

Keene State College

Gift Acceptance Policies

and Procedures

Issuing Office: KSC Development Office
Responsible Officer: Director of Development

Responsible Office: Development Office
Approved by Cabinet 6/22/2010

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Keene State College Naming Policy
Guidelines for Representative of Athletics Interest
Donor Bill of Rights CASE
AFP Code of Ethics
Prospect Research Ethics Code

Statement of Policy

Private giving helps ensure Keene State College's (KSC's) excellence in higher education. Private gifts allow the College to fund programs, scholarships, fellowships, professorships, research, campus renovations, innovations, and new facilities. The Development Office plans, coordinates, and implements fundraising programs in partnership with and support from KSC students, alumni, parents, friends, corporations, organizations and foundations. The mission of the Development Office is to increase private giving in support of KSC's discovery, learning, and engagement activities and to develop and maintain positive relationships throughout the institution's broad range of constituents.

While this document is intended to provide guidance to the Development Office and other KSC personnel regarding acceptance of prospective gifts, donors are ultimately responsible for ensuring that the proposed gift furthers their charitable, financial, and estate planning goals. The KSC Development Office does not provide legal, accounting, tax, or other advice to prospective donors. Therefore, each prospective donor is urged to seek the advice of independent legal counsel in the gift planning process. The policy covers all KSC and its component or affiliated entities.

As an institutional member of the University System of New Hampshire, the College is recognized as exempt from federal tax liability by Internal Revenue Code Section 501(c)(3) under Internal Revenue Code Section 509(a)(1) and 170(b)(1)(A)(vi). KSC also adheres to all applicable IRS regulations.

All gift acceptance policies and procedures at KSC shall be interpreted in light of two overriding principles:

Principle 1:

The College adheres to the principles of the Council for the Advancement and Support of Education (CASE) & Association of Fundraising Professionals (AFP) guidelines on gift acceptance, along with the Association of Fundraising Professionals' code of conduct.

A gift shall not be accepted by KSC if such acceptance would not be in the interest of both KSC and the donor. A determination of the donor's "interest" shall include, but not be limited to, the donor's financial situation and philanthropic interests, as well as any tax or other legal matters revealed while planning for a gift. KSC shall not encourage any gift that contains a restriction or condition that would cause KSC to violate the operating principles or mission or exposes KSC to litigation, undue liabilities, or potential loss of public trust due to gift terms or impropriety on the part of the donor(s);

In certain unique cases, a gift may be considered inappropriate due to particular restrictions imposed by the donor. By its very definition, a gift cannot be associated with a private benefit that would jeopardize the charitable contribution deduction under *IRC section 170* if the donor and beneficiary of the restriction have less than an arms-length relationship. There must be a distance between the donor and recipient such that the donor does not receive benefits that are otherwise not available to colleagues of similar status and interest. For example, in the capacity of donor, an individual cannot subsidize his/her own salary, travel funds, or fringe benefits.

Principle 2:

A gift shall not be accepted by the College unless there is a reasonable expectation that acceptance of the gift will support the College in its mission of learning, discovery, and engagement.

Related Documents

- Donor Bill of Rights (CASE, AFP)
- AFP Code of Ethics
- Prospect research code
- Planned giving code
- Art Acceptance Policy
- Keene State College Naming Policy
- Naming of Facilities and Programs Policy
- Real Property Gift Acceptance Worksheet
- Mason Library Deed of Gifts form
- Gift in Kind form
- Real estate worksheet
- Determining if an Award is a Gift or a Sponsored Project (5/10/211)
- Guidelines for Representative of Athletics Interest
- Commemoration Policy (tree, bench, etc.)

Contacts as of 07/20/2021

- Director of Development – 603-358-2371 (Marilyn Shriver)
- Vice President for Advancement – 603-358-2425 (Veronica L. Rosa)
- Manager of Advancement Services - 603-358-2375 (Bonnie Chamberlin)
- Address: 229 Main Street, Keene, NH 03435— 603-358-2424
- www.keene.edu/development/

Definitions

Term	Definition
Gift	<p>A gift is a voluntary, irrevocable transfer of assets (e.g., cash, securities, real or personal property) made by a donor without any expectation or receipt of direct, economic benefit or tangible compensation (i.e., goods or services) from the recipient commensurate with the worth of the gift. In other words, a gift is a nonexchange transaction where there are no reciprocal transfers for approximate equal value. A gift may meet the interests of the donor and can be restricted or unrestricted. A restricted gift is a contribution designated for a specific purpose, program or project. If the donor does not specify any restrictions, the gift is unrestricted and KSC allocates the funds at its own discretion.</p> <p>Acceptable gifts that are designated to support specific funds, departments, or scholarships as determined by the donor. If these gifts are for a new fund, a Memorandum of Understanding or Statement of Intention accepted between the College and the donor will be required. Designated gifts with annual named award recognition attached shall be structured so that the minimum award is \$1,000.</p>
Grants and Contracts	<p>The College receives funding under grants. A grant is an award received generally as a result of a written proposal, with the understanding that an accounting and/or report will be done at the end of the project with results sent to the funder. A grant that has been determined to be a gift is donative in nature; it is given voluntarily and without expectation of any tangible compensation and implies no responsibility to provide the donor with a product, service, technical or scientific report(s) or intellectual property.</p>
Sponsorship	<p>Refer to the Determining if an Award is a Gift or a Sponsored Project (Approved by Cabinet 5/10/2011).</p> <p>The College often receives sponsorships within the Athletic department, the Redfern Center for the Arts, fairs student organizations conferences and for special events that generally have a promotional and advertising aspect attached. There may or may not be a gift component to these sponsorships. The value of any quid pro quo will be determined ahead of acceptance of any sponsorship. Receipts will reflect this exchange.</p>
Pledge	<p>Pledges are commitments to give a specific dollar amount according to a fixed time schedule. Pledges for current use funds are usually for amounts less than \$10,000 payable within one year. All pledges must be in writing.</p>

The following minimum information must exist to substantiate a pledge:

- the amount of the pledge must be clearly specified;
- there should be a clearly defined payment schedule;
- the donor may not demand contingencies or conditions, aside from the general designations of the gift
- the donor must be considered to be financially capable of making the gift;
- changes to original pledges must be documented in writing.

Planned Gift	Planned gifts generally are gifts or commitments made in the present with the benefit to KSC "deferred" until a future date. Estate plan bequests are an example. However, planned gifts may include outright gifts of appreciated property (securities and real estate) or gifts of tangible personal property.
Endowment	A gift of at least \$20,000 to be invested for the purpose of producing present and future earnings that may be expended for the intended purpose or reinvested with the original gift. An annual distribution of the total earnings is expended according to a Memorandum of Understanding between the College and the donor. For endowments that do not specify use of income only, annual spending allocations are determined by the University System Trustees for USNH endowments or by the Keene Endowment Association (KEA) Board of Directors for funds invested with KEA. An administrative fee is assessed to the fair market value by the endowment manager. It should be noted that UPMIFA, standards adopted by the State of New Hampshire, allow use of a fund's book value (original principal and value of additional gifts), although it is the intention of the institution to maintain the integrity of the principal.
Quasi-Endowment	This is a fund created by the College or the System (not the donor) by endowing the principal of an existing designated, unrestricted, or restricted current use gift fund. The principal will be invested and treated equally as part of the System endowed funds.
Qualified Appraisal	Such appraisals are customarily obtained by the donor to support the allowance of specific income tax charitable deductions. Qualified independent appraisals are required when the claimed deduction for the donated property, other than money or publicly traded securities, is more than \$5,000, or \$10,000 for non-publicly traded securities. Property may be valued by using the fair market value as determined by qualified independent appraisals supplied by the donor. When a formal appraisal is available, the College will take the value indicated under advisement.

Types of Gifts

Gifts to the College may be in the form of outright gifts, pledges, or deferred commitments. All gifts in excess of \$100,000 in value, with the exception of unrestricted gifts of cash or publicly held securities, must be approved by the Gift Acceptance Committee, which shall also consult with USNH legal counsel. Memoranda of understanding or letters of intent between the College and donors must be created for all gifts for which designated uses are intended. Endowed funds shall also include the name of the endowment holder – Keene Endowment Association or University System of New Hampshire.

Outright Gifts

Cash and cash equivalents. Cash is often the easiest way to give and the most frequently received form of gift accepted by the College. These gifts can take the form of currency, check, or credit card contribution. Cash may be delivered in person, by mail, by Electronic Funds Transfer (EFT), by credit card via the KSC Donate web page, or by wire transfer.

Cash and mailed gifts are reported the date they are processed in the Advancement Services processing area. If gifts are transferred by EFT or wire, the date of the gift is the date that the money is transferred into the College's bank account. Credit card gifts are reported on the date that the credit card charges are processed.

Publicly-traded securities. Securities (1) listed on an exchange in which quotations are published daily; (2) regularly traded in national or regional over-the-counter markets for which published quotations are available; or (3) that are shares of a mutual fund for which quotations are published on a daily basis in a publicly accessible format (newspaper, website, etc.) throughout the United States, will be accepted as outright gifts or toward pledges. The value of securities is determined on the recognized gift date, which is established when the donor relinquishes control of the securities. The mean trading price on the gift date determines the value of securities for reporting purposes.

Closely held securities (non-public). The College shall examine any issue that is not publicly traded prior to its acceptance as a gift and may decline a gift of such securities if it deems them difficult to value or not easily marketable. The Gift Acceptance Committee must approve gifts of non-publicly held securities prior to acceptance.

Real property. Real property includes improved or unimproved land, personal residences, farmland, commercial property, rental property, and mineral interests. If it is the intention of the donor that the College not immediately dispose of real property, an agreement must be made in writing between the College and the donor before the College may accept such property. Gift real estate must be tested to be in conformity with state and federal laws, including EPA regulations and the donor must provide satisfactory evidence of environmental compliance.

Personal property. The College may consider gifts of personal property, including but not limited to works of art, patents, copyrights, antiques, stamp and coin collections, jewelry, furniture, rare books, manuscripts, or any other item that has a determinable value. The Gift Acceptance Committee may approve such donations only after a review indicates that

the property is either readily marketable or needed by the College. It is the policy of the College to sell or otherwise dispose of all gifts of personal property, unless the items can be used by the College in a manner related to learning, discovery, or engagement. The College's intention to either resell the property or to retain and use it to further its charitable activities shall be communicated to the donor in writing at the time of the gift. The College will comply with IRS standards regarding the length of time it must hold such property before selling.

Conditional Gift. Conditional gifts are those gifts that, because of some qualifier or restriction, are considered non-routine. Conditional gifts may commit the College to act within a specified time or use a gift for a specific purpose. Time limits for holding a conditional gift may be reviewed by the Gift Acceptance Committee. Gift acceptance agreements should specify a time period for meeting the conditions for the gift and should also indicate what will happen to the gift if conditions are not met. Primary choices are to move the gift to a different account or to refund the gift. Advancement Services will draft an acknowledgment of a conditional acceptance for appropriate signature. This will be sent to a donor within 10 days of approval of this form. A second acknowledgment letter will be sent when conditions have been satisfied.

Gifts-in-kind. Gifts-in-kind to be held and used by the College, for which donors are eligible for a charitable gift deduction, in accordance with current IRS regulations, should be reported at the fair market value placed on them by an independent, expert appraiser. The cost of appraisals is born by the donor. Only those gifts-in-kind that can be converted to cash, or items such as equipment, books, artworks, etc. that can be used in support of learning, discovery, or engagement, should be reported. KSC's In Kind Gift and Deed of Gift forms must be fully completed. Receiving departments must agree to use the in-kind materials before the gift is accepted and the Director of Development must approve the acceptance. Questionable gifts will be referred to the Gift Acceptance Committee for review before the decision to accept is made. Depending on the appraised value of the donated item, IRS Form 8283 will be completed by the College. If the donor does not supply a value, someone in the receiving department who has knowledge of the general type of item should provide a value for internal purposes only. Internal values of donated items are not to be shared with donors and may not be used to provide tax documentation valuations.

