



GIFT POLICIES AND PROCEDURES MANUAL 2020

FORDHAM
THE JESUIT UNIVERSITY OF NEW YORK

Table of Contents

I. Board Approval of Gift Policies and Procedures Manual.....	5
II. Introduction	5
III. Purpose of This Manual	5
IV. Fordham University	5
V. The Department of Development and University Relations.....	6
VI. Gift Acceptance Committee	6
VII. What Constitutes a Charitable Gift.....	7
VIII. Ethical Considerations.....	8
IX. Conditions for Declining or Rejecting a Gift.....	8
X. What Is Not a Gift	9
XI. Specific Types of Gifts Accepted by Fordham	9
Cash in the Form of a Check, Currency, or Wire Transfer	10
Gifts by Credit Card.....	10
Publicly Traded Securities [Without Sale or Trading Restrictions].....	10
Gifts of Mutual Fund Shares.....	11
Restricted Securities in Publicly Traded Companies.....	11
Securities in Non-Publicly Traded Corporations	12
Real Estate.....	12
Tangible Personal Property (Excluding Equipment).....	14
Intangible Personal Property (Cryptocurrency, Software, Royalties, Copyrights, Patents)	14
Equipment	14
Limited Partnerships and Interests in Other Non-Publicly Traded Entities.....	14
Honoraria, Awards, and Salary	14
Unreimbursed Expenses	15
Life Insurance Policies	15
XII. Gift Valuation	16
XIII. Gifts from Individuals.....	16
Outright.....	16
Interests in Trusts and Life Income Gifts.....	16
Bequest.....	17
Via Third-Party Entities	17
Matching Gifts.....	17
XIV. Pledges/Promises to Give Over a Period of Time.....	17
XV. Gift Funds	18
XVI. Reporting Gift Revenue	19
XVII. Receipts to Donors for Gifts	20

XVIII. Gift Agreements	20
Restrictions and Preferences.....	21
Unallowable Terms Regarding Gift Agreements.....	21
Making Changes to Existing Gift Agreements	22
XIX. Bargain Sales	22
XX. Scholarships.....	22
XXI. Professorships and Chairs.....	23
XXII. Bequests	23
Intended Bequests	24
XXIII. Quid Pro Quo Gifts	24
XXIV. Campaign Accounting Guidelines.....	25
XXV. Gift Minimums and Naming Guidelines	25
Non-Endowed Funds	25
Endowment Minimums.....	25
Planned Gifts	26
Appointment of First Recipient/Incumbent	26
Naming for Faculty	26
Exceptions	26
XXVI. Naming Policy.....	26
Naming Guidelines	27
Naming Opportunities, Minimums, and Necessary Approvals.....	28
XXVII. Other Issues	29
Donor Bill of Rights.....	29
Privacy	29
Anonymity	29
Recognition ("Soft") Credit.....	29
Memorial Gifts	29
Foreign Currency.....	30
Gifts Raised from Multiple Donors	30
Gifts Made by One Entity on Behalf of Multiple Individuals	30
Raffles	30
Record Retention	30
Return of Gifts to Donors at Their Request	30
Gifts from Faculty/Staff Members to Support Their Own Research.....	30
Separately Invested Endowment Funds	31
Service as Executor or Successor Trustee of Living Trusts.....	31
Financial and Legal Consultations	31
Financial Consultations.....	31
Legal Consultations	31

I. Board Approval of Gift Policies and Procedures Manual

On February 6, 2020, the Advancement and University Relations Committee of the Board of Trustees passed a Resolution approving this Gift Policies and Procedures Manual.

On April 23, 2020, the Fordham University Board of Trustees passed a Resolution approving this Gift Policies and Procedures Manual.

These are in effect as of April 24, 2020.

II. Introduction

Charitable gifts are of great importance and are a significant source of revenue for Fordham University (“Fordham” or the “University”). Contributions may come from individuals or institutional entities, and provide critical financial resources to advance the educational mission and institutional priorities of the University.

III. Purpose of This Manual

This Gift Policies and Procedures Manual provides guidance and counsel to those within the University community responsible for planning, solicitation, receipt, acceptance, use, promotion, and disposition of gifts.

The policies set forth in this document are intended to assist, guide, and establish conduct for those persons involved in receiving charitable gifts on behalf of Fordham University.

This manual addresses the following topics for gift officers and other University officials who deal with donors and gift-related issues:

- Types of gifts Fordham may accept
- Documentation required to transfer certain types of assets to Fordham
- Documentation required to record the terms of restricted gifts
- Minimum gift levels to establish endowment funds or to create scholarships or professorships
- Determination of the value of each gift for the purpose of recording it in the University’s gift records

This manual does not anticipate all possible gift situations, and it may be amended periodically. Questions regarding policies or particular gift cases should be directed to the Vice President for Development and University Relations.

IV. Fordham University

Fordham University is a qualified charity under Section 501(c)(3) of the Internal Revenue Code. Copies of the IRS letter confirming Fordham’s status as a tax-exempt organization are available from Advancement Services. Copies of Fordham’s W-9 form may also be requested through the Office of Advancement Services. These documents may also be found on the DAUR shared Google Drive.

Please give donors clear instructions to make gift checks payable in the name of **Fordham University**. Any further direction or restriction should be entered on the memo line of the check and/or described in donor correspondence (e.g., a gift agreement). [Note: In some limited instances, if the proper procedure is not followed, a check made payable to a Fordham program, department, or specific named fund might be able to be deposited by double endorsing it. On occasion, Fordham University can accept gifts under its full name, or variations like “Fordham,” “Fordham College,” or “Fordham Law School.” However, it also is possible that the check may need to be returned to the donor for re-issuing, which can be awkward for the gift officer.]

Fordham's Tax Identification Number is 13-1740451.

Gifts and related correspondence should be sent to:
Development and University Relations
Joseph A. Martino Hall
45 Columbus Avenue, 8th Floor
New York, NY 10023

For reference, Fordham University's official address is:
441 East Fordham Road
Bronx, NY 10458

V. The Department of Development and University Relations

The Board of Trustees of Fordham University has charged the Department of Development and University Relations ("DAUR") with ensuring that fund-raising events and affairs comply with federal, state, and local laws. All University fund-raising activities are to be planned and executed in cooperation with DAUR. The Board of Trustees, through its Advancement and University Relations Committee, also sets the standards for gift acceptance and crediting. The University President and the Vice President for DAUR are responsible for executing these policies.

DAUR is responsible for:

- Engaging donors and prospects in the life of the University, and building relationships with various constituent groups;
- Overseeing and coordinating all solicitations to harmonize donor wishes with University priorities;
- Processing gifts and crediting the proper donor(s) in accordance with the donor's wishes and IRS rules and the Council for the Advancement of Secondary Education (CASE) standards;
- Maintaining gift records and providing timely acknowledgment to donors;
- Stewarding gifts and reporting on the impact of philanthropic gifts;
- Reporting gift revenue to the Fordham University Board of Trustees and other internal administrative entities, as well as outside entities, such as CASE and the Voluntary Support of Education (VSE) survey;
- Planning and executing special events related to fund-raising, and other significant University milestones;
- Communicating with the University's stakeholders in print and electronic form (including alumni, friends, parents, neighbors, news media); and,
- Carrying out alumni relations activities, including reunions, homecoming, regional alumni functions, and coordination with regional clubs.

The acceptance and processing of any gift that is not directly addressed by this manual is at the discretion of the Vice President for Development and University Relations, in consultation, where necessary, with the Advancement and University Relations Committee of the Board of Trustees and the Senior Vice President for Finance/Chief Financial Officer.

The Office of Sponsored Programs (OSP) is responsible for the solicitation, monitoring, and reporting related to faculty grants and research. OSP and DAUR are expected to maintain a close collaboration.

VI. Gift Acceptance Committee

Occasionally, some proposed gifts may require special review by Fordham University. On these occasions, the Vice President for DAUR will confer with the Gift Acceptance Committee prior to acceptance of certain types of non-cash gifts, subject to other specific provisions reflected in this document, including but not limited to: tangible personal property, cryptocurrency, real estate, art, restricted securities, interests in non-publicly traded entities, and intangible personal property, in order to evaluate whether the gift is appropriate.

The Gift Acceptance Committee consists of the following members or their duly appointed designees:

- Vice President for DAUR
- General Counsel
- Senior Vice President, Chief Financial Officer, and Treasurer

The Vice President for DAUR may consult with other internal resources, including a member of the President's and/or Provost's staff; associate vice president and controller; and others within the University.

This committee will also coordinate and review all amendments to the policies relating to gift acceptance.

VII. What Constitutes a Charitable Gift

A gift is a voluntary, irrevocable, gratuitous transfer to, and acceptance by, Fordham of cash or cash equivalent, securities, or property of value, or execution of an instrument that legally vests an interest of value in the University.

The Vice President for DAUR, in consultation with the Gift Acceptance Committee, determines whether a gift must be reviewed by the Board of Trustees or other internal Fordham entity before it can be accepted.

Gifts can come from individuals, corporations, partnerships, limited liability companies, private foundations, community or corporate foundations, donor-advised funds, public charities, estates, and trusts.

A gift may be made either *outright* (e.g., the donor retains no use of, or ownership in, the assets donated) or *in trust*, in which case the donor contributes to the University either a "future interest" in the asset's principal value or the present right to an income stream for a fixed term of years or lives of individuals.

Planned giving may benefit Fordham either *currently* or be *deferred*. An example of planned giving that Fordham would receive an immediate benefit from is a charitable lead trust. Deferred planned giving may consist of charitable gift annuities, charitable remainder trusts, beneficiary designations of life insurance policies, and retirement plan assets and testamentary charitable bequests, that is, gifts from the estate or living trust of the donor. All such planned giving is subject to the same gift acceptance policy as outright and/or current gifts.

The donor may designate a gift for *unrestricted* use by the University or a particular school or unit. A donor may also make a *restricted use* gift by designating a specific purpose for the gift. *N.B.*: Unrestricted gifts may not be protected from legal claims against the University.

