



Gift Acceptance Policy

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| Executive Sponsor: | Vice-President, Advancement |
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BACKGROUND

According to its legislative enactment, the objects of St. Francis Xavier University are four fold:

- (a) to provide students with a post-secondary education that is intellectually stimulating and personally enriching within an atmosphere of inclusiveness for all students, Faculty and staff;
- (b) to promote academic excellence, service to society and innovation in teaching and research;
- (c) to provide opportunities to enrich the cultural, spiritual, social and recreational life of students; and
- (d) to respect the Catholic heritage and character that have formed a vital part of the University's history.

The University welcomes gifts of a philanthropic nature to help it achieve these objects and made in accordance with this Gift Acceptance Policy.

PURPOSE

This Gift Acceptance Policy has been established to create a framework for the solicitation, review, acceptance, administration and stewardship of philanthropic gifts to St. Francis Xavier University. The Policy seeks to ensure:

- a) the University's principles, policies and procedures are reflected throughout the gift acceptance process;
- b) informed decisions are made concerning the acceptance of gifts;
- c) gifts are handled in compliance with applicable federal and provincial legislation;
- d) efficient administrative, legal and accounting practices are followed; and
- e) consistent and ethical relations with all donors and other supporters of the University are maintained.

Guiding Principle:

St. Francis Xavier University values and will protect its integrity, autonomy, and academic freedom, and does not accept gifts when a condition of such acceptance would compromise any of these fundamental principles.

SCOPE

This Policy governs all fundraising activities and gift acceptance conducted by the University, including units and departments within the University community, or by any person authorized by the University. It governs University employees, volunteers and leaders on matters of fundraising and gift acceptance and provides them with an efficient review framework.

This Policy governs gift acceptance with respect to gifts from donors such as individuals, associations, foundations, and corporations, made in support of existing or new initiatives at the University, whether the gifts are made during the donor's lifetime or testamentary (trusts and estates). The term "gift" is defined later in this Policy.

The Advancement Department of the University is responsible for receiving, recording, receipting, acknowledging and recognizing gifts to St. Francis Xavier University. Only the Advancement Department may issue charitable tax receipts, following Canada Revenue Agency (CRA) guidelines.

It is the responsibility of the Advancement Department to ensure that the highest standards of professionalism are followed in the solicitation, review, acceptance, administration and stewardship of philanthropic gifts and in working with donors.

Financial support to the University that attracts an advantage for the person or entity offering such financial support is not considered a philanthropic gift. An example of such may be a sponsorship agreement. As already indicated, the term "gift" is defined later in this Policy but for purposes of scope, while the University's Advancement Department may be involved in the acceptance of these (non-philanthropic) forms of financial support from time to time, it is not the unit of the Advancement Department that oversees such matters. Questions concerning the review and acceptance of such non-philanthropic support shall be referred to the relevant Dean or equivalent head of unit that is to receive the intended financial support. In certain cases, Advancement may determine that a specific form of funding or support may be part gift and part non-philanthropic funding or support, and will recognize and receipt accordingly.

The Advancement Department is not the unit of the University that oversees research grants. Questions concerning grant applications or grants shall be referred to the Associate Vice President Research & Graduate Studies. The following forms of research funding generally do not constitute philanthropic gifts:

- (a) funding for the purpose of research where there is an advantage to the funder or sponsor (e.g. an advantage in the form of rights to the results of the research); and
- b) grants from funding agencies. However, research grants from foundations or other charitable organizations that support the advancement of knowledge by a systematic or scientific approach, and where there is no other advantage to the donor, do constitute philanthropic gifts.

DEFINITIONS

Gift: A voluntary transfer of cash or voluntary transfer in kind, from individuals, industry, foundations and other sources to the University for either unrestricted or restricted utilization in the operation of the University. The property must be irrevocably given to the University, without any expectation of advantage to the donor or any third party designated by the donor. Subject to those restrictions and the

other requirements of this Policy, the following types of gifts are deemed eligible for acceptance by the University:

- a. outright gifts of cash and cash equivalents;
- b. gifts-in-kind and gifts of real property;
- c. gifts of life insurance;
- d. charitable gift annuities;
- e. gifts of residual interest;
- f. securities (public and privately held, charitable stock options);
- g. charitable trusts;
- h. bequests.

Eligible amount: The amount by which the fair market value (FMV) of the gifted property exceeds the amount of an advantage, if any, in respect of the gift.

Restricted/designated gifts: The donor has specified where in the University the gift is to be directed.

Unrestricted/undesignated gifts: The donor has not specified where in the University the gift is to be directed.

Securities: Gifts of privately or publicly held shares or charitable stock options.

POLICY

St. Francis Xavier University holds itself to the highest standard of ethical conduct, both within its own community of scholars, students and employees and in all of its external relationships and interactions - with alumni, friends, volunteers and donors, with businesses and commercial enterprises and with other external organizations. The University will not accept gifts, enter into relationships, or accept external support that could reasonably compromise its public image, reputation or commitment to its principles academic freedom, freedom of expression, and institutional autonomy.

