

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Solicitation of Gifts and Grants from Private Sources

Regulation and Procedure Number: URP: 03.210

Policy Owner: University Advancement

POLICY STATEMENT

The purpose of this policy is to set forth Texas Woman's University's ("TWU") policies and procedures related to solicitation of all gifts, donations, and non-contractual grants from private philanthropic sources (e.g., individuals, foundations, and corporations).

APPLICABILITY

This policy is applicable to TWU Students, Faculty, Staff, and Guests.

DEFINITIONS

1. "Faculty" means an individual who is employed by TWU as a member of the faculty and whose duties include teaching, research, service, and administration. Professional librarians and graduate assistant titles are excluded from the definition of faculty.
2. "Guests" means any individual not affiliated with TWU.
3. "Staff" means each classified, administrative, and professional employee who is appointed to work in an a regular full time or regular part time position, excluding students employed in positions for which student status is required as a condition of employment and those employees holding teaching and/or research positions classified as faculty.
4. "Students" means individuals who have applied for admission or readmission to the University, who are registered or enrolled in one or more courses for credit at the University, or who currently are not enrolled but have a continuing academic relationship with the University.

REGULATION AND PROCEDURE

I. Definition of Gifts

- A. Gifts, donations, and non-contractual grants are defined as follows: charitable contributions of any kind of property, real or personal, including pledges, which are given for restricted or unrestricted purposes by donors from the private sector (e.g., individuals, foundations, and corporations). A gift is a voluntary transfer of property from one to another without consideration. It is a donation and provided by the donor voluntarily and without any expectation of a tangible return.
- B. Included in the above definition are gifts such as cash, securities, and tangible personal property and real property.
- C. Not included in the above definition are grants from public entities, including local, state, and federal agencies managed by the Office of Research and Sponsored Programs (“ORSP”).

II. General Solicitation

- A. The Chancellor and President of TWU, or their designee, will provide the final approval to solicit gifts from private sources.
- B. All solicitation of gifts from private sources by any office of TWU, faculty, staff member, student, or related corporate entity shall be coordinated and cleared in writing with Office of University Advancement (“OUA”) before the project begins. The Vice President of University Advancement (“VPUA”), in conjunction with the development officer in the responsible college, if applicable, or an appropriate staff member of the OUA, will work with the faculty member, staff member, student, or related corporate entity on the project.
 - 1. Any project for which gift funding of more than \$1,000 is expected, the project manager must receive approval from the appropriate academic and OUA administrator. Funds may not be formally solicited for a new program, center, or institute, or other item requiring Board of Regents approval prior to approval of the establishment of the program, center, institute, or other item by the Board of Regents.
 - 2. The OUA maintains a master calendar for all fundraising events. All fundraising events must receive prior approval from the VPUA.

3. All fundraising activities and events shall comply with TWU policies and procedures, as well as federal and state law.
4. Any written statement concerning the tax deductibility of contributions must be reviewed and approved by the OUA.

C. If any faculty member, staff member, student, or student organization receives an unsolicited question from a prospective donor regarding a possible gift to TWU or the TWU Foundation, the individual should notify the OUA as soon as possible following the initial contact.

D. Corporations and Foundations

1. All research, project, and gift solicitation proposals to private foundations or corporations must be cleared by OUA if the following indicators of a gift exist:
 - a. The award is from a non-governmental source and does not require any terms, special conditions, or other obligations to receive the gift.
 - b. The donor specifically intends the award to be a charitable gift, as reflected by the characteristics of the award instrument or application.
 - c. The conditions or stipulations placed on the intended use of the award are reasonable and do not require formal monitoring. Gifts may be directed to areas such as scholarships, facilities, or general research support of specific interest to the donor.
 - d. The donor intends the gift to be irrevocable and, therefore, relinquishes the right to reclaim the gift or any unused remainder.
 - e. The donor makes the gift to the TWUF without expectation of direct economic benefit or other tangible benefit commensurate with the worth of the gift.

E. Office of Research and Sponsored Programs

1. The ORSP will have responsibility for the negotiation and administration of the award if any of the following indicators exist:
 - a. The award is from a governmental or quasi-governmental entity or is a subcontract or purchase order from a federal contractor.
 - b. The award is from a corporation's research and development budget and is perceived by the company as a "cost of doing business" rather than a charitable gift.
 - c. The for-profit private sponsor hopes to gain direct economic benefit as a result of the activity to be conducted under the agreement.
 - d. The award is the result of a project proposal to the sponsor, or there is a written contract between the sponsor and TWU.
 - e. The sponsor requires formal financial, technical, or activity reports.
 - f. There are specific limitations including but not limited to patents, copyrights, publications, or the use and ownership of equipment.
 - g. The unused portion of the award is revocable if there are funds remaining after the end date or completion of the project or if the grant is not being used to the sponsor's satisfaction.
 - h. The activity supported by the award involves patents, biohazardous agents and/or recombinant DNA materials, radioactive materials or devices, animal or human research subjects, or classified material.
 - i. There is a line-item budget for work and/or a specific statement of work.

III. General Solicitation

Foundations and corporations may provide gifts to the TWUF to match certain contributions made by their current or former employees. The OUA will verify receipt of the gift. The matching gift forms require the signature of the VPUA or designee for certification that the gift is eligible for the match based on the company's matching gift policy.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

None

FORMS AND TOOLS

None

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