



Policy Name	Gift Solicitation and Acceptance
Policy Number	60000.001
Effective Date	TBD
Administrative Division	Division of Institutional Advancement
Unit	Division of Institutional Advancement
Last Revised	2008

1.0 Purpose

Jackson State University recognizes the vital importance of private support. Gifts of real and personal property often allow us to accomplish objectives that would otherwise be impossible due to absence or shortage of resources. University employees or groups who wish to solicit contributions are encouraged to do so, but must receive written approval from the Division of Institutional Advancement prior to any solicitation of non-governmental or in-kind gifts being conducted or initiated. This includes the solicitation of alumni, friends, organizations, businesses, corporations, or private foundations for any University-related purpose or establishment, whether pending or currently in existence.

The University will utilize a systematic and strategic approach to fundraising efforts to secure private gift funding. In the interest of effectively coordinating fundraising efforts on behalf of the University the Division of Institutional Advancement shall have the responsibility of approving such fundraising efforts and solicitations. The coordination of solicitations through the Division of Institutional Advancement is necessary to avoid duplicate solicitations, to protect donor confidentiality, to prevent over-solicitation of specific major donor prospects and companies, to ensure state funds and property are not misused, and to ensure compliance with all federal and state laws and regulations relating to fundraising and solicitation efforts.

2.0 Applicability

This policy applies to all University administrators, faculty, staff, students, student organizations, and volunteers.

3.0 Policy

3.1 University administrators, faculty, staff, and volunteers must receive approval from the Division of Institutional Advancement to conduct any solicitations of private gifts. (Please see attached approval form). Students or student organizations conducting fundraising must receive prior approval from the Dean of Students. For students or student organizations, prior approval by the Division of Institutional Advancement is required where the project goal exceeds one thousand dollars (\$1,000). Pursuant to this policy fundraising efforts and solicitations include face-to-face solicitations, phone calls, mailings, events, e-mails, promotions, and all other means of requesting donations. Upon receipt of the approval form by the Division of Institutional Advancement, the office will review the material in a timely manner and respond to the initiating party.

3.2 As a result of a fundraising or solicitation project, University administrators, faculty, and/or staff shall not receive or solicit anything of value (other than the pay established in their respective employment relationship) in return for influencing or exercising his/her discretion in a particular way on a University matter. Honorary gifts of de minimus value are excluded from this proscription. University administrators, faculty, and/or staff shall not make a donation of public funds or resources, and no extra compensation shall be granted beyond the contracts made to employees or contractors. No person shall diminish, waive, or relinquish an obligation or claim held or owned by the University, without adequate and legal consideration exchanged.

- 3.3 The Division of Institutional Advancement shall conduct various annual fundraising activities, including direct mail solicitations, phonathons, events, and personal solicitations. Departments and programs within the University may, with approval of the appropriate Dean or Vice President, conduct their own fundraising campaigns if permission is granted by the director of the Division of Institutional Advancement. These campaigns must be fully coordinated through the Division of Institutional Advancement and solicitations may not interfere with campaigns or solicitations being conducted by or planned by the Division of Institutional Advancement.
- 3.4 Solicitation of gifts that may require a commitment of University resources (e.g., funds, access to employees and/or students, mailing lists, facilities) must be approved by the Office of the President prior to the commencement of fundraising or solicitation efforts.
- 3.5 While Jackson State University currently has active affiliation agreements with various foundations and other entities, the Jackson State University Development Foundation ("the Foundation") is the primary organization to accept charitable gifts on behalf of the University.¹ The Foundation is a 501(c)3 organization and gifts to the Foundation are tax deductible as per the Internal Revenue Code and, therefore, the Foundation is obligated to conduct its activities in furtherance of its exempt purpose as defined in its application for tax-exempt status filed with the Internal Revenue Service (IRS).

As a tax-exempt organization, the Foundation is permitted to receive contributions that support its exempt activities and contribute to the exempt functions for which it was created. Contributions may include funds given for the following purposes:

- Funding of endowments
- Unrestricted gifts for the priority needs of the Foundation or the University
- Restricted gifts for approved scholarships, faculty support, use by a particular unit, etc.
- Other restricted giving for approved support of the University

Contributions must take the form of donations in support of the Foundation and/or the University restrictions placed upon the use of the funds donated and the identification of any events or timing which may trigger the release of such restrictions must be clearly provided by the donor and documented by the Foundation.