Disposition of Non-Cash Gifts

1. KSC shall retain the right to immediately sell all non-cash gifts and gifts of securities so that it can invest the proceeds in accordance with KSC's investment policy.
2. Under no circumstances will KSC agree to hold non-cash gifts for more than three years if the donor's primary intent for such a provision is to circumvent IRS requirements, or for any other reason.
3. If a donor presents IRS Form 8283, "Noncash Charitable Contributions", to KSC for its acknowledgement for donated property over \$5,000, KSC shall inform the donor of KSC's obligation to make filings with the IRS, if, within three years of receipt of the gift, KSC sells, liquidates, or otherwise disposes of the non-cash gift.

Recognition of Discounts and Services. Keene State College recognizes that corporations or private individuals may offer significant discounts on materials or services to the College. While these “gifts” qualify as tax-deductible donations for the cost of materials only, it is important to acknowledge and recognize these items at their real value through KSC’s formal stewardship programs. Donor acknowledgment of a significant discount on materials or services will be made by the Advancement Services Office and the receiving department at their discretion.

Unless agreed upon before acceptance, the donors will bear the costs of appraisals, estimates, and transportation.

Library Gift Acceptance – Mason Library has a separate gift acceptance work-form. Gifts to the Library come under the overarching guidance of the Gift Acceptance Committee.

Planned Gifts

Charitable bequests. Donors can make charitable bequests to the College in wills or living trusts.

Charitable gift annuities. A charitable gift annuity is a contract between USNH and the donor, not a trust agreement, whereby the donor makes an initial payment of cash or marketable securities to KSC and KSC agrees to pay the donor or designee a fixed annuity for the rest of his/her lifetime.

Charitable remainder trusts. A charitable remainder annuity trust or uni-trust is established when a donor irrevocably transfers money or securities to a trustee who invests the assets to pay annual lifetime income to the donor or others chosen by the donor. At the end of the beneficiaries’ lives, the remaining trust assets are distributed to the College. Annuity trusts provide the tax advantages of current contributions with the security of fixed, lifetime incomes, generally for the donors and their spouses. The agreed-upon annual payments remain unchanged regardless of how the investments perform. The uni-trust differs from the annuity trust by providing a variable income, based on a fixed percentage of the net fair market value of the trust assets as valued annually.

Charitable lead trusts. This type of gift provides an income stream to the College for a specified period of time. The College receives the income from the trust and applies it to the specific project. At the end of the set period of time, the principal is then returned to whomever the donor designates.

Gifts of life insurance. Gifts of life insurance may name the College beneficiary of the policy or as beneficiary and owner. KSC will not accept policies that are not fully paid off or that require the donor or College to continue to make premium payments.

Retirement Plan Beneficiaries. Donors may name the College as the beneficiary of retirement plan proceeds.

Pooled income fund. This type of giving is sometimes called a charitable mutual fund, as it allows the donor to combine gifts with those from other individuals to participate in life

income trusts with smaller initial gifts. The annual income is based upon the donor's investment in the fund and varies with the actual earnings of the fund.

Life estate. Donors may receive a sizable charitable income tax deduction by making a gift to the College of their personal residence or farm, while retaining full use and rights to the property during their lifetime.

Revocable trust. Through a written agreement, the donor transfers assets to a trustee. Income is paid to the donor for the term of the trust.

Receipt of Gifts

When a gift is received by the KSC it is the responsibility of KSC to ensure that the gift is acceptable, and that the donation qualifies as a charitable gift. KSC Advancement Services will issue an official receipt in a timely manner for donations received, with said receipt serving as the donor's record of the gift for tax purposes.

Donors' receipts must clearly state that "no goods or services were received by the donor in return for the charitable contribution" in accordance with IRS substantiation requirements.

If the contribution is a "quid pro quo contribution," KSC will provide donors with a more detailed receipt letter which: a) informs the donor that the amount of the contribution that is deductible for federal income tax purposes is limited to the excess of any money (and the value of any property other than money) contributed by the donor over the value of goods or services provided by the KSC, and, b) provides the donor with a good-faith estimate of the value of the goods or service that the donor received.

Valuation and Management of Gifts

Fees

1. No finder's fee or commission of any type will be paid by KSC to any party in connection with the completion of a gift to KSC, unless approved in accordance with authorization and approval policies.
2. All professional fees incurred by the donor in the completion of a gift to KSC will be paid by the donor unless payment by KSC in whole or part is approved in accordance with authorization and approval policies.
3. KSC may pay for the preparation of gift documents under which it has an irrevocable beneficial interest and, where appropriate, control over the gift assets during the term of the gift instrument (e.g., control over selection of the trustee of a charitable remainder trust). KSC will not fund the preparation of any other documents relative to a donor's estate plan.

4. Costs incurred for management and investment services related to gifts will be paid for either by KSC or by the individual gift vehicle (as in the case of charitable remainder trusts and charitable lead trusts).

Appraisals

1. KSC shall advise donors who are making a gift of property that they may need to obtain an appraisal, and that such appraisals shall be conducted in conformance with IRS Publication 561, "*Determining the Value of Donated Property*".
2. Expenses incurred to obtain an appraisal shall be the responsibility of the donor, unless approved in accordance with authorization and approval policies.
3. For purposes of valuing and recording the gift, KSC may at its own cost and expense secure a second appraisal.

Endowments

To assure the acceptability of new endowment gifts, the development officer or original contact will notify the Development Office. The Vice President for Advancement, with the appropriate Cabinet Officer and / or President will consult with impacted constituencies to ensure the acceptability of the new endowment gift. The Vice President for Advancement has the authority to recommend approval for standard agreements up to a dollar threshold of \$100,000. Unique, nonstandard endowment agreements and all agreements in excess of \$100,000, may require additional review and approvals. It is the responsibility of the Vice President for Advancement to obtain approval from the Gift Acceptance Committee before agreeing to any unusual endowed gifts.

The endowment agreement must contain a commitment for future donations to bring the fund to the minimum required within five years. Currently, distributions from the unitized endowment pool will be reinvested until the minimum amount is met. If the minimum is not met within the stated timeframe, the agreement will cease and all funds will be expendable for the stated purpose, or put with other similar existing funds. The Development Office will be in contact with the donor to monitor these funds during the pledge payment period.

Authorizations and Procedures

A Gift Acceptance Committee (GAC) has been created to facilitate the gift acceptance process. The GAC is responsible for accepting all gifts and can delegate day to day work to the Development and Advancement Services Offices. The GAC shall review all gifts of a complex or unusual nature and / or significant risk, or in excess of \$100,000. All such gifts shall be documented by a written understanding between the donor and the College and must be approved by the GAC before the College may accept the gifts. The Committee shall consist of:

- President
- President's Cabinet
- Director of Development

The GAC shall meet on an ad hoc basis as necessary, at the request of the Vice President for Advancement. Meetings may be held in person, by telephone or by video conferencing.

Based upon the recommendation of the appropriate school, division, department, or unit, all other gifts may be approved by the Director of Development and accepted by the Office of Advancement Services. Gifts of Art will proceed through the process outlined by our Art Acceptance Policy in cooperation with the Art Acceptance Committee.

Gifts of a Complex or Unusual Nature and / or Significant Risk

- Non-publicly traded securities
- All gifts of real property
- Gifts of personal property if not to be used by the College
- All gifts of real or tangible personal property subject to donor restrictions regarding the disposal of such property
- Any bargain sale agreement where a donative element is associated with the acquisition of property by the College below its fair market value.
- Cash gifts with significant donor restrictions
- All gifts of unusual items or gifts of questionable value

Prior to acceptance of any complex or unusual gift, any gift of real property, or any gift with a gross value in excess of \$100,000 other than cash and/or publicly-traded securities, the Gift Acceptance Committee will review the facts and circumstances surrounding restrictions, conditions, pledge schedules, and other terms to determine whether accepting the gift is in the best long-term interests of the institution. To be acceptable, gifts must be consistent with the mission, purpose, and priorities of the institution, and comply with all applicable laws, regulations, and KSC USNH policies.

Prior to acceptance of any complex or unusual gift, any gift of real property, or any gift with a gross value in excess of \$1,000,000 other than cash and/or publicly-traded securities, the Gift Acceptance Committee shall consult with the USNH Treasurer and General Counsel in its review and acceptance.

Gifts Given by Faculty/Staff in Support of Scholarly Activities

In the case of a gift offered in support of a faculty member's scholarly activities, the finance office will characterize any business or pecuniary ties that exist between the donor and the faculty member. If any business or pecuniary ties are identified, acceptance of the gift would require approval from the dean, the provost, and the president. If an exception is granted for acceptance of the gift, a third Keene State College party, such as the head of the department or the dean of the school in which the faculty member holds his or her appointment, shall exercise oversight of the gift to ensure the conformance of gift utilization with this policy. Any special situation would require review by the provost, and include the Vice President for Finance and Planning.

Refunding of Gifts

In rare instances, the College may deem it necessary to refund gifts either because it is in the best interest of the College or because conditions agreed to in accepting a gift cannot or will not be met. Requests for refunds may come either from the donor or from the College and must include a statement of reason addressed to the Gift Acceptance Committee. Gift credit issues and tax documentation will be addressed in these cases.

Conditions under which gifts may be refunded:

- When conditions of acceptance cannot be met or cannot be agreed to.
- When it is NOT in the College's interest to keep a gift and when continuing to hold a gift would not enhance Keene State College's reputation either with the donor or with the general public.

Conduct Clause

If at any time the donor fails to conduct himself or herself without due regard to public morals and decency, or if the donor commits any act or becomes involved in any situation, or occurrence tending to degrade the donor in the community, or which brings the donor into public contempt or scandal, or which materially and adversely affects the reputation or business of the charity, whether or not information in regard thereto becomes public, Keene State College shall have the right to remove donor's recognition rights as required pursuant to this gift agreement.

Gift/Donation, Sponsorship and Partnership Acceptance Procedures

Summary

Advancement Services is the only entity at Keene State College that is authorized to process charitable contributions. Contributions include cash, checks, credit card gifts, sponsorships, and tangible items (gifts other than money). No other office on campus should deposit any charitable contribution to any account for any reason.

Procedures

All gifts/charitable contributions to the college, regardless of the department or designation (including sponsorships and partnerships), are processed by Advancement Services. This includes donations of cash, check, and tangible items (gifts other than money). This allows for acknowledgment and receipting in compliance with IRS regulations, and appropriate record keeping in the college's records.

- If the gift is in the form of a check or cash, please deliver it to Advancement Services (Alumni Center) or phone to arrange for pickup. According to USNH policy, cash is to be deposited within 24 hours and checks within 48 hours. Until it is received by Advancement Services, all cash, checks, and credit card numbers must be securely locked, preferably in a safe. **Do not use interoffice mail for transfer of cash, checks, or credit card information.**

- If Keene State College is providing an item or items of value in recognition of the gift (such as a meal, advertising, etc.), please list the item(s) in the agreement, the market value associated with them, and how that value was determined.
- If the gift is a tangible item (gift other than money), the receiving department must complete the attached **Gift In-Kind** form prior to accepting the gift. The originating department must see the process through to, and including, obtaining sign-off by the Director of Advancement. Please note that the acknowledgment and receipt will list the item donated but not a dollar value. It is the responsibility of the donor and their accountant to document value for tax purposes.
- For gifts of art please notify Development Office staff and refer to the [Art Acceptance Policy](#), last revised by Cabinet March 3, 2010.
- For gifts of real and personal property, please notify Development Office staff.

