

VIRGINIA STATE UNIVERSITY

Section:	Board of Visitors
Policy Number:	103
Policy Name:	Policy and Procedures Governing the Solicitation and Acceptance of Gifts
Effective Date:	January 1996
Review Date:	January 1, 1999

Purpose of Policy

As the University competes to attract and retain the best and brightest students, the need for additional resources becomes critical. In order to maximize the effectiveness and efficiency of our fund-raising efforts, everyone must follow consistent policies and procedures.

This policy has been developed to provide direction in the solicitation, establishment and overall administration of University funds. This statement is, in part, a codification of previous agreements. Any earlier regulations in conflict with this policy statement have been rescinded and any exceptions or variations can be made only with the approval of the President and the University's Board of Visitors. This policy also has been developed to provide guidance to the Virginia State University Foundation and other approved support organizations receiving gifts for or on behalf of the University. The specific purposes of this policy are:

- .To explain the coordination of fund-raising activities between the University's Development Office and University support organizations that receive funds on behalf of the University or that receive funds in the name of the University;
- .To provide procedures for VSU employees or students soliciting, accepting, receipting, and acknowledging gifts, deferred gifts, and bequests to the University;
- .To provide University policies for establishing named endowment funds and other restricted gifts; and
- .To clarify procedures for processing gifts to the University or to support organizations on behalf of or in the name of the University.

General

The University shall only solicit funds in accordance with the guidelines established by the Virginia State University Board of Visitors, and in accordance with Law. See, for example, Section 4-2.01 of the Appropriation Acts governing the

solicitation and acceptance of donations, gifts and grants.

The University shall generally accept all funds provided to the University so long as the terms and conditions are in compliance with the mission of the University and provided the President has approved, in writing, the acceptance of the gift which conforms to this policy.

No University employee may accept any gift for or on behalf of the University, including gifts from approved support organizations, without the prior written approval of the President.

Definitions

"Gifts" refer to private gifts, even though such gifts or contributions may be termed "grants" by individuals, associations, corporations, foundations, societies and businesses. These gifts are contributions received from private sources for which goods or services are not received or expected, implied, or forthcoming to the donor, and in which no proprietary interests are retained by the donor. Gifts are also created when the contribution substantially exceeds the consideration expected in return.

"Bequests" refer to a gift by will.

"Intangible Property" refers to such property that has no intrinsic marketable value but is merely the representative or evidence of value such as certificates of stock, bonds, promissory notes, and franchises.

"Tangible Property" refers to such property as may be felt or touched and is necessarily corporeal or has physical substance such as land, machinery, or cash.

"Unrestricted Funds" refer to those funds received by the University with no donor restrictions on their use, and are, therefore, expendable for any University purpose prescribed by the Board of Visitors.

"Restricted Funds" refer to assets that are provided to the University subject to legally binding limitations on their use. These limitations are imposed by the donor. If the University accepts such assets, it must abide by these limitations. Accordingly, it is imperative that the restrictions be duly approved by the Board of Visitors. Restricted funds are divided into three major types:

(a) Expendable Restricted Funds

Restricted Funds which allow the asset to be expended in the normal course of meeting the restriction.

(b) Unrestricted Endowment (Nonexpendable Funds)

Funds which require that the donated assets be indefinitely retained for investment. The income, including gains and losses, from these investments is for unrestricted purposes.

(c) Restricted Endowment (Nonexpendable Funds)

Funds which require that the donated assets be retained for indefinite investment. The income from these investments is restricted to specific operating purposes which the donor has specified.

"Unrestricted Quasi-Endowment Funds" refer to funds which have been designated by the Board of Visitors for long-term investment. The income and gains and losses from these investments is for unrestricted purposes. The Board of Visitors can, at any time, approve expenditures of these invested funds for unrestricted use.

"Restricted Quasi-Endowment Funds" refer to funds which have been designated by the Board of Visitors for long-term investment. The income from these investments is restricted to specific purposes which the donor has specified. The Board of Visitors can, at any time, approve expenditure of the invested funds in accordance with the specific donor restrictions. Funds are discussed further in the section "Fund Accounting and Other Guidelines."

University Development Responsibilities

The University's Development Office is the clearinghouse for all fund-raising activities throughout the University. It is also the clearinghouse for all fund-raising activities done in the name of the University by any support organization. Many alumni and friends, corporations and foundations, and other private charitable organizations have special relationships with the University; therefore, the University's Development Office must coordinate fund-raising efforts. The Development Office advises the President on the solicitation and acceptance of private funds and provides the President with information on all development programs of the University, including approved support organizations.

