

## Harris Manchester College

### Gift Acceptance Policy and Ethical Fundraising Practice

#### Introduction

Harris Manchester College's Governing Body (hereinafter 'the College') may accept financial gifts from a range of public and private sector partners in support of its work. Fundraising is a key element in furthering the life and work of the College. The Principal, along with other key senior staff such as the Vice-Principal, actively pursue the solicitation and acceptance of philanthropic gifts.

As a charity and a constituent College of the University of Oxford, the College must comply with all relevant legislation concerning philanthropic donations. It has a responsibility to ensure that the processes of securing and receiving funds to support the life and work of the College do not compromise its integrity, reputation, charitable purposes, the trust of its supporters, or its commitment to its beneficiaries, staff, and the wider community that it serves.

As Trustees of the College, Governing Body Fellows should be familiar with their obligations and responsibilities relating to the acceptance of philanthropic donations.

This document outlines a Gift Acceptance Policy and Ethical Fundraising Practice to define standard procedures for the solicitation and acceptance of philanthropic gifts to support Harris Manchester College and shall apply to all gifts offered to, and received by, the College including its Research Centres and other strategic programmes.

#### 1. Statement of Charitable Status

Harris Manchester College is a Registered Charity No.1143086 (with registered name 'The Principal and Fellows of the Manchester Academy and Harris College in the University of Oxford'). As a registered charity, the College must observe the requirements of charity law and other relevant legislation in relation to the receipt and expenditure of funds. As a registered charity this includes the ability to recover tax deducted from deeds of covenant and receipts under Gift Aid, exemption from Inheritance Tax for Donors to the institution, and exemption from Capital Gains Tax.

#### 2. Ethical Guidelines for Acceptable Sources of Funding

2.1 The College will not accept philanthropic donations that are inconsistent with the College's charitable purposes.

2.2 The College will not accept philanthropic donations if the proposed donation arises in whole or in part from any illegal activity.

2.3 The College will not accept philanthropic donations if accepting the proposed donation will require any illegal action on the part of the College.

2.4 The College will not accept philanthropic donations if, in the judgment of the Governing Body, accepting the proposed donation will:

- Create an unacceptable conflict of interest or duty;
- Disproportionately damage the reputation of the College or wider Collegiate University or potentially the charities sector; or
- Disproportionately damage the College's relationship with its beneficiaries, students, benefactors, partners, collegiate community, or other external stakeholders.

2.5. Funding will not generally be accepted if the potential funder is actively involved in the tobacco or fossil fuel industry. See Appendix 1: Further Information on Guidelines: Tobacco

2.6 The College will only accept philanthropic donations from students if there is no inappropriate personal or academic gain for any student from making such a donation.

2.7 The processes by which the College solicits and accepts donations will be in full accord with the fundamental principles of academic freedom.

### 3. Gift Acceptance Procedures

3.1 In line with best practice adopted by the majority of Oxford colleges, the College will have due regard to the University policy relating to the Committee to Review Donations - Guidelines for the acceptance of donations and research funding. <https://governance.admin.ox.ac.uk/committee-to-review-donations-and-research-funding> [this is an internal University link.] 3.2 In the event that significant concerns are raised about a new Donor or proposed donation, the College may seek guidance from the University of Oxford Committee for Review of Donations (CRD) on whether the donation should be accepted by the College. Please note that it is the College's policy to refer any gift or donation which, in its reasonable opinion and/or on the request of the Governing Body, may have potentially harmful reputational implications to the CRD for consideration.

3.2 The College Governing Body is responsible for reviewing all matters or instances where a proposed gift may not be acceptable within the meaning of this policy, or otherwise not in the best interests of the College, whether relating to:

- Engagement by the College with a prospective Donor;
- A proposal for a significant philanthropic donation to the College; and/or
- Philanthropic donations previously received by the College.

3.3 When considering any proposed donation or gift, the College Governing Body will, alongside operating in line with this policy, pay due regard to the College's charitable status and the duties and responsibilities of the Governing Body acting collectively as the Trustees of the College. Subject to the nature, size and potential donor, the key considerations for Trustees will vary. However, set out below are some illustrative points which should generally be considered in relation to each gift or donation in question:

- Is this within the powers of the College?;
- Is there a risk that the College's reputation may be damaged by acceptance of the gift or donation in question? If so, the Trustees have a duty to avoid exposing the College's reputation to undue risk. As such, as set out at paragraph 3.2 above, the gift or donation in question should be referred to the CRD and professional advice may be required on the reputational implications;
- The duty to act in the College's best interests – for example, taking into account the long-term implications of the decision in question, will accepting a particular gift or donation, as applicable, be in the best interests of the College?;
- The duty to act with reasonable care and skill – for example, any concerns should be raised appropriately and discussed at Governing Body level. In addition, is any professional advice required in relation to any decision being considered?; and
- Is this decision what the Trustees on Governing Body believe will best enable the College to carry out its purposes for the public benefit?

