



Gift Acceptance Policy

INITIAL EFFECTIVE DATE:	LAST REVISION DATE:	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT
February 8, 2025		FIU Foundation, Inc.

POLICY STATEMENT

I. Gift Acceptance Guiding Principles

- a. **Minimum Standards.** Gifts to Florida International University ("FIU" or the "University") will be determined acceptable based on the following general principles of gift acceptance:
 - i. The charitable gift must benefit the University and its mission.
 - ii. The gift represents a voluntary transfer by a donor to FIU Foundation, Inc. (the "Foundation") without compensation. There must be donative intent by the donor; therefore, the donor must release complete control over the gift. In addition, to have donative intent, there should not be any substantial benefit transferred to the donor in return for the gift.
 - iii. Before accepting a gift, restrictions on the gift imposed by the donor need to be considered by the Foundation. Generally, if a donor imposes substantial restrictions on the use of a donation, the charitable deduction may be disallowed by the IRS.
- b. **Contributions Not Allowed.** The Foundation will generally not accept the following contributions:
 - i. Funding for research-related or other non-charitable activities that involve specific contract deliverables or fee-for-services;
 - ii. Scholarship funds where the donor selects the recipient, or if a gift is earmarked for a specific person attending the University, as payments of this nature are not qualified charitable gifts;
 - iii. Funds controlled by a donor, or where a donor has a role in influencing expenditures. Donors may restrict gifts for a particular use or discipline, or to benefit one or more colleges/schools/programs within the University but may not control how the gift funds are awarded, spent, or invested;
 - iv. Contributions that may require excessive expenditures by the Foundation or the University to accept, maintain or liquidate;
 - v. Create unacceptable legal liability or material risk to the Foundation and/or the University, including potentially jeopardizing the Foundation's tax-exempt status;
 - vi. Damage the reputation of the Foundation or the University;
 - vii. Violate the terms of any University or Foundation policy or procedure, including this Policy, or any federal or state law or regulation; or



- viii. Contributions that are not permissible in accordance with generally accepted and Foundation-approved fundraising and campaign guidelines and codes of conduct, including those adopted by the Council for the Advancement and Support of Education ("CASE") and the standards of practice adopted by the National Association of Charitable Gift Planners, Association of Fundraising Professionals and the Association of Professional Researchers for Advancement.

II. Conflicts of Interest.

- a. Responsibilities for fundraising are shared among University administrators, deans, faculty, and administrative staff, including medical personnel and athletics staff, students, and University advancement and Foundation staff. When participating in fundraising activities, University personnel shall be circumspect in all dealings with donors in order to avoid even the appearance of any act of self-dealing, or of committing the University and/or the Foundation in any way, without prior and appropriate authorization. All Foundation staff are subject to the Foundation's policies and procedures, located at <https://give.fiu.edu/about/fiu-foundation/policies-procedures/index.html>
- b. In addition, as University employees, all Foundation staff are subject to the University's applicable policies and procedures, including (i) the [University's Code of Conduct](#); and (ii) the [University's Conflict of Interest Policy](#).

III. Delegation of Authority for Gift Evaluation and Acceptance. While many members of the Foundation and University staff have critical roles to play in the gift acceptance process, the final decision on the acceptance or rejection of any gift will be made by the Senior Vice President for University Advancement/Chief Executive Officer of the Foundation (the "Foundation CEO"), in consultation with the University President. The Foundation CEO may, in his/her discretion and on a case-by-case basis, convene other Foundation and University leadership, staff and outside professionals, when and where appropriate, to evaluate and determine the viability of potential charitable gifts.

IV. Policy for Solicitations and Gifts.

- a. The fundraising program of the Foundation encompasses all gift solicitations on behalf of the University and its colleges/units or affiliated entities. All solicitations and fundraising on behalf of the University shall be conducted in accordance with the University and Foundation's policies and procedures.
- b. The administration of all charitable gifts for the benefit of the University is the responsibility of the Foundation. The Foundation fund management and financial policies are overseen by the Foundation Board, through the Executive Committee, Investment Committee, Finance Committee, and the Audit Committee.
- c. Gifts will be invested in accordance with the Foundation policies, and donors may not control the investment of specific gifts. This is particularly true in cases where the donor wishes to direct that a specific investment be made or that a specific investment manager be used. Gifts will be invested in accordance with the Board approved Investment Policy, at the discretion of the Investment Committee.
- d. The Foundation's Office of Gift Services will process and record gifts, deposit gifts into the proper funds, and issue timely gift receipts to donors.
- e. The University President, the Foundation CEO, and the Foundation Board, each retain the right to approve or disapprove the return of any gift to a donor, as may be necessary and in consultation with each other, in serving the best interests of the University.



