completion of their undergraduate degree.

2.3 **Close family:** In addition to the parents and legal guardians of any current or prospective students, the College will also apply this policy in respect of solicitations or donations from other close family relations, including, but not limited to, siblings, grandparents, partners and spouses.

## 3. Solicitation of Donations

3.1 **From prospective students:** The College does not actively solicit donations from a prospective student or from any close family of a prospective student during the period in which an application is live or likely to become live. During this time, any philanthropic conversations with new and existing donors who are prospective students or their close family will be paused until after the application cycle has completed.

3.2 **From current students:** The College does not solicit or accept donations of £500 or more from individual current students; however, it may accept donations of £500 or more from a student society including, or an event run by or on behalf of, current students.

3.3 **Close family:** The College may solicit and/or accept donations from close family members of current students, provided that all due diligence processes are followed and the College is satisfied that there can be no question of the donor trying to exert influence leading to improper practice. All prospective donations from close family of current students will be reviewed in accordance with the procedures below.

- 3.4 In all cases, principal responsibility for solicitation rests with the Development Director, who will take all reasonable steps to ensure that solicitation is carried out in accordance with current law, relevant codes of conduct and the principles set out in this and other relevant College policies.
- 3.5 Any College members involved in fundraising are strongly encouraged to see the advice of the Development Director at an early stage in any discussions with a prospective benefactor.

#### **4. Acceptance of Donations**

- 4.1 There should be no presumption that any offer of a donation will automatically be accepted by the College. All discussions with prospective or existing donors, and within the College, are strictly without prejudice up to the date of a formal acceptance of a decision.
- 4.2 Donors shall have no influence on the College in relation to the performance of its functions or activities.
- 4.3 The College accepts all donations compatible with the purposes of the College as defined in its Statutes, Ordinances and Regulations except in exceptional circumstances, which include:
- Where it would be unlawful to accept the donation (e.g., where the gift comprises the proceeds of crime, per the College's Anti-Money Laundering Policy).
  - Where the cost, financial or otherwise, of accepting the donation would outweigh its benefit to the purposes of the College.
  - Where accepting the donation may reasonably be considered to involve a material associated reputational risk for the College.
- 4.4 The College does not normally accept anonymous donations, except in very limited circumstances which may include, but are not limited to, where an appeal on behalf of the College is made via a giving platform and the names of some donors are not known to the College but are known to the platform, or where a retiring cash collection following a concert is made.
- 4.5 All those engaged in fundraising for the College will consider all proposed donations in the light of the paragraphs above. If there is any concern that exceptional circumstances may apply, the proposed donation will be referred first to the Development Director who will decide whether the advice of the Development Committee is required. If a question is taken to the Development Committee, its recommendation should be put to the College Council ("Council") for decision under reserved business.

- 4.6 If Council decides that exceptional circumstances apply, the donation will not be accepted.
- 4.7 The Development Director has delegated authority to accept donations under £100,000 without being required to reveal the identity of the donor.
- 4.8 All proposed single or accumulated donations of, or greater than, £100,000 will be discussed by the Development Committee under reserved business. That discussion will include confirmation of the identity of the donor, the donor's relationship to the College, whether there is likely to be significant public interest, and whether any additional due diligence is required. The decision whether to accept all such donations will be referred to Council, also under reserved business, and will normally include a donor agreement to be signed by the Bursar once approved by the Council, providing a record of the donor and any terms or preferences related to the donation.
- 4.9 Particular care will be exercised in the case of donations offered by close family of a prospective or current student in support of an area of study with which the student is closely associated. If necessary, a recommendation may be made that acceptance of the donation in question be postponed.
- 4.10 All proposed donations of, or greater than, £1 million will be referred automatically to the University of [Cambridge Development and Alumni Relations](#)<sup>3</sup> (CUDAR) and/or the University's [Committee on Benefactions and External and Legal Affairs](#)<sup>4</sup> (CBELA) for third party due diligence checks. Such proposals, accompanied by the due diligence report and donor agreement, require the approval of Council.

