

Donation Acceptance Policy

1 Scope of the Policy

- 1.1 The Donation Acceptance Policy (“the Policy”) applies to all philanthropic donations received by York St John University.
- 1.2 The Policy does not apply to gifts and hospitality offered to members of the University, which should be recorded as set out in the University’s [Financial Regulations](#).
- 1.3 The University actively seeks and can accept donations from the following sources in accordance with the Policy:
 - i. Donations from individuals in the UK and overseas¹
 - ii. Grants from charitable trusts and foundations in the UK and overseas
 - iii. Donations from companies in the UK and overseas
 - iv. Donations from legacy bequests
 - v. Grants from overseas governments or their agencies or foundations
- 1.4 The Policy should be read in conjunction with the University [Financial Regulations](#) and [Scheme of Delegation](#).

2 Definitions

- 2.1 Donation: a voluntary transfer of money by an individual or organisation, made with philanthropic intent for the benefit of the institution.
- 2.2 Object: the “Object” of the University shall be the advancement of education including the conduct and development of a University.

3 Background to the Policy

- 3.1 The University is an independent legal entity constituted as a company (registered number 4498683), limited by guarantee with exempt charitable status. As set out in the [Articles of Association](#), the University has the power to solicit, receive and accept grants, donations, endowments, and gifts (both inter vivos and testamentary) as consistent with the object of the University, namely the advancement of education including the conduct and development of a University.
- 3.2 The UK Bribery Act 2010 requires the University 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 closer relative or the award of a contract. Other relevant legislation includes the Criminal Finances Act 2017, the Terrorism Act 2000, and Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, 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.
- 3.3 The University conducts its business in accordance with:
 - i. the seven principles identified by the Committee on Standards in Public Life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership) and;
 - ii. the guidance to universities from the Committee of University Chairs in its Higher Education Code of Governance.
- 3.4 Staff should conduct themselves with integrity, impartiality and honesty, and maintain a high standard of propriety and professionalism. This includes avoiding laying themselves open to suspicion of dishonesty, and not putting themselves in a position of conflict between their official duty and private interest.

4 Acceptance Principles

- 4.1 Donations are accepted and held by the University in accordance with its Financial Regulations.
- 4.2 In considering the acceptance of any donation, the University will consider if the donation is compatible with the Object as outlined in its Articles of Association: the advancement of education, and all relevant legislation, and University regulations and policies.
- 4.3 The University will not accept donations where the sources, or naming of a gift fall short of the standards determined through the due diligence procedures for the review of grants and donations, for example where:
 - i. the funds may have been illegally or unethically obtained;
 - ii. acceptance would be detrimental to the achievement of the Object of the University; or
 - iii. acceptance could cause damage to the reputation of the University.
- 4.4 The University will not accept donations which compromise its independence. Examples include, but are not limited to, donations that:
 - i. intend to influence the application of the University's selection criteria for admission;
 - ii. intend to affect the academic record of any current or future student, or have bearing on any dispute between a student and the University about the outcome of their programme of study;
 - iii. intend to influence the conferral of any academic or non-academic privilege, benefit or undue advantage on any currently registered or future student;
 - iv. limit the University's freedom or its capacity to operate independently; or
 - v. give rise to an unacceptable conflict of interest.
- 4.5 The University will not accept donations which are counter to its interests. Examples include, but are not limited to, donations that:
 - i. do not further, or are in conflict with, the vision, mission, and values of the University;
 - ii. are too difficult or expensive to administer or could create unacceptable liability or future expense;
 - iii. fail to meet the requirements of the Equalities Act 2010;
 - iv. breach the terms of this policy or other University regulations or policies approved by the Executive Board, Academic Board, or Board of Governors;
 - v. conflict with the University's ethical framework for financial transactions policy.
- 4.6 The University will not accept donations from registered students or known close relatives (parents, legal partners, children, grandparents, step-parents, and former or current legal guardians) of registered students under the following circumstances:
 - i. where the donation supports the School, or an affiliated School or subject area within which the student is registered.
 - ii. where any naming recognition is proposed, whilst the student is registered.
 - iii. where accepting the donation would be harmful or detrimental to the student or the reputation of the University.

Acceptance of donations valued less than £25k shall be undertaken by the Chief Operating Officer and Director of Finance, and brought to the attention of the Executive Board, in accordance with the Scheme of Delegation.

- 4.7 Acceptance of donations valued above £25k shall be undertaken by the Vice Chancellor in consultation with the Executive Board, in accordance with the Scheme of Delegation.
- 4.8 Acceptance of all donations valued at £5,000 or more shall be subject to the due diligence procedure outlined below. The Chief Operating Officer may also ask for the due diligence procedure outlined below to be completed for amounts under £5,000.