The donor may limit the expenditure of a gift by adding the gift to an existing (or establishing a new) endowed fund. There are two types of endowed funds: *true* and *quasi*-, described in more detail in the *Gift Funds* section below.

All gifts restricted for endowment purposes will be accepted on the condition that, should the purpose for which the funds are provided cease to exist, the President shall recommend that the Board of Trustees allocate the income from those funds to a purpose that most closely matches the donor's intent. There may be cases where the University may be required to petition the applicable court or state authority/ies, such as the Attorney General's office, before making any reallocation.

In general, the University accepts as a gift any item of value that is the equivalent of cash or is readily saleable in a public marketplace, such as:

- Gifts by checks, including gifts made through telephone or online bill-paying services and from private foundations, community foundations, donor-advised funds, estates, public charities and public trusts, or other organizations given the mandate by the individual donor to transfer funds to the University for charitable purposes;
- Gifts by credit card, including online gifts;
- Publicly traded securities;
- Closely held or restricted securities, if there is a ready market;
- Mutual fund shares (with the caveat that the donor should request that the mutual fund company exchange the shares for cash, to be directed to Fordham); and,

- Gifts of Individual Retirement Plan assets made pursuant to the IRA charitable rollover provision made permanent by the Protecting Americans from Tax Hikes Act of 2015.

Non-cash gifts, such as tangible personal property, cryptocurrency, real estate, art, restricted securities, interests in non-publicly traded entities, and intangible personal property etc., valued at greater than \$20,000 must be reviewed by the Vice President for DAUR and the Senior Vice President/Chief Financial Officer before acceptance, in consultation with the Gift Acceptance Committee. See *Specific Types of Gifts Accepted by Fordham* below for information required for a complete review of a non-cash gift.

The purpose and use of a gift as specified by the donor must be appropriate to the mission, functions, and character of Fordham, as determined by the University's policies and procedures, and the Gift Acceptance Committee, if necessary, and not require Fordham to act contrary to the law or public policy in any manner.

Gifts should be in amounts appropriate to the specified uses and consistent with the University's published program and planning priorities. Gifts should not be directed to purposes that are so narrowly restricted that effective use or administration—either immediately or over time—will be problematic.

VIII. Ethical Considerations

Ethical behavior of those persons involved in receiving charitable gifts on behalf of Fordham University is mandatory for a successful gift program. No incremental financial gain as a result of a particular charitable gift shall accrue to any person employed by Fordham University.

If a donor/s or individual/s honored by a naming opportunity (e.g., named scholarship, professorship, space naming) above commits, or has committed, any act, or is directly or indirectly associated with the act of a third party, or suffers from diminished reputation, which, in the reasonable and good faith opinion of the University as determined by the Executive Committee of the Board of Trustees, damages or is likely to damage the reputation or integrity of the University, the University shall have the right to remove the name or names without liability to the University and without any obligation to return to donors any amounts paid to the University pursuant to the underlying gift agreement. The University shall provide the donors with thirty (30) days prior written notice that it is taking action under this provision.

IX. Conditions for Declining or Rejecting a Gift

Fordham University reserves the right to refuse a gift for any reason, including any gift that is not consistent with its mission. In addition to and without limiting the generality of the foregoing, gifts will not be accepted by the University if they:

- In the University's judgment, unlawfully discriminate on the basis of age, citizenship, color, disability, family responsibilities, gender identity or expression, genetic information, marital status, matriculation, national origin, personal appearance, political affiliation, race, religion, sex, sexual orientation, veteran's status, or any other factor prohibited by state and federal law. The Gift Acceptance Committee should review and approve potential exceptions to this clause;
- Contain gift restrictions that present a strong likelihood that changed circumstances may render use of the gift extremely difficult, impracticable, or impossible (in such cases, donors should be encouraged to include language in the gift agreement that will permit an alternative use);
- Commit the University to name a facility, program, or endowment unless the gift is irrevocable;
- Require any action that is unacceptable to Fordham's Board of Trustees;
- Require the future employment of any specified person;
- Contain unreasonable/unacceptable conditions, liens, or encumbrances, on gifts of partial interest and property;
- Require the University to spend excessive funds in an unplanned way in order to fulfill the purpose of the gift;
- Are intended to be tuition payments for a family member of the donor or any specified person (see IRS Publication 526);

- Are financially unsound, fail to provide a positive net present financial value, or which, in the University's sole judgment, could expose the University to unacceptable liability (including gifts of real estate which may expose the University to environmental liability);
- Place restrictions that impinge on the University's right to determine how the gift is to be invested. The investment policy of the University is administered by the Finance and Investment Committee of the Board of Trustees.
- Foreign country gifts will be reviewed on a case-by-case basis by the Vice President for DAUR.

Certain philanthropic "grants" consist of payments by a foundation or corporation in response to a proposal requesting unrestricted or restricted monies for a school or specified project over a set period of time. Although OSP monitors these grants, Fordham will record them in Fordham Advance, the University's database of record, and account for them in fund-raising totals.

X. What Is Not a Gift

The following transfers do not constitute gifts. While these transactions may benefit Fordham, DAUR will *not* record the value of these transactions as gifts:

- Any "grant" that involves contractual obligations of the University to perform services or deliver intellectual property or other products to the grantor. Such transactions are recorded and managed by OSP. (A transaction that involves a grant or contract may also include a separate gift which should be treated accordingly.)
- Federal, state, or city government funds;
- A transfer for the benefit of a specific individual (e.g., money to pay the tuition of a specific individual);
- Investment income on previous gifts to Fordham (e.g. dividends, royalties, rents);
- Interest income earned on gift funds;
- Transfer payments from department funds, medical practice plans, or other Fordham accounts;
- Contract revenues;
- Appraisal fees paid by donors in relation to their gifts;
- Professional services;
- Payment for goods and services. (Note: The only exception to this rule involves payments that are part gift and part non-gift.) See more details about this in the section *Quid Pro Quo Gifts* below;
- A contribution to an entity that is not legally part of Fordham (e.g., agency transactions);
- The right to use an individual's property, such as a vacation home, rent-free office space, or equipment; and,
- WFUV membership contributions.¹

Direct donor involvement in the administration of a gift is prohibited, although some advisory, consultative involvement may be acceptable. The convening of oversight committees should be discouraged in accepting a gift. If advisory boards are required as a condition of a gift, the majority of members should be appointed by the University.

XI. Specific Types of Gifts Accepted by Fordham

This section answers the following issues for several types of gift assets:

- Type of special documentation required to effectuate the transfer;
- Individuals who can accept the gift on behalf of the University;
- Date of the asset transfer;
- Value recorded on the University's gift records;
- Special handling required before the gift is made; and,
- Handling of the gift after it is received by the University.

¹ WFUV membership contributions are recorded at the station on MEMSYS, its database, and transferred to Fordham Advance in the aggregate.

Cash in the Form of a Check, Currency, or Wire Transfer

Special documentation: None

Who can accept: No special acceptance signature is required to complete the gift.

Value recorded in Fordham Advance: The face value of the check or cash or wire transfer.

Special handling: Gift officers must provide complete information about expected wire transfers to Advancement Services, including the name of the donor, the bank that will transfer the money, the gift amount, and instructions relating to the use of the gift.

Gifts by Credit Card

Donors may make gifts or partial gifts to the University using credit cards. Fordham accepts Visa, MasterCard, and American Express. There is no minimum or maximum amount. Advancement Services will not process non-gift transactions made by credit card unless the transaction contains a gift component.

Special Documentation: Direction from the donor, either (a) a written request signed by the donor, or (b) directions through the University's web page to make a charge against a specific credit card, either once or on a regular basis. Advancement Services needs the following information to record a credit card gift:

- The type of credit card
- The account number
- The card's expiration date
- The name of the account holder (not always the same as the donor's name)
- CVV or security code
- The name of the person taking the information

The donor should provide Fordham with instructions relating to the purpose of the gift.

Who can accept: No special acceptance signature is required for the gift to be complete. Gift officers may take instructions via telephone. Gift officers must take utmost care to protect the sensitive personal financial information such as credit card-related data. At no time should credit card information be transmitted via email. Gift officers must immediately destroy any handwritten notes containing credit card information, and should use the University's giving page to record the gift information directly.

Date of gift: The date the gift is charged against the credit card. The date of the gift is *not* the date that the donor provides instructions to charge a credit card. *N.B.:* This distinction can be important for donors who want to make gifts within a specific calendar year for tax purposes.

Value recorded in Fordham Advance: The amount of the gift.

Publicly Traded Securities [Without Sale or Trading Restrictions]

Gift securities are sold immediately, and the University generally will not agree to refrain from selling gift securities. If this is an expectation of the donor, the Vice President for DAUR must approve the gift before the transfer occurs.

Special documentation: A donor may transfer securities to Fordham in the following ways:

- By directing a broker to transfer shares electronically from a donor's brokerage account into a University account. To most efficiently effectuate the stock transfer, and ease tracking and designating gifts accurately, donors should ideally notify the gift officer and Advancement Services before executing the transaction;
- By delivering to the University a stock certificate, registered in the donor's name, along with a properly completed stock power and a letter of intent that directs the use of the gift;
- By sending a stock certificate, registered in the donor's name, to the corporation or to its transfer agent and directing it to be reissued in Fordham's name.

A donor should provide Fordham with separate instructions relating to the purpose of the gift.

Who can accept: The gift can be accepted by any University employee, but the Department of Finance and the Treasurer are responsible for selling all gifts of securities.

Date of gift: The date of a gift of securities is determined as follows:

Method of Delivery	Date of Gift
Electronic transfer of shares through a broker	The day the shares reach Fordham's stock account and the University has the power to sell them
U.S. mail	The day the donor puts the envelope in the mailbox, usually evidenced by postmark (unless there is some evidence that a different date is to be used)
Private mail carrier (e.g., UPS, Federal Express)	The day Fordham receives the envelope
Donor directs a corporation to reissue a stock certificate in Fordham's name	The day the corporation issues the new certificate, evidenced by the date on the certificate
Donor delivers a stock gift in person to a University representative	The day of the delivery

Note: The date of a gift of securities can be very important in circumstances where the donor wants to complete a gift by a certain date, such as at the end of a tax year or when the value of the stock is volatile.