The University's Development Office is responsible for maintaining and increasing strong private financial support for the University. Annually, the Development Office shall prepare a plan of action by which private financial support may be systematically and substantially increased. Additionally, they should communicate the priority needs for solicited funds. The Office serves to advise and assist schools, departments, student groups and University support organizations with their specialized needs. Its purpose is to improve the University's success in securing greater private support for priority needs through use of its services. The Development Office also consults with prospective donors and/or their representatives on lifetime, testamentary gift planning and other deferred giving arrangements.

In addition, the Development Office reports through the President, at least quarterly, to the Board of Visitors via the Development Committee, all gifts and bequests from private sources made to the University either directly or through one of the approved support organizations. In doing so, the Development Office is careful to explain that donors would consult with their own lawyer or tax advisor with respect to any benefit or consequence desired by the donor.

The University's Development Office has the responsibility of recording all gifts to the University, and for the recording and tracking of all pledges. They also have the responsibility for prospect evaluation and constituent database management. They have the responsibility for preparation of all solicitation materials, donor correspondence and the annual report of giving.

RECEIPT AND ACKNOWLEDGEMENT OF GIFTS

Overview

Private gifts to Virginia State University may be for:

- .The general purposes of the University as a whole or for the specific use of any of its programs;
- .One of the schools;
- .A particular facility, program, area of study, or organization; or
- .Other purposes or objectives approved by the President or the Board of Visitors.

The University's primary fund-raising areas are the School of Business, School of Liberal Arts and Education, School of Agriculture, Science and Technology, and School of Graduate Studies and Continuing Education, Johnston Memorial Library, VSU Athletic Booster Club, Shelton Matthews Memorial Trust, the National Alumni Association, the VSU Foundation, and campus approved student groups. Solicitation for ancillary University Programs must follow the guidelines established in Administration and Finance Policy Memorandum No. 13.

Donor Restrictions

The donor may direct that a gift may be expended in full during one or more years for current operating expenses, for capital projects, for establishment of a special endowment fund, or for the general endowment funds according to University policies. The use of funds may be specified for purposes such as professorships, fellowships, scholarships, books, merit awards or teaching and research, provided the donor submits his or her intentions in writing to the University. Once established, such restrictions may be modified by mutual agreement of the University and the donor, provided the modification is made in writing and signed by both parties. The University's Board of Visitors has the power, in the absence of written restrictions from the donor, to designate funds as quasi-endowment, and/or to amend any such designations previously established by the Board.

Gift Payee

Gifts for either current use or endowment purposes given directly to the University should be made payable to "Virginia State University" and will be received and expended or invested by the University. Gifts for endowment purposes must be specifically designated as such in writing by the donor. All gifts must be accepted in writing by the President or his designee.

"Approved" University - Support Organizations For Fund-Raising Purposes

Gifts may be accepted for the University by approved support organizations. All contributions raised in the name of the University or designated for University purposes must accrue to the benefit of the University.

Specific policies for gift acceptance, receipt, and acknowledgement are maintained by individual approved support organizations. The approved support organizations are identified in the enclosed listing of "Certified Fund-raisers for Virginia State University".

Annually, the University will publish a listing of organizations authorized to solicit funds in the name of the University. Such a listing will include all organizations complying with the policies established herein.

"Approval" of Support Organizations and Staffing

Private organizations wishing to solicit funds in the name of the University and/or use University resources for such purposes must be approved by the Board of Visitors. Any proposals or plans for fund-raising programs from private sources must be approved by the President before being undertaken. For new fund-raising initiatives, the appropriate Vice President must approve an initiative before fundraising may commence, so the range of development activities at the University is efficiently coordinated. Appointment of staffing needs for development programs must first be cleared in writing by the President and the Board of Visitors.

All support organizations, including student groups, wishing to conduct fund-raising activities in the name of the University and/or use University resources must submit, in writing, requests to do so along with a description of the activities, proposed budget, projected dollar amount to be raised for University purposes, and a schedule for conducting the activity. The attached "Form A" must be used to provide the required information.

Each support organization should annually submit, on or before July 1 of each year, a detailed plan of activities (including fund-raising), operating budget, scholarships or awards that may be given and such other information as may be deemed appropriate by the University.

Each support organization must provide copies of Articles of Incorporation, By-Laws, Charters, and a current listing of officers to the Development Office.