Arms-Length Gift Policy

Any gift made by a donor to establish a scholarship, create a professorship, or carry out any other purpose in which a student, faculty or staff member would benefit or be involved must be carried out through an arms-length arrangement, as dictated by IRS regulations. Specifically, a donor cannot be involved in the selection of a student recipient for his/her scholarship, nor can the donor be in any way involved in the selection of a faculty member chosen to fill a chair or other gift-supported position. These examples are not meant to be the only times when this policy would apply, as there may be other situations where a donor might wish to be involved in the process of awarding gift funds within the college. In every instance, the donor cannot be involved in the respective selection processes.

Guidelines for Representatives of Athletics Interest

NCAA Division III Bylaw 13.02.9 Representative of Athletics Interests or Booster.

A "representative of the institution's athletics interests" is an individual who is known (or who should have been known) by a member of the institution's executive or athletics administration to:

- Have participated in or to be a member of an agency or organization promoting the institution's intercollegiate athletics program;
- Have made financial contributions to the athletics department or to an athletics booster organization of that institution;
- Be assisting or to have been requested (by the athletics department staff) to assist in the recruitment of prospective student-athletes;

- Be assisting or to have assisted in providing benefits to enrolled student athletes or their families; or
- Have been involved otherwise in promoting the institution's athletics program. Once a person, agency, business or other organization identified as a "representative of athletics interests," that person/entity retains that identity for life.

**KEENE STATE COLLEGE
GIFT ACCEPTANCE FORM**

This form is required for all gifts in kind and gifts of real and personal property. Complete one form for each gift offered and forward it immediately to the Development Office for approval.

TO BE COMPLETED BY DEPARTMENT OFFERED A GIFT

Donor Name: _____

Address: _____

Telephone: _____

Email address(es):

Type of Gift: _____ Gift in kind (from a business or corporation)
_____ Gift of personal property (from an individual)
_____ Gift of real estate (requires completion of additional questionnaire)

Estimated value of gift: _____ Donor's estimate (attach itemized invoice)
 Independent appraiser (attach appraisal)
 Estimate by KSC personnel
Name: _____
 Other basis for valuation

Method used to estimate value of gift: _____

Description (attach inventory, if available, and condition of each item): _____

Date gift offered: _____

How does the gift further the mission of Keene State College? _____

Where will the gift be housed? _____

Who will use the gift? _____

Specifically, how will the gift be used? _____

Will the general public have access to the gift? ___ Yes _ No

Does the gift require security arrangements?

Physical security _____ Yes _____ No

Budget line providing support: _____ Amount: _____

Insurance _____ Yes _____ No
Budget line providing support: _____ Amount: _____

Other _____ Yes _____ No
Budget line providing support: _____ Amount: _____

Other _____ Yes _____ No
Budget line providing support: _____ Amount: _____

Does the gift require ongoing maintenance? _____ Yes _____ No
Budget line providing support: _____ Amount: _____

Does the gift require one-time costs?
Delivery _____ Yes _____ No Budget line: _____ Amount: _____
Installation _____ Yes _____ No Budget line: _____ Amount: _____
Repair _____ Yes _____ No Budget line: _____ Amount: _____
Other: _____ Yes _____ No Budget line: _____ Amount: _____
Other: _____ Yes _____ No Budget line: _____ Amount: _____
Other: _____ Yes _____ No Budget line: _____ Amount: _____

The Donor prefers: _____ Public acknowledgment of gift – names for recognition

_____ To remain **anonymous**

Affiliation: Alumnus/na Faculty Staff Friend
 Parent Current Student Foundation
 Business Retired/Emeriti Faculty/Staff Other

KSC Dean; Department Director:
(signature) _____ Date _____

(name) _____

Vice President of Advancement approval
(signature) _____ Date _____

If needed, date accepted by GAC: Accept YES, NO Date:

Date item physically accepted by KSC _____ Accepted By

Keene State College

Gift In-Kind Form

To be completed in-full by KSC Staff Member
*It is recommended that consultation with the Development Office occur **prior** to gift acceptance.*

Donor or Business Name: _____

Business Contact (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

Affiliation: Alumnus Faculty Staff Friend
 Parent Business Other Organization Foundation

Gift Description (dimensions, condition, etc.):

Acceptance and disposition of donations are governed by the policies of KSC. If the gift will not be delivered to the College, a transportation agreement could be established.

FOR OFFICE USE ONLY:
KSC Staff/Faculty Member Accepting Gift – **REQUIRED***

Name: _____ Phone: _____

Signature: _____ Date: _____

Notes: _____

***This form must be completed in-full and signed by the staff member accepting the gift before the form is sent to The Advancement Services. Gifts Processing does not have authority to accept in-kind donations and the form will be returned for proper authorization if not properly completed.**

FINAL APPROVAL:
Vice President for Advancement: _____ Date: _____

Send to: KSC Advancement Services
 229 Main Street
 Keene, NH 03435-2701
 Phone: 603-358-2375

**KEENE STATE COLLEGE
REAL PROPERTY
DEED OF GIFT**

Acceptance and disposition of donations are governed by the gift acceptance policies of KSC and are subject to review and approval by the KSC Gift Acceptance Committee.

I/We (the "Donor") have delivered, and hereby unconditionally and irrevocably give, the object(s) described below, together with all copyright, trademark and associated rights of Donor therein, to Keene State College, and acknowledge that Keene State College's acceptance of the gift is subject to the terms listed below. Keene State College may appropriately dispose of the object(s) that, after receipt, are deemed unsuitable to the College's mission or that the College determines should be disposed of or sold for whatever reason.

Description of the gift: _____

Appraised Value (if donor has had gift appraised): * _____

* Please attach a copy of independent qualified appraisal if available.

or

If you do not intend to take a tax deduction, please initial here: _____

Representation and Warranty: The Donor represents and warrants that he/she is the sole owner of the gift and has full right, title, and interest to make the donation, and that no agreement, assignment, sale, or encumbrance has been or will be made or entered into which would conflict with this deed.

Assignments of Rights: All rights to the materials given are consigned by the donor to Keene State College, except for the following terms and special conditions:

or

If there are no terms or conditions attached to this gift, please initial here: _____

Donor's Name and Address:

Donor's Signature

Date

Keene State College hereby accepts the above Gift on _____.
(date)

Director of Development

Department Dean/Director/or Vice President (Please sign, print name and title)



Wisdom to make a difference.

Name of Fund (60 characters maximum)

Memorandum of Understanding

NAME: Name of the fund and a bit about who and why it is being created.

PURPOSE: *state purpose*

AMOUNT OF FUND: How the endowment is to be funded (bequest, gift over a period of years, one gift)

If this document is amending an MOU include the following language:

Any money in the restricted gift fund will be awarded using the new restrictions.

Additional contributions may be made by interested persons or organizations. The gift will be held in trust by the *Keene Endowment Association or University System of New Hampshire* and invested as part of the endowed funds of Keene State College.

FUND USE: criteria for expenditures if not an award or scholarship

ELIGIBILITY: for scholarships and awards only. Limit criteria to two to three maximum in order of priority.

SELECTION PROCEDURE: for scholarships. The first choice is to have it awarded by Financial Aid not a department or committee. If it must be selected by a department keep the requirements broad.

Recipients of this scholarship shall be selected through the College's scholarship process as overseen by The Office of Financial Aid or its equivalent. This office is responsible for ensuring compliance with regulations concerning federal, state, and other aid in accordance with University System of New Hampshire policy regarding academic scholarships under University System of New Hampshire control.

AMOUNT OF SCHOLARSHIP: The scholarship shall be awarded on an annual basis and disbursed according to College procedures. Any available monies from the endowment which are not spent in a particular year shall be carried over to be added to succeeding years' distributions.

TERM OF SCHOLARSHIP: *Each scholarship shall be for one academic year and may be renewed if the student continues to be qualified.*

ENDOWMENT MANAGEMENT:

This endowment shall be subject to general guidelines and policies adopted by the Trustees of the Keene Endowment Association.

Or

This endowment shall be subject to general guidelines and policies adopted by the Board of Trustees of the University System of New Hampshire for the management of endowed funds.

AMENDMENT:

If sufficient funds to endow the (Name) Scholarship have not been collected within four years of the collection effort’s initiation, all donations to the (Name) Scholarship shall be distributed in awards of \$1,000 per year maximum until the funds are depleted, at which time the (Name) scholarship shall become inactive.

1 If, at some time in the future, the Trustees of the Keene Endowment Association are unable to carry out the intentions of the donors by awarding this endowment as outlined above, the Trustees in consultation with the donor, when possible, and the administration of the College shall have the authority to make changes in these guidelines.

2 If at any time the donor fails to conduct himself or herself without due regard to public morals and decency, or if the donor commits any act or becomes involved in any situation, or occurrence tending to degrade the donor in the community, or which brings the donor into public contempt or scandal, or which materially and adversely affects the reputation or business of Keene State College, whether or not information in regard thereto becomes public, Keene State College shall have the right to remove donor’s recognition rights as required pursuant to this gift agreement.

When creating an addendum to an existing MOU include the language:
Any money in the restricted gift fund will be awarded using the new criteria.

APPROVED:

Donor

Date

Chair
Keene State College

Date

Advancement
Keene State College

Date

Other possible signers could be the college president (depending on the purpose, amount), a dean, the president of the KEA if a KEA fund.

Keene State College

Art Acceptance Policy & Related Documents

3/3/2010
Keene State College
Approved by College Cabinet 1/6/10; Amended 3/3/10

Keene State College

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[Final: 3/3/10, based on 1/6/10 Cabinet review, 1/21/10 Committee Changes and 3/3/10 changes by VP Advancement]

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Keene State College Art Acceptance Policy

Introduction

Artworks donated to, or acquired by, Keene State College (“the College”) represent a wonderful opportunity to enrich the educational experience of our students. However, by their nature, they also bring with them many responsibilities, and require much consideration before they may be accepted. This policy outlines the process for ensuring that due diligence has been conducted before any gift of artwork can be accepted by the College.

At Keene State College, art acquisitions or donations may be used in several different ways:

- To enhance the Permanent Collection of the Thorne-Sagendorph Art Gallery
- To support and enhance the mission of Keene State College
- To enhance other campus facilities, particularly related to “Art in Public Places” guidelines
- To enhance landscaping or College grounds

In all instances, however, the cost of owning, maintaining and curating these works of art must be considered before a work can be accepted. Even if a work is accepted for use in a specific office, for instance, it is still the College that is really responsible for the long-term care of the work, which is why it is essential that questions be answered, and that proper authority be obtained, before art may be donated or acquired. Therefore, any gifts of art or acquisitions of art using College or Auxiliary funds or funds provided by a donor for that purpose, or for which College or Auxiliary funds will have to be expended long-term, must undergo the review outlined in this document. This includes art directed toward the Permanent Collection of the Thorne-Sagendorph Art Gallery, the Children’s Literature Festival Collection, the Student Center or for the teaching collection of the College. It also includes acquisitions of student, faculty, staff or alumni artwork and gifts or acquisitions of art for any other purpose within the College.

For purposes of this document, works of art will be considered to mean any one of the following:

Original and unique creations in visual media produced by or under the control of practitioners generally recognized by their peers and critics as professional artists. These would be accessible to the public, and include but are not limited, to:

- Two-dimensional media such as graphics, calligraphy-drawing, painting, photography, collage, and printmaking, including both portable and permanently installed work (such as murals)
- Three-dimensional, sculptural media including work in relief, in the round, assemblages, constructions, and landscape environments
- Building and landscape features produced under the control of an artist
- Electronic media and neon works such as film, video, photo projections, and computer-generated artworks produced under the control of the artist
- Works in other media, as determined by the Committee
- Commissioned works of art
- Monuments or memorial works

Because of its unique relationship to the academic programs of the College, student art is dealt with separately in the sub-policy included at the end of this overarching policy.