Value recorded in Fordham Advance: The average of the high and low quoted trading values on the date of the gift. The only exception is stock that is delivered in-kind from estates, in which case, the net proceeds are recorded.

Special handling: Gift officers must work closely with Advancement Services on all stock gifts.

- Because of the cost of processing security transactions, Fordham prefers gifts of securities valued at \$1,000 or more.
- If unusual market or other conditions exist in relation to the gift of securities and it is in Fordham's interest to pay special attention to the sale of the securities, the donor and the gift officer must make such information known to the Treasurer's Office and other relevant parties at the University.

Fordham reserves the right to decline a gift of securities if market conditions or other factors exist that may hinder the expeditious sale/disposal of shares. These shares may include OTC (over-the-counter) or so-called "penny stocks," where there is a limited market.

Gifts of Mutual Fund Shares

Gifts of mutual fund shares are treated similarly to transactions involving publicly traded securities. Gift officers must instruct donors to have their shares in the mutual fund transferred to the University. The donor must make the request for the transfer, usually in writing, and complete transfer forms provided by the mutual fund company, and then submit to Fordham for countersignature by the Treasury. *N.B.:* Mutual fund transfers can take several weeks to execute.

- There are significant costs associated with the sale of shares in a mutual fund when the University does not have a preexisting account with the company. In those cases, the Treasurer's Office and Advancement Services strongly recommend that Fordham accept no gift in any such mutual fund valued at less than \$5,000.

Restricted Securities in Publicly Traded Companies

Fordham may accept gifts of stock in publicly traded companies that bear some restrictions evidenced by a "legend." This often occurs when the donor is a member of the board of directors of the corporation or some other insider who cannot sell or give away stock without limitations or penalty. Whenever possible, a donor should arrange to have the restrictions removed before making the gift. Otherwise, Fordham may be limited by the same restrictions.

These restrictions raise several important issues:

- The restrictions may affect the value of the gift and require the donor to obtain a qualified appraisal and file a Form 8283 in order to take an income tax deduction.

- It can take several months to work with the corporate legal counsel to remove the restrictions. This delays the sale of the stock and accordingly subjects the stock to market fluctuation for an extended period of time, which may not be in Fordham's best interest if the value decreases.

Special documentation: If the stock certificate bears a restriction legend, the legal department of the corporation must remove it before Fordham can sell the shares.

Who can accept: The Vice President for DAUR.

Date of gift: See the rules described in the section above concerning *Publicly Traded Securities*.

Value recorded in Fordham Advance: If the stock is truly restricted, Fordham cannot use the average of the high and low trading price for the securities on a public market. Instead, Fordham must use an appraisal of the securities secured by the donor (often submitted in connection with a Form 8283).

Special handling:

- It is important for donors to understand the complications relating to this type of gift.
- Gift officers working with the donor, as well as in consultation with the University's General Counsel and the Treasurer's Office, must work diligently to remove the restrictions as soon as possible so that the stock can be sold.

Securities in Non-Publicly Traded Corporations

Fordham can accept gifts of securities that are not traded on a public stock market. Such gifts can range from stock in closely held corporations, which have been in existence for many years and may have significantly appreciated, to stock in newly formed companies that have virtually no current value but may appreciate in the future. In many cases, the stock will not be sold for some time. Before accepting a gift of this type, Fordham must determine:

- How the value of the securities will be determined
- Whether there is a market for the sale of the securities
- When to sell the securities and at what price

Fordham must make no representations to the donor about how the University will use the proceeds of sale of the securities until after the sale is complete and the amount of net proceeds is known.

Special documentation: All gifts of non-publicly traded securities must be accompanied by an agreement between the donor and Fordham that sets forth the expectations of the donor and the University. It will usually be the responsibility of the gift officer who best knows the donor, in consultation with the Office of Stewardship and the Office of Gift Planning, to prepare this agreement.

Who can accept: The Vice President for DAUR, in consultation with the Gift Acceptance Committee.

Date of gift: See the rules described above in the *Publicly Traded Securities* section.

Value recorded in Fordham Advance: (a) the appraised value of the securities as secured by the donor (often submitted in connection with a Form 8283).

Special handling:

- Only the net proceeds of the gift (and not necessarily the fair market value of the stock on the date of the gift) will be applied against any pledge.
- At the time Fordham accepts a gift of non-publicly traded securities, the Office of Gift Planning will be responsible for monitoring and selling the asset, and must notify the Treasurer's Office when the stock should be sold.
- The Treasurer's Office will hold the stock certificate, but it will not be responsible for monitoring its sale. When directed by the Office of Gift Planning to sell the stock, the Treasurer's Office should take such action within a reasonable time. The Treasurer's Office shall inform Finance of the sale so that it can file Form 8282, if required.

Real Estate

The Vice President for DAUR has designated the Senior Director of Gift Planning (in collaboration with the Gift Acceptance Committee) with the responsibility for coordinating gifts of real property to the University. This includes initial discussions with potential donors, evaluating the desirability of accepting an offer of

a particular gift, site inspections of the potential gift when possible, and once accepted, ensuring that all necessary steps are taken to facilitate gift acceptance.

After receiving the recommendation of the Gift Acceptance Committee, the Board of Trustees is responsible for the final decision whether to accept the gift.

It is recommended that the minimum value of a gift of real estate be \$100,000, net of costs and other expenses related to disposing of the property. Before Fordham can accept a real estate gift, the donor must secure a Phase I Environmental Site Assessment. This inspection would confirm that there are no environmental hazards that could expose Fordham to future liability or remediation expenses. The donor must bear the expense of any environmental investigation and remediation activities. Fordham must also look at a number of other issues, including the existence of special zoning or use restrictions, mortgages or liens against the property, and other circumstances that could affect the future sale of the property.

The University must have a plan for the marketing and sale or use of the property before it accepts title. If there will be expenses during the period that Fordham holds the property, Fordham must identify a source of funds to meet those expenses. The University must receive an appraisal provided and paid for by the donor, which provides reliable information that can be used for booking the gifts and listing the property for sale.

If the donor does not want the real estate to be sold, then the feasibility of owning and maintaining the property, including the expenses therefor and providing flexibility for future changed circumstances, must be considered on a case-by-case basis.

Special documentation: A donor generally signs a deed to transfer most gifts of real property. A major exception is an interest in a co-op apartment, the title of which passes by issuing shares of the co-op corporation into Fordham's name.

Who can accept: Documents accepting gifts of real property must be signed by (a) the Vice President for DAUR and (b) the Senior Vice President/Chief Financial Officer.

Date of gift: Once the University has agreed to accept the gift of real estate, the date of the completed gift is determined in the table below.

Method of Delivery	Date of Gift
Donor delivers deed in person to a University representative	The day of the delivery
U.S. mail	The day the donor puts the envelope in the mailbox, usually evidenced by postmark (unless there is some evidence that a different date is to be used)
Private mail carrier (e.g., UPS, Federal Express)	The day Fordham receives the envelope
Donor sends deed to Recorder's office, directing Fordham as official owner	The day the deed is recorded

Value recorded in Fordham Advance, in the following order of preference: (a) the appraised value of the real property as secured by the donor (often submitted in connection with a Form 8283), or (b) the net proceeds of sale.

If real estate is used to pay off a pledge, the donor will gain credit only for the net proceeds received by the University, unless otherwise negotiated by Fordham and approved by the Vice President for DAUR.

Special handling:

- It is critical that Fordham representatives work closely with the donor to create reasonable expectations about the timing and the amount of the sale. Fordham needs to understand how much the donor wants to be involved in the process.
- Gift officers must represent to the donor that the purpose and/or use of the net proceeds of the gift may be dependent on the net proceeds of sale. If a minimum threshold dollar amount is needed to effectuate the donor's intended purpose, then the written gift agreement must reflect this and provide for an alternative use of the funds within Fordham if the threshold amount is not met.

Tangible Personal Property (Excluding Equipment)

This section applies to gifts of:

- Artwork
- Books, manuscripts, collections, and other library materials
- Other tangible personal property

Special documentation: A form of assignment, transferring ownership of the property to Fordham. If the donor expects Fordham to use the property in a particular way, or if the donor intends for Fordham to sell the asset and use the proceeds in a particular way, which may include the establishment of a fund, the donor and Fordham must enter into a written agreement setting forth the terms.

Who can accept:

Artwork: Vice President for DAUR and the Curator of University Art, as necessary. Artwork must be accompanied by documentation confirming provenance.

Books, manuscripts, collections, and other library materials: Vice President for DAUR and the Director of University Libraries. Collections should be considered for acquisition if they provide unique educational or research value to the University's collections.

Other items intended to be used by Fordham for its educational purpose (e.g., laboratory equipment): Vice President for DAUR in consultation with relevant dean, or Gift Acceptance Committee, as appropriate.

Date of gift: The date the property is delivered to Fordham with a completed form of assignment.

Value recorded in Fordham Advance: A qualified independent appraisal of the asset secured and paid for by the donor (often submitted in connection with a Form 8283).

Special handling:

- There may be issues regarding tax deductibility of tangible personal property, "related use," and appraisals as dictated by the IRS.
- Donors who give self-created art can deduct only the value of the materials used.
- No work of fine or decorative art is to be sold, transferred, or otherwise disposed of without the approval of the Curator of University Art.
- If Fordham is going to retain the property, the librarian, curator, or gift officer must consult the Department of Finance to identify, among other things, anticipated expenses to own and maintain the property and the feasibility and source of funds to pay such expenses. Consideration should be given to whether the donor must also provide a cash gift to support the expenses.

Intangible Personal Property (Cryptocurrency, Software, Royalties, Copyrights, Patents)

Gift officers must notify the Vice President for DAUR and the Gift Acceptance Committee regarding prospective gifts of intangible personal property like cryptocurrency, software rights, royalties, copyrights, patents, and other intellectual property.

The feasibility of accepting, owning, and maintaining the property, including the expenses therefor and providing flexibility for future changed circumstances, must be considered on a case-by-case basis.