Each support organization shall provide the President of the University, as part of his working papers the earlier of July 1 of each year or within 30 days of filing, the following reports, audits and information:

- a.** A copy of any proposed repeal, amendment or addition to its Articles of Incorporation, Bylaws, or other document describing its mission and objectives;
- b.** A copy of tax-exempt status letter should be forwarded to the University;
- c.** A current listing of the names of all directors, officers or other principals;
- d.** A written description of any compensation paid to anyone and the amount thereof (except expense reimbursement);
- e.** A written description of all private gifts and contributions received for the University's benefit, and a written description of any restrictions or conditions attached thereto;
- f.** A copy of the organization's annual financial statement including a description of all income and expenditures by program;
- g.** A schedule of all investments and those under consideration, including real estate (e.g., names and locations of deposits, account numbers, and the like);
- h.** A schedule of all private firms responsible for the daily management of investments and fees charged therefor, if any;
- i.** Written notice of litigation or threat of litigation brought by or against a support organization;
- j.** Prompt notice of any audit or review by tax authorities, or action taken, or threatened to be taken by any authorities that may adversely affect the gift;
- k.** Written notice of any proposed expenditure in excess of \$10,000;
- l.** A copy of the support organization's annual IRS Forms 990 and 990T (if applicable) and any other tax return it may be required to file, or files, with any taxing authority (must be submitted within 6 months of fiscal year);
- m.** An annual schedule of any compensation, prize or award paid to any University employee or a member of such employee's "immediate family", as that term is defined in Section 2.1-639.2 of the Code of Virginia, whether in cash or in-kind; and

- n. A copy of the surety bond covering all support organization personnel handling funds intended for the ultimate benefit of the University;

Notwithstanding the foregoing, the President shall be provided in advance of adoption any change to the organization's charter or bylaws; and shall be given immediate notice of any litigation or threatened litigation against the organization.

Support organizations (including private foundations) may not provide any compensation or payment to any VSU employee, without the written approval of the President. Employees may not solicit or accept any compensation from any support group (or private foundation) for services performed within the scope of his or her duties, except the compensation, expenses or other remuneration paid by the University. Employees are cautioned on their responsibility to avoid illegal conflicts or the appearance thereof.

Investment Policy

As of June 30 of each fiscal year, all funds in excess of dollars needed to operate, must be invested in the name of the organization with either the University or its Foundation. Such that the University and/or the Foundation can provide quarterly investment statements, including allocated earnings. The two entities approved to invest dollars on behalf of Virginia State University are the University and its Foundation.

Support Organization Representation to Third Parties

Support organizations are not agents of the University. University approval of a support organization merely recognizes the affiliated purpose(s) of the organization and enables the Board to be aware of funds held in trust for the benefit of the University.

Support organizations shall neither represent to any third party, nor take any other action which would cause a third party to believe, that the support organization is part of, controlled by, or an agent for the University. Except as the President may authorize in writing, support organizations may not represent, expressly or implicitly, that they are authorized to act for the University or make any commitments or promises on its behalf.

Support organizations' activities shall be conducted in a manner to reasonably ensure that third parties understand that the support organization is not part of, controlled by, or an agent of Virginia State University.

Any school, department, University-related foundation, or other support organization, including student groups, seeking to conduct one or more solicitations for the benefit of the University or its students, with a goal of \$25,000 or more, must receive advance approval from the University's Board of Visitors or their designee. University resources, facilities and personnel, may not be utilized without the approval written of the President, irrespective of solicitation amounts.

All requests for Board approval must be submitted in writing to the University's Development Office which shall review said requests and submit them to the University's President along with a recommendation for Board action. Solicitations with a goal of less than \$25,000, must secure advance approval from the University's President. All requests for the approval of the President must be submitted in writing to the Development Office, which shall convene a meeting of the appropriate University entities to develop a recommendation for the President.

Acceptance of Gifts

When an authorized gift is accepted, the University assumes both a legal and an ethical obligation to conform with the wishes of the donor. For these reasons, it is essential that donors precisely indicate in writing those restrictions, if any, to be placed on the use of the funds provided. Gifts of real estate must be conditioned on the approval of the Board of Visitors, which may also be required to obtain the approval of other State officials.

ACKNOWLEDGING AND RECORDING GIFTS

All gifts to Virginia State University, whether sent to the University, the University-related Foundation, or any other support organization, must be acknowledged by the University's President or his designee.