## **5. Due diligence**

- 5.1 The Development Director has discretion to require due diligence checks to be carried out on any prospective donor, and to appoint a third party to conduct such activity. Due diligence checks include establishing whether or not the donor is a UK taxpayer, and that:
- they are not insolvent;
  - they have the capacity to give the amount proposed;
  - they are not a convicted criminal or an irregular migrant (i.e., a person who is in the UK without the legal right to be so);
  - their wealth has not been accumulated from illegal or unethical activities;
  - they are not seeking to use an association with the College to establish their credibility elsewhere;

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<sup>3</sup> <https://www.philanthropy.cam.ac.uk/>

<sup>4</sup> <https://www.governance.cam.ac.uk/committees/cbela/Pages/default.aspx>

f. there is no obvious reputational risk to the College from the association.

5.2 For the purposes of the above and elsewhere as applicable, unethical activities include, but are not limited to:

- a. Tax evasion;
- b. Violation of international conventions on human rights;
- c. Limitation of freedom of inquiry;
- d. Suppression or falsification of academic research;
- e. Creation of an unacceptable conflict of interest for the College or for any of its Officers.

5.3 The Development Director will also ensure that due diligence is carried out, either by the College directly or by a third party, into any prospective donor who is native to, or resident in, a [high-risk country](#)<sup>5</sup>, as defined by HM Treasury.

5.4 The Development Director will aim to avoid accepting any donations from organisations or individuals that do not operate within best practice regulatory guidelines on matters of employment, environmental and corporate governance.

5.5 In any case where the College becomes aware of unproven allegations of criminality against a potential donor, no account shall be taken of mere rumour, but additional care will be exercised in accepting any donation, or continuing negotiations towards a possible donation, where there is a risk of significant damage to the College's reputation.

5.6 The College will not accept funding from sources where to do so would be demonstrably incompatible with its best interests and the values it upholds. The College will also refuse to accept any donation where compliance with the terms of a gift agreement would damage the College's reputation, including deterring other donors, commercial activity, or prospective students, staff and Fellows from joining the College.

5.7 Although the College does not impose any blanket exclusion on any particular sectors from which it would not accept donations, should a donation be proposed by an individual or organisation closely connected to an industry in which the College would not normally invest, the proposal will be considered explicitly and holistically against the environmental, social and governance (ESG) considerations in the College's [Investment Policy](#)<sup>6</sup>, the intent and requested purpose of the donation, and any other appropriate points from this policy.

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<sup>5</sup> <https://www.gov.uk/government/publications/money-laundering-advisory-notice-high-risk-third-countries--2/hm-treasury-advisory-notice-high-risk-third-countries>

<sup>6</sup> <https://www.sid.cam.ac.uk/about-sidney/published-information/college-policies-protocols-and-statements>

## **6. Relationship with CUDAR and CBELA**

- 6.1 The College collaborates closely with CUDAR, which may mean a joint approach being made to any prospective or current donors who wish to donate a sum exceeding £1 million. This collaboration is guided by the [Code of Practice agreed by Collegiate Cambridge](#)<sup>7</sup>.
- 6.2 Where a donation is proposed to be made jointly to the College and the University, or where the donation makes the donor eligible for University recognition, the Development Director will consult CUDAR as a matter of due diligence, and to seek advice as to whether any guidance is required from the CBELA.
- 6.3 In the case of a major donor, whether an individual or organisation, being identified as carrying a high level of risk, the Development Director will request that the donor and proposed donation be reviewed by CBELA prior to any advanced gift negotiations taking place.
- 6.4 The Development Director will report to the Development Committee at the earliest possible opportunity of solicitation of any donations or potential donations of any value that might pose a reputational risk for the College, or otherwise fail to comply with the principles set out in this policy. The Committee may require the Development Director to seek advice from CUDAR or CBELA before approving further negotiations with the donor, and the matter may be referred to the Council for approval to proceed.

## **7. Relationships with prospective and current donors**

- 7.1 The College undertakes that all communications made to potential and current donors, and particularly when concerning a project, will be honest and truthful and will comply with current laws and the Code of Fundraising Practice.
- 7.2 The College undertakes that a benefactor's right to privacy will be respected within the limits of current law.
- 7.3 The College undertakes that donations will be managed responsibly and to the greatest advantage of the beneficiaries.

## **8. Fundraising from close family of current and prospective students**

- 8.1 Members of the Development and Alumni Relations Office (DARO) use all appropriate sensitivity when in conversation with all alumni/ae, potential and current donors, and particularly with those who are close family of prospective or current students.