Equipment

All gifts of equipment must be approved by the appropriate dean, taking into account the recommendations of a faculty member or a principal investigator. The Vice President for DAUR will make the ultimate decision on accepting the gift, and will sign appropriate documentation, including the form 8283.

Limited Partnerships and Interests in Other Non-Publicly Traded Entities

Gift officers must submit prospective gifts of limited partnerships interests, or any other non-publicly traded entity, to the Vice President for DAUR and the Gift Acceptance Committee for its consideration.

Honoraria, Awards, and Salary

Fordham faculty or staff members may receive an honorarium for a speaking engagement or a cash award. These payments are taxable income to the faculty member, and the faculty/staff member should receive a 1099 from the organization that makes the payment. The faculty/staff member may then initiate a gift to

Fordham of the honorarium or award by endorsing the check to Fordham or writing a separate check to Fordham in the same amount, and Fordham will issue a gift receipt to the donor.

In certain circumstances, a faculty/staff member may work with the sponsoring organization to waive the honorarium. The organization will write a check to Fordham. The organization will receive credit for the gift, and the faculty/staff member can receive recognition credit.

The rules relating to honoraria apply equally to awards received by faculty and staff members.

Fordham employees may make a gift of their salary to the University, but they must first accept the salary as personal income, and remit donation via cash, check, or other acceptable method as noted above.

Unreimbursed Expenses

A donor may treat certain reasonable unreimbursed expenses as a charitable contribution if the expenses were incurred while performing some service that was previously authorized to be treated as a gift by the Vice President for DAUR. These expenses may include the costs of transportation, meals, and lodging, or out-of-pocket expenses incurred when donors use their homes for fund-raising purposes. Receipts and supporting documentation must be submitted with the gift. These gifts are recorded as gifts-in-kind.

Donors may not deduct (and Fordham will not record as a gift) professional services rendered by a donor. Examples of such services are lawyers providing legal advice or chefs catering a dinner. (A chef may deduct the cost of the food only, for example.)

Life Insurance Policies

It is Fordham's standard policy to liquidate life insurance policies at the time of the gift. Gift officers must advise the Vice President for DAUR regarding any prospective gifts that involve insurance policies, who must thereafter consult with the Office of Gift Planning and the Office of Legal Counsel.

If approved, donors may make outright gifts of new or existing policies by naming Fordham University both owner and beneficiary of the policy. If Fordham is named both owner and beneficiary, the life insurance policy may be counted as a gift. Such a gift makes the donor eligible to be a member of the 1841 Society.

The University accepts gifts of fully paid-up life insurance policies. Upon receiving a fully paid-up policy, the Senior Vice President/Chief Financial Officer, acting on behalf of the University as owner, may surrender it to obtain the cash value or may keep the policy until the death of the donor.

A donor may also take out a new term policy that names Fordham University as the irrevocable owner and beneficiary and may make annual contributions of the premium amount to the University. *The University is under no obligation to apply the gift to the premium payment.* The continuance of the policy payments is at the discretion of the Senior Vice President for Finance/Chief Financial Officer.

The University may also be asked to accept as a gift a policy that is not fully paid, and which requires future payments of premiums. The University will require the donor to enter into a written agreement indicating an understanding that Fordham will pay these premiums only if it receives unrestricted gifts from the donor that can be used for this purpose.

The University will not accept gifts that are restricted for the purpose of purchasing insurance on the donor's life.

Death benefits from a life insurance policy are treated as a bequest. (See *Bequests*.)

Note: Many insurance products are complicated, especially those that require investment of Fordham resources. They require careful legal analysis to make certain IRS requirements are met and whether Fordham should accept them. The Office of Gift Planning and the Office of Legal Counsel should review all such potential gifts before Fordham accepts them.

Special documentation: A form of assignment provided by the insurance company, and a letter or gift agreement from the donor directing the use of proceeds from the policy.

Who can accept: The Vice President for DAUR.

Date of gift: The day the insurance company records Fordham as the owner of the policy.

Value recorded in Fordham Advance: Consult with Office of Legal Counsel to ensure compliance with federal tax laws and whether Form 712 is required. Generally, Non-Term policies: cash value of the policy plus five (5) years of premium payments and Term Life policies: value of premiums. Requirements regarding the institutions' ownership of and beneficiary status in the policy apply, consistent with policy already in place.

Special handling: The Department of Finance is responsible for monitoring life insurance policies owned by Fordham, and coordinates with the Office of Gift Planning. Generally, the University will not use its own funds to make insurance premium payments; if a donor does not make gifts required to make the payments, the University may sell the policy before it lapses.

Death benefits from life insurance policies or from retirement plans, upon the death of the owner, are treated as bequests for the purposes of gift crediting. They should be coded as a bequest in Fordham Advance. Documentation should be copied to the General Counsel, in the event that office has not been informed of the gift.

XII. Gift Valuation

Fordham University follows IRS guidelines for recording gift values. In the absence of IRS guidance, the University will follow best practices in the industry. Fordham and its auditors require proper documentation for any gift.

Fordham will record the “fair market value” of each gift in Fordham Advance: what a willing buyer would pay to a willing seller, both having reasonable knowledge of the asset and neither being under a compulsion to act.

- Cash and checks will be recorded at full face value. The donor recorded for gift processing purposes is the owner of the account on which the check is written. If a donor uses his/her private foundation, donor-advised fund, and/or corporation to make a gift, it may be “soft-credited” (also called recognition credit) to the donor’s record.

For all gifts other than cash or publicly traded securities, Fordham must receive an appraisal of the gift asset in order to record the value of the gift in Fordham Advance.

This appraisal may come from either:

1. Internal Revenue Service Form 8283, the IRS form that a donor must complete and submit in order to take an income tax deduction for any gift (other than cash or publicly traded securities) valued at more than \$5,000 (or closely held securities valued at more than \$10,000). This appraisal must be prepared by a qualified independent appraiser; or
2. Other information that supports the fair market value provided by the donor and acceptable to Fordham.

Fordham will sign a donor’s completed Form 8283 to certify receipt of a gift only if the form includes the donor’s Social Security Number (or the entity’s tax ID number). The Vice President for DAUR is authorized to sign a Form 8283 on Fordham’s behalf.

If Fordham sells or disposes of the asset within three years of the date of the gift, the University must report the transaction to the Internal Revenue Service on a Form 8282. Finance will have the responsibility to file the Form 8282 upon the sale or disposition of the gift property.

XIII. Gifts from Individuals

Individuals may make gifts in the following ways:

Outright

An outright gift is the irrevocable transfer of money or property with no rights reserved by the donor. Fordham records in Fordham Advance the fair market value of the gift as of the date the transfer is complete.

Interests in Trusts and Life Income Gifts

Fordham can accept gifts in which the University has a remainder interest in a trust of property and in which the trustee has an obligation to pay income to the donor and/or other beneficiaries for their lives or a certain term. The University’s ability to use the gift is deferred until the income beneficiaries die or the trust otherwise terminates. These planned gifts may include charitable gift annuities, charitable remainder unitrusts (CRUTs), or charitable remainder annuity trusts (CRATs).

Fordham also can be the beneficiary of a Charitable Lead Trust (CLT) where Fordham’s interest is in the form of a guaranteed annuity interest or a unitrust interest and the remainder is given to non-charitable beneficiaries. If the trust is properly structured, the donor may receive a deduction for the income interest.

Funds held in *trust by others* are derived from private gifts and bequests held in trust for investment by outside trustees. The terms of the trusts that established such funds vary; the University may be designated as income beneficiary, principal beneficiary, or both. These funds are recorded in the Department of Finance general ledger. As income is disbursed to the University by the trustee, it is accounted for and used in the same manner as income from endowment funds.

Fordham records these gifts in Fordham Advance based on a present value calculation provided by the Office of Gift Planning, determined by the IRS. Face value is also recorded as a point of reference for deferred gifts (gifts in trust in which Fordham has a remainder interest).

Gift officers must consult with the Office of Gift Planning for all gifts that contain a planned gift element.

Bequest

Fordham can accept gifts transferred pursuant to decedents' wills, revocable living trusts, beneficiary designations of life insurance policies not owned by Fordham or retirement funds, or other estate planning documents.

A "bequest intention" is documented evidence that Fordham will receive a bequest upon a donor's death. A bequest intention is nonbinding, but the goal of the document is to provide Fordham with additional information on the donor's expected future gift and guidance on how the funds should be held, administered, and used, if and when the gift is effectuated.

During a University campaign, the Board of Trustees may approve of specific campaign counting guidelines for bequest intentions based on the age(s) of the donor(s) and the length of the campaign.

Via Third-Party Entities

Fordham receives gifts from private foundations, donor-advised funds, or private companies at the advice or recommendation of third-party friends. Although these gifts would not come to Fordham without that direction or advice, Fordham books these gifts on Fordham Advance on the record of, and issues a receipt to, the legal entity issuing the check. Fordham enters soft, or recognition, credit in Fordham Advance to the party who advocated for the gift on Fordham's behalf.

Matching Gifts

Fordham receives gifts from companies that match the contributions of their employees. Fordham allocates these matching funds to the same purpose as the donor/employee's original gift, unless the policies of the company prohibit matching gifts to particular allocations. (We cannot verify a gift as a matching gift if the gift contravenes corporate matching policies.) Fordham books these gifts on the records of the company (hard credit) and issues a receipt to the company. Fordham gives soft, or recognition, credit to the donor in Fordham Advance.

XIV. Pledges/Promises to Give Over a Period of Time

Fordham will accept a donor's written promise to make gifts over a period of time. Such a promise is often called a "pledge." Pledges are recorded using the following guidelines:

Fordham will record the face value of an *unconditional* pledge of \$5,000 or more in Fordham Advance if it has appropriate documentation from the donor and can reasonably expect the donor to fulfill the commitment within five years. The written document, using standard templates, must include:

- The amount the donor promises to give to Fordham;
- Payment schedule (generally not to exceed 5 years);
- The purpose for which the gift will be used;
- If for a scholarship fund, preferences about eligible candidate criteria (e.g., scholarship recipients) must be stated as preferences rather than conditions, to provide the University with flexibility in awarding scholarship awards.

