



# MARLBOROUGH COLLEGE FOUNDATION

## Marlborough College Donor Charter, Fundraising Code & Gift Acceptance Policy

We are very grateful to all our donors for their generous support. Your gift plays a vital role in ensuring the College can provide bursaries to enable more talented young people to study here and to enhance our facilities for the benefit of our pupils and the local community.

All donations should be made to the Marlborough College Foundation (registered charity number 1061798) which exists for the benefit of Marlborough College. All fundraising solicitations for the Foundation are undertaken by the Development Office at the College.

### A. Donor charter

Marlborough College Foundation takes a 'donor-centric' approach to all its fundraising activities, ensuring that donors are treated fairly, transparently and respectfully and are kept informed of the impact of their giving. We will always:

1. Disclose the College's name and purpose for which the funds are requested during all fundraising solicitations. Printed and digital solicitations will also include contact information and the registered charity number.
2. Take all reasonable steps to treat donors fairly, enabling them to make an informed decision about any donation. This must include taking into account the needs of any potential donor who may be in a vulnerable circumstance or require additional care and support to make an informed decision. We will honour any requests to cease or limit solicitations (including by telephone or mail).
3. Respect the privacy of our donors. All gifts and data will be processed in accordance with the College's privacy notice (see [www.marlboroughcollege.org/privacy](http://www.marlboroughcollege.org/privacy)) and relevant legislation (e.g. GDPR). Donors have the right to see their own donor record and the College will not sell either its donor or alumni lists.
4. Process and thank you for your donation promptly. Where appropriate we will provide a formal Gift Agreement with the purpose of the gift and the payment schedule for transparency and accurate record-keeping. A copy will be held by both the College and the donor.
5. Ensure that all gifts we receive are in line with our Gift Acceptance Policy and we will undertake due diligence where necessary (see Section C for more details).
6. Ensure all donations given for a specific purpose will be used for that purpose and in a timely fashion. If necessary, due to programme or organisational changes, alternative uses or extensions to timescales will be discussed where possible with the donor(s). If a donor is deceased, and the Foundation is unable to contact a legal designate, the donation will be used in a manner that is as consistent as possible with the donor's original intent. Donors accept that the management and governance of programmes and/or activities funded through

philanthropy, rests solely with the College.

7. Update you regularly (at least annually) on the impact of your gift, invite you to join any relevant giving clubs and invite you to any relevant events linked to your donation.

8. Recognise your gift publicly where appropriate for the level and use of the gift (e.g. on donor walls), unless you ask to remain anonymous. We will respect any requests to remain anonymous. However the College may disclose details of any donor where it is required to do so by law, by any governmental or other regulatory authority, or by order of a court. Also senior and select administrative staff may be made aware of the real identity of the donor, if necessary.

9. Respond promptly (within 15 days) to a complaint by a donor or prospective donor about any matter that is addressed in this policy, through the Development Office. The Foundation Director will attempt to satisfy the complainant's concerns in the first instance. A complainant who remains dissatisfied will be informed that he/she may appeal in writing to the Master, who will respond to this appeal within a further 15 days. If the issue remains unresolved the complainant may pursue the matter with the Council.

## **B. Fundraising code**

The Marlborough College Foundation is a registered charity (registered charity number 1061798) established to provide long term financial support for the College's continuing development. On behalf of Marlborough College Foundation, the Development office may solicit gifts from individuals, corporations, and charitable trusts and foundations, to help further the mission of the College. It commits to do so ethically and in line with best practice:

1. All solicitations and appeals for funds on behalf of the Foundation or College will:

- adhere to the provisions of this policy;
- be truthful;
- accurately describe the College's activities and the intended use of donated funds;
- respect the dignity of the donor and of those who benefit from the College's activities;

2. Volunteers and employees who solicit or receive funds on behalf of the Foundation or College will:

- adhere to the provisions of this policy;
- act with fairness, integrity, and in accordance with all applicable laws (including GDPR and the Data Protection Act 2018);
- adhere to the provisions of applicable professional standards (including the Charity Commission and the Fundraising Regulator)
- cease solicitation of a prospect donor who requests no further contact
- not accept donations for purposes that are inconsistent with the Acceptance of Gifts policy (see section C below).

3. Paid fundraisers are compensated by a salary, and are not paid finders' fees, commissions, or percentages of gifts raised based on either the number of gifts received or the value of funds raised.

4. The Foundation's fundraising programme, undertaken by the Development office, is wholly funded by the College.

5. Donors will be encouraged to seek independent advice if the Foundation 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.

## C. Gift Acceptance Policy

Marlborough College Foundation seeks and accepts philanthropic gifts in accordance with the guidelines of the Fundraising Regulator and CASE (Council for Advancement and Support of Education).