- V. **Gift Proposals.** In general, it is best practice to provide a donor prospect with a written solicitation document (a “proposal”) when soliciting gifts. All solicitation strategies should be approved by development leadership, in consultation with academic and programmatic leadership, prior to preparation of a proposal and subsequent presentations and/or discussion with a prospect. While gift solicitations take on many forms, the following guidelines should generally be followed:
- a. *Donor initiated gift discussions:* Many times, donors will initiate a gift discussion. It is, however, Foundation policy to secure appropriate internal approval of any proposed gift solicitation and/or gift structure that might result from a donor-initiation gift discussion.
 - b. *Group Fundraising Propositions:* Major or principal level gifts may be funded by a group of donors, provided that 75% of the initial gift commitment has been made at the outset of the fundraising campaign.
 - c. *Pledge Cycle:* Generally, installment payment plans for pledges may not exceed five (5) years.
 - d. *Annual solicitation planning process:* The annual goal setting process will typically take place in early May to late June, with internal Foundation sessions assigned to help establish unit fundraising goals, amounts to be solicited, programmatic and other strategic fundraising priorities, and major gift solicitation targets for the coming year.
- VI. **Types of Gifts Accepted.**
- a. The Foundation accepts a variety of types of charitable gifts, such as:
 - i. Cash and cash equivalents;
 - ii. Marketable securities, both publicly traded and (in some cases), privately held securities;
 - iii. Gifts-in-kind and gifts of tangible personal property;
 - iv. Real estate and/or real property; and
 - v. Planned gifts, which include charitable gift annuities, charitable lead and remainder trusts, insurance policies, charitable bargain sales and life estates.
 - b. Depending on the nature of the gift, additional policies and procedures adopted by the Foundation and/or the University may be applicable, particularly as it relates to real estate/real property and/or planned gifts. For example:
 - i. The acceptance of gifts-in-kind and marketable securities is governed by the Foundation’s [Non-Cash Gift Policy](#);
 - ii. The acceptance of real estate and real property is governed by the Foundation’s [Policy and Procedures for Accepting Real Property](#);
 - iii. Any naming opportunities associated with donor recognition are subject to the Foundation’s [Donative Naming Policy](#).
 - iv. The acceptance of gifts of software is governed by the Foundation’s [Policy and Procedures for Accepting Gifts of Software](#).



VII. Gift Agreements.

- a. All gifts and pledges must be documented with a written gift instrument that includes:
 - i. A description of the gift and gift/pledge amount;
 - ii. *Gift purpose*: current-use or endowed;
 - iii. *Gift use*: unrestricted or any donor-imposed restrictions; and
 - iv. Any other information necessary to document donor's wish and intent.
- b. Specific documentation requirements, including the appropriate use of pledge forms and/or formal gift agreements, for new endowed gifts, gifts that include naming, complex gifts, planned/deferred gifts, and other gift transactions are set forth in the Foundation's Procedures and Guidelines Manual.
- c. A one-time three percent (3%) Foundation Advancement Initiative shall be imposed on all restricted endowed and non-endowed cash gifts to the University and/or the Foundation. The Initiative will be calculated by reference to the total amount of a donor's contribution received (excluding any state matching funds). The Initiative is used to support University-wide development activities.
- d. The Foundation's Office of Gift Compliance & Administration is responsible for the processing of gift agreements and other gift documentation.

SCOPE

This policy applies to all charitable contributions to or for the benefit of the University, either received directly by the University or through the Foundation. Charitable contributions include outright gifts of cash or personal property, endowments, real estate, and planned and deferred gifts made to or for the benefit of the University, in furtherance of its charitable, educational, scientific and service purposes.

The Foundation CEO is ultimately responsible for establishing and upholding gift evaluation. Any transfer of assets intended as charitable gifts to the University must be accepted, processed, accounted for, receipted, and acknowledged by the Foundation.

