



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

**HSCEP OP:** 02.02, **Solicitation of Gifts and Grants from Private Philanthropic Sources**

**PURPOSE:** The purpose of this Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) Operating Policy and Procedure (HSCEP OP) is to set forth policies and procedures related to solicitation of gifts, donations, and non-contractual grants from private philanthropic sources (i.e., individuals, foundations, and corporations).

**REVIEW:** This HSCEP OP will be reviewed on April 1 of each even-numbered year (ENY) by the vice president for Institutional Advancement (VPIA). Changes regarding financial procedures will be made with the concurrence of the chief financial officer (CFO) or designee.

### **POLICY/PROCEDURE:**

#### **1. Definition of Gifts**

- a. For the purpose of these operating policies and procedures, 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 donative in nature and bestowed by the donor voluntarily and without expectation of any tangible return (excluding a progress or final report).
- b. Included in the above definition are gifts such as cash, securities, tangible personal property and real property as well as gifts or grants from private foundations, agencies or corporations.
- c. Not included in the above definition are grants from public entities, including local, state, and federal entities, or contractual grants, contracts, or purchase orders from private sources.

#### **2. General**

- a. All solicitation of gifts and/or grants from private sources by any TTUHSC El Paso faculty member, staff member, student, student organization, or related corporate entity shall be coordinated and cleared before the fact with the Office of Institutional Advancement. The VPIA, in conjunction with the development officer in the responsible school or unit, if applicable, or an appropriate staff member of the Office of Institutional Advancement, will work with the faculty member, staff member, student, student organization, or related corporate entity on the project.
  - (1) Any project for which gift funding in excess of \$1,000 is sought must receive advance approval from the Office of Institutional Advancement, the appropriate dean, the president, and the VPIA. Funds may not be formally solicited for a center or institute prior to approval of the establishment of the center or institute by the Board of Regents.
  - (2) In the approval process, the sponsors of the project must agree that, should the

fundraising goal not be reached, TTUHSC El Paso support in excess of what might be committed initially will not be sought. In addition, a plan must be provided by the project sponsor to the VPIA and the president, specifying what will happen to the gift funds should the fundraising project not reach its financial goal. The sponsor must agree to inform the principal donors in advance of how the funds will be used should the goal not be reached.

In terms of private grants, the principle investigator is responsible for spending grant monies in accordance to the submitted proposal. Should extensions or corrections to these originally stipulated proposals be needed, the principle investigator must contact the Office of Institutional Advancement to coordinate communications with the respective funding agency.

- (3) The Office of Institutional Advancement maintains a master calendar for all fundraising events. All events must receive prior approval from the Office of Institutional Advancement.
  - (4) All fundraising projects and events shall comply with TTUHSC El Paso policies and procedures, as well as federal and state law.
  - (5) Any written statement concerning tax deductibility of contributions must be reviewed and approved by the Office of Institutional Advancement.
  - (6) Policies and procedures relating to the use of the TTUHSC El Paso name by a third party or unrelated entities are found in HSCEP OP 01.04.
- b. If any faculty member, staff member, student, or student organization receives any unsolicited question from a prospective donor regarding a possible gift to TTUHSC El Paso or Texas Tech Foundation, Inc. (TTFI), the Office of Institutional Advancement should be notified of the inquiry as soon as possible following the initial contact.
- c. Fundraising programs can be initiated by TTUHSC El Paso or by TTFI.
- d. **Corporations and Foundations.** All research, project, and gift solicitation proposals to private foundations or corporations must be cleared by the VPIA if the following indicators of a gift or grant exist:
- (1) The award is from a nongovernmental source and is either for buildings or facilities, research or a specific project, or for the endowment of TTUHSC El Paso.
  - (2) The donor specifically intends the award to be a charitable gift as reflected by the characteristics of the award instrument.
  - (3) The conditions or stipulations placed on the intended use of the award are reasonable and serve to direct the funds to areas such as scholarships, facilities, or general research and/or programmatic support of specific interest to the donor.
  - (4) The donor intends the gift to be irrevocable and, therefore, relinquishes the right to reclaim the gift or any unused remainder, unless otherwise specified by a gift or grant agreement.
  - (5) The donor makes the gift to TTUHSC El Paso or TTFI without expectation of direct economic benefit or other tangible benefit commensurate with the worth of the gift.

- (6) The donor, as per the agreement, is entitled to a formal financial or activity report.
  - (7) The gift or grant may be the result of a project proposal to the sponsor, and there is a written agreement between the sponsor and TTUHSC El Paso, to exclude contractual work.
- e. **Office of Sponsored Programs.** The Office of Sponsored Programs will partner with the Office of Institutional Advancement to ensure the negotiation and administration of the award if any of the following indicators exist:
- (1) The award is from a governmental or quasi-governmental entity or is a subcontract or purchase order from a federal contractor.
  - (2) 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.
  - (3) The for-profit private sponsor hopes to gain direct economic benefit as a result of the activity to be conducted under the agreement.
  - (4) The award is the result of a project proposal to the sponsor, and there is a written contract between the sponsor and TTUHSC El Paso.
  - (5) The sponsor is contractually entitled to formal financial, technical, or activity reports.
  - (6) There are specific limitations concerning patents, copyrights, publications, or the use and ownership of equipment.
  - (7) The unused portion of the award is revocable if the grant is not being used to the sponsor's satisfaction.
  - (8) The activity supported by the award involves patents, hazardous substances, animal or human research subjects, or classified material.

### 3. **Payment of Gift-Related Fees**

#### a. **Finder's Fees or Commissions**

- (1) Neither TTUHSC El Paso nor TTFI will pay any fee to any person in consideration of directing a gift to TTUHSC El Paso or TTFI. Such fees could be illegal, and, in the case of irrevocable deferred gifts which involve management of assets, the payment of such may subject TTUHSC El Paso, its Board of Regents, TTFI, its Board of Directors, or the staff of TTUHSC El Paso to federal and state security regulation.
- (2) No commission or finder's fee of any type will be paid to any party in connection with the completion of a gift to TTUHSC El Paso or TTFI.

#### b. **Professional Fees** TTFI will pay reasonable fees for professional services in connection with the completion of a gift to TTFI as follows:

- (1) If (i) the potential gift is valued at \$100,000 or more and (ii) the expenses to be paid by TTFI are \$5000 or more, staff shall contact the TTFI Board of Directors with a firm estimate of the anticipated expenses, and shall poll the Board of Directors on the proposed expenses. If approved, staff shall have the authority to pursue a commitment on the gift.

- (2) If (i) the potential gift is valued at \$100,000 or more and (ii) the expenses to be paid by TTFI are less than \$5000, staff shall have the authority to pursue a commitment on the gift without approval of the Board of Directors.
- (3) If the potential gift is less than \$100,000, TTFI will not agree to pay the related expenses.

4. **Matching Gifts**

- a. Some foundations and corporations provide gifts to TTUHSC El Paso and TTFI to match certain academic contributions made by their employees. The Office of Institutional Advancement will verify receipt of the gift. The matching gift forms require the signature of the VP/IA or designee for certification that the gift is eligible for a match based on the company's matching gift policy.
- b. Matching gifts, including the original and matching contributions made to the related corporate entity of TTUHSC El Paso, will be forwarded to the Office of Institutional Advancement for deposit into an account whereby the funds will be used as established by the matching gift company's policy. At no time will the funds be transferred to the related corporate entity for deposit to a bank account maintained by such entity.