1. The basis on which the Foundation will actively seek funding is:

- that the full cost of the project is identified (including staff costs; planning and works costs where applicable);
- that the project is approved by the Council of Marlborough College;
- that in the case of capital projects, any required applications for planning will have already passed - or if not, that this is made clear to prospective donors.

2. The following principles will be considered for all gifts:

- Does the potential gift fit with the College's strategic mission?
- Is there published or other credible evidence that the proposed gift will be made from a source that arises in whole or in part from an activity that:
  - Evaded taxation or involved fraud?
  - Violated international conventions that bear on human rights?
  - Limited freedom of enquiry, or encroached on academic freedom?
  - Was illegal and/or involved money laundering?
  - Is linked to the proceeds of crime?
- Has the donor been placed under any international sanctions?
- Does the gift comply with UK law, Charity Commission rules and Fundraising Regulator guidance?
- Is there evidence that the proposed benefaction, or any of its terms will:
  - Require action that is illegal?
  - Seriously damage the reputation of the College?
  - Create unacceptable conflicts of interest?
  - Come with unacceptable expectations (see point 7 below)?
  - Harm the College's relationship with other benefactors, parents, pupils, partners or the local community?

3. The College will follow a formal 'Due diligence' process for any gift which, in the opinion of the Development Office, could represent a risk to the College and / or where the total value of the donation is equal to or greater than £50,000. There will be a review that assesses the acceptability of a proposed gift against the criteria as defined above (see section C2). It will also include consideration of any financial or reputational risks for the College. Gifts where a concern is identified will be referred to the Master and, if necessary, to Council for acceptance. The Development Committee will be kept updated on all gifts following the due diligence process.

4. Gifts are accepted in the following forms and with the following restrictions:

- **Cash** (or equivalent): in order to comply with money laundering regulations, cash donations of over £50 cannot be accepted. Cheques and card donations are accepted.
- **Shares**: The Foundation can accept publicly traded securities. Securities may be accepted subject to completion of the necessary transfer formalities and the payment of any Stamp Duty. As a general rule, all marketable securities will be sold upon receipt unless otherwise directed.
- **Tangible personal property**: Tangible personal property includes art, furniture, books, College memorabilia, coin and stamp collections, jewellery, vehicles and any other personal property item owned by a donor. It excludes property and land. The College will examine a potential gift of tangible personal property for the item's financial value, its potential use by and significance to the College, any associated ongoing risks or costs to the College (e.g. insurance) and, if it is agreed with the donor that the item will

not be used or kept, whether the item could be sold and converted into cash.

- **Property and land:** Gifts of property and land may include gifts of developed property or undeveloped land. Prior to acceptance of gifts of real estate, the College shall require a structural survey or other similar review of the real estate to ensure that it offers no significant on-going financial or environmental risks or costs to College. The cost of such survey or review will generally be an expense of the donor. Prior to acceptance of the real estate, the gift will have to be approved by Council.
- **Bequests:** the Foundation will gratefully accept bequests for the benefit of the College. The Development office asks donors wishing to leave a bequest to execute an appropriate codicil or include in their will. The College is also keen that such donors notify the College if they would like to do so, in order for the College to keep accurate records of those who have made a provision in their will or codicil. In this way, the College can ensure that legacy pledge-makers can be appropriately thanked via the 1843 Society. Such notification is in no way binding and those notifying the College of an intention to leave a gift in their will retain absolute rights over whether or not to fulfill this commitment.

5. The Council and the Development Office are not responsible for the financial, tax or legal position of donors or of prospective donors in relation to their gifts. Donors or prospective donors must take such advice as they deem necessary and in no circumstances are they entitled to rely on guidance offered by the College and/or Development, whether written or verbal, which can only ever be generic in nature.

6. To comply with money laundering and related legislation as this might apply from time to time, the College might require donors and potential donors to provide reasonable proof of identity and, if necessary, furnish information as to the origin of the gift to be donated.

7. Donations must be freely given with no expectation of anything in return other than due thanks and recognition. Gifts from prospective parents without a confirmed place will not be accepted (see separate policy for details). Gifts from parents cannot be made to offset College fees or the cost of a trip or activity for an individual pupil who is related or known to a donor. The decision of a parent to make or not make a gift to the College will have no bearing on the academic, sporting or extracurricular opportunities open to an individual pupil.

8. Where a change in circumstances prompts a donor to request the repayment of part or all of a donation, the final decision to repay a donation shall rest with the Council.

9. Any naming rights (e.g. a building, a plaque or the naming of a bursary or award) related to a donation will be agreed between the donor and the College and will be subject to the College's separate naming Policy.