REASON FOR POLICY

The Foundation, a tax-exempt entity, exists to support the educational, scientific, cultural and charitable activities of the University by soliciting, accepting, recording, and disbursing charitable gifts of funds and property. The purpose of this Policy is:

- To establish the Foundation's policies governing the solicitation, acceptance, accounting, and recording of charitable gifts to the University and to provide guidance to prospective donors and their advisors when making such gifts to the University, so as to facilitate the gift-giving process; and
- To ensure all gifts accepted by the University will help further and fulfill its mission, priorities, and values and comply with federal, state and board approved rules and regulations; and



- To prevent acceptance of gifts that may expose the University to legal liability, financial exposure and/or overly burdensome restrictions.

DEFINITIONS	
TERM	DEFINITIONS
Charitable Gift	Shall mean a contribution made to the University that furthers its mission. It is a gift given without compensation or expectation of direct personal benefit.
Donative Intent	Shall mean the voluntary transfer of assets by a donor to FIU Foundation without compensation. It is characterized by the donor releasing complete control over the gift with no substantial benefits returned to the donor.
Prohibited contributions	Shall mean the Foundation will not accept gifts that involve specific contract deliverables, allow donor to select scholarship recipients, and/or are controlled by the donor.
Gift acceptance	Shall mean the process by which the Foundation decides whether to accept or reject a donor's gift based on principles of compliance with regulations, benefit to the University, and suitability for the Foundation's mission.
Conflicts of Interest	Shall mean a situation where University staff or Foundation personnel may have a personal interest that could affect their impartiality in fundraising or gift acceptance requiring policies to avoid any conflicts or appearance of self-dealing.
Gift Proposals	Shall mean written documents presented to prospective donors outlining the gift solicitation, including proposed terms, purpose, and amount. These require prior internal approval before being presented to a donor.
Gift Types	Shall mean the categories of donations accepted by the Foundation, including cash, securities, real estate, gifts-in-kind, and planned gifts (such as annuities and trusts).
Gift Agreement	Shall mean a written agreement documenting the terms of gifts or pledges, specifying the amount, purpose (current-use or endowed), and any donor-imposed restrictions.
Planned Gift	Shall mean a charitable donation arranged for future transfer, such as charitable annuities, lead or remainder trusts, and life estates.
Restricted vs. Unrestricted Gifts	Shall mean Restricted Gifts are donations given with specific instructions for use while Unrestricted Gifts are given for general use at the discretion of the University or Foundation.
Foundation Advancement Initiative	Shall mean a 3% fee applied to certain gifts to support University-wide development activities. It is applied to restricted endowed and non-endowed cash gifts excluding donations towards first-generation scholarships and building funds.



CASE, AFP, NCPG Standards	Shall mean the codes of ethics and standards of practice followed by the Foundation, such as those from the Council for the Advancement and Support of Education (CASE), Association of Fundraising Professionals (AFP), and National Association of Charitable Gift Planners (NCPG).
---------------------------	---

ROLES AND RESPONSIBILITIES

- Chief Executive Officer: Execute Gift Agreements in any amount, subject to the limitations set forth in Article 3, Section (2)(iii) of the Foundation's Amended Bylaws.
- Office of Gift Compliance and Administration: Responsible for the processing of gift agreements and other gift documentation.
- General Counsel: Consulted with in matters relating to the acceptance of gifts or the formation of agreements, where appropriate. Reviews to assess the legal and risk elements that affect the acceptability of the offered gift.
- AVP, Foundation Finance: Responsible for ensuring that the University's outside financial relationships, whether with donors, prospects, brokers, or other entities, are free of conflicts of interest or the appearance of conflicts of interest.
- All FIU Foundation Staff: Adherence to the policy to prevent potential legal liability, financial and reputational risk, and undue restrictions for the University.

RELATED RESOURCES

[FIU Foundation Policies and Procedures](#)
[University's Code of Conduct](#)
[University's Conflict of Interest Policy](#)
[Non-Cash Gift Policy](#)
[Policy and Procedures for Accepting Real Property](#)
[Donative Naming Policy](#)

CONTACTS

FIU Foundation, Inc.
11200 SW 8th Street, MARC 5th Floor
Miami, FL 33199
305-348-6298



FLORIDA
INTERNATIONAL
UNIVERSITY



--

HISTORY

<p>Initial Effective Date: February 8, 2025</p>

<p>Review Dates:</p>

<p>Revision Dates:</p>