5 Legacy and Bequest Donations and Agreements

5.1 Legacy donations are welcomed by the University and are subject to this Policy's principles, including due diligence requirements and alignment with the University's Object and mission. The University reserves the right to review and amend the use of legacy donations, including any attached conditions or naming rights, to ensure alignment with current standards, values, and regulatory obligations. In cases where original terms become impractical, the Board of Governors may redirect funds to purposes that closely align with the donor's original intent and the University's priorities.

6 Due Diligence

- 6.1 The evaluation of whether to accept philanthropic donations valued at or above £5,000 will be undertaken by the University Finance Department in consultation with the Head of Governance and Compliance and acceptance will be agreed as set out in 4.7 and 4.8 above.
- 6.2 In addition to the acceptance principles outlined above, the teams will consider the:
- i. source of the donation;
 - ii. purpose of the donation;
 - iii. status of the donor; and
 - iv. any restrictions or conditions on the donations.
- 6.3 They will consider the reputation of the donor, and the stated corporate social responsibility policies of corporate donors. They will assess whether acceptance would be detrimental to the Object of the University.
- 6.4 The Finance Team will undertake due diligence on the donor and the source of the funds to ensure compliance with the Bribery Act 2010, the Criminal Finances Act 2017, and anti-money laundering legislation. They will seek to identify if there are any present or upcoming University procurement interests, or other conflicts of interest, that may be connected to the donor.
- 6.5 The Finance Team will consider whether acceptance of the donation is subject to conditions that would conflict with the Object or interest of the University, or with any legislation, regulations, or policies. For example, it may not be appropriate to accept a donation if it was applied for the sole benefit of a group of people sharing a protected characteristic as this could be perceived as exclusionary and in conflict with the Equality Act 2010 unless the following 'positive action' conditions were met:
- i. the targeted group suffer a disadvantage in their academic studies or extracurricular opportunities, or a disproportionately low level of participation;
 - ii. the purpose of the donation is to minimise that disadvantage or encourage greater participation; and
 - iii. the donation is a proportionate response to the level of need.

7 Gift Agreements

- 7.1 A written Gift Agreement is required for all philanthropic donations. The gift agreement template is available from the Fundraising and Alumni Relations team.
- 7.2 Gift Agreements must include the details of the gift, the project to be supported (if restricted), fulfilment schedule, naming rights (if applicable), relevant stewardship information, and principal statements on academic freedom, including but not limited to statements affirming no donor involvement in decisions on recruitment, student admission, and the award of degrees.
- 7.3 Restrictions related to the use or purpose of a donation should be written as intentions or preferences to enable the University the greatest latitude in ensuring future use. Where that is not possible, the agreement should reserve the authority of the Board of Governors to change the use or purpose of the donation as circumstances change.
- 7.4 Details of current or prospective donations should be recorded on the Fundraising Database.

7.5 A record of Gift Agreements should be kept and reported annually to Finance & Capital Development Committee (F&CDC). This report will be produced by the Finance Department in consultation with the Head of Governance and Compliance.

8 Donor's rights

8.1 The privacy of donors will be respected. Any donor records that are maintained by the University will be kept confidential and the donor will have the right to access their own donor record on request. Donors must be made aware that the Freedom of Information Act 2000 will apply to records in relation to philanthropic donations.

8.2 Donors and prospective donors are entitled to the following information on request:

- i. the most recent annual report and financial statements of the University;
- ii. confirmation of the charitable status of the University; and
- iii. a copy of this policy and any relevant University policy or publication scheme.

8.3 The University will honor a donor's request:

- i. to limit the frequency of solicitations from the University;
- ii. not to be solicited by telephone or email; and
- iii. not to receive printed material concerning the University.

8.4 The above will be formalised at the time of the donation by gaining the opt in consent of the donor for communications, their form and frequency.

9 Freedom of information

9.1 Information provided by donors, or generated by the University, including personal information, may be the subject of requests from the public for information under the Freedom of Information Act 2000 (FOIA).

9.2 In deciding the response to a FOIA request, the University will have regard to the need for excluding from publication, as far as practicable, any information relating to the private affairs of an individual or any commercial information relating to a business which, if published, would or might in the University's opinion, significantly harm the individual's interests or the legitimate business interests of that business.

9.3 If a donor (including in the case of legacy donors their executor) considers information to be confidential, that information should be marked 'confidential information' and a supporting explanation provided. In considering public requests for information the University will take full account of any reasons provided by respondents in support of confidentiality and will try to maintain anonymity where requested if it is possible to do so. The decision on publication of information will rest with the University. Where appropriate, the University might contact a donor to ascertain whether the reasons for confidentiality have changed since receipt of the Gift Agreement. Personal Data will be processed in accordance with the General Data Protection Regulation and Data Protection Act 2018.

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