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<sup>7</sup> <https://www.finance.admin.cam.ac.uk/policy-and-procedures/development-alumni-relations-guidelines>



- 8.2 The Admissions Office will notify DARO if it becomes aware of, or suspects that, a close family member of an alumnus/a, or of a potential or current donor, has applied to the College. DARO will keep notes on Raiser's Edge so that the relationship of an applicant to any alumnus/a, potential or current donor, is clear.
- 8.3 Once DARO has had confirmation that a close family member of an alumnus/a, or of a potential or current donor has applied to the College, then until such time as the admissions process for that individual has concluded, DARO will continue to send College publications, and engage with the alumnus/a or donor with regards to any previously-established donation and/or volunteering activities at College in which they are currently involved. DARO will not make any new fundraising approaches, extend invitations to any special events which are not otherwise open to all alumni/ae or donors, or arrange meetings with other members of the College.
- 8.4 DARO will also notify the Senior Tutor that this policy is being followed in respect of an applicant, and may refer to the Senior Tutor and/or Development Director any proposed communication, including invitations, with the alumnus/a, potential or current donor, to agree whether it is appropriate to send.

## **9. Donor agreements and fund management**

- 9.1 A donor agreement signed by the Bursar, providing a record of the donor and any terms or preferences related to the donation will normally be kept for all donations of, or greater than, £5,000. If required, the College Seal will be affixed in accordance with the requirements of Ordinance D,IV (College Seal).
- 9.2 Separately administered funds will only be established for significant donations, normally those donations which are intended to be permanent, or expended over a period of three years or more and have a capital value of, or greater than, £100,000. Full details of fund management can be found in the College's [Financial Procedures Manual](#)<sup>8</sup>.
- 9.3 To best support the College's responsibilities to disburse money in pursuance of its charitable purposes, donor agreements and fund regulations will be defined as broadly as possible to prevent subsequent failure of meeting the donor's preferences or the fund's purpose, or of the fund itself, should circumstances change.
- 9.4 Absolute control of all donations must transfer to the College.

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<sup>8</sup> <https://www.sid.cam.ac.uk/about-sidney/published-information/college-policies-protocols-and-statements>

- 9.5 The College reserves the right to remove or revoke naming or any other formal recognition associated with a donation where there is reason to believe that such continued formal recognition would cause reputational harm to the College.

## **10. Return of donations**

- 10.1 Accepted donations may be returned only when:
- The terms of the donation provide for it to be returned in particular circumstances;
  - The law specifically provides for the donation to be returned in a particular circumstance; or
  - Return of a donation by way of an 'ex-gratia payment' has been ordered by the Charity Commission.
- 10.2 Where concerns are raised about donations already received, particularly when supported by new information, the Development Director will inform the Development Committee at the earliest possible opportunity, and may commission further investigation before referring the matter to Council for determination.
- 10.3 Return of accepted donations of any value requires the express permission of the Council. Council will also agree the process for return of the donation, taking into account the practicalities and timescales involved. Council may require further investigation (e.g., advice from CUDAR and/or CBELA), external legal advice and/or permission of the Charity Committee before it makes a final decision.

## **11. Gifts and Hospitality offered by Prospective or Current Donors**

- 11.1 Members of the College's Development and Alumni Relations Office (DARO), and any other College members who may be involved in the solicitation of donations or who may be the recipient of hospitality by prospective or current donors, will follow the procedures set out in the College's Employment Handbook and in its Anti-Bribery and Corruption Policy.
- 11.2 No member of DARO will accept any personal gift, hospitality or entertainment which could be viewed as an inducement without prior agreement from the Development Director or, in the case of the Development Director, from the Master.
- 11.3 In the interests of full transparency, details of any offers of gifts and hospitality from prospective or current donors to members of DARO, and whether the offer was accepted, will be reported to the Development Committee under a standing item on their agendas. Gifts with an estimated or known value of £5,000 or more will also be reported to the College Office and a gift agreement between the College and the donor may be required.

- 11.4 The above clauses will also apply to gifts in kind, e.g., invitation to a reception / event, paying for accommodation, and to offers of sponsorship for individuals and/or College clubs and societies.

**12. Review**

- 12.1 This policy will be reviewed by the Development Committee on a three-yearly basis, with any amendments approved by the College Council. It will be published on the College's website.