Art Acceptance Policy

Permanent Collection

Artworks collected by the Thorne Sagendorph Art Gallery at Keene State College are generally intended for the Permanent Collection, which, by its nature, requires a slightly different set of requirements. In this regard, the Thorne adheres to the American Association of Museums' standards of professional practice. Artwork in the collection may be deaccessioned only if that is not in conflict with the donor's intent or gift Memorandum of Understanding; any money from proceeds of a sale must be used in support of the Permanent Collection. Deaccessioning may also involve exchange of art with another institution. The collection must be insured, maintained and exhibited in a climate-controlled secure area.

Decisions of what to collect for the Permanent Collection will be made by the Director of the Thorne in consultation with members of both KSC and the community, who will function as the Thorne-Sagendorph Art Acceptance Committee. This group will work with the College Art Acceptance Committee in determining which works to accept; however, the ultimate authority for approving acquisition decisions resides with the College.

Teaching Collection

Art acquired by faculty or the College to be used as a teaching or instructional tool is a somewhat unique classification because of the issues related to academic freedom. Faculty should always have the freedom to reasonably choose the best means of teaching their subject. At times this can include the use of artworks to illuminate a particular point, or to demonstrate something relevant to the student's understanding of the subject. Works may be borrowed from another institution, or they may be acquired. However, if these works belong to or are acquired by the College and do not personally belong to the faculty member, the institution is responsible for the care, housing, insurance, etc. of the artwork. For that reason, these works must still be reviewed by the Art Acceptance Committee, following the track outlined for the teaching collection. This includes a narrower set of criteria by which they can recommend the College not accept a work, as outlined later in this document. Acquisitions for the Children's Literature Festival Collection fall under this category.

Art Acceptance Committee

Keene State College has two Art Acceptance Committees, one that addresses acquisitions for the permanent collection of the Thorne Sagendorph Art Gallery, and one that reviews art being acquired by any portion of the College, including the Thorne and the teaching collection. Specifically, the College-wide Art Acceptance Committee is responsible for reviewing all art being proposed for acquisition. If the artwork is proposed for inclusion in the Permanent Collection, the Thorne Committee would also review the proposal.

For purposes of this policy, references to the "Art Acceptance Committee" should be interpreted to mean the campus-wide Art Acceptance Committee. This Committee is not expected to meet on a regular basis, but will be convened as needed by the Vice President for Advancement. The Committee will consist of the following representatives:

- Vice President for Advancement (convener)
- Dean of the School of Arts & Humanities
- Representative from Art Department (assigned by Chair of Art Department)
- Representative from office of Physical Plant (assigned by Director of Physical Plant)
- Representative from Development Department (assigned by Director of Development)
- Director of Thorne-Sagendorph Art Gallery
- Representative from Division of Student Affairs (assigned by the Vice President for Student Affairs)
- Representative for the Children's Literature Festival Collection

The Art Acceptance Committee will review all potential gifts of art. In doing so, they may consult with others on campus, depending on the issues involved. These may include building managers, the College Art Archivist/Registrar, the President's or Provost's offices (for controversial art, for instance), security, finance and planning (which needs information related to insurance, as well as appraisal/valuation details), or representatives of a particular academic program. For works intended for the Permanent Collection, the Thorne-Sagendorph Art Acceptance Committee would be initially involved.

The College Art Acceptance Committee, in its review, may take into account factors such as

- Meaning to a particular constituency
- Aesthetic value in relation to prevailing standards
- Ensuring balance in College's collection
- Contribution or relevance to academic programs
- Potential controversy or offense that might be taken by one or more constituencies
- Opportunity for using the art to educate about differing points of view
- Cost to maintain or secure a work of art
- Condition and durability of the artwork

For works of art that are intended for the Permanent Collection, the Thorne-Sagendorph Art Acceptance Committee would first review the request; once they have made their determination, the request would be forwarded to the College Art Acceptance Committee for its review. All gifts to the College, whether for the Permanent Collection, the teaching collection or for the College's general collections, must go to the College-wide Art Acceptance Committee for final review and vetting.

Provenance

As an institution that adheres to ethical standards of art collection, Keene State College will not knowingly acquire artwork for which provenance, or clear, legal ownership, cannot be established. For any gifts of art or art acquisitions for which provenance cannot be established, the College reserves the right to decline the artwork.

Process

A donor may be approached by a College faculty or staff member, may approach the College independent of any institution contact, or may be solicited for a particular work by Development staff or volunteers. No individual may obligate the College in any way until the potential gift has gone through appropriate channels, and this must be made clear to the donor. Additionally, all responsibility for use, placement and disposition of accepted works of art will rest with the College.

Anyone considering a gift of art to the College, or talking with a prospective donor about such a gift, must first contact the Development Department. Development staff will then assist in working through the appropriate process for review of the potential gift. This will include the following process:

1. Contact Development Department
2. Development Department will gather any additional information needed (see Addendum A: worksheet) to assist the Art Acceptance Committee in reviewing the proposed gift. This should include a draft of a formal memorandum of understanding with the donor, outlining the specifics of the gift arrangement.
3. Once sufficient information about the proposed gift has been received, the Development Department will (working with the initiator of the request, if applicable, and with the Art Registrar/Archivist) submit the request to the Vice President for Advancement for review. Assuming that all is in order and no red flags surface during this portion of the review, the Vice President for Advancement will either convene the Art Acceptance Committee or direct the request to the Director of the Thorne-Sagendorph Art Gallery, who will convene the Thorne Art Acceptance Committee (including a representative from the Development Department). The Thorne Committee would review the request initially, after which it would be sent to the Vice President for Advancement, who would convene the Art Acceptance Committee for final review.
4. The Art Acceptance Committee will review the application documents prepared by the Development Department, including the worksheet, and determine if additional information is needed, if the gift may be accepted as proposed, or if the gift must be declined. They may involve the Art Registrar/Archivist at this stage, in order to obtain information more specifically related to the artist and work of art, its condition, etc. The Committee may also work with other offices as appropriate. When requests have been initiated by, or directly involve, members of the Committee, those members must recuse themselves from the decision-making process. They may, however, provide supporting information to their fellow Committee members in order to ensure that an informed decision can be made.

For artwork that is intended for the teaching collection, the Committee will review the acquisition solely to determine the impact upon the institution in the following areas: costs to the College related to the acquisition, maintenance or repair of the item; issues related to locating or housing the item; insurance or security issues; and liability or possible public relations issues. Once the Committee has analyzed these factors, it may recommend acceptance, or may defer the recommendation to the Gift Acceptance Committee, which will take into account both the academic and the institutional impact of the artwork.

The information about whether the College will accept the gift will be conveyed in writing to the Development Department, who will then work with the initiator of the request in contacting the donor with the decision. If the gift is to be accepted, the Development Department will be responsible for finalizing the Memorandum of Understanding for the gift, thus formalizing the gift for recording purposes.

5. For gifts with unusual issues, significant value or other potential challenges, the Vice President for Advancement may involve the College's Gift Acceptance Committee (which consists of the Cabinet and the Director of Development) in making the final decision. The Gift Acceptance Committee will determine if any other input is required at this stage.

6. Once it has been determined that the gift will be accepted, the Art Acceptance Committee will determine the appropriate site for the artwork, collaborating with the office of Physical Plant, campus security and others, as appropriate. This can include building managers, deans, program managers, or others who would be impacted by the location of the work. For donor relations purposes, the Development Department would likely inform the donor of the College's decision of location, but the decision ultimately is made by the Art Acceptance Committee and the College, not the donor. At this point, the Committee will notify the Marketing & Communications department for public relations purposes, and will notify the College Art Registrar/Archivist, who will carry out the physical receipt of the artwork.
7. Once the Committee has determined that the College will accept the gift, the Campus Art Registrar/Archivist will direct the gift to either the Thorne for inclusion in its Permanent Collection, to the art department, the Thorne, the Children's Literature Festival Collection or another location for the teaching collection, or to the general campus collection. The Registrar/Archivist will carry out the tasks related to the placement, insurance, etc. of the artwork, working with the Development Department. The Development Department is responsible for ensuring appropriate donor relations and gift acknowledgment.
8. The office of the Physical Plant will determine standards for plaques or other means of recognizing the donor through signage and will carry out ordering and placing the signage. They will work with the Development Department to ensure that the donor is consulted as appropriate. Source of funds for the signage will be worked out through the Memorandum of Understanding.

Long-Term Care of Works of Art

Because the College has few resources to provide long-term care and maintenance of artworks, all gifts of art to Keene State College must be accompanied by a cash gift equal to at least 1% of the value of the work; for works that may require additional care or maintenance, this may be negotiated at a higher rate. On rare occasions (such as when an artist is donating his/her own work), this requirement may be waived by the President. These funds will be directed to an account dedicated to the long-term care and maintenance of all College works of art, and will be pooled with other similar funds for this purpose. The fund will be administered through normal College procedures. The Art Acceptance Committee, working with the College Art Registrar/Archivist, will make decisions as to the use of these funds and will be responsible for authorizing the Art Registrar/Archivist to utilize the funds as appropriate in caring for artwork on campus.

Art Registrar/Archivist

The job description for the Registrar/Archivist is attached (Addendum B). On an annual basis, the Registrar/Archivist will conduct a review of all College works of art, to ensure that they remain in their proper location, that the condition of the work remains good, and to determine if repairs or other work should take place. The Art Acceptance Committee is responsible for authorizing the Registrar/Archivist to undertake any such repairs or maintenance, as required, utilizing funds set aside for this purpose. Should any work of art need to be moved for any purpose (such as facility renovation or relocation of offices housing a work), the Registrar/Archivist will oversee the process to ensure that the works of art are properly cared for.

Controversial Artworks

The Art Acceptance Committee will determine if a work of art is likely to be considered controversial, and will take this into account in its review of the potential gift. If the Committee determines that there may be public relations issues related to the acceptance or display of a gift of art, they will prepare a report to the College Gift Acceptance Committee, listing pros and cons of accepting and displaying the gift and making a recommendation based on their best judgment. The Gift Acceptance Committee will be responsible for making a final decision on any such gifts, and will determine a plan of action to offset possible controversy or to handle any public relations issues arising from such a gift if it is accepted. This may include involving other members of the campus community.

Works of Art on Loan to the College

Keene State College may decide to accept loaned works of art. Any such potential transactions will be subjected to the same process as those in which a donor wishes to permanently gift a work.

Campus Art Loan Programs

At this time Keene State College does not have the resources to allow for short-term loans across campus of College-owned works of art (the type of program similar to “checking out books on loan”, where people can rotate works of art on a regular basis). Requests from faculty or staff for available College-owned works of art to be placed long-term in their offices or buildings may be considered. The College Art Acceptance Committee will determine if the request can be met, based on where artworks may best be utilized to meet the mission of the institution.

Art Acquired Directly by Departments on Campus

From time to time, faculty or staff at the College may decide to acquire artworks for a particular area or department on campus. Regardless of the source of funds used to purchase these artworks, all works of art considered for acquisition must be reviewed through the general Art Acceptance procedures. This does not, however, apply to personally-owned works brought by faculty and staff for display in their private offices. Art obtained by faculty to be used in teaching (such as a forgery purchased to support a class studying how to validate works of art) must still be reviewed through this process for issues related to institutional liability, etc.