3.4 For significant gifts a document (electronic or otherwise) summarising the gift amount, purpose, payment schedule and duration of spend (as a minimum) should ideally be acknowledged in writing by the Donor.

3.5 An acknowledgment of thanks, and when requested a receipt, will be provided to all Donors for gifts received into the College.

3.6 A record will be kept of donations and gifts received by the College.

## 4. Donor Rights

4.1 All fundraising solicitations by or on behalf of the College will clearly state the College name and purpose for which the funds are requested. Written solicitations (however transmitted) will also include the College address and relevant contact information.

4.2 Donor privacy will be respected at all times. All Donor records maintained by the College will be kept confidential in accordance with applicable data protection laws (including the General Data Protection Regulation ((EU) 2016/679) and the Data Protection Act 2018). Donors have the right to view their Donor record and to challenge its accuracy.

4.3 Donors will be recommended, and always given the option, to seek independent advice if the College has any reason to believe that a proposed gift might significantly affect the Donor's financial position, taxable income, or relationship with other family members.

4.4 Donor requests to remain anonymous will be respected as far as is legally, practically, and ethically possible. Names of those requesting anonymity will not be shared beyond those with a direct involvement in the solicitation, approval, processing, stewardship, and auditing of the gift. However, the College will not accept donations where the identity of the donor is completely unknown to the College.

## 5 Ethical Fundraising Practices

5.1 All philanthropic fundraising persons who solicit or receive funds on behalf of the College shall:

- Adhere to the provisions of applicable law, including but not limited to: the General Data Protection Regulation ((EU) 2016/679), the Data Protection Act (2018), Freedom of Information Act (2000), Bribery Act (2010) and Charities Act (2011), and professional codes of ethics and standards of practice such as the Charity Commission guidelines (<https://www.gov.uk/guidance/fundraising-legally-and-responsibly> and <https://www.gov.uk/government/publications/charities-and-fundraising-cc20>) and the Fundraising Code of the Fundraising Regulator (<https://www.fundraisingregulator.org.uk/>).
- Adhere to the provisions laid out in this policy.
- Act with fairness and integrity, and take all reasonable steps to treat a donor fairly.
- Provide truthful information about fundraising activity.
- Immediately cease solicitation of a prospective Donor on request.
- Keep Donors and prospective Donors informed of any current fundraising and accounting legislation or scheme which is appropriate to their donation.
- Not accept philanthropic donations for purposes that are inconsistent with the College's mission.
- Report immediately to the Principal, Bursar and/or Governing Body any philanthropic donations which they consider to be a cause for concern and any actual or apparent conflict of interest as a result of the College accepting a donation.
- Comply with the Charity Commission's guidance on serious incident reporting in relation to suspicious donations: <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity> .

5.2 All fundraising solicitations by or on behalf of the College will:

- Accurately describe College activities and intended use of donated funds.
- Respect the dignity and privacy of those who benefit from philanthropic donations.

5.3 Donor and prospective Donor information, developed by or on behalf of the College, will not be used for any purpose other than to further relationships between College and the Donor or prospective Donor. This approach is informed by the Chartered Institute of Fundraising's 'Treating Donors Fairly' Guidance: <https://ciof.org.uk/treating-donors-fairly-update>

## **6. Data Protection**

6.1 The College will ensure compliance with all applicable data protection laws including the General Data Protection Regulation ((EU) 2016/679), the Data Protection Act (2018) and Privacy and Electronic Communications Regulations (2003).

6.2 The College will at all times be aware of the sensitivity of personal information gathered and held on alumni, other individuals and organisations. This will aid our compliance with data protection legislation and ensure that information obtained via all channels, particularly information not in the public domain, is treated with utmost respect and confidentiality.

6.3 When using external agencies or when data may be shared with a third party, for instance mailing houses, the Development Office will ensure that all issues such as data ownership, fitness for use and confidentiality are understood and formally agreed with the third party in advance, prior to sharing any data, and in compliance with all applicable data protection laws as set out above.

## **7. Financial Accountability**

7.1 The College's financial affairs will be conducted in a responsible manner, consistent with the ethical obligations of stewardship and in accordance with the applicable law and regulatory guidance.

7.2 All philanthropic donations will be used as agreed with the Donor, except as otherwise permitted by law. As appropriate, a Gift Agreement or Statement of Donor Wishes will be produced, setting out the purpose, direction, and terms of the gift as agreed between the Donor and the College.

7.3 When producing a Gift Agreement or Statement of Donor wishes, the College will seek to establish with the donor both their preferred purpose for the donation, and a range of acceptable alternative purposes should programme, organisational, legal or regulatory changes make the preferred purpose unsuitable. In these circumstances, the College will seek to discuss the change of purpose with the Donor or Donor's legal designate(s).

