



GIFT ACCEPTANCE POLICY

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1. Introduction

As a global center of excellence, consistently generating and delivering relevant scientific evidence for policy and action on population, health, and wellbeing in Africa, the African Population and Health Research Center (APHRC) has ambitious fundraising goals to meet its strategic plans. We recognize and appreciate the role of funders and gifts in achieving these, and in contributing to our mission and priorities. To ensure alignment with the Center's values and maintain the organization's reputation, the gift acceptance policy articulates the overriding principles and guidelines that govern APHRC's relationship with its funders and the basis for accepting gifts. It facilitates informed solicitation, legal compliance, risk mitigation, donor relations management, and operational efficiency.

2. Purpose

The purpose of this policy is to govern the acceptance and administration of gifts, as well as offer guidance to donors, their professional advisers, and recipients. It also serves to ensure that gift acceptance is considered in accordance with all the policies outlined in this document, and with any other procedures established by the Center.

3. Application/Scope

This policy applies to gifts made to the Center and not to its employees and representatives; the latter are covered in the *HR Policies and Procedures Manual*.

For purposes of this policy, a gift is defined as a voluntary transfer of cash and/or in-kind assets from a person or organization to APHRC, where no goods or services are expected in return by the donor. These could include wire transfers, checks, securities, property, computers, software, furniture, office equipment, and grants provided by government departments, corporations, foundations, trusts, organizations, etc., for a particular purpose.

4. Gift Acceptance

Though most gifts are not controversial in nature, there are instances when acceptance of a gift creates organizational or reputational problems and risks. Since there are numerous types and sources of gifts that do not pose major risks for the Center, this policy focuses on gifts that may pose reputational risks for the Center.

In deciding whether or not to accept a gift, APHRC will consider the following factors:

- *Values*—whether the acceptance of the gift compromises any of the Center's core values.
- *Public Relations*—whether acceptance of the gift can damage the reputation of the Center.
- *Form of Gift*— whether the gift is offered in a form that APHRC can use without incurring substantial expense or difficulty.
- *Effect on Future Giving*—whether accepting the gift will encourage or discourage future gifts and other forms of support to APHRC.

The following non-exhaustive list will serve as a basis for gifts that may be subject to review and advice by experts before acceptance or rejection:

- i. securities
- ii. tangible personal property
- iii. life insurance
- iv. closely held stock transfers that are subject to restrictions or buy-sell agreements
- v. real estate
- vi. pledge agreements
- vii. gifts involving contracts such as bargain sales, partnership agreements, or other documents requiring the Center to assume an obligation
- viii. documents naming the Center as trustee
- ix. online donations that have privacy and cyber security risks
- x. cryptocurrencies.

4.1. Gift Acknowledgement

Gifts will be acknowledged formally through letters, agreements, or contracts. Where no contracts are signed, the acknowledgment will include the criteria under which the gift is accepted. This will help in later decisions should the giver status subsequently change and the gift needs to be returned.

5. Declining of Gifts

Generally, APHRC will not accept gifts that could potentially compromise its public image, reputation, or commitment to its mission and values. The Center values integrity, autonomy, and freedom, and will not accept gifts where a condition for such acceptance compromises any of these fundamental principles.

APHRC reserves the right to decline gifts if any of the following arises:

- the gift and its attendant conditions are inconsistent with APHRC's core values, mission, and objectives;
- the gift exposes APHRC to liability or unacceptable risk. Risks can compromise the achievement of the organization's future growth objectives and deterioration of existing value;
- acceptance of the gift could jeopardize APHRC's status as an exempt organization under federal or state law, e.g. the 501(c)3 status in the US, or the Headquarters Agreement with the Government of Kenya;
- the donor is suspended or debarred by US federal law or any other accredited institution;
- the giver applies unacceptable restrictions or conditions on the gift;
- the gift will be difficult to administer. This relates to gifts that APHRC will need to incur substantial expenses to administer;
- the gift may have come from illegal activities or unexplained sources;
- the gift could improperly benefit an individual;
- the funder violates national and international human rights codes;
- Pass through gifts that pose a risk around kickbacks or violate the Center values.
- the gift comes with unacceptable conflicts of interest for APHRC. In accordance with the APHRC's Conflict of Interest policy, the Center will typically not accept gifts that would require

it to give special consideration for employment to the donor, or to anyone designated by the donor, or that would allow the donor to inappropriately influence project selection, fieldwork, reporting or publication and dissemination of research findings;

- the gift or source of the gift compromises any of APHRC's policies including the safeguarding policy.