Valuation of Gifts of Art

Responsibility for valuing all gifts of art rests with the donor, who must provide documentation to the College based on prevailing IRS requirements. The Development Department will work with all donors to ensure that the donor is aware of these requirements and that all legal standards are met. Valuations of works pending acceptance must be provided to the Office of Finance & Planning to ensure proper recording, insurance, etc.

Disposal of Artworks

The responsibility for the disposal of works of art that are not part of the Permanent Collection rests with the College Gift Acceptance Committee, who will work with the Art Acceptance Committee and the Development Department to determine if a particular work should be sold or otherwise disposed of, and where the resulting funds will be directed. (The Development Department must be involved because the tax deductibility of a gift can be jeopardized if the gift is sold or disposed of within certain timeframes.) If the Committee determines that a work should be

sold or disposed of, the request must be forwarded by the Committee to Cabinet for approval. If they approve the request, the Purchasing Department would undertake the actual steps to sell or dispose of the artwork, and the Development Department would be informed in case there are any donor relations issues.

Subset Policy: Display of Student Artworks in Public Spaces (Revised & Approved by Cabinet November 10, 2009)

This policy addresses individual student artworks displayed outside of accepted art venues that are considered to be of temporary duration (1 day to 2 weeks).

Keene State College values the role that visual arts play in a liberal arts education, and it celebrates the integration of critical and creative thought in the intellectual development of its students. The College welcomes the placement, viewing, and discussion of student artwork throughout the entire campus. As is the case for any professional artist who seeks to display their work in a public venue, a student must be sensitive to the concerns of the community audience. By engaging in both dialogue and negotiation with various campus representatives, any potential concerns will be addressed including safety, presentation, education, etc. The procedures below are designed to help the student artist navigate this process while supporting the College's educational mission and standards of academic excellence.

(Not included in this policy are student artworks that are completed by an entire class for a specific project within a KSC Art course. These artworks may be displayed inside and outside of designated Art Department buildings: Redfern Arts Center, Media Arts Center, Ceramics Studio, and Sculpture Studio. Arrangements are to be made between the course instructor, appropriate grounds crew, facility manager and KSC Environmental Health and Safety Coordinator. The Chair of the Art Department must be notified.)

1. This policy pertains to individual student artwork produced in conjunction with a KSC Art course or for any student wishing to display artwork outside of normal campus art venues and outside of activities and responsibilities of KSC Student Affairs.
2. Six weeks prior to the display, the student must identify a KSC faculty or KSC student organization sponsor.
3. Four to six weeks prior to display of artwork, the student, working with their sponsor, must submit a written proposal to an ad hoc artwork committee. The proposal must include the following information: the concept, materials, size, dates of exhibition, selection of at least two possible campus sites, and a description of the artwork.
4. The ad hoc artwork committee will include:
 - Grounds crew representative
 - Environmental Health and Safety Coordinator or designee
 - Facility Manager
 - Art Department Chair or designee
 - KSC Campus Commission for Diversity and Multiculturalism representative if appropriate

On behalf of the ad hoc committee, the Art Department Chair or designee will respond to the student and sponsor, within 10 working days of receipt of proposal.

If questions emerge from the ad hoc committee discussion with student and sponsor, the Dean of Arts and Humanities and others on campus, as necessary, will be invited to address concerns.

5. Two weeks prior to the display:

- The sponsor will confirm the display with the Chair of the Art Department.
- The sponsor and the student will contact the campus grounds crew and /or facility manager for assistance as needed.
- The sponsor, on behalf of the student, will send College and Media Relations and the Office of the President a description of the art project with a copy of the artist's statement.

6. One week prior to the display:

- The student will provide to the Chair of the Art Department and facility manager for their approval, a copy of the written artist's statement/plaque that will be presented alongside the artwork for the entire duration of the artworks installation and display. The artist's statement must be displayed clearly and legibly throughout the course of the artwork's public presentation. The artist statement signage to include: "This artist has followed the KSC Student Art Policy."
- Lack of proper signage will negate permission for display of artwork. The artist's statement should include artist's conceptual intentions, historical/social context, and dates for the duration of installation. In addition, the statement might include particulars of media, aesthetic decisions, choice of site and other information that will be helpful to viewers of the artwork. An artist's statement helps to meet the educational mission of the college and recognizes the diversity of audience viewpoints.

7. One week prior to the installation of the artwork: The faculty sponsor will notify the following with the time and date of installation: Dean of Arts and Humanities, College and Media Relations, and the Chair of the Art Department.

8. Display of student artwork is ordinarily to be no longer than two weeks. The student and sponsor will assume responsibility for removal of the artwork at the end of the display period agreed upon and for returning the site to its original state. If that responsibility is not met, the grounds crew and/or facility manager will remove the artwork and the student will be charged for the cost of the removal.

9. Keene State College does not assume responsibility for insuring value of student artwork should it become damaged or vandalized.

10. Student display of public artwork that does not follow the above procedures will be removed upon notification of the Chair of the Art Department.

NOTE: This Student Artwork in Public Spaces policy is established in the context of legal considerations of time, place and manner in speech and art. [Wording is being reviewed by USNH Legal Counsel.]

Addendum A: Art Acceptance Worksheet

- Does the donor want the art to be included in the Permanent Collection (must be reviewed and accepted by the Thorne) or just as part of the general College collection?
- Is the piece for public display or for display in non-public areas (faculty/staff offices)?
- Is there an expectation of where is the art to be placed?

- How does the work of art support the educational mission of Keene State College (critical to the tax deductibility of the work)?
- How will the work be secured/protected, and how will that be paid for?
- If the work is valued at more than \$5,000, has the donor obtained a qualified appraisal?
- Does the donor want any tangible benefits in exchange for the gift, or is the gift split-interest?
- Are there any contractual obligations to the gift, or restrictions placed on it by the donor (these may include a desire to “gift” the work while retaining possession, restrictions as to placement, partial gift arrangements, etc.)?
- Has a draft of a memorandum of understanding been prepared and shared with the donor?
- Who will pay for the cost of moving and installing the work?
- Does it need to be insured?
- Are there specific requirements for display, security, etc.? Who will pay for these?
- Is there to be interpretative signage or onsite donor recognition for the work? Who will pay for that?
- Are facility alterations required in order to accommodate the art? Has the architectural integrity of the facility been considered?
- If the work is to be/ must be sold, where will the funds be directed? Has the donor been informed of any potential effects on the tax-deductibility of the gift if it is being given with the intent to sell?
- If the artwork cannot be displayed immediately, what storage arrangements must be made? Who will pay for these?

MASON LIBRARY AND KSC FILM ARCHIVES

DEED OF GIFT

I/We (the "Donor") have delivered, and hereby unconditionally and irrevocably give, the object(s) described below, together with all copyright, trademark and associated rights of Donor therein, to the Wallace E. Mason Library and Film Archives of Keene State College, and acknowledge that the Mason Library/Film Archives' acceptance of the gift is subject to the terms listed below.

I/we understand that Mason Library/KSC Film Archives agrees to undertake the responsibility to house, care, and administer these materials and use all reasonable care for physical preservation.

I/we understand that some of the donated materials may duplicate those already owned by Mason Library/KSC Film Archives or may be judged not pertinent to Mason Library/KSC Film Archives collections.

I/we understand that researchers may review, cite, or publish any of the materials subject to Mason Library/KSC Film Archives usual practices in granting access to research materials and without my/our further permission or subject to the terms listed below.

Individual items not retained by Mason Library/KSC Film Archives shall be [please check all the appropriate]:

- returned to donor
- transferred to another appropriate repository
- otherwise de-accessioned by the library

Description of the gift _____

Appraised Value (if donor has had gift appraised): * _____
* Please attach a copy of independent qualified appraisal if available.

or

If you do not intend to take a tax deduction, please initial here: _____

Representation and Warranty: The Donor represents and warrants that he/she is the sole owner of the gift and has full right, title, and interest to make the donation, and that no agreement, assignment, sale, or encumbrance has been or will be made or entered into which would conflict with this deed.

Assignments of Rights: All rights to the materials given are consigned by the donor to Keene State College, except for the following terms and special conditions:

or

If there are no terms or conditions attached to this gift, please initial here: _____

Donor's Name and Address, Email, phone:

Donor's Signature

Date

Keene State College hereby accepts the above Gift on _____.
(date)

Director of Development

Film Archives Representative

(Please sign, print name and title)

Archivist

Mason Library Representative

(Please sign, print name and title)

Keene State College
Checklist for Gifts of Real Estate
Development Office

Date _____ Solicitor/Assigned Staff _____

Donor Name _____

Address _____

Telephone _____ E-

mail _____

TO REALIZE ANY CAPITAL GAIN BY-PASS, REAL ESTATE MUST HAVE BEEN OWNED FOR AT LEAST A YEAR AND A DAY

Title of Ownership: _____ Single _____ Joint with Right of Survivorship
_____ Tenants in Common _____ Tenants by Entirety

Owner Names & Percentage Ownership _____

FOR EVERY KIND OF REAL ESTATE GIFT (NOTE – Gift Date is date transferring deed is recorded):

Acquisition Data Sheet Complete _____

Copy of Deed Received _____

Title Report Received _____

Seller Disclosure Report Received _____

Legal/Financial Advice Release Received _____

Environmental Survey(s) Complete (if necessary) _____

Qualified Appraisal Complete _____ Date of Appraisal

IRS Form 8283 Signed by Appraiser _____

Warranty Deed Transferring Real Estate to Keene State College or CRT Complete

Date Deed was recorded _____

Gift Acceptance Committee Review Dates _____

FOR CHARITABLE REMAINDER TRUSTS:

Worksheet sent to KSC _____ CRT Disclosure Statement Signed

This gift of real estate will fund:

_____ Unitrust _____ Charitable Gift Annuity _____ Life Estate _____ Outright Gift
_____ Other

KEENE STATE COLLEGE
REAL ESTATE ACQUISITION DATA SHEET

Name(s) of Donor(s):

1. Location of property (including county/township/borough):

2. Number of parcels and acreage / Are pins visible? / Are any current surveys available for review?:

3. Type of Property and Best Use: _____ wooded _____ open _____ marshlands _____ other

4. How long have you owned the property? _____

a) What is the nature of ownership; i.e. joint tenancy, tenancy by the entirety, tenancy in common, etc.?

5. Current zoning of the property (list any zoning, deed, homeowner or neighborhood restrictions):

6. List improvements (type of building(s), condition, type & date of construction, # of floors):

7. Proximity to commercial activity (type, location, and distance):

8. Describe the previous use of the buildings/property:

9. If property is residential, to your knowledge how long has it been used for residential purposes?

10. Improvements:

_____ Municipal Sanitary Sewer Line (Do you have knowledge of sewer capacity?)

_____ Municipal Water Line (Do you have knowledge of water capacity?)

_____ Electrical Power

_____ Telephone

_____ Natural Gas

_____ Well (Do you have knowledge of ground-water testing?)

_____ Septic System (Are there any visible signs of septic system malfunction?)

11. Access:

_____ Frontage on Town/City road

_____ Frontage on unimproved road

_____ Land locked property

12. Date of last appraisal (attach copy) & Value _____

13. Town/City assessed value \$ _____ at _____ % FMV

14. Date of last assessment: _____

15. Are there any unpaid taxes/attachments on the property? (If yes, please describe):

16. Is the property subject to a mortgage? ((If yes, please list current balance and date of borrowing including any subsequent borrowing after initial financing):

17. Current yearly operating expenses are:

Property Taxes \$ _____ (inclusive of all tax liabilities)

Insurance \$ _____ Electricity \$ _____

Heat \$ _____ Water \$ _____

Condominium/Homeowner Fees \$ _____ Sewer \$ _____

Road Maintenance \$ _____ Gas \$ _____

Other \$ _____

18. Has the property recently been offered for sale? _____. If yes, how long has it been on the market? _____.

19. Do you wish to reserve any rights to this property? _____ If yes explain:

20. Rights of way or easements on the property:

21. Potential or pending legal actions for claims:

22. What is the type of current use and zoning of the adjoining property of the tract being considered as a gift to the College? Please describe:

23. Does the land have potential for development? _____ Please explain:

24. Has the property been known or suspected to have been used as a dumping site, either legally, or illegally, for disposal of solid or chemical waste? _____ If yes please explain:

25. Any evidence or suspicion of asbestos, radon or lead paint in the building(s)? _____ If yes please describe:

26. Are there any known or suspected above-ground or underground storage tanks on or near the property including fuel oil, heating oil, or gasoline? _____ If yes please describe including distance from property:

27. Other structures and/or improvements on property (e.g., swimming pools, ponds, playgrounds, railroad tracks, etc.)

28. Proximity to landfill:

29. Explain if any of the following apply: wetlands, ponds, waterways, mines, lakes, gorges, caves, wells, flood plain or other natural hazards. List proximity to nearest stream or waterway.