Payments against the pledge are recorded using the fair market value of the gift as of the date of the gift.

In order to put endowments to work quickly and preserve their present value, promises to give/pledges should be paid within five years of commitment. Exceptions must be approved in advance by the Vice President for DAUR, in consultation with the Provost, and/or appropriate dean.

Pledges to the Annual Fund in amounts of less than \$5,000 are recorded in Fordham Advance only if the donor plans to fulfill the commitment with a single payment made within the fiscal year. It is the gift officer's responsibility to follow up with the donor regarding pledge fulfillment.

Matching gifts or gifts from donor-advised funds or community foundations will not be credited toward the fulfillment of a donor's pledge. CASE guidelines state the following: "[O]nly the entity exercising legal control over the assets to be given can make a pledge. Therefore, an individual cannot make a pledge that includes anticipated matching contributions from an employer or some other source. Nor can an individual commit funds that may come from a donor-advised fund or community foundation. A countable pledge includes only those funds that will be given by that legal entity."²

If Fordham receives gifts from a donor-advised fund in lieu of an appropriate pledge payment, Fordham will enter that gift from the donor-advised fund as a new gift and reduce the original pledge by the corresponding amount.

The Office of Stewardship/Donor Relations prepares pledge reminders for major gift commitments (pledges of \$25,000 or more) and distributes these to donors twice per year (November and May). Gift officers are responsible for helping to work with donors in their portfolios to ensure fulfillment of pledges of less than \$25,000.

Originals of gift agreements and other documents relating to pledges are kept by Stewardship/Donor Relations, and are shared with and audited by the University's Department of Finance and the University's independent auditor.

For additional information, see discussion of *Gift Agreements* below.

XV. Gift Funds

All gifts must be directed to a specific gift fund in accordance with donor intent and recorded as such in Fordham Advance. All gifts requiring the creation of a *new* endowed fund must be documented in writing from the donor. The gift officer should request that the donor indicate on the "memo" line of the check, or other reference line, the intended gift fund, school, department, or program. However, if a donor only provides verbal instructions to add a gift to a currently existing fund, the gift officer must document these instructions with an email or memo, copied to the donor, confirming details of these instructions.

A donor may designate a school, department, or program as the *recipient unit* of a gift and *purpose* for which the gift is used.

- If the donor does not designate a specific recipient unit or purpose of a gift, the gift will be designated "unrestricted" and added to the Fordham Fund.
- If the donor designates a recipient unit but not a specific purpose, the gift will be restricted to the recipient unit's general gift fund, or such other fund as directed by the dean or other person responsible for spending gifts to the recipient unit.
- If the donor designates a specific purpose for a gift, Fordham will either add this restricted gift to a currently existing fund with the same purpose or, in the case of large gifts, create a new fund with a new gift agreement for the specified purpose as may be necessary.

A gift fund can either be *unrestricted*, either for the University or an identified school, department, or program, or *restricted* to a particular use. A gift fund can be one of the following types:

Non-Endowed (also known as Current Use): Fordham may spend the entire gift held in a fund for immediate expenditure. Non-endowed funds do not earn interest.

Endowment: Refers to funds that are invested in Fordham's endowment pool, the income from which may be spent to support a particular initiative, as articulated in a gift agreement.

True Endowment: The funds are invested in Fordham's endowment pool. Each year, the Trustees evaluate the established "spending rate" for each fund, which may equal a portion of the cumulative income and appreciation earned on the endowment investments, but determined annually according to Fordham's policies, state law, the New York Prudent Management of Institutional Funds Act ("NYPMIFA") and subject to any restrictions imposed within a particular gift agreement.

² CASE Reporting Standards & Management Guidelines for Educational Fundraising, 4th Edition, 2009, p. 19.

Quasi-Endowment: These funds, designated as such by the University's Board of Trustees, are also invested in Fordham's endowment pool. Along with the endowment payout, Fordham *may* spend all or any part of the excess endowment earnings as well as the original gift.

Fordham's endowment and other investments—most of which are held in an investment pool—are professionally managed in accordance with investment policies established by Fordham's Board of Trustees. The Finance and Investment Committee of the Board of Trustees sets an asset allocation plan to diversify pooled investments; the committee closely monitors and adjusts this plan from time to time.

Generally, the University's overall investment strategy for endowments is to maximize long-term capital appreciation that adheres to prudent investment principles, while allocating a proportion of the endowment fund to support endowment-funded activities. To make this allocation, the University determines the annual spending rate based on a percentage of a three-year average market value of pooled investments. This spending rate, derived from the three-year average market value of pooled investments, is intended to provide a meaningful amount to each endowed program, while ensuring that the fund will continue to grow against inflation over time. Currently, the spending rate is 4.5 percent [2019–2020].³

From time to time, the senior leadership of DAUR, in consultation with colleagues across the University, will set minimum funding requirements for certain funds that will support specific purposes, such as endowed scholarship and fellowship funds, or professorship funds. Unless Fordham has received gifts to meet the minimum funding requirement when the fund is established, the terms of the gift agreement will indicate that the named endowment will be merged into an endowed fund at the University whose purpose University leadership deems to be the most consistent with the donor's intent.

Fordham will create a new endowment fund with the following documentation:

- A gift agreement signed by the donor and a designated University signatory, setting forth the terms of the fund. This is often a document that will accompany the gift that establishes the fund, and/or it will include the terms of the donor's promise to make gifts to go into the fund. University template agreements, where one exists, must be used; and

A copy of the appropriate estate planning documents when the fund is established by bequest.

The following elements must be a part of the terms of every gift fund:

- The type of fund (endowment or non-endowed); and
- The purpose of the fund, stated in terms that are broad enough that Fordham can always meet the purpose, including a provision allowing the University to direct the funds to another purpose, if it becomes impossible, impracticable, or unlawful to fulfill the stated purpose (cy-près).

XVI. Reporting Gift Revenue

DAUR is responsible for reporting gift revenue to the Fordham University Board of Trustees, CASE, the Council for Aid to Education (CAE), the Voluntary Support of Education (VSE) survey, and the Association of Jesuit Colleges and Universities (AJCU).

- All gifts to the University shall be reported in a manner consistent with the standards recommended by CASE (see *CASE Reporting Standards and Management Guidelines*, published by CASE).
- DAUR prepares an annual report (the *Annual Review of Gifts and Benefactors*) expressing the University's gratitude to the Fordham community, noting donors who are members of the Archbishop Hughes Society, the 1841 Society, the President's Club (\$1,000 and above), and the Young Alumni President's Club, as well as by class (\$250 and above).
- The University will provide the lead donors (\$10,000 or more to a specific fund) of named scholarships and other endowed funds with annual financial reports on the fund's market value. This data will report on performance at the end of each fiscal year. The University does not share any unaudited data for any other time period other than fiscal year-end with donors.
- Fordham considers all gifts to the University and accompanying correspondence as confidential information, with the exception of the publication of donor honor rolls in the annual report. If the donor requests anonymity, DAUR will take steps to protect his or her identity (to the extent permissible).
- All reports will be based on the University's fiscal year, July 1 to June 30.

³ Additional details about the calculation of the spending formula may be found on:
https://www.fordham.edu/info/25760/university_accounting/8956/spending_formula

- If a donor requests a Form 8283 for a gift of publicly traded securities or other non-cash gift, the donor must complete the form and submit it to Fordham for signature by the Vice President for DAUR.
- Should Fordham choose to sell, exchange, or otherwise dispose of any gift other than cash, checks, or publicly traded securities within three years of the date of the gift, the University will furnish the donor and the Internal Revenue Service with a completed IRS Form 8282, as required by law.

XVII. Receipts to Donors for Gifts

Federal Law requires Fordham to issue a contemporaneous written receipt to every donor who makes a gift valued at \$250 or more. Fordham provides a receipt for all gifts, irrespective of amount. Without this receipt, the donor may not report their charitable contribution on their tax return.

Except for gifts made by bequest and through life income arrangements, Advancement Services in DAUR issues official University gift receipts for gifts received by Fordham. The Office of Gift Planning issues confirmations for gifts made by bequests, when requested, and all gifts made through life income arrangements.

In order to receive a receipt, a donor must make a gift that qualifies as a tax-deductible charitable gift by Internal Revenue Service rules. Only gifts recorded in Fordham Advance will be receipted. Gifts incorrectly deposited into another University unit (e.g., through the Department of Student Financial Services) will not be officially receipted (however, upon notification, Advancement Services will assist in correcting the error through a funds transfer and then issue a receipt).

Advancement Services requires the following information to issue a receipt:

- Name of the donor(s)
- Address of the donor(s)
- Date of the gift
- Description of the gift property
- Fair market value of the gift property

Receipts issued by Advancement Services will state language confirming that the donor's gift is tax deductible:

"Federal income tax law requires us to inform you that no goods or services were provided to you in return for your gift. Therefore, within the limits prescribed by law, the full amount of your gift is deductible for federal income tax purposes."

However, if a gift is made in connection with a special event, where the donor receives a benefit, the donor receives only the amount of the contribution that exceeds the value of the goods and services received. Advancement Services staff will collaborate with the development officer(s) orchestrating the event to determine the benefit amount that is not tax deductible. See the section below relating to *Quid Pro Quo* contributions.

For gifts made in Canadian currency: the Canadian Revenue Agency (CRA), the Canadian federal agency that administers tax laws for the Government of Canada, requires specific language on the receipt. Advancement Services has details.

XVIII. Gift Agreements

Fordham University has a fiduciary responsibility to ensure that each donor's wishes are observed, that each gift is used only for the purpose(s) stated by the donor(s), and that all gifts are subject to applicable University policies. Fordham must ensure that it earns and retains the respect and trust of the general public and that donors and prospective donors can have full confidence that it has administered and distributed their funds in a prudent and efficient manner consistent with their intentions.