All employees, volunteers and members of the University community will conduct themselves in accordance with accepted professional standards of accuracy, truth and integrity. They will inform, serve, guide and otherwise assist donors who wish to support the University's activities but will not pressure or unduly persuade.

St. Francis Xavier University's Advancement Department, under the direction of the Vice-President, Advancement or designate, has the authority and responsibility to develop operational policies and procedures, including documentation standards, to support the solicitation, review, acceptance, receipting and recognition of gifts to the University, in compliance with this Policy.

The Advancement Department, under the direction of the Vice-President, Advancement or designate oversees stewardship of gifts for the University through the provision of guidelines and procedures to units or departments of the University concerning gifts they have received, and certain central support. This includes appropriate acknowledgement and recognition for gifts. Where reports are provided to donors, such reports will conform with University policies and legal requirements, including relevant privacy legislation, and will be managed and shared with donors by the appropriate unit relevant to the donation.

St. Francis Xavier University's gift acceptance process is based on and in accordance with its objects, mission, academic priorities and strategic plan.

St. Francis Xavier University is a registered charity recognized by the Canada Revenue Agency ("CRA") and complies with the *Income Tax Act* and CRA guidelines, including those addressing the receipting of charitable gifts. This Policy, and all other University policies, guidelines and procedures described in this Policy, were designed to comply with current legislation. In the event of any disparity in this respect, federal and provincial laws supersede the University documents.

St. Francis Xavier University is committed to managing actual or perceived conflicts of interest in its acceptance of gifts in accordance with its University's Conflict of Interest Policy. The Regulation on Conflict of Interest applies to the review and acceptance of all gifts, and governs all members of the University community.

St. Francis Xavier University is the owner of all gifts it accepts, whether for the benefit of the University generally or for some specific purpose in it. If a gift is designated to a unit or department of the University, it shall be deemed to be a gift for the University, but it will be used for the benefit of the designated unit or part.

PROCEDURE

St. Francis Xavier University is committed to the following procedures when soliciting, reviewing, accepting, administering and stewarding philanthropic gifts:

1. All fund raising projects shall be undertaken with the knowledge and approval of the University's Advancement Department.
2. All formal approaches to donors shall be made in consultation with and approval from the Advancement Department in order to ensure the approach and the amount of the gift being sought are appropriate.
3. University faculty and staff members are encouraged to welcome prospective gifts to the University, in collaboration with the Advancement Department. However, gift acceptance may only occur with proper University authority, in compliance with this Policy. The Advancement Department will work with the appropriate department, unit, Faculty or administrative office to ensure terms and conditions relating to gifts are understood and consistent with institutional objectives, priorities and policies.
4. Where appropriate, gift agreements will be established between donors and the University and will be adhered to by the University. If the gift is to be endowed, the fund must be based on a written Gift Agreement (except for endowment funds resulting from testamentary dispositions) which shall include:
 - (a) Fund name
 - (b) Purpose provision [may be restricted (e.g. to fund a specific faculty or area of research) or unrestricted (e.g. to support the University's academic priorities)]

- (c) Revised Purpose Clause (Donors who designate a gift to a specific purpose must be advised of the right of the University to vary the gift purposes in certain circumstances in accordance with clause #9).
 - (d) Payment/Pledge schedule (if applicable).
5. It is possible for a donor to stipulate certain restrictions on a gift or designate it to a specific purpose. The University will review the restrictions in order to ensure that it is able to comply and to clarify its duties in fulfilling the restrictions. The Advancement Department, in consultation with other University departments, and in compliance with this Policy, may request that the terms of the gift be revised, be subject to a power to vary (revise purpose clause), or recommend to the appropriate individual that the gift be declined.
 6. Undesignated gifts will be used to support the University's current priorities.
 7. All correspondence and documents relating to a gift and/or pledge, copies of wills and probate documents are to be forwarded to the Advancement Department for purposes of accountability, continuity and safekeeping.
 8. Accountability to donors must be of the highest quality, through appropriate acknowledgement as well as accurate and timely reporting.
 9. St. Francis Xavier University may elect to accept or decline any gift. The final decision to decline a gift rest with the President if below \$1 million or the Board of Governors if in excess of \$1 million. The University reserves the right to decline a gift in any circumstance, including:
 - (a) the gift does not accord with the University's objectives;
 - (b) the gift could reasonably compromise the University's public image, reputation or commitment to its principles academic freedom, freedom of expression, and institutional autonomy;
 - (c) the gift exposes the University to liability or unacceptable risk;
 - (d) the donor applies unacceptable restrictions or conditions on the gift;
 - (e) the gift will be difficult to administer;
 - (f) the gift may have come from illegal activities;
 - (g) the gift is precedent setting or involves sensitive issues;
 - (h) the gift could improperly benefit any individual; or
 - (i) the gift violates provincial or federal legislation or University policies such as the Canada Income Tax Act, CRA guidelines, Nova Scotia's Human Rights Act.
 10. In general terms, the University can only accept and recognize a "gift" if there is no advantage to the donor or to any person designated by the donor resulting from the payment. For example, the University will not accept as a "gift" any transaction that would require it to give special consideration for employment to the donor, or to anyone designated by the donor, or that would allow the donor to inappropriately influence University appointments, research programs or curriculum. The University will not accept as a "gift" any transaction that would allow the donor to influence admissions. Further, the University will not accept as a "gift" any transaction that would give special consideration to the procurement of products or services associated with the donor, or to any person designated by the donor.

11. If donors seek to provide an advisory role in the project/program/other initiative to which they have provided funding, the Advancement Department will consider such advisory role on a case-by-case basis, taking account of relevant legislation and University policies, procedures and authorities. Any such advisory role must be in compliance with the University's principles of academic freedom, freedom of expression, and institutional autonomy. Given their fact-specific nature, case-by-case decisions will not be considered precedent-setting.
12. All donations will be recorded and receipted in accordance with the rules and regulations set out by Canada Revenue Agency (CRA).
13. Receipts for gifts involving the expertise of the Finance and Administration Department, such as real property and securities, will be issued by the Advancement Department in consultation with the Finance and Administration Department.
14. Donors' wishes to remain anonymous will be respected with the following limitations:
 - (a) As required by CRA, records for charitable receipting purposes are maintained by the Advancement Department. Access to these records is restricted to appropriate staff in the Advancement Department and Finance and Administration Department, as well as Senior Administrators of St. Francis Xavier University; or
 - (b) The University will comply with any legal obligation to disclose the names of donors and the nature and value of their gifts (For example, obligations that may arise under the *Income Tax Act*, *Freedom of Information and Protection of Privacy Act* or other relevant statutes).
15. Naming opportunities in recognition of major gifts designated to buildings, rooms and spaces will be determined in accordance with the University's Policy on Naming.
16. The minimum gift level required to establish a named endowed fund are as follows:
 - (a) Undergraduate Scholarships - \$25,000
 - (b) Graduate Scholarships - \$30,000
 - (c) Bursaries - \$10,000
 - (d) Awards and Prizes - \$5,000

If the purpose of the donation does not fall under one of the categories above or it falls under one of the categories and there are exceptional circumstances, the limits may be waived and/or established at an appropriate level, with the approval of the Vice-President (Finance & Administration) and the Vice-President (Advancement). Such exceptions will be reported to the Board of Governors' Finance Committee on an annual basis.

17. Gifts-in-kind may be received and held by the University and used for purposes consistent with its objectives, or may be disposed of at any time, provided no such agreement to the contrary is made between the donor and the University.

It is the responsibility of the Advancement Department to ensure that the University abides by these procedures.

Gifts in Kind - Appraisal Guidelines

All valuations for gifts-in-kind require the approval of the Vice President Finance and Administration or designate.

Canada Revenue Agency (CRA) requires satisfactory evidence of 'fair market value' (the price the property would bring in an open market transaction between a willing buyer and willing seller who are dealing at arm's length) of gifts.

For gifts valued at less than \$1,000, CRA may accept the appraisal by a University staff member provided the staff member is knowledgeable in the field of the gift and qualified to appraise the gift for its fair market value.

Gifts valued at over \$1,000 must be appraised by an independent appraiser. However, when finding an appraiser is difficult or expensive, CRA will accept the appraisal of a qualified University staff member knowledgeable in the field of the gift with a detailed explanation. For gifts valued in excess of \$25,000, a second appraisal may be required.

The Library, *including the Archives*, may accept gifts-in-kind as outlined in their Donation Policy.

Gifts to the University Art Collection must be recommended by the Art Gallery Director. In such cases, appraisals, detailing description of gift, name and address of appraiser, appraised fair market value and name and address of donor must be forwarded to the Advancement Department on a timely basis for receipting purposes.

Other University departments or units must have the approval of their Dean and/or Vice-President who shall consult with the Advancement Department to ensure that this Policy is adhered to before accepting a gift-in-kind. Consideration must be given to confirm the receiving department's or unit's ability and commitment to perform any obligations associated with a gift. The cost of appraisals will either be borne by the donor or by the faculty or department that will benefit from the gift.

18. The University does not provide any legal, accounting, tax or financial advice to donors with respect to gifts to the University. Donors are encouraged to seek independent legal, accounting, tax or financial advice from professionals and are responsible for all costs incurred in relation to obtaining such independent professional advice. The University cannot suggest or endorse a third party as a source of gift advice. Where necessary, donors will be requested to provide the University with an acknowledgement that:
 - (a) independent professional advice has been obtained; or
 - (b) independent professional advice has been waived though recommended by the University; and
 - (c) the University is released from any liability that may arise in relation to the making of the gift.

SUPPORTING DOCUMENTATION

n/a

RELATED POLICIES

Naming Policy

Conflict of Interest Policy

RELATED MATERIALS

n/a