30. [Optional] Would you be willing to make a contribution to the College to defray the costs of conducting a Phase I Environment Audit, if it is determined that such an audit is necessary?

Yes _____ No _____

31. If Keene State College sells the property, do you wish the proceeds from the sale to be used in any particular way? Prepared by _____ working with _____

_____ Date _____
Donor

Please complete this form and return it to the Development Department, Keene State College, 229 Main Street, Keene, NH, 03435 with a copy of the most recent independent qualified appraisal, a copy of the deed, and any other pertinent information. Thank you for your assistance in helping us assess this gift. If you need assistance in completing the form, call Marilyn Shriver, Director of Development, 603-358-2371, Marilyn.shriver@keene.edu. Thank you.

Gift/Donation, Sponsorship and Partnership Acceptance Procedure

Advancement
229 Main Street
Keene, NH 03435-2701
603.358.2375

Summary

- Every charitable contribution to Keene State College, of any kind, must be processed in accordance with IRS regulations. Advancement Services is responsible for the College's compliance with IRS regulations concerning charitable contributions.
- Charitable contributions include cash, checks, credit card gifts, sponsorships, and tangible items (gifts other than money).
- Advancement Services is the only entity at Keene State College that is authorized to process charitable contributions.
- No other office on campus should deposit any charitable contribution to any account for any reason.

Procedures

All gifts/charitable contributions to the college, regardless of the department or designation (including sponsorships and partnerships), are processed by Advancement Services. This includes donations of cash, check, and tangible items (gifts other than money). This allows for acknowledgment and receipting in compliance with IRS regulations, and appropriate record keeping in the college's records.

- If the gift is in the form of a check or cash, please deliver it to Advancement Services (Alumni Center) or phone to arrange for pickup. According to USNH policy, cash is to be deposited within 24 hours and checks within 48 hours. Until it is received by Advancement Services, all cash, checks, and credit card numbers must be securely locked, preferably in a safe. **Do not use interoffice mail for transfer of cash, checks, or credit card information.**
- If Keene State College is providing an item or items of value in recognition of the gift (such as a meal, advertising, etc.), please list the item(s) in the agreement, the market value associated with them, and how that value was determined.
- If the gift is a tangible item (gift other than money), the receiving department must complete the attached **Gift In-Kind** form prior to accepting the gift. The originating department must see the process through to, and including, obtaining sign-off by the Director of Advancement. Please note that the acknowledgment and receipt will list the item donated but not a dollar value. It is the responsibility of the donor and their accountant to document value for tax purposes.
- For gifts of art please notify Advancement staff and refer to the [Art Acceptance Policy](#), last revised by Cabinet March 3, 2010.
- For gifts of real and personal property, please notify Advancement staff and refer to the [Gift Acceptances Policies](#), last revised by Cabinet on September 6, 2011.

Keene State College

Naming Policy

Overview & Policy

2/22/2010

Approved January 6, 2010 by College Cabinet

Keene State College Naming Policy

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Keene State College

Naming of Facilities & Programs

Introduction & Overview

Introduction

Facilities and programs at Keene State College (the "College" or "KSC") may be named for individuals or other entities, based on a number of criteria as outlined in this policy. The primary motivating factor for naming a facility or program will be to encourage private philanthropic support, a critical element in the College's ability to achieve its academic goals. Only under unique circumstances should facilities and properties be named without a gift.

The scope of this document is to outline the process and policies for those naming opportunities under the control of Keene State College, and to reflect the process through which the College will recommend a naming opportunity to the Board of Trustees. It neither governs nor reflects the policies or decision process of the University System of New Hampshire ("USNH") Board of Trustees. A related policy, the Keene State College Art Acceptance Policy, deals separately with gifts or loans of artwork.

Final determination of what facilities or programs will be named rests with either the Board of Trustees or the

President of KSC, depending on the level of naming being considered. For purposes of this document, "Facilities" shall be defined to include buildings, portions of buildings, physical areas that may be used for a specific program, landscaping or other portions of the physical plant and grounds of the College. "Programs" shall include academic programs, including groupings of academic programs such as departments, centers or schools, scholarships, fellowships, academic chairs, non-academic programs (such as athletics), and any other function of the College that transcends any particular physical space.

Within the categories as defined above, the decision as to the naming of College-owned buildings or schools rests solely with the Board of Trustees of the University System of New Hampshire (the "Trustees"), who will make their decision after consulting with the President of the College. No commitment for naming of buildings or schools may be made prior to Trustee approval of the proposed name. Naming for other facilities or programs does not require Trustee approval. No commitment for naming any facilities or programs may be made prior to Presidential approval of the proposed name.

At all times, the President of Keene State College, in consultation with the Gift Acceptance Committee (comprised of the College Cabinet and the Director of Development) and the Development department, shall follow defined, consistent and accountable processes in the naming of facilities or programs under her/his purview, and will ensure that naming opportunities are compatible with the mission and values of the College. All proposals related to naming of facilities or programs should be held in confidence during the review and approval process; no public communication will take place until the President or the Board of Trustees has formally approved the proposal.

It must be understood that the College retains the right to change or eliminate any facility or program at any time, regardless of whether that facility or program carries a name. While the College always seeks to respect those honored through the naming of a facility or program and will not make changes to named facilities or programs without much consideration, the mission and values of the College remain paramount. If the Trustees and/or administration of the College

deem it necessary to change or eliminate a facility or program in order to carry out its mission, it has the right to do so without the involvement of those for whom these facilities or programs have been named.

The College's Advancement Division will be responsible for maintaining a record of named programs, rooms, buildings, grounds and other spaces in addition to endowed funds.

Overview

Facilities and programs at Keene State College may be named for individuals, corporations, organizations or other entities, based on two broad sets of criteria: first, to honor those who have made substantial monetary contributions to the College, and second, to honor those who are considered to have had a significant positive impact upon the College and its students.

It is the intention of the College that naming opportunities generally be in perpetuity. However, there may be opportunities for period-specific sponsorships which would not be considered in the same category as permanent naming of facilities or programs.

Keene State College Naming Policy

Honorific Naming

Naming a facility or program for unparalleled scholarly distinction or other exceptional non-monetary contributions to the College should generally be done only if the name being recognized will bring great honor to the College. Additionally, this act of good will and thoughtfulness should have the potential to draw additional financial resources, providing value and additional promise to the institution. The criteria for naming a facility or program to honor or recognize an individual who has not made a significant financial contribution include the following:

- Outstanding and distinguished service to the College
- Long-term, significant generosity toward KSC and its students
- Substantial contribution to the development and destiny of the College
- The extent to which an individual's life and actions epitomize the ideals of the College community

- To memorialize one or more individuals whose deaths have significantly impacted the College

Caveats to Honorific Naming Opportunities

- No KSC or USNH faculty or staff member, student, or member of the USNH Board of Trustees, the Board of the Keene Endowment Association, the Alumni Association, Parents Association or other College-related auxiliary organization, may be honored with a non-gift naming opportunity until at least three (3) years from the date of termination of their formal association with the College (death, graduation, retirement, etc). Exceptions to this may be made by the President for situations in which the College wants to memorialize one or more individuals who have died under unusual circumstances (e.g., plane crash, terrorist attack, etc), and whose deaths have significantly impacted the life of the College.
- No more than one facility or program may be named honorifically for any one individual.
- No facility or program may be named honorifically for currently-employed College or USNH employees, or for seated, elected or appointed officials, or for those who have been in office or employed by the State of New Hampshire or USNH within the previous three (3) year period.

Philanthropic Naming

Naming something in buildings that are being built or buildings that are being renovated:

The cost to name a facility that is being newly built or renovated will be based on the projected total philanthropic cost to build or renovate, guided by a formulaic approach that takes into account the size of the facility, prevailing costs of construction, the facility's use and its marketability. If the naming opportunity is the entire building, the donor must provide, through new gifts, at least 33% of the philanthropic cost to construct or renovate. The naming may not be based on previous gifts.

Naming something in a facility that is not being altered, or that is being funded entirely through other sources (i.e. the College or USNH), or to name a portion of the campus grounds:

To name something in an existing facility that is not being renovated, or which is being built or renovated through other funding sources, or to name a portion of the campus itself (such as an athletic field or a garden) the cost will be based on current construction or replacement costs for whatever it is the donor wishes to name. Because it is impossible to estimate what the College or the University System would fund if the building were being built now, it must be assumed that 100% of the replacement cost must be philanthropically gifted.

Additionally, the naming may not be based on previous gifts but must reflect new contributions. Construction or replacement costs will be based on applicable cost estimates provided by the Office of the Vice President for Finance and Planning.

Caveats for Philanthropic Naming

- Current faculty or staff, or those within three (3) years of having retired or departed from the College, who wish to have a facility or program named for them must meet the minimum financial requirements for naming, regardless of their other accomplishments. This stipulation applies whether the donor is making the gift him/herself or another individual is making the gift in his/her honor.
- Naming of a facility or program will not be considered unless a gift or gift intention is irrevocable and contractually agreed upon by both the College and the donor. If the commitment is not fully paid within a five-year period, the College reserves the right to remove the donor's name from the facility or program and may name an alternate facility or program proportionate to the amount that has been paid within that timeframe.

Construction of Unplanned Facilities

Construction of unplanned or unscheduled facilities which a donor wishes to have built requires 100% of project cost. If a donor is interested in building a facility that is not already in the College's Master Plan, it must be submitted through appropriate College and USNH planning channels for review and acceptance. The donor should begin by submitting a written proposal to the Development Department, which will ensure that due diligence is undertaken, and that the proper procedures are followed for review and potential gift acceptance. The Development Department, working with the donor, will forward the request to the appropriate planning groups (Academic, Facilities etc.), which will then proceed with their review of the potential project. After review and approval by the various planning bodies, all facility projects must receive final approval by both the Keene State College Cabinet and the Board of Trustees of the System.

Academic or College Program Naming

Programs and endowed chairs may be named upon approval by the President, either honorifically or in recognition of philanthropy. The amount or criteria required to enable naming of a program will be determined by the President, using "Internal Guidelines for Naming Facilities or Programs at Keene State College" as a guide. Programs named for philanthropy should be based on new gifts to the institution, not previous commitments.

Process for Changing or Eliminating Named Facilities or Programs

If a facility or program is eliminated, or is substantially changed from its previous form, the President reserves the right to pursue alternate methods of recognizing the donor whose name was on the previous facility or program. Naming of a facility or program does not entitle the donor to continued naming of facilities or programs after a facility has been demolished or substantially changed, or after a program has ceased to exist in its previous form. The exception to this would be if the College determines that a program is substantially the same, but with a revised focus or name.