7.4 Where funds can no longer be used for a purpose within the original designation of the donation, the College may seek to repurpose the restricted funds, which will be done according to the processes required in charity law. In such cases the College will seek to discuss the proposed change of purpose with the Donor or Donor's legal designate(s).

## **8. Gift Acceptance Policy Review**

The Secretary to Governing Body will ensure that this document is reviewed by development staff on an annual basis, and the outcomes of such reviews will be reported to the Governing Body for appropriate consideration.

## **9. Compliance**

All staff who play a role in fundraising for College, and all Trustees of the College, will be asked to familiarise themselves with this document on appointment, and annually thereafter.

## Appendix 1: Further Information on Guidelines: Tobacco

The current guidelines for the acceptance of donations state that funding will not generally be accepted if the potential funder is actively involved in the tobacco industry. (Following the definition used in the Cancer Research UK Code of Practice on Tobacco Industry Funding to Universities, a tobacco company “means a company, entity or organisation (or groups or combinations of the same) whose business other than for an insignificant part (i.e. less than 10% of its revenue), is the development, production, promotion, marketing, or sale of tobacco in any country of the world, or is a subsidiary or a holding company or affiliate of the same. E-cigarette companies, fully or partially owned by the tobacco industry, are also considered tobacco companies under this definition).”

The University’s position is informed by Cancer Research UK and the Wellcome Trust:

### A. Cancer Research UK - Code of Practice on Tobacco Industry Funding to Universities

Circumstances in which Cancer Research UK may make public comment on tobacco industry funding to universities

While recognising that certain decisions rest with individual universities, Cancer Research UK feels it has a right and duty to comment in certain situations.

All universities are asked to consider the great harm to public health caused by tobacco, and the damage to their reputation if they accept tobacco industry funds. If a university accepts donations from the tobacco industry, Cancer Research UK considers it has a duty to publicly criticise such funding.

Furthermore, Cancer Research UK applauds those universities which already have a policy not to accept such funds and encourages other universities to follow their lead.

Cancer Research UK believes that no form of association with the tobacco industry is acceptable. Therefore, nothing in this Code shall be taken to imply that Cancer Research UK supports or approves the use of tobacco industry funding for research or any other activities.

Conditions under which Cancer Research UK funding may be withheld (revised 2014)

Cancer Research UK has a legitimate right to protect its own research funding where there is likely to be close proximity of its funding to tobacco industry funds.

Cancer Research UK will not provide financial support to those supported by tobacco industry funding. Cancer Research UK will also not provide financial support where those who are, or would be, supported by Cancer Research UK funds are working in such proximity to others supported by tobacco industry funding that there is any possibility or likelihood that facilities, equipment or other resources will be shared. The conditions of this Code, at a minimum, apply at research team level.

The application of this rule would apply to e-cigarette companies which are fully or partially owned by tobacco companies.

However, Cancer Research UK will consider funding research teams in close proximity of those funded by an independent e-cigarette company, those in receipt of funding from independent e-cigarette companies and those working alongside independent e-cigarette companies, where independence for e-cigarette companies is understood as the absence of ownership, funding, or comparable engagement with a tobacco company. Cancer Research UK reserves the right to place additional conditions on applicants to avoid its brand being directly associated with an individual e-cigarette company or individual e-cigarette brands. Cancer Research UK will continue to examine the questions raised by e-cigarettes and by the rapidly changing structure of the e-cigarette industry. Cancer Research UK will therefore regularly review this approach.

Where Cancer Research UK is considering major new funding, association of the university with the tobacco industry will be a key criterion.

E-cigarette companies, fully or partially owned by the tobacco industry, are also considered tobacco companies under this definition.

The Foundation for a Smoke-Free World was launched in September 2017, with an announcement of US\$800 million funding from Philip Morris International (PMI). Although its own communications identify it as an independent organisation, the Foundation's sole source of funding to date comes from PMI. We therefore consider funding from the Foundation for a Smoke-free World to be Tobacco Industry Funding within the scope of this Code.

Cancer Research UK will have the final decision in any dispute. Policy endorsed by CRUK Scientific Executive Board 2015

<http://www.cancerresearchuk.org/funding-for-researchers/applying-for-funding/policies-that-affect-your-grant/code-of-practice-on-tobacco-industry-funding-to-universities>

**B. Wellcome Trust - Policy on researchers funded by the tobacco industry**

In view of the overwhelming evidence that both active and passive smoking of tobacco are injurious to health, we are unwilling to fund applications from individuals applying for, holding, or employed under a research grant from the tobacco industry.

<https://wellcome.ac.uk/funding/managing-grant/policy-researchers-funded-tobacco-industry>