The Foundation will not accept funds which are not considered tax-deductible gifts. Particularly included in this restriction is the deposit of checks which are not made payable to the Foundation, but are made payable to the University or its departments in payment of the following:

- Services performed by University personnel
- Sale of such items as merchandise, tickets or advertising space
- Deposits that benefit a specific individual (for items such as travel, tuition payments, etc.)
- Monies received as a result of exclusive vendor relationships

Deposits of this nature, especially the endorsement of third-party checks for deposit in the Foundation, circumvent the accounting controls of the University and will not be accepted by the Foundation. The funds Acceptance Policy may be used to inform University personnel of acceptable

¹ Fundraising and solicitation on behalf of Jackson State University affiliated entities must at all times be in compliance with the affiliation agreement between Jackson State University and the affiliated entity, as well as all applicable federal and state laws, the Mississippi Institutions of Higher Learning policy and bylaws, and University policies relating to fundraising.

tender to the Foundation.

Gifts made to the University shall be accounted for and ownership maintained by the University; gifts made to the Foundation shall be accounted for and ownership maintained by the Foundation. However, gifts made to the University will be transferred to the Foundation if a gift agreement, pledge or expectancy exists between the donor and the Foundation. If a gift is made to the University and no gift agreement, pledge or expectancy exists between the donor and the Foundation, the donor or donor representative as applicable will be contacted to clarify intent. It will be explained that, in most situations, it is the University's desire to have funds held within the Foundation. The intent expressed by the donor or donor representative will then control the delivery and ownership of the gifts pursuant to the Affiliation Agreement between the University and the Foundation.

As a tax-exempt organization, the Foundation's responsibility for compliance with its exempt purpose is not simply limited to the disbursement of monies for development or for endowments, but for all funds received or disbursed. This extension of the exempt purpose of the Foundation to restricted departmental funds is necessary to maintain tax-exempt status and ensures that all funds managed by the Foundation are handled in accordance with the purpose for which the Foundation was established.

- 3.6 Donors may restrict their gifts in a number of ways, including the nature of support provided as well as the permanence of the restriction. Gifts may be designated for scholarships, for faculty support, for the use of a particular department or unit, or in many other ways that support the University. Gifts may also be given without any restrictions that allow flexibility to meet the priority needs of the Foundation and the University.

Donors may choose to permanently restrict a gift to be held in perpetuity in an endowment, the earnings of which are used to support the purposes for which the endowment is established and the operations of the Foundation. Only donors may place a permanent restriction on a gift.

Donors wishing to establish scholarship funds may restrict the use of their gift to the selection of recipients who meet certain eligibility requirements. Only restrictions that comply with the University's non-discrimination policies are permissible.

A donor may not retain any implicit control over a gift after acceptance by the Foundation. A donor may designate the gift for a particular department or use, but no further involvement on the part of the donor is appropriate upon gift acceptance. The following examples of donor control preclude the counting of a gift:

- A donor establishes a scholarship fund but requires that he/she be able to select the recipient.
- A donor makes a contribution while requiring the University to select a specific individual as the recipient of a professorship, contract, etc.
- A vendor establishes a scholarship with funding contingent upon the University granting an exclusive contract to that provider.

- 3.7 If a donor or prospective donor contacts an employee to discuss a donation of any kind to the University, the employee should contact the Division of Institutional Advancement (ext. 2282) regarding the acceptance of the gift.
- 3.8 Unsolicited or solicited gifts received by an employee should be taken to the Division of Institutional Advancement on the third floor of the Administration Tower to ensure acceptance in compliance with the University's policy.
- 3.9 The University and the Foundation shall exercise discretion to ensure acceptance only items which have reasonable value to the University. To accomplish this goal the University and the Foundation will consider the following:
- The potential use by the University;
 - The acceptability of the donor restriction;
 - The reasonable fair market value of the items;
 - The space requirement; and
 - The expense to the University associated with accepting and maintaining the gift.

4.0 Employee Adherence

All University faculty, staff, students, student organizations, and volunteers are expected to comply with all federal and state laws, the Mississippi Institutions of Higher Learning policy and bylaws, and University policies, including but not limited to this stated policy to help ensure that the University's fundraising activities are effectively conducted and successful in garnering support.

5.0 CERTIFICATE OF APPROVAL