

NIPISSING UNIVERSITY

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| Policy Category: | General |
| Policy Number: | 1.8.2018.B |
| Policy Name: | Gift Acceptance Policy |
| Responsible Department: | Advancement Office |
| Original Approval Date: | February 2011 |
| Approval Authority: | Board of Governors |
| Last Updated: | May 2018 |
| Review Date: | 2019 |

1.0 INTRODUCTION

1.1 SUBJECT

A policy for the acceptance of gifts by Nipissing University.

1.2 PURPOSE

This policy addresses the principles and terms to be followed by the University in matters of gift acceptance. In addition, the policy provides guidelines that ensure gifts are received in accordance with the requirements of the Income Tax Act.

1.3 SCOPE

This policy governs the acceptance of all gifts made to Nipissing University.

2.0 DEFINITIONS

2.1 GIFT(S)

Registered charities rely on the Income Tax Act, CRA (Canada Revenue Agency) Interpretation Bulletins, Information Circulars and jurisprudence (court rulings on CRA challenges of taxpayers' deductions of charitable donations) to guide them in defining a charitable gift with respect to the issuance of charitable donation receipts.

The Income Tax Act does not specifically define a gift, but *Interpretation Bulletin IT-110R3* defines a gift as:

- *a voluntary transfer of property with valuable consideration. Generally a gift is made if all three of the conditions listed below are satisfied:*
- *some property -- usually cash -- is transferred by a donor to a registered charity; and*
- *the transfer is voluntary; and*

- *the transfer is made without expectation of return. No benefit of any kind may be provided to the donor or to anyone designated by the donor, except where the benefit is of nominal value.*

Accordingly, to guide its operations, the following definition of gift(s) shall apply in this policy: A gift is a voluntary transfer of cash or other property, from individuals, corporations, associations, foundations or other sources to the University for either designated or undesignated purposes. Gifts are made without expectation of return or benefit to the donor or any individual or company designated by the donor as a result of acceptance of the gift.

2.2 DESIGNATED AND UNDESIGNATED

The following definitions shall apply in the policy:

“Designated” gifts: contributions given to the University, where the donor has specified the purposes or use of the gift; for example, gifts may be “designated” to a particular faculty, program, project or initiative.

“Undesignated” gifts: contributions given to the University, where the donor has not specified the purposes or use.

3.0 POLICY FOR GIFT ACCEPTANCE

3.1 GIFT SOURCES

The University recognizes the benefit of receiving philanthropic gifts to help support its academic mission through teaching and research programs. It values public and private-sector partnerships, and relationships with donors and supporters. Gifts that support the University’s academic mission are a vital source of supplementary funding.

Gifts from the following sources are deemed eligible for charitable income tax receipts:

- Cash, cheques, or securities
- Gifts-in-kind
- Life insurance
- Annuity contracts
- Real estate
- Gifts of residual interest
- Trust agreements
- Bequests
- Gifts of Retirement Plans
- Charitable Remainder Trust
- Charitable Gift Annuities
- Others that comply with CRA regulations and guidelines

3.2 PRINCIPLES FOR GIFT ACCEPTANCE

- The University's solicitation of gifts is informed by and consistent with priorities established by the University.
- Anonymity will be granted to any donor who makes this request in keeping with legal stipulations.
- Designated gifts will be used for the purpose for which they are given. Undesignated gifts will be used for such purposes as the University determines most appropriate, based on the priorities of the institution.
- The University will not accept gifts if such acceptance results in an abridgement of its academic freedom, autonomy and integrity.
- The University will not accept gifts it determines may violate federal, provincial or municipal laws.
- The University will not accept gifts that could reasonably compromise its public image, reputation or commitment to its objects, strategic plan, values and priorities.
- The University also reserves the right to decline a gift in any circumstances, including but not limited to, when:
 - the gift terms propose unacceptable restrictions or conditions;
 - the gift will be unduly difficult or expensive to administer;
 - the gift poses financial or reputational risk;
 - the gift is reasonably suspected to have originated from illegal activities;
 - the gift could improperly benefit any individual;
 - the gift is negatively precedent setting or involves sensitive issues;
 - the gift would allow the donor to influence University appointments, research programs or curriculum;
 - the gift could jeopardize the University's charitable status;
 - the gift violates the Ontario Human Rights Code;
 - the gift does not comply with the Canada Income Tax Act and Canada Revenue Agency requirements.
- Occasionally, funds sought and contributed for a University purpose are insufficient to make the project viable. If the University is unable to proceed, benefactors will be invited to redirect their contributions to an alternative purpose, and/or to fulfill future pledge payments.
- The University may return a donation in rare and unique circumstances, where the integrity of a gift has been compromised such that the University's reputation is negatively affected. Returning such a gift must be in compliance with CRA provisions, as well as provincial and federal legislation.

- The acceptance of all gifts must comply with all relevant University policies and guidelines including, but not limited to the *Naming of Campus Assets Policy* and the *Endowment Fund Statement of Investment, Objectives, Policies and Governance*.

3.3 GUIDELINES FOR GIFT RECEIPTING

No fundraising program, whether a general or group solicitation, shall be undertaken by any school, department, faculty, staff member, individual or other University entity without the knowledge and approval of the Head of Advancement. The Advancement Office is responsible for the procedures to accept all gifts, whether they are receipted or not. The following guidelines will govern gifts accepted and received:

- Ownership of each gift vests legally in the University, regardless of the specific unit or activity to which such gift is directed.
- It is the University's expectation that commitments between the donor and the University in relation to gift acceptance will be clearly documented as part of a gift agreement. These donor agreements will be subject to the University's statement on *Protection of Privacy and Access to Information* and applicable law.
- All gifts will be handled in accordance with the commitments made to the donor by the University, which are consistent with University policies, applicable law, including but not limited to: the *Income Tax Act* and Canada Revenue Agency guidelines on charitable donations.
- All charitable donations accepted by the University will be receipted in accordance with *Nipissing's Charitable Tax Receipt Issuance Procedure*.
- Public recognition will be based on the level of the gift and in accordance with *Nipissing University's Donor Recognition Guidelines* as established by the Advancement Office.

4.0 GIFT ACCEPTANCE AUTHORITY AND RESPONSIBILITY

4.1 DELEGATION OF AUTHORITY

The following procedures have been developed in order to implement the above-noted principles and guidelines and to provide opportunity for careful and systematic reflection prior to the acceptance of gifts by the University:

- The authority to accept or decline a gift is vested with the Board of Governors.
- The Board is the final approval authority for gifts in excess of \$5 million.
- For gifts in excess of \$500,000 and less than \$5 million, the Board of Governors delegates authority to accept gifts jointly to:
 - the President, and
 - at least one of:

- the Vice-President, Finance & Administration, or
- the Provost & Vice-President, Academic and Research
- For gifts up to and including \$500,000, the Board of Governors delegates authority to accept gifts jointly to:
 - the President, and
 - at least one of:
 - the Vice-President, Finance & Administration, or
 - the Provost & Vice-President, Academic and Research, or
 - the Head of Advancement
- Additionally, prior approval by specific resolution or motion of the Board is required for the acceptance of:
 - any gift which, in the opinion of the President, Vice-Presidents, or Head of Advancement, exposes the University to uncertain and potentially significant liability;
 - any gift which, in the opinion of the President, Vice-Presidents, or Head of Advancement, is precedent setting and involves sensitive issues;
 - any gift which, in the opinion of the President, Vice-Presidents, or Head of Advancement, is of unusual complexity, including potentially gifts involving real property, residual interests, charitable remainder trusts, assets with limited liquidity, or cultural property.
- Notwithstanding any authority delegated via this policy, the Board of Governors may specify that the acceptance of gifts from certain donors or donor constituencies be reserved for its direct approval.
- The President, Vice-Presidents, and Head of Advancement may also seek input from the Fundraising Committee of the Board of Governors pertaining to acceptability of a proposed gift.
- All decisions to accept gifts must be in accordance with this policy and with accountability to the Board.

4.2 RESPONSIBILITIES

- The President and/or delegates are responsible for ensuring that all resource implications arising from acceptance of gifts are appropriately incorporated in University planning and budgeting activities.
- Nipissing University has an ethical responsibility to every donor and as such all staff, volunteers and professional representatives acting on behalf of the University will conduct themselves in accordance with accepted professional standards of accuracy, truth and integrity. The University subscribes to the *Donors Bill of Rights*, professional standards and code of behaviours as set out by the *Association of Fundraising Professionals, Council for the Advancement and Support of Education, and the Canadian*

Association of Gift Planners to serve as the ethical guidelines when raising and receiving funds for the University.

5.0 REPORTING AND REVIEW

5.1 REPORTING

The President and/or delegates will provide an annual report for the Fundraising Committee and the Board of Governors on the University's gift acceptance decisions, including reference to gifts declined, returned or any unique or precedent-setting aspects of gift transactions over the reporting period.

5.2 REVIEW PROCESS

In order to ensure that this Policy continues to be effective, it shall be reviewed annually by the Fundraising Committee of the Board of Governors. The Head of Advancement is responsible for initiating this review.

Resolution 2011-02-04: Moved by J.G. Lebel, seconded by B. Hatt that the Board of Governors accept the recommendation of the Advancement Committee that the Board approve the revised *Gift Acceptance Policy* dated January 2011. **CARRIED.**

Revised May 3, 2018 – Resolution 2018-05-07