

21.05.01 Gifts, Donations, Grants and Endowments

Revised [April 4, 2018](#)

Next Scheduled Review: April 4, 2023

Click to view [Revision History](#).



Regulation Summary

This regulation supplements System Policy *21.05, Gifts, Donations, Grants and Endowments*, and provides members of The Texas A&M University System (system) with authority, guidance and restrictions for the acceptance of gifts, donations, grants and endowments (GDGE). This regulation outlines procedures for obtaining System Offices approval for certain GDGE and describes a process of reporting GDGE information to the Board of Regents (board).

Regulation

1. DELEGATION OF RESPONSIBILITY

The chancellor delegates responsibility for administering the GDGE approval and reporting process to the System Office of Budgets and Accounting (SOBA). SOBA serves as the primary point of contact with members on all matters related to GDGE acceptance and reporting and handles all routing of approval requests throughout the System Offices.

2. SYSTEM OFFICES APPROVAL

System Policy *21.05* requires that members obtain System Offices approval for certain types and levels of GDGE prior to acceptance of the GDGE. In cases where System Offices approval is required, the member must submit a complete and accurate GDGE acceptance request form with detailed supporting information that is required to substantