

 DALHOUSIE UNIVERSITY Gift Acceptance Policy	<i>Policy Sponsor:</i> Board of Governors	<i>Approval Date:</i> November 29, 2017
	<i>Responsible Unit:</i> Office of Advancement	<i>Revisions:</i>

A. BACKGROUND AND PURPOSE

The University recognizes that philanthropic support is vital to advancing its mission and enhancing its programs and services, and it welcomes gifts from individuals and organizations. The University is committed to ensuring that its gift acceptance policy and procedures accord with its high ethical standards and commitment to the fundamental values of institutional autonomy and academic freedom.

The Gift Acceptance Policy creates a framework for the review and acceptance of gifts to the University and any of its affiliates while ensuring:

- a) the University’s reputation, autonomy and the academic freedom of its members is protected;
- b) the University maintains transparent and ethical relations with donors; and
- c) the University handles gifts in compliance with the requirements of any applicable legislation or regulation.

B. APPLICATION

The Gift Acceptance Policy applies to the solicitation and acceptance of gifts on behalf of the University, and applies to every unit of the University and any person authorized by the University to solicit gifts.

The Policy applies to gifts in the form of research grants from philanthropic foundations but does not apply to other research grants.

C. DEFINITIONS

In this Policy:

- a. “Canadian cultural property” means property of outstanding significance and national importance to Canada which is eligible for special tax status under Canadian tax legislation.

- b. “Charitable gift” means a voluntary transfer of money or property for which the donor expects and receives nothing of value in return, and is eligible for a receipt under the *Income Tax Act*.
- c. “Charitable gift annuity” means an arrangement that enables a donor to make an immediate gift and receive income for life for either themselves or a designated beneficiary.
- d. “Charitable remainder trust” means a gift that pays income to individual beneficiaries for life or a term of years and then distributes the remaining assets to one or more charities.
- e. “Cash-equivalent” means cheques, credit card payments, pre-authorized payment plans, electronic funds transfer, or payroll deductions.
- f. “Estate gift” means a gift for which the University is the beneficiary of a donor’s will, life insurance policy, registered account or trust.
- g. “Gift” means a Charitable Gift or a Non-Charitable Gift.
- h. “Gift Acceptance Committee” means the committee established pursuant to section E 3.
- i. “Gift in kind” means a non-cash gift and includes artwork, equipment, personal property, securities or cultural property.
- j. “Fair market value” means the highest price that the property would bring in an open and unrestricted market between a willing buyer and a willing seller who are knowledgeable, informed and prudent, and who are acting independently of each other, excluding any amounts paid or payable to other parties such as sales agents, or sales taxes such as HST and/or PST.
- k. “Non-charitable gift” means a donation that does not qualify as a “gift” under the definition of the Canada *Income Tax Act*, and is not eligible for a receipt under the *Income Tax Act*, and includes a donation of service; a contractually binding agreement between the University and a business entity in which the donor providing financial support gains commercial or marketable benefits through association with the University; sponsorship of campus research projects for which the donor retains right of property, including intellectual property.
- l. “Publicly-traded securities” means securities traded on a stock exchange designated under the Canada *Income Tax Act*.

D. POLICY

1. Solicitation and acceptance of gifts by or on behalf of the University or any of its academic, service or support units shall be made in accordance with this Policy and Procedures and any approved guidelines and protocols.
2. The Office of Advancement must be consulted by faculty, staff, students, alumni, volunteers and other representatives wishing to raise funds for the University prior to preliminary discussions with potential donors.
3. The University may accept the following types of gifts:
 - a. Cash or cash equivalent
 - b. Gifts in kind
 - c. Publically traded securities
 - d. Estate Gifts
 - e. Life insurance policies
 - f. Charitable remainder trusts
 - g. Charitable gift annuities
 - h. Canadian cultural property
4. The University may choose to accept or decline any gift.
5. The University shall not accept a gift when a condition of such acceptance would:
 - a. compromise its reputation, ethical standards, institutional autonomy or the academic freedom of its members;
 - b. violate any law or expose the University to unacceptable liability;
 - c. be unreasonably onerous, or require disproportionate resources, to administer;
 - d. undermine the University's commitment to diversity and inclusiveness;
 - e. jeopardize the University's registered charity status; or
 - f. give the donor or someone designated by them with special consideration, such as employment at the University, enrollment in a University program, the award of a University procurement contract, control over University appointments, research programs, curriculum or admissions.
6. The Office of Advancement is the only unit authorized to issue tax receipts on behalf of the University for charitable gifts to the University and its academic, service and support units.
7. Gift agreements or other documentation requiring a university signature to support the gift shall be signed in accordance with the Board Document Execution/Contract Signing Authority Policy.

8. The University does not provide legal, tax or financial advice to donors. Donors are encouraged to obtain independent professional advice, at their own cost, before entering into a commitment to make a gift to the University.
9. Information concerning transactions between a donor and the University shall be held by the University in strict confidence and may be publicly disclosed only with the permission of the donor, or as required by law.
10. The Vice President Advancement has the authority and responsibility to develop operational guidelines and protocols to support the gift acceptance process which shall be subject to the approval of the Gift Acceptance Committee.

E. ADMINISTRATIVE STRUCTURE

1. This Policy falls under the authority of the Board of Governors.
2. The Office of Advancement, under the direction of the Vice President Advancement, is the unit responsible for the administration of this policy.
3. There shall be a Gift Acceptance Committee comprising:
 - a. Vice-President Advancement (Chair)
 - b. Vice President Finance and Administration or designate
 - c. Provost and Vice-President Academic or designate
 - d. Vice-President Research or designate
 - e. Chair of Senate
 - f. General Counsel or designate
 - g. Student member of the Board Community Affairs Committee
4. The Gift Acceptance Committee shall be responsible for:
 - a. approving guidelines and protocols to support the gift acceptance process as recommended by the Vice-President Advancement;
 - b. advising the Vice-President Advancement on whether to accept a gift that may have unusual characteristics or conditions or where the donor seeks an advisory role in a project or program, as referred by the Vice-President Advancement, consulting with the senior administrator of the academic or support unit which would be directly impacted by the gift.
5. The Vice-President Advancement shall deliver an annual report to the Board Community Affairs Committee at the end of each fiscal year which will include the number of gifts and level of giving and a summary of any Gift Acceptance Committee decisions.
6. This Policy will be reviewed no later than by the end of the third year of its operation.

F. PROCEDURES

1. The Office of Advancement will coordinate the negotiation and development of terms and conditions for a gift agreement, and will consult with representatives of the potential receiving faculty, department, unit, affiliate, or others, as appropriate, during the gift acceptance process to ensure that:
 - a. none of the conditions set out in Section D.5 are present;
 - b. the proposed gift is consistent with this Policy, any institutional requirements and any applicable legislation and regulations;
 - c. the donor's intent and direction is consistent with the University's mission and priorities;
 - d. the donor's intent and direction is clearly understood and documented;
 - e. the gift does not expose the University to potential liability;
 - f. the proposed gift has received the appropriate University review and approval.
2. The Office of Advancement will request advice from other university units as appropriate to address any insurance, legal or other issues that may be posed by the particular gift.
3. Where the proposed gift has any unusual characteristics or conditions or where the donor seeks to provide an advisory role in the project or program the Vice President Advancement may refer the matter to the Gift Acceptance Committee for consideration and advice.
4. Prospective donors requesting anonymity shall be advised by Advancement that their names, and the nature and amount of their gifts, will be disclosed as follows:
 - a. In accordance with legislative requirement records are maintained by the Office of Advancement. Access to these records is restricted to appropriate staff within that office;
 - b. The University will comply with any legal obligation to disclose the names of donors and the nature and value of their gifts;
 - c. The identity of a donor requesting anonymity may be provided to the Board of Governors verbally if the Board so requests. Such information will not be included in the minutes of the meetings nor used by Board members or officers outside the meeting of the Board, except as may be required by applicable laws
5. The Office of Advancement will issue charitable tax receipts in compliance with Canada Revenue Agency requirements.