The determination of donor intent must be supported by a signed gift agreement or other pertinent documentation stating the donor's intent. Fordham prefers to work with donors to develop written agreements with respect to the name, nature, and use of their gifts at the time the gift is made. Because difficulties can arise when the terms of a gift are expressed unilaterally—such as a gift made by a will—donors are encouraged to discuss their wishes with Fordham in advance to ensure feasibility and

appropriate planning. In such cases, a statement of intent is beneficial (see applicable section herein). By doing so, both the donor and Fordham can be sure that the gift will be used in accordance with the donor's intended use.

Fordham's internal controls require that the University have on file a gift agreement (or statement of intent) signed by the donor acknowledging the gift/promise to give/pledge, the time frame, and the purpose, if known and decided upon at the time the gift/promise to give/pledge is made.

Gifts to Fordham can be much more effectively defined, managed, and stewarded with a consistent agreement signed by both the donor and a designated University signatory. Beyond the greater clarity and efficiency afforded by these agreements, other advantages to this standard include:

- The ease of using a consistent document outlining University policy and affirming the seriousness with which we take our custodianship of philanthropic gifts
- The inclusion of alternate language to create as much flexibility as possible, should future circumstances change
- Support for gift officers encountering potential donors wishing to create gifts outside the scope of University policies
- Donors will appreciate that we are respecting their wishes and codifying their intentions
- The agreement becomes part of the University's records and is intended as a guide for those who will administer it in the future

Gift agreements are required for:

- All gifts and promises to give/pledges creating true endowment funds
- All gifts and promises to give/pledges that require the establishment of new fund accounts
- All gifts and promises to give/pledges of \$5,000 or more (unless gift is unrestricted)
- Any ongoing, multiyear obligation between a donor and the University
- Any project that requires the commitment of funds by the University
- Any significant capital project not previously approved by senior Fordham management
- A naming opportunity
- All gifts and promises to give/pledge of non-cash assets

Gift officers must collaborate with Stewardship/Donor Relations on each agreement before sending to the donor for signature, using a standard template. The Vice President for DAUR (and dean or other University official, if appropriate) will sign each document on behalf of the University *after the document has been signed by the donor*.

Restrictions and Preferences

The gift agreement must spell out all restrictions and/or preferences on the use of a gift. The terms of any gift should be as flexible as possible in order to permit the most productive use of the funds, while also clearly stating the intent of the donor. In the case of endowed funds, gifts that contain fewer restrictions and/or preferences are more likely to be used effectively in the future.

Restricting the use of a gift for a particular purpose means that the gift will be used only for that directed purpose. Specifying a preference for the use of a gift for a particular purpose means that Fordham will make its best effort to ensure that the gift will be used for that directed purpose; however, in the event that the specified preference cannot be met, Fordham will use the gift for a purpose that best resembles the donor's intent.

Unallowable Terms Regarding Gift Agreements

- Clauses in proposals, solicitations, or gift agreements that unlawfully discriminate in favor of or against anyone's age, citizenship, color, disability, family responsibilities, gender identity or expression, genetic information, marital status, matriculation, national origin, personal appearance, political affiliation, race, religion, sex, sexual orientation, veteran's status, or any other factor prohibited by state and federal law. The Gift Acceptance Committee should review and approve potential exceptions to this clause.

- Gifts that restrict or impede the work or scholarly activity of a faculty member, fellowship holder, or student.
- Fellowship or scholarship gifts that in any way include a commitment from Fordham for the future acceptance, employment, or provision of funds to or for any specific student recipient.
- Gifts with a condition that the donor may serve on a committee involved in the final selection or evaluation of students or faculty members who will receive funds related to the gift.
- Gifts that indicate preferences for relatives or descendants in the awarding of scholarships or in the use of donated funds.
- Gifts from any donor for a fellowship or scholarship given on the condition or with the understanding that the award will be made to a student of the donor's choice. Money received subject to such restrictions may be credited to a depository account within Fordham's Financial Aid Office but will not be recorded as a gift to Fordham.
- Gifts that require the inappropriate administration and/or direction for use by the donor or a third party.
- Additional unallowable terms and conditions not listed here should be evaluated by the Gift Acceptance Committee.

Making Changes to Existing Gift Agreements

Addendums and re-designations of an existing gift agreement can be initiated by either the donor or Fordham. In either case, there should be mutual agreement between both parties, and any changes must be documented in writing and signed by both the donor and Fordham. In cases where the donor is no longer available and the gift agreement does not provide clarity regarding who can make adjustments to the gift agreement, DAUR, in consultation with the Office of Legal Counsel, will determine who may have proper standing to make adjustments to the gift agreement pursuant to applicable law. Gift officers must consult with Stewardship/Donor Relations and the Office of Legal Counsel on modifications of gift agreements, especially in those cases where the documentation is not clear.

XIX. Bargain Sales

In limited circumstances, Fordham may purchase an asset for less than its fair market value. This "bargain sale" results in a gift from the owner of the property in an amount equal to the difference between the fair market value and the purchase price paid by Fordham.

The Office of Gift Planning, working with the Vice President for DAUR and the Gift Acceptance Committee, will generally be responsible for coordinating the efforts of appropriate University offices in the consideration of a bargain sale transaction.

XX. Scholarships

All named scholarships must be governed by a written scholarship gift agreement, signed by the major benefactor(s) (or, in the case of a scholarship established by bequest and not documented prior to the donor's death, by the executor of the will). Scholarships may be endowed or non-endowed. In many cases, donors intend to create a scholarship endowment that will provide an income stream to be used to fund the Fordham education of a student or students. Donors may also choose to create a current-use (non-endowed) scholarship that will provide resources for as long as funds are available. The purpose of the scholarship agreement is to ensure that the parties within Fordham that are responsible for executing the award understand the donor's wishes.

The agreement will take a standard form as articulated in the DAUR gift agreement templates. The gift level must meet or exceed the established minimums for creating a scholarship fund, either through a pledge or bequest (if endowed). In all cases, the gift agreement will include:

- The formal name of the scholarship
- The donor's wishes: need- or merit-based award, and wishes regarding the recipient's school or unit at Fordham. If the award is based on a student's ability to pay, the Office of Student Financial Services will be involved in the selection and identification of candidates.

- The donor's wishes regarding preferences, if any. These wishes must be couched in the form of preferences, to provide flexibility in cases where there are no candidates who fit the principal selection preferences.
- The agreement may also include background regarding a memorial or honorary gift, to provide background to the scholar-recipient for stewardship purposes.
- A clear statement that recipients will be chosen by appropriate University officials only.

In all cases of scholarship awards, the Office of Student Financial Services, or the appropriate dean's office, will notify the student of an award, and post the award against the designated student account. Once this has been done, development staff and interested parties may engage donors and students as part of the stewardship activity. This is so that communications with the student are coordinated, and there is no possibility of misunderstanding or confusion about any awards.

The Office of Stewardship will provide benefactors with information about financial performance (for endowments) and award recipients (recipient name, school/class year, major).

XXI. Professorships and Chairs

All gifts to establish faculty professorships and chairs will also be governed by an executed gift agreement, signed by the major benefactor(s) (or, in the case of a professorship or chair established by bequest and not documented prior to the donor's death, by the executor of the will). Professorships must be established in consultation with the Vice President for DAUR and the President and/or Provost. The purpose of the agreement is to ensure that the parties within Fordham who are responsible for executing the award understand the donor's wishes.

The agreement will take a standard form, using the gift agreement template discussed elsewhere in this document. The gift level must meet or exceed the established minimums for creating a professorship endowment, either through a pledge or bequest. The gift agreement will include:

- The formal name of the professorship/chair
- A clear statement that recipients will be chosen by appropriate University officials only
- The donor's intentions for the field of study
- The donor's wishes regarding the Fordham school or college
- The donor's wishes regarding additional preferred selection criteria, if any
- The agreement also may include background regarding a memorial or honorary gift, to provide background to the professor for stewardship purposes.

The Office of Stewardship will provide benefactors with information about financial performance. Stewardship will also collaborate with the Office of the Provost, who will provide benefactors with reports on academic/programmatic activities of the professorship.

XXII. Bequests

The University gratefully accepts bequests and other estate gifts. Gift officers who learn of a bequest or other estate gift, whether intended or realized, must apprise the Senior Director of Gift Planning, who will manage this portion of the donor's giving to the University.

The donor's will or other estate document (e.g., trust agreement) communicates the wishes of the donor. The executor, trustee, counsel for the estate or trust, heirs, or family members do not have authority to modify or otherwise direct the use of an estate gift.

The University follows the instructions of the donor as to use of the gift. However, it is the University's prerogative to decline gifts that do not fit with the University's mission.

The alumni and friends of the University who have notified us that Fordham is in their will or estate plan or who have made irrevocable deferred gifts to Fordham are recognized by being made members of the 1841 Society. Development officers must advise the Office of Gift Planning that an alumnus/a or friend has included Fordham in his/her estate plan. Any school or department that receives a bequest must send that gift and all relevant information to the Office of Gift Planning.

The Office of Gift Planning is responsible for monitoring and processing all bequests that come to the University after the death of a donor. Such bequests include:

- Gifts from the estates under probate
- Distributions from formerly revocable living trusts under administration
- Distributions from irrevocable outside trusts
- Proceeds of life insurance
- Distributions from IRAs, other retirement funds, and other contracts which name Fordham as the beneficiary of death benefits

The Office of Gift Planning, in collaboration with the Office of Legal Counsel and Advancement Services, will:

- Be responsible for all communications with the attorneys for estates and trusts, insurance companies, retirement fund managers, or other financial institutions.
- Review all legal documents relating to bequests and testamentary gifts.

Note: The Office of Legal Counsel will be primarily responsible for monitoring the administration of any estate or trust involved in litigation or that has a significant problem requiring University involvement.

For distributions from estates, Fordham will create a new entity in Fordham Advance called “Estate of X.” This will be separate from the donor’s individual entity record and cross-referenced. Advancement Services will credit all bequests to the Estate’s entity.

The Senior Director of Gift Planning will consult the Office of Legal Counsel in circumstances where the donor’s intent for the purposes of the gift is either unclear or problematic.

If a gift by will is written to be unrestricted, the University will follow that direction.