When a monetary gift to the University is received by any University school, department, or program, it must be forwarded the same day to the Development Office for recording, deposit and acknowledgement. All original correspondence should accompany gifts (including that for gifts-in-kind/tangible personal property) and must be filed in the Development Office.

Each department of the University which directly receives a contribution is required to complete a cash transmittal form for submission to the Development Office, within 24 hours of receipt. Depending on the availability of supporting documentation, the cash transmittal should be prepared in sufficient detail to include the following data: donor name and mailing address, amount paid, date of contribution and purpose for which contribution was made, if any.

The Development Office, upon receipt of the cash transmittal, shall determine those contributions that shall be transmitted, based upon intended purpose and appropriate fund location, to the Treasurer's Office or to the Virginia State University Foundation. Contributions transmitted to the Treasurer's Office will be received by the Cashier's Office and recorded in the University's Financial Records System (FRS).

The Treasurer's Office is also responsible for determining that expenditures are charged against the appropriate restricted fund as recorded on the books of the University's FRS.

The FBMO 90/91's generated by the Financial Records System should be reconciled monthly to the cash receipts and disbursements appearing on the bank statement.

As indicated above, gifts are recorded in the appropriate fund (e.g., endowment funds or general funds) by the University's Treasurer, based on cash transmittals.

A summary of cash activity for gifts as maintained by the Treasurer's Office shall be forwarded monthly to the Development Office and the President's Office. The Development Office shall reconcile the Development Office gift summary to FRS monthly from ADS.

UNACCEPTABLE RESTRICTIONS ON GIFTS OR BEQUESTS

General Restrictions

No gift which by its nature or acceptance thereof that is prohibited by federal or applicable State law will be accepted. Restrictions based on race, color, creed, sex, or national origin are generally unacceptable. Gifts which will remain under the control or direction of the donor must be approved, prior to acceptance, by the President.

Restrictions Involving Student Financial Aid

The following restrictions are generally unacceptable in gifts to Virginia State University for financial aid purposes:

- .Restrictions permitting designation of an individual recipient by the donor;
- .Restrictions to relatives or descendants of the donor as recipients;
- .Restrictions upon the future employment of the recipient; and
- .Restrictions by the donor on interest rates and conditions for repayment of loans. (Rates of interest or repayment requirements should be determined by the University's policy and practice at the time of the loan.)

SOLICITATION AND ACCEPTANCE OF CERTAIN TYPES OF GIFTS

Gifts of Tangible Property

It is mandatory that all gifts of tangible property conform with current Internal Revenue Service (IRS) regulations; provided, however, no employee of VSU may provide tax advice to potential donors or guarantee tax deductibility of any gift. General information may be provided so long as private parties understand that they must look to their own resources for specific tax advice or legal counsel.

An offer of a gift to the University of tangible property may be recommended for acceptance on behalf of the University by the President. Environmental studies may be required prior to acceptance.

The recommendation for receipt and acceptance of such tangible gifts with an estimated value of \$500 or more will be submitted to the Development Office for confirmation and formal acceptance by the President. Such recommendations must be submitted in writing (letter or memorandum from an authorized person) and accompanied by a "Deed of Gift" and a verification of the gift's value.

Small gifts of personal property, such as rare books and prints, with an apparent worth of less than \$500 may be unofficially valued by a staff member of the University with expertise related to the gift. Librarians, professors of art, etc., may provide an informal evaluation to record the gift for the University. Cash is the only gift which may be received at face value.

The University may sell a non-cash gift and place the proceeds in a specific fund of the University, as requested by the donor, or as approved by the Board of Visitors. Applicable IRS requirements shall be complied with.

Development Office personnel, deans, or Trustee of the University Foundation may recommend to the President a valuation for purposes of appropriate donor recognition, such as gift clubs, plaques, and listings of contributors by gift levels when such can be reasonably ascertained. Virginia State University will not accept responsibility for establishing gift value with a donor.

Restrictions on Gifts In-kind

The following restrictions or considerations in connection with gifts in-kind will affect their acceptance by the University:

The acceptance of such gifts shall not involve significant additional expense for their present or future use, display, maintenance or administration.

No financial or other burdensome obligation or expense is or will be directly or indirectly incurred by the University except with Board of Visitor approval.

Neither the University, nor its officers or employees may furnish valuations or appraisals to donors in connection with gifts in-kind.

