PURPOSE

This document sets out Birkbeck, University of London’s policies on accepting philanthropic donations. It aims to provide a framework through which decisions around gift acceptance can be made consistently and proportionately. This seeks to provide assurance to donors and to the College community that donors are treated equitably. All decisions around gift acceptance are recorded by the Development and Alumni team (‘D&A team’) on the College’s internal development database (the Raiser’s Edge).

CONTEXT

Birkbeck, University of London (‘the College’) depends on the solicitation and acceptance of philanthropic donations that enable it to maintain its unique mission as a world-class research and teaching institution, a vibrant centre of academic excellence and London’s only specialist provider of evening higher education that caters to a non-traditional student body. The College actively encourages philanthropic support, in line with its charitable status, and views increasing such support as a key element in being able to fulfil its mission.

The College is an exempt charity under the terms of the Charities Act 2011. The College is therefore expected to accept money given to that charity for purposes consistent with the charity’s objects. The Bribery Act 2010 requires the institution to ensure that the receipt of a donation is not related to some inappropriate advantage that be afforded to the donor, such as the offer of a university place for a close relative or the award of a contract.

Other relevant legislation includes the Proceeds of Crime Act 2002, the Terrorism Act 2000 and the Money Laundering Regulations 2007 under which it is an offence to receive, retain or convert money or property known or reasonably suspected to be the product of criminal activity.

DEFINITIONS & SCOPE

This policy applies to all philanthropic donations received by Birkbeck, University of London. A donation, or gift, is a voluntary transfer of money by an individual or organisation, made with philanthropic intent for the benefit of the institution. Birkbeck actively seeks and can accept donations from the following sources:

- Donations from individuals in the UK and overseas
- Donations from charitable trusts and foundations in the UK and overseas
- Donations from companies in the UK and overseas
- Donations from legacy bequests

Philanthropic donations are distinguished from research grants which are predominantly accessed via UK Funding Councils, EU and other publicly funded sources; these are administered through the College’s Research Grants and Contracts Office. These funds are excluded from this policy. Where the College’s Research Grants and Contracts Office is seeking funding from a source defined as a philanthropic funder, the D&A team should be informed of this, and a decision made as to which gift acceptance policies and procedures apply.

KEY PRINCIPLES

When making decisions around gift acceptance the College will seek to adhere to the following guiding principles:
• **Illegality:** The College will not accept donations where funds are believed to be derived from illegal activities.

• **Reputational Risk:** The College will not accept donations where funds are believed to be derived from unethical activities, or where the acceptance of a donation may damage the short- or long-term reputation of the College. The College will refuse a gift if it can reasonably conclude that its acceptance would be more likely to be detrimental to Birkbeck than its refusal.

• **Academic Freedom:** The College will not accept donations which limit its academic freedom or compromise its ability to act independently; this includes influencing admission criteria and treatment of students.

• **Interests of the College:** The College will not accept donations deemed contrary to its institutional interests; this includes donations that are in conflict with its mission, that are unacceptably expensive or unwieldy to administer or risk undue future financial liabilities, and donations which violate other College policies.

• **Transparency:** Where gifts are directed towards student support, the process for awarding these funds will be transparent and will involve stakeholders from across the College. Philanthropic donations should not be contingent on support for any individual student.

• **Students:** The College will only accept donations from students or close family of students if there is no personal or academic gain for any student from making such a donation.

• **Anonymity:** A donor’s right to remain anonymous externally will be maintained, but full details will be recorded on the College’s donations database. Where a donation is made anonymously, D&A will seek to confirm the identity of the donor(s), where this is not possible, and funds cannot practically be returned, the gift will normally be allocated to a scholarship or hardship fund. Where there are reasonable concerns around the source of money or identity of the donor, the donation will not be accepted.

**DECISION MAKING PROCEDURES**

All decisions relating to the acceptance of donations must also comply with the College’s Anti-Bribery and Corruption Policy, which is part of the Financial Regulations.

All anticipated donations of over £100,000 will be subject to a due diligence report, completed by the D&A team. An enhanced report with wider search parameters may be completed for anticipated donations in excess of £1 million. These reports will also be completed when a donor’s cumulative giving has exceeded these thresholds.

Due diligence reports may also be completed for anticipated donations below these gift levels, where there are specific causes for concern.

In cases where due diligence reports have been completed, these will be reviewed by the Gift Acceptance Committee comprising the Master, the College Secretary, the Pro-Vice Master for Research, and the Director of Development & Alumni Relations. The panel is required to review the documents and to make a decision on whether the proposed solicitation should proceed or be withdrawn.
specific cases the panel may also choose to refer the final decision to the Chair of the College’s Board of Governors.

The panel shall meet as frequently as required to make decisions around gift acceptance, either remotely or in person. The Director of Development and Alumni shall serve as the Development team liaison to the panel and shall attend meetings in this capacity.

If subsequent events (including the availability of new information) so require, the College may, at the discretion of the panel, review and reconsider previous decisions to solicit or accept particular donations. The response to such circumstances shall be transparent and proportionate.

In some cases, for example unsolicited pledges or bequests made to the College, due diligence reports will be completed (where required) and the above procedures followed once the College has been notified of the gift. The College will then seek to make decisions around gift acceptance prior to the pledge being fulfilled and monies being received.

CORPORATE PHILANTHROPY

In accordance with the ROSS-CASE Survey of Philanthropic Giving for Higher Education, donations from companies in the UK and overseas are acceptable sources of philanthropic funding if the giving has philanthropic intent AND does not fall under one of the seven exclusion criteria:

- Contractual relationship
- Exclusive information
- Exclusive publication
- Consultancy included
- IP rights
- Other forms of financial benefit
- Donor control

The College may still accept income that falls under these exclusion criteria, but not as a philanthropic donation.

PROCESSING & ACKNOWLEDGEMENT

All philanthropic donations to the College must be processed and recorded confidentially by the D&A team to ensure compliance with this policy.

The College may accept the following types of asset as a donation:

- Cash (where the gift does not exceed £1,000)
- Securities, stocks & bonds (in agreement with the College’s Director of Finance)
- Property & other real estate (in agreement with the College’s Director of Estates)
- Personal property inc. works of art (in agreement with the College’s Director of Finance)

The College does not currently invite donations through cryptocurrencies. Should a donation be received in the form of a cryptocurrency, the College would require the identity of the donor to be known before making a decision on whether to accept this. It is expected that due diligence would be completed on any prospective donor wishing to give to the College through a cryptocurrency.
NAMING & RECOGNITION

The College offers a number of opportunities for donors to receive naming rights in recognition of their support. These include parts of the College’s estates, institutes, scholarships, bursaries and academic posts. When planning a proposal that incorporates naming rights or other forms of specific recognition, fundraising staff should follow the College’s naming and recognition policies, held by the D&A team (read these policies here). This will ensure that donors are treated equally and are recognised at a level commensurate with their donation.