Intended Bequests

The University’s acceptance policies for intended testamentary gifts follow those for current, outright gifts. Fordham reserves the right to decline acceptance of estate gifts that are not consistent with University policy. Benefactors are encouraged to consult with Fordham’s Office of Gift Planning to determine whether an intended bequest is consistent with the University’s mission, and if so, whether a statement of intent should also be discussed.

XXIII. Quid Pro Quo Gifts

The Internal Revenue Service defines a *quid pro quo* gift as “a payment a donor makes to a charity partly as a contribution and partly for goods or services.” The value of the goods or services, benefits, or “premiums” affects the amount of the actual gift.

The gift amount is that part of the contribution that exceeds the value of benefits the donor receives in return for his/her gift.

University receipts will provide the donor with the amount of the gift that is tax deductible, subtracting the *good faith estimate* of the *fair market value* of the goods or services that the donor received.

IRS Publications 526 and 1771, as well as the IRS web site (<http://www.irs.gov/>) contain additional information and guidance on *quid pro quo* contributions. IRS Pub 526 makes the following clarification about premiums and their use. A donor earned the benefit at the time he/she made the gift, and there was a *quid pro quo* (premium). If, later on, the donor chooses not to attend the special event associated with the premium, this does not change the deductibility of the original payment.

Only if the donor declines the benefit *at the time of the gift* would we be able to credit the full gift amount. Even if they later returned the tickets/seats, that would still not restore the original payment. At that point, it would be a gift-in-kind of the tickets (we would issue a gift-in-kind acknowledgment, which would not indicate any value, only a description of the gift). This return would have to be done prior to the event.

XXIV. Campaign Accounting Guidelines

From time to time, the Fordham University Board of Trustees may review and approve certain campaign gift accounting guidelines.

XXV. Gift Minimums and Naming Guidelines

Non-Endowed Funds

These scholarships will not be named, but would be directed into a general scholarship pool. They may be need- or merit-based, and do not require a five-year commitment.

Allowable Preferences	Minimum Gift (per year)
School-based or athletics scholarships	\$5,000
Additional preferences may be added <i>(funds with more specific preferences, i.e., particular center, program, department, or sport, must be approved by the Vice President or Senior AVP for DAUR prior to solicitation)</i>	\$10,000

Endowment Minimums

Endowed scholarship/program gifts may be named, but will not be awarded until the endowment has been fully funded (reached the \$75,000 market value threshold). Endowed scholarships may be need- or merit-based awards.

Allowable Preferences	Minimum Gift
Endowment with no recipient preference	\$75,000
School-based or athletics scholarships	\$75,000
Additional preferences may be added <i>(funds with more specific preferences, i.e., particular center, program, department, or sport, must be approved by the Vice President or Senior AVP for DAUR prior to solicitation)</i>	\$250,000
Term or Visiting Professorships	\$1,000,000
Named Professorships (existing faculty line)	\$2,000,000
Named Professorships (creating new faculty line)	\$3,000,000–\$4,000,000

Endowments for existing faculty lines provide substitutional resources, thereby offering relief on the operating budget. The creation of a new faculty line dictates consultation with the Provost and the appropriate academic unit dean to evaluate the ramifications on curricular development and the prospective impact on other areas of the academic unit.

Other positions, e.g., deanships, Director of University Libraries, Director of Athletics, or Coach, must be discussed with the Vice President or Senior AVP for DAUR prior to solicitation.

Planned Gifts

Gift Type	Minimum Gift Value	Minimum Present Value	
		Deduction % ⁴	Dollar Value
Charitable Remainder Trusts and Annuity Trusts Minimum Age of Beneficiary: <i>none</i>	\$100,000	25%	\$25,000
Charitable Lead Trust	\$1,000,000	<i>(Consult with external financial advisors and Treasurer)</i>	
Gift Annuity <i>(Cash and marketable securities only)</i> Minimum Age of Beneficiary: 60	\$25,000	25%	\$6,250

Notes:

For life income gifts: Campaign gift credit is twice the IRS charitable deduction at time of gift, up to fair market value.

Externally managed CRTs credited when gift is made irrevocable or on the date Fordham learns of the gift, using the most recent financial statement.

Charitable remainder trusts must pay out at least 5% by law. The maximum rate for Fordham trusts is 7%, subject to 25% deduction limits.

Gifts of real estate and other tangible personal property are evaluated on a case-by-case basis (see discussion of “Real Estate” in Gift Policy Manual).

Appointment of First Recipient/Incumbent

An endowed scholarship will not be awarded until the endowment has been fully funded (reached the \$75,000 market value threshold). It is at this point that enough money will have accrued for use in making a meaningful award. While the fund is maturing, income will be allocated into a spending account for future use. Funds in the spending account do not accumulate interest.

The ideal practice is to fill an endowed chair at the time at which its endowment is fully funded or has reached the minimum required through a combination of gifts and capital appreciation. Donors might also wish to provide additional spendable support to accelerate the process.

Naming for Faculty

Professorships will be named only for retired and/or emeritus faculty.

Exceptions

These policies are not intended to cover every possible situation that may arise with regard to gifts towards professorships. It is understood that the exceptional circumstances will first be discussed by the Vice President for DAUR and the Provost.

XXVI. Naming Policy

Naming opportunities exist to recognize the dedication, accomplishments, and/or generosity of extraordinary individuals and organizations whose support is valuable to the mission of Fordham University. The following are guidelines to use when discussing naming opportunities with donors and prospective donors.

This policy applies to the naming of elements of the physical campus and/or the academic enterprise. The *physical campus* includes (but is not limited to) buildings and other major facilities, areas within buildings (e.g., foyers, specific rooms, lecture halls, laboratories, auditoriums, etc.), grounds, outdoor renovations, gardens, trees, benches, streets, and real property.

⁴ Minimum amount of the ultimate distribution.

The *academic enterprise* includes divisions, programs, institutes, centers, academic positions, discretionary funds, scholarships, fellowships, and other funds or naming opportunities.

Elements of the physical campus or the academic enterprise may be named for individuals or organizations whose accomplishments or generosity have advanced the mission of the University; furthered the capacity of Fordham to meet its research, teaching, and scholarly objectives or to serve its community; and/or enhanced the University in other important ways. Naming will be strictly independent of all decisions about appointments, admissions, and/or curricular matters. To evaluate the appropriateness of a naming opportunity, the leaders of Fordham will refer to the guidelines provided in this policy as they make their decisions.

Any gift that results in the naming of an element of the physical campus or the academic enterprise must be documented by a written gift agreement.

Naming Guidelines

- A. Fund-Raising, Development Campaigns, and Marketing of Naming Opportunities: All fund-raising and development campaign efforts related to naming opportunities and the marketing of naming opportunities must be coordinated with Fordham's President and the Vice President for DAUR, or their designees. The Development office will be responsible for obtaining required approvals related to naming opportunities. The President has delegated responsibilities for coordinating fund-raising efforts that secure gifts—including those involving naming opportunities—to the Vice President for DAUR.
- B. Relevance: A gift-related naming opportunity requires that the size of the contribution be reasonably related to the facility, place, position, or item being named.
- C. Determination of Current Value: For the purposes of this policy, Fordham will typically determine the current value of buildings and other major facilities and donated real property.
- D. Donor Recognition: Namings must not be publicly announced until final approval has been obtained as provided by the guidelines of this policy.
- E. Signage: In cooperation with Facilities Management, Development works with donors and Fordham stakeholders, including academic leadership, to oversee the creation of signage for all named elements of the physical campus and the academic enterprise as it applies to fund-raising efforts. Signage includes donor walls, room nameplates, portraits, or other types of signs. Signage is not typically used to recognize namings of nonphysical naming opportunities such as academic positions, faculty research funds, scholarships, fellowships, or other such naming opportunities.

Signage recognizing gifts from donors typically should not be publicly displayed until Fordham has received at least 50 percent of the gift related to the naming, and given the expectation that the remainder will be received within five years.

All signage and portraiture must be appropriate for and consistent with its surroundings and function. All signage must be approved by the Vice President for DAUR or his/her delegate prior to production and in consultation with donors.

When preapproved as a component of a gift or fund-raising campaign, the costs associated with the design, manufacturing, and installation of signage and artwork created to honor a donor must be included in the project's budget. It is the responsibility of the academic division or administrative unit to cover all costs associated with signage that were not preapproved as a component of a gift or fund-raising campaign.

- F. Duration of a Naming: All namings will be for the useful life of the element of the physical campus or academic enterprise unless otherwise specified in the gift agreement. For each naming opportunity, special consideration should be given as to whether the duration of a naming should be specifically addressed in the gift agreement. The useful life of a named entity or space may be subject to modifications over time. It may be in the best interest of Fordham to modify elements of the physical campus (such as facilities, buildings, centers, or programs, or the funds that support these elements) or academic enterprise, which would impact the duration of a naming. As modifications are made, it may be necessary to alter or dissolve namings. In these instances, Fordham, in conjunction with the donor(s) or individual(s) honored, whenever possible, will determine suitable recognition that most closely relates to the intent of the original gift.

G. Revocation of a Naming: Fordham reserves the right to revoke a naming if any of the following conditions occurs:

- The pledge obligation is unfulfilled and/or written off (this should be incorporated into the written gift agreement).
- The name will bring discredit to Fordham and/or is not consistent with the mission of Fordham. As noted above, if a donor/s (or individual/s) honored by a naming opportunity above commits, or has committed, any act, is directly or indirectly associated with the act of a third party, or suffers from diminished reputation, which, in the reasonable and good faith opinion of the University as determined by the Executive Committee of the Board of Trustees, damages or is likely to damage the reputation or integrity of the University, the University shall have the right to remove the name or names without liability to the University and without any obligation to return to donors any amounts paid to the University pursuant to the underlying gift agreement. The University shall provide the donors with thirty (30) days prior written notice that it is taking action under this provision.
- The affected individual(s) or organization(s) request removal.