In cases where this determination is made, the President may choose to retain the donor's name on the program. In all instances, decisions to change a named facility or program rests with the President or Trustees, depending on the level of naming involved.

If the use of a facility is changed, and the original donation was related to the previous use, the donor (if alive) may be given the opportunity to have the name retained on some portion of the same facility, or they may be offered an alternative method of recognition. The donor's name will not necessarily transfer to a new facility to be used for the original purpose. If the donor is no longer alive, the College will make a good faith effort to contact any immediate heirs of the donor to act on the donor's behalf in determining what the donor would have preferred. If a facility use changes but the naming was not related to the previous use, the name will remain on the facility.

If the facility is significantly changed from its previous form, the President or Trustees reserve the right to provide recognition in a manner relative to the proportion the original facility makes up of the new facility. The exact type of recognition or signage may, however, not be the same as the original, depending on the facility design and layout.

Potential Donors for Whom Naming Opportunities May Not be Considered

At all times, Keene State College will consider the potential ramifications to the College of a donor and his/her gift. If, after consideration of a potential naming gift, the Trustees or President determine that a gift, or a relationship with a particular donor, could be damaging to the College, its mission and values or its students, the College retains the right to decline either the gift or the naming opportunity related to that gift.

De-naming / Renaming of Facilities

The President of the College reserves the right to make the final determination of whether a facility or program may be de-named or renamed, using "Internal Guidelines for Naming Facilities or Programs at Keene State College" as a guide. If the name of a building or school is involved, the President will recommend a course of action to the Board of Trustees, who will make the final determination.

Time-Limited Sponsorship Opportunities

Corporate Partner Naming Opportunities: Naming opportunities offered to a donor for a specified time period (as opposed to a permanent naming opportunity) are generally associated with corporate sponsorships, and may be available at the discretion of the President, based on recommendations from the Cabinet. They will be negotiated on a case-by-case basis, using prevailing sponsorship guidelines and keyed to the value of the sponsorship both to the donor and to the College and its programs. Recognition for corporate partnerships will be limited to designated facilities. All signage will be created and erected by the College at the corporate partner's expense, must adhere to current College standards as to signage, and must be approved in advance by the President.

Naming of Benches, Fountains, Flag Poles and Similar Items

Donors who wish to provide funding to name items such as benches, fountains, flag poles or other similar items may choose from a list of opportunities (existing items or those planned for as part of the campus Master Plan) maintained by the Physical Plant department. In all cases, the College will determine what items will be offered for potential funding and naming, will determine where the items will be located and the materials to be used, and will designate vendor sourcing for the

items. No donor may contribute these types of items without having gone through appropriate College processes, nor may they contract with architects, construction firms, or other vendors to create or install an item without proper College authorization. Unless there are extenuating circumstances that require funding above and beyond the cost of an item and the funds to maintain the item over time (such as a need to re-route electrical wiring or utilities, or to excavate the ground in order to install the item), the cost to name an item will be based on 1.5 times the cost to purchase the item. The additional funds will be pooled with other, similar funds to assist with ongoing maintenance and repair costs.

Arboretum Naming Opportunities

The College welcomes gifts from donors who wish to honor or memorialize one or more individuals through the dedication of trees for the College Arboretum. No other plants will be available for dedication. Donors who wish to make this type of gift may choose from a list maintained by the Office of Physical Plant, showing proposed trees that are part of the campus Master Plan, as well as select existing trees that remain available for dedication. In all instances, the College will determine appropriate species, size of plantings required and site selection, ensuring that it conforms to the College Master Plan. The cost to name a tree will be based on the size and type of the selection, rarity of the plant, cost to maintain and whether the plant is already a part of the campus or is being added. The gift must also cover the cost of the arboretum plaque noting the type of tree and the name of the person(s) being honored; campus standards for the plaques limit recognition to no more than one line. Plaques will be placed according to campus standards. Should the tree that is named die, the plaque will remain on the replacement tree. Should the tree need to be removed and not replaced (e.g. building construction, change in Master Plan design, etc.), the name will be added to the College's central Memorial Book.

Guidelines for Representatives of Athletics Interest

NCAA Division III Bylaw 13.02.9 Representative of Athletics Interests or Booster. A "representative of the institution's athletics interests" is an individual who is known (or who should have been known) by a member of the institution's executive or athletics administration to:

- (a) Have participated in or to be a member of an agency or organization promoting the institution's intercollegiate athletics program;
- (b) Have made financial contributions to the athletics department or to an athletics booster organization of that institution;
- (c) Be assisting or to have been requested (by the athletics department staff) to assist in the recruitment of prospective student-athletes;
- (d) Be assisting or to have assisted in providing benefits to enrolled student-athletes or their families; or
- (e) Have been involved otherwise in promoting the institution's athletics program.

Once a person, agency, business or other organization identified as a "representative of athletics interests," that person/entity retains that identity for life.

Do's and Don'ts Regarding Current Student-Athletes.

Student-athletes are permitted to receive many benefits as a result of their participation in intercollegiate athletics, including benefits that are available to students or the public generally and not tied in any way to the student-athletes status as an athlete, as well as benefits that are expressly permitted by NCAA rules.

As a representative of athletics interest YOU MAY...

- Provide an occasional meal to a student-athlete or an entire team at any location in the locale of the institution. Meals must be restricted to infrequent and special occasions. Please consult with the director of athletics at the institution to determine what qualifies as "in the locale" and what constitutes "infrequent and special occasions."
- Provide local transportation to a student-athlete for the occasional meal.
- Pay for or provide a meal to a student-athlete or entire team outside of the locale of the institution as long as the meal is in conjunction with, or en route to or from, an away-from-home contest
- Donate lodging to an institution, which the institution may, in turn, provide to a student-athlete or team in conjunction with, or en route to or from, an away-from-home contest.

But, please DO NOT...

- Provide a current student-athlete, their parents or friends with any benefit or special arrangement without prior approval of the director of athletics.
- Provide, co-sign, or arrange a loan for a student-athlete, the student-athlete's parents, relatives or friends — no matter the amount.
- Pay for, arrange for payment of, or provide cost-free room, board, or transportation for a student-athlete or their family and friends.
- Provide or arrange for the provision of gifts or free or reduced-cost services of any kind (e.g., restaurant meals, summer storage space, use of laundry facilities, retail discounts, etc.) for a current student-athlete or his or her family members.
- Provide entertainment to student-athletes or their families.
- Provide any award (e.g., financial aid award, most valuable player award, etc.) to studentathletes which are not approved by the department of athletics or not provided through the college/university.
- Provide tickets to professional sporting events.
- Make contact (e.g., in-person contact, telephone calls, electronic communication, written correspondence) with the student-athlete of another NCAA or National Association of Intercollegiate Athletics (NAIA) four-year collegiate institution about transferring institutions.

Do's and Don'ts Regarding Recruitment and Prospective Student-Athletes.

- Although recruitment of prospects is reserved for authorized university staff members,

YOU MAY ...

- Write, email, text, or telephone a prospect in an effort to recruit him or her to the university. Contact a prospect's high school coach, principal or counselor for the purpose of recruiting the prospect (e.g., meeting with the counselor, picking up a videotape of the prospect, etc.)

- If permission from the college/university is given, make recruiting contacts and evaluations with prospective student-athletes and four-year college prospective studentathletes.
- Forward information (e.g., via newspaper clippings, internet postings, telephone calls to coaching staff members, etc.) about a prospect to coaching staff members.
- Attend high school, prep school, club events and two-year college athletics events at your own initiative (i.e., not at the direction of a university staff member) provided you do not have contact with the prospect or his/her parents, guardians, relatives, high school/Amateur Athletic Union (AAU) coach, guidance counselor, etc, unless permissible through NCAA recruiting legislation.
- Display nonnal civility if you "run into" a prospect somewhere other than the prospect's educational institution, practice or competition site. Such contact must be truly incidental and not prearranged by anyone.
- Continue established relationships with friends and neighbors. Contacts with these individuals should not be for recruiting purposes. Any benefits provided should be similar in nature to benefits provided prior to the individual entering ninth grade.
- Prospects may attend luncheons or dinners in their immediate locale which are sponsored by the college/university and are open to all prospective students (not prospective student-athletes only). Contact with prospects at such events is permissible.

But, please DO NOT...

- Directly or indirectly make any arrangement for a prospect to receive cash, financial aid of any kind, or loans of any kind (including signing or co-signing for a loan).
- Provide, arrange for or pay for any type of transportation to any location for a prospect.
- Provide a prospect with any cost-free or discounted gifts or services, including tickets to a home or away event, and payment of camp registration fees.
- Provide or arrange employment for a prospect or a prospect's relatives or friends.
- Provide gifts of clothing or equipment, or any tangible item including merchandise.
- Provide free or reduced-cost services, rentals or purchase of any type or free or reduced cost housing.
- Finance or arrange the use of recruiting aids to publicize the institutions interest in a particular prospect.

- Contact a student from another institution to encourage him or her to transfer.
- Provide anything to a prospect without prior approval from the director of athletics.

Relevant Definitions (Online NCAA Division III Manual).

Below is the NCAA Division III legislation relevant to the relationship between an institutional athletics department and a representative of athletics interest. .

Bylaw 6.01.1 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

Bylaw 13.01.3 Institutional Responsibility in Recruitment. A member of an institution's athletics staff or a representative of its athletics interests shall not recruit a prospective student-athlete except as permitted by this Association, the institution and the member conference, if any.

Bylaw 13.02.5 Student-Athlete. An individual becomes a student-athlete when he or she participates in an intercollegiate squad practice or contest that is under the jurisdiction of the athletics department

Bylaw 13.02.7 Prospective Student-Athlete. A prospective student-athlete is a student who has started classes for the ninth grade. In addition, a student who has not started classes for the ninth grade becomes a prospective student-athlete if the institution provides such an individual (or the individual's relatives or friends) any financial assistance or other benefits that the institution does not provide to prospective students generally. An individual remains a prospective student-athlete until one of the following occurs (whichever occurs earlier):

- (a) The individual officially registers and enrolls in a minimum full-time program of studies and attends classes in any term of a four-year collegiate institution's regular academic year (excluding summer); or
- (b) The individual participates in a regular squad practice or competition at a four-year collegiate institution.

Bylaw 13.02.8 Recruiting. Recruiting is any solicitation of a prospective student-athlete or a prospective student-athlete's relatives [or guardian(s)] by an institutional staff member or by a representative of the institution's athletics interests for the purpose of securing the prospective student-athlete's enrollment and ultimate participation in the institution's intercollegiate athletics program.

Bylaw 16.02.3 Extra Benefit. An extra benefit is any special arrangement by an institutional employee or a representative of the institution's athletics interests to provide a student-athlete or the student-athlete's relative or friend a benefit not expressly authorized by NCAA legislation. Receipt

of a benefit by student-athletes or their relatives or friends is not a violation of NCAA legislation if it is demonstrated that the same benefit is generally available to the institution's students or their relatives or friends or to a particular segment of the student body determined on a basis unrelated to athletics ability.

A DONOR BILL OF RIGHTS

DEVELOPED BY:



Association of Fundraising Professionals (AFP)



Association for Healthcare Philanthropy (AHP)



Council for Advancement and Support of Education (CASE)



Giving Institute: Leading Consultants to Non-Profits

PHILANTHROPY is based on voluntary action for the common good. It is a tradition of giving and sharing that is primary to the quality of life. To assure that philanthropy merits the respect and trust of the general public, and that donors and prospective donors can have full confidence in the not-for-profit organizations and causes they are asked to support, we declare that all donors have these rights:

I

To be informed of the organization's mission, of the way the organization intends to use donated resources, and of its capacity to use donations effectively for their intended purposes.