Annex 1 lists gifts that the Center will not accept. This list will be reviewed on an as-needed basis.

6. Return of Gifts

APHRC reserves the right to return a gift either in full or the unexpended portion thereof if the funder's status or the conditions of the gift change such that the gift falls within the unacceptable limits as per Section 5 above.

APHRC is cognizant that returning a valid gift could be a breach of trust and could result in directors being exposed to liability. As the circumstances under which a gift may be returned may have legal and tax implications, communication with donors must always be meticulously documented. There must be an identifiable basis in law before a gift can be returned. Once the Center establishes that a gift needs to be returned, the Legal Officer together with the Director of Operations, and with external counsel where necessary, will document the possible implications. The Board of Directors through its Finance, Risk, and Development committee will be informed and they will carefully consider all options and advice on the return. Where a donation is of low value and APHRC reasonably concludes that it requires a disproportionate amount of time and resources for further investigation, a decision on the next steps will be made by the Board.

Once all factors are considered and all matters concluded, the gifts will be returned or retained as appropriate. The procedure for return will include management writing a formal letter to the giver indicating the reason for the intention and asking how the gift can be returned. Where gifts are acceptable subject to meeting certain requirements, the management will issue a letter outlining the acceptance conditions. This will help in subsequent review should the giver's status change and the gift needs to be returned.

7. Roles and Responsibilities

Board of Directors:

- Review and monitor the implementation of the policy
- Advise management on gifts that may need to be returned
- Receive and review reports on rejected gifts annually

Executive Leadership Team (ELT)

APHRC's ELT holds overall responsibility for this policy and its implementation. They shall:

- Ensure that the Center upholds its values in dealing with funders, partners, and potential givers.
- Ensure that senior management and all staff involved in soliciting funding are familiar with the provisions of this policy.
- Ensure that the Center's systems and processes are fit for purpose and provide adequate assurance against improper gifting.
- The Director of Operations and the Executive Director who sign gift contracts will ensure that the necessary checks have been made before signing contracts with new funders or givers
- The Director of Operations will oversee the process of documenting why a gift may need to be returned
- Review reports on gifts that may need to be rejected or returned. On an annual basis, management will report to the Board on any rejected gift
- The Executive Director or the Director of Operations will formally communicate with the giver in cases where the gift is returned

Theme Leaders, Unit Heads, and Line Managers' Responsibilities

They shall:

- Ensure adherence to this policy by any APHRC staff member working in their units/themes.
- Seek advice and guidance before accepting gifts on behalf of the Center.

Internal Audit Unit

- Ensure the APHRC environment has the right measures and controls for effective implementation of this policy
- Monitor the implementation of this policy, regularly considering its suitability, adequacy, and effectiveness

Development Office

- Ensure that all contracts with potential givers are reviewed for compliance with this policy.
- Conduct ethics checks and due diligence on potential givers whose vision and mission may be at odds with the Center's. The office is staffed with a legal officer who provides an in-house review of legal risks relating to this policy.

8. Monitoring & Review of Policy

There will be continuous monitoring and annual reporting of rejected gifts. This policy will be reviewed by the Board every three years or earlier when deemed necessary.

9. Related Policies

- i) Whistle-Blowing Policy – outlines the reporting procedures and channels
- ii) Human Resources Policies and Procedures Manual – details the limits and procedures for handling gifts to APHRC staff as well as disciplinary measure
- iii) Investment Policy – outlines the kinds of entities and businesses the Center may not invest in

Annex 1: Gift that the Center will not accept

Given the Center's focus on health and development in Africa, the Center will not accept gifts from tobacco companies, alcohol companies, companies dealing with weapons and espionage, companies in extractive industries in Africa, and those known to undermine development and governance in Africa. The Executive Leadership Team will apply ethical screening on such entities before accepting gifts in line with the Center's Investment Policy.