Naming Opportunities, Minimums, and Necessary Approvals

Fordham establishes minimum gift level amounts and approval guidelines for naming opportunities. The gift levels represent the minimum amounts necessary to name the respective element of the physical campus or academic enterprise. Such minimums are important in order to ensure that the physical campus can be built, operated, maintained, and renewed over its life and that sufficient funds are available to accomplish the academic enterprise. Minimums and guidelines also establish equity among donors, ensuring consistent recognition. Giving levels take into consideration Fordham's needs, donor expectations, and market forces, and are approved by the President, in consultation with the Vice President for DAUR.

Naming Elements of the Academic Enterprise

1. Programs, Institutes, Centers, and Other Entities: Naming of programs, institutes, centers, and other entities must be approved by the President in consultation with the Provost, and the Vice President for DAUR, regardless of the cash value of the gift, and in accordance with the following guidelines:
 - Gift funding for naming a center (or other academic program or like entity) may be accomplished either by endowment or expendable gifts. Centers are established within the University to promote the conduct of research in a particular area of activity. A center may focus on the research interests of an individual faculty member or group of faculty members within a single department or school, or may involve faculty from multiple departments or schools. Centers may have a time-limited existence, which makes current-use gifts appropriate as naming gifts. If funding is accomplished through a current-use gift, the name of the center shall be limited to the term during which the expendable gift provides funding. In addition, the policies and procedures for school naming opportunities (see item No. 2 in this section) should also be followed when naming centers.
 - A naming gift for a center should be a transforming gift. [For the purpose of illustration, if an existing center has an annual operating budget of \$5 million, one would expect a truly transforming gift to increase the budget by a minimum of 10% (or \$500,000); applying our current endowment spending rule, this would suggest an endowment gift of \$10 million or a minimum annual current-use gift of \$500,000. When a naming gift is being used to create a new center, income provided to the center should be sufficient to support its faculty and staff, programs, and activities at an appropriate level. (Recommendations to establish a center must have the endorsement of the appropriate dean or vice president and be approved by the President and/or Provost.) It is further recommended that no center, irrespective of its budget or size, should be named for less than an endowment gift of \$5 million or an annual current-use gift of \$250,000.
2. Divisions: Naming of divisions will consider the value, visibility, improvements, and marketability of the division and must be approved by the President, in consultation with the Board of Trustees, the Provost, and the Vice President for DAUR.
3. Academic Positions and Faculty Research Funds: Naming of academic positions and faculty research funds must be approved by the President or his/her designee, in consultation with the Provost.
4. Scholarships and Fellowships: Naming of scholarship and fellowship funds is approved through the established gift agreement process as outlined above.

5. Miscellaneous Naming Opportunities: Naming opportunities that are not otherwise set forth in this policy must be approved by the appropriate party (e.g., the President, the Provost, the Vice President for DAUR, a relevant division, etc.) regardless of the cash value of the gift. If the identity of the appropriate party is not clear, the Gift Acceptance Committee should be consulted for advice.

XXVII. Other Issues

Donor Bill of Rights

Fordham University respects the privacy of the generous donors who financially support its objectives and mission. Safeguarding donor privacy is good stewardship, as well as a matter of professional ethics.

This Bill of Rights⁵ for charitable givers was developed by the following industry experts: Association of Fundraising Professionals (AFP), American Association of Fund Raising Counsel (AAFRC), Association for Healthcare Philanthropy (AHP), and the Council for Advancement and Support of Education (CASE). It has come to be recognized as an industry standard.

It is the policy of the University to hold the names of our donors in confidence unless one or more of the following conditions apply:

- It is common and established practice to list such gifts in a newsletter, annual report, etc.;
- The gift qualifies for a naming opportunity elected by the donor;
- The donor gives express permission to Fordham to make his/her gift public as part of a written document (such as a gift agreement) or other direct communication;
- Fordham is obliged by legal requirements to provide information regarding the gift.

Privacy

It is the University's policy not to release the identity, amount, and purpose of major individual gifts to outside sources without prior express permission from the donor. Gift officers are urged to ask donors at the time the gift is made about the kinds of recognition they prefer, or alternatively, if they would prefer that their names not be made public.

Anonymity

Fordham requires that the donor be identified for all substantial gifts. This information may be kept confidential with the consent of the Vice President for DAUR. In certain instances, e.g., foreign gifts, federal and state regulations require disclosure of specific information.

There are times when a donor will wish to make a gift anonymously. While these occasions do not occur frequently, we want to be sensitive to our donors' intentions and honor their directions.

Recognition ("Soft") Credit

Donors may arrange for gifts to come to Fordham through third-party entities such as a private family foundation, community foundation, or donor-advised fund (whether administered by public or private entities). Fordham records legal ("hard") credit for such gifts in the entity record in Fordham Advance for the legal donor (the third-party entity) and gives recognition ("soft") credit to one or more individuals who were instrumental in the gift. These gifts recorded as recognition credit will be included in such individual's cumulative donor gift totals.

Memorial Gifts

Donors may make memorial gifts to honor the memory of a deceased person. Such gifts should be deposited in an appropriate gift account as soon as possible. Please remember to indicate the gift is "In Memory of John Doe" on the Gift Processing and Acknowledgment Form so that this information can be included in processing and printed on the gift receipt.

The Office of Stewardship will provide surviving family members/next of kin with a list of memorial donations received on a monthly basis.

⁵ <https://afpglobal.org/donor-bill-rights>

Foreign Currency

Fordham may not deposit cash from foreign countries and checks drawn on foreign banks directly into Fordham's bank account. To avoid this problem, donors in foreign locales should be instructed to send their gifts by wire, by a bank draft payable in U.S. dollars through a bank in the United States, or by credit card. In cases where foreign currency is received, Advancement Services will deliver the foreign currency to Treasury in the Finance Office for conversion to U.S. dollars. Upon receipt of U.S. dollars from the bank, Advancement Services will record and receipt the net value of the gift.

Note: If the cost of negotiating the foreign check (bank fees and exchange rates) will exceed the value of the check, Fordham will return the check to the donor.

Gifts Raised from Multiple Donors

A group of donors may decide to coordinate efforts to raise gifts for a specific purpose that requires a minimum funding amount, such as an endowed scholarship fund to be named after a deceased classmate. Gift officers must work with the donor(s) to identify an individual who will make a lead gift (ideally at least 50 percent of the total) toward the fund minimum. Fordham may create a fund that will hold contributions for such purpose, and the terms of the fund will include a date by which the fund-raising goal must be met. Each donor who makes a gift to the fund will understand that the gift will be used for the stated purpose only if the goal is met by the deadline, and the gift agreement that controls the collective fund will provide an alternate use of the gifts if the goal is not met.

Gifts Made by One Entity on Behalf of Multiple Individuals

Fordham will record gifts made by one individual or entity, and will issue a gift receipt to that entity. If there is documentation provided with the gift listing those individuals whose contributions comprise this gift, these individuals will receive recognition credit for their gifts; they will not, however, receive a gift receipt.

Raffles

In accordance with IRS regulations, a donor may not deduct the cost of a raffle ticket as a charitable contribution because the value of a chance to win is considered to be the price of the raffle ticket. The Office of Legal Counsel discourages the use of this form of fund-raising at Fordham.

The Athletics Department has held raffles on a very limited basis. These raffles must be preapproved by the Vice President for DAUR and must be properly registered with the State of New York.

Record Retention

Advancement Services maintains digital records of gift transaction for at least seven years. This includes copies of gift transmittals, correspondence, and copies of checks, gift receipts, deposit slips, and journals.

Original copies of all gift agreements and statements of intent reside in the Office of Stewardship/Donor Relations, with copies retained in Advancement Services, and the benefitting academic unit where appropriate.

Original copies of all gift annuity agreements reside in the Office of Gift Planning, with copies retained in Advancement Services, and the benefitting academic unit where appropriate.

Return of Gifts to Donors at Their Request

While such cases are exceedingly rare, a donor may request that a gift voluntarily made to Fordham be returned. Such a request must immediately be communicated to the Vice President for DAUR for review and consultation with the Office of Legal Counsel and the Office of Finance.

Gifts from Faculty/Staff Members to Support Their Own Research

A faculty or staff member who makes a gift to support his/her own research makes a gift to Fordham. If the funds from this gift have not been fully spent when the donor leaves the faculty, the remaining money will stay at Fordham and not revert to the donor. These gifts cannot be used to pay the salary of the donor/faculty member. They may be subject to additional oversight and limitations on a case-by-case basis.

Separately Invested Endowment Funds

In general, all gifts to Fordham's endowment are invested in the University's endowment pool of investments. Only in rare circumstances, and after approval by the Vice President for DAUR and the Senior Vice President/Chief Financial Officer, will Fordham accept a gift to be retained in another form of investment.

Service as Executor or Successor Trustee of Living Trusts

As a general policy, Fordham will not agree to be the executor of an estate or the trustee of a living trust that has named the University as a beneficiary.

Financial and Legal Consultations

Fordham does not provide legal or tax advice to third parties, including donors. Development will urge all prospective donors to seek the assistance of personal legal and financial advisers in matters relating to their gifts and the resulting tax and estate planning consequences. Development will comply with the Model Standards of Practice for the Charitable Gift Planner promulgated by the Partnership for Philanthropic Planning.

In certain circumstances, it may be appropriate to consult with the Office of Finance or Office of Legal Counsel.

Financial Consultations

In certain situations, it may be necessary to consult with the Office of Finance regarding the tax and/or accounting implications to the University of certain gifts. These types of consultations are appropriate in the case of nonroutine or extraordinary gifts including, but not limited to, the following:

- All gifts of \$5,000,000 or more;
- Gifts that are conditioned upon the performance of certain obligations or meeting certain milestones;
- Any gifts that fall below the thresholds included in the *Naming Guidelines* section of this manual;
- Sponsorships; and
- All in-kind gifts of \$5,000 or more.

Legal Consultations

Development will seek the advice of the Office of Legal Counsel in certain matters relating to the acceptance of gifts including, but not limited to:

- Non-cash gifts of \$5,000,000 or more;
- Closely held stock transfers that are subject to restrictions or buy-sell agreements;
- Gifts, such as bargain sales, requiring Fordham to assume an obligation;
- Transactions with potential conflict of interest that may invoke IRS sanctions; and
- Other instances in which advice of counsel is deemed appropriate.