II

To be informed of the identity of those serving on the organization's governing board, and to expect the board to exercise prudent judgment in its stewardship responsibilities.

III

To have access to the organization's most recent financial statements.

IV

To be assured their gifts will be used for the purposes for which they were given.

V

To receive appropriate acknowledgement and recognition.

VI

To be assured that information about their donations is handled with respect and with confidentiality to the extent provided by law.

VII

To expect that all relationships with individuals representing organizations of interest to the donor will be professional in nature.

VIII

To be informed whether those seeking donations are volunteers, employees of the organization or hired solicitors.

IX

To have the opportunity for their names to be deleted from mailing lists that an organization may intend to share.

X

To feel free to ask questions when making a donation and to receive prompt, truthful and forthright answers.

AFP Code of Ethical Principles and Standards

ETHICAL PRINCIPLES Adopted 1964; amended sept. 2007

The Association of Fundraising Professionals (AFP) exists to foster the development and growth of fundraising professionals and the profession, to promote high ethical behavior in the fundraising profession and to preserve and enhance philanthropy and volunteerism. Members of AFP are motivated by an inner drive to improve the quality of life through the causes they serve. They serve the ideal of philanthropy, are committed to the preservation and enhancement of volunteerism; and hold stewardship of these concepts as the overriding direction of their professional life. They recognize their responsibility to ensure that needed resources are vigorously and ethically sought and that the intent of the donor is honestly fulfilled. To these ends, AFP members, individual and business, embrace certain values that they strive to uphold in performing their responsibilities for generating philanthropic support. AFP business members strive to promote and protect the work and mission of their client organizations.



AFP members both individual and business aspire to:

- practice their profession with integrity; honesty, truthfulness and adherence to the absolute obligation to safeguard the public trust
- act according to the highest goals and missions of their organizations, professions, clients and consciences
- put philanthropic mission above personal gain;
- inspire others through their own sense of dedication and high purpose
- improve their professional knowledge and skills so that their performance will better serve others
- demonstrate concern for the interests and well-being of individuals affected by their actions
- value the privacy, freedom of choice and interests of all those affected by their actions
- foster cultural diversity and pluralistic values and treat all people with dignity and respect
- affirm, through personal giving, a commitment to philanthropy and its role in society
- adhere to the spirit as well as the letter of all applicable laws and regulations
- advocate within their organizations adherence to all applicable laws and regulations
- avoid even the appearance of any criminal offense or professional misconduct
- bring credit to the fundraising profession by their public demeanor
- encourage colleagues to embrace and practice these ethical principles and standards
- be aware of the codes of ethics promulgated by other professional organizations that serve philanthropy

ETHICAL STANDARDS

Furthermore, while striving to act according to the above values, AFP members, both individual and business, agree to abide (and to ensure, to the best of their ability, that all members of their staff abide) by the AFP standards. Violation of the standards may subject the member to disciplinary sanctions, including expulsion, as provided in the AFP Ethics Enforcement Procedures.

MEMBER OBLIGATIONS

1. Members shall not engage in activities that harm the members' organizations, clients or profession.
2. Members shall not engage in activities that conflict with their fiduciary, ethical and legal obligations to their organizations, clients or profession.
3. Members shall effectively disclose potential and actual conflicts of interest; such disclosure does not preclude or imply ethical impropriety.
4. Members shall not exploit any relationship with a donor, prospect, volunteer, client or employee for the benefit of the members or the members' organizations.
5. Members shall comply with all applicable local, state, provincial and federal civil and criminal laws.
6. Members recognize their individual boundaries of competence and are forthcoming and truthful about their professional experience and qualifications and will represent their achievements accurately and without exaggeration.
7. Members shall present and supply products and/or services honestly and without misrepresentation and will clearly identify the details of those products, such as availability of the products and/or services and other factors that may affect the suitability of the products and/or services for donors, clients or nonprofit organizations.
8. Members shall establish the nature and purpose of any contractual relationship at the outset and will be responsive and available to organizations and their employing organizations before, during and after any sale of materials and/or services. Members will comply with all fair and reasonable obligations created by the contract.
9. Members shall refrain from knowingly infringing rights of other parties at all times. Members shall address and rectify any inadvertent infringement that may occur.
10. Members shall protect the confidentiality of all privileged information relating to the provider/client relationships.
11. Members shall refrain from any activity designed to disparage competitors untruthfully.

SOLICITATION AND USE OF PHILANTHROPIC FUNDS

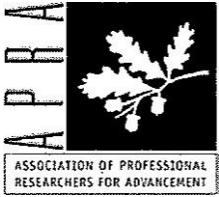
12. Members shall take care to ensure that all solicitation and communication materials are accurate and correctly reflect their organizations' mission and use of solicited funds.
13. Members shall take care to ensure that donors receive informed, accurate and ethical advice about the value and tax implications of contributions.
14. Members shall take care to ensure that contributions are used in accordance with donors' intentions.
15. Members shall take care to ensure proper stewardship of all revenue sources, including timely reports on the use and management of such funds.
16. Members shall obtain explicit consent by donors before altering the conditions of financial transactions.

PRESENTATION OF INFORMATION

17. Members shall not disclose privileged or confidential information to unauthorized parties.
18. Members shall adhere to the principle that all donor and prospect information created by, or on behalf of, an organization or a client is the property of that organization or client and shall not be transferred or utilized except on behalf of that organization client.
19. Members shall give donors and clients the Opportunity to have their names removed from lists that are sold to, rented to or exchanged with other organizations.
20. Members shall, when stating fundraising results, use accurate and consistent accounting methods that conform to the appropriate guidelines adopted by the American Institute of Certified Public Accountants (AICPA)* for the type of organization involved. In countries outside of the United States, comparable authority should be utilized.)

COMPENSATION AND CONTRACTS

21. Members shall not accept compensation or enter into a contract that is based on a percentage of contributions; nor shall members accept finder's fees or contingent fees. Business members must refrain from receiving compensation from third parties derived from products or services for a client without disclosing that third-party compensation to the client (for example, volume rebates from vendors to business members).
22. Members may accept performance-based compensation, such as bonuses, provided such bonuses are in accord with prevailing practices of the members' own organizations and are not based on percentage of contributions.
23. Members shall neither offer nor accept payments or special considerations for the purpose of influencing the selection of products or services.
24. Members shall not pay finder's fees, commissions or percentage compensation based on contributions, and shall take care to discourage their organizations from making such payments.
25. Any member receiving Funds on behalf of a donor or client must meet the legal requirements for the disbursement of those funds. Any interest or income earned on the funds should be fully disclosed.



APRA Statement of Ethics

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Association of Professional Researchers for Advancement (APRA) members shall support and further the individual's fundamental right to privacy and protect the confidential information of their institutions. APRA members are committed to the ethical collection and use of information. Members shall follow all applicable national, state, and local laws, as well as institutional policies, governing the collection, use, maintenance, and dissemination of information in the pursuit of the missions of their institutions.

Code of Ethics

Advancement researchers must balance an individual's right to privacy with the needs of their institutions to collect, analyze, record, maintain, use, and disseminate information. This balance is not always easy to maintain. To guide researchers, the following ethical principles apply:

I. Fundamental Principles

A. Confidentiality

Confidential information about constituents (donors and non-donors), as well as confidential information of the institutions in oral form or on electronic, magnetic, or print media are protected in order to foster a trusting relationship between the constituent and the institution. This means that the information is not available for anyone except development professionals, and their agents, to see.

B. Accuracy

Advancement researchers shall record all data accurately. Such information shall include attribution. Data analyses and their by-products should be without personal prejudices or biases.

C. Relevance

Advancement researchers shall seek and record only information that is relevant to the cultivation, solicitation, and/or stewardship strategy with the prospect.

D. Self-responsibility

Advancement researchers often play a significant role in developing and monitoring advancement department policies on information storage and confidentiality. It is important that advancement researchers lead by example. First, advancement researchers should develop clear policies and procedures for the prospect research department on the collection, storage, and distribution of constituent information and analysis. Second, when possible, advancement researchers should advocate for the development and adoption of institution wide ethics guidelines and privacy policies which are at least as complete as the APRA Statement of Ethics.

E. Honesty

Advancement researchers shall be truthful with regard to their identities and purpose, and the identity of their institutions during the course of their work.

F. Conflict of Interest

Advancement researchers should be careful to avoid conflicts of interest. Prospect research consultants should have explicit policies which outline how they will deal with conflicts of interest between clients. Advancement researchers who are employed full-time for an institution and also perform consulting services should be certain that the consulting services do not represent a conflict of interest with their primary employer.

II. Standards of Practice

A. Collection

- 1 . The collection of information should be done lawfully, respecting applicable laws and institutional policies.
- 2 Advancement researchers should be experts on the reliability of sources (print, electronic, and otherwise), as well as the sources utilized by third parties to gather information on their behalf.
- 3 Advancement researchers should not evade or avoid questions about their affiliations or purpose when requesting information in person, over the phone, electronically, or in writing. It is recommended that requests for public information be made on institutional stationery and that these requests clearly identify the requestor.
- 4 Advancement researchers should use the usual and customary methods of payment or reimbursement for products or services purchased on behalf of their institutions.
- 5 Advancement researchers who are employed full-time for an institution and also perform consulting services should develop clear understandings with their primary employers about the use of the employers financial and human resources.

B. Recording and Maintenance

- 1 Advancement researchers shall present information in an objective and factual manner; note attribution, and clearly identify information which is conjecture or analysis. Where there is conflicting information, advancement researchers should objectively present the multiple versions and state any reason for preferring one version over another.
- 2 Advancement researchers should develop security measures to protect the constituent information to which they have access from access by unauthorized persons. When possible, these measures should include locking offices and/or file cabinets and secure and frequently changed passwords to electronic databases. Advancement researchers should also advocate institution-wide policies which promote the careful handling of constituent information so that constituent privacy is protected. The use of constituent databases over a wireless Internet connection is not recommended.
- 3 Where advancement researchers are also responsible for donor giving records and their maintenance, they should develop security measures to provide very limited access to the giving records of anonymous donors. Access to these records should be limited to only those staff who need the information to successfully cultivate, solicit or steward said donor.
- 4 Where there is no existing case law which outlines clearly the rights of a donor in accessing advancement files (paper and/or electronic), advancement researchers should work with their institutions legal counsel

to develop an institution specific policy regarding this access. This policy should be put in writing, approved by the President/CEO, and distributed to any advancement professionals who might field a request for such access.

- 5 When electronic or paper documents pertaining to constituents must be disposed, they should be disposed in a fashion which lessens the danger of a privacy breach. Shredding of paper documents is recommended.

C. Use and Distribution

- 1 . Researchers shall adhere to all applicable laws, as well as to institutional policies, regarding the use and distribution of confidential constituent information. Careful consideration should be given to the use of electronic mail and faxes for the delivery of constituent information.
- 2 Constituent information is the property of the institution for which it was collected and shall not be given to persons other than those who are involved with the cultivation or solicitation effort or those who need that information in the performance of their duties for that institution.
- 3 Constituent information for one institution shall not be taken to another institution.
- 4 Research documents containing constituent information that is to be used outside research offices shall be clearly marked *confidential.*
- 5 Vendors, consultants, and other external entities shall understand and agree to comply with the institution's confidentiality policies before gaining access to institutional data.
- 6 Advancement researchers, with the assistance of institutional counsel and the advancement chief officer, should develop policies which address the sharing of directory information on their constituents with other institutions. Constituent requests to withhold directory information should be respected in all cases.

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