Gifts of Intangible Property

Gifts of stocks, bonds and all securities, including partnership interests, royalties, etc., involve complicated technical considerations and may have very special tax consequences to the donor. The University's Development Office is a general resource to assist in these matters and can provide general guidance by answering questions regarding gifts or securities, working with financial and legal advisors of University benefactors and coordinating gift acknowledgements, as well as contacts with the Office of the Treasurer. Specific tax advice or guarantee of tax treatment may not be provided and prospective donors must understand that they must look to their own tax advisor for such purposes. All transactions will be administered by the Office of the Treasurer or Lawyer and the University's Development Office.

ESTABLISHMENT OF NAMED FUNDS FOR CERTAIN PURPOSES

Any gift or bequest to Virginia State University should be made payable to "Virginia State University". The University's Development Office is a resource to provide testamentary language for prospective donors and to coordinate with the University's legal adviser.

It is the policy of the University to approve the establishment of funds for certain purposes upon the receipt of gifts or commitments which meet the donor prescribed requirements. The use of funds may be specified for purposes such as endowed chairs, scholarships, books, teaching, faculty merit, and research provided the donor submits his or her intentions in writing to the University. Each school or department may suggest special activities, programs, research, lectures, etc., which can be supported by varying amounts of funding. The Board of Visitors has the power, in the absence of written instructions from the donor, to designate funds as quasi-endowment, or for use in other purposes.

A gift or bequest may specify that the funds are either expendable or endowed. In addition, expendable or endowed gifts may be designated as restricted or unrestricted. If restricted, written instruction from the donor is required.

Named endowment funds are usually pooled for investment with the University's general endowment and other funds, and the individual funds are credited with their pro rata share of the earnings using the unit value method based on actual earnings of the previous quarter.

The establishment of a named endowment fund usually requires a gift with a specified minimum amount. Minimum

amounts for named endowment funds are determined by the Board of Visitors.

If a gift or bequest for endowment is less than the minimum at the end of the required time period established by the Board, it may be added to the general endowment fund.

If, however, the fund meets the stated minimum dollar requirements to establish a named endowment fund for the specific purpose, the principal and the income earned on that principal will be separately determined for each named endowment fund. Whether the income from the endowment is added to the principal or is expendable should be specified in writing by the donor.

PROFESSORSHIPS

Eminent Scholar Chairs

A named endowed professorship may be established for scholars who are full or associate professors at Virginia State University to supplement the available state support for salaries in a school or field of study. Such funds may be submitted for matching under the Eminent Scholars Program or, if in existence, under an equivalent matching program. Special Eminent Scholars request forms must be prepared by the University and completed and executed by the donor at the time of the initial gift.

If lifetime gifts or bequests to any of the Eminent Scholars funds do not reach the minimum assigned levels within the period of time assigned by the Board of Visitors, the assets in the fund will either be transferred to a separate endowment fund or merged with an existing endowed fund with a purpose close to keeping with the special interest of the donor and according to existing policy prescribed by the Board of Visitors.

Non-Eminent Scholars Chairs

PROFESSORSHIP ENDOWMENTS may also be established without matching funds. A non-Eminent Scholars Chair may be funded with a contribution whose amount will be established by the Board of Visitors.

Other Endowments

FACULTY MERIT AWARDS may also be established to support incentives to faculty who demonstrate excellence in teaching or research. These awards may be established at any level determined by the Board of Visitors.

Lectureships

A named endowment fund to provide a lecture program (i.e., one which may be used for the honorarium and expenses of a special guest lecturer) may be established with a fund which dollar level is determined by the Board of Visitors.

Scholarships

A named endowment scholarship for undergraduates may be established with a fund which dollar level is determined by the Board of Visitors.

Graduate Fellowships

A named endowment fellowship may be established with a fund which dollar level is determined by the Board of Visitors.

Prize/Award Funds

A named financial award for outstanding accomplishments by faculty may be provided through the establishment of a prize fund which dollar level is determined by the Board of Visitors.

DISSEMINATION

The President shall see that these Procedures are communicated within all departments of the University, as well as to all support organizations.

**VSU: POLICY & PROCEDURE FOR THE SOLICITATION/
ACCEPTANCE OF GIFTS
FORM "A"**

Group Name: _____

Contact Name: _____

Address: _____

Name of Activity: _____

Description: _____

Solicitation Method: _____

Budget:

Revenue	_____	Fees	_____
Gifts	_____	Sponsorships	_____
	Other	_____	

Expenditures: _____

Net Proceeds: \$ _____

Planned Use of Net Proceeds:

Originally Submitted 4/1/93
Not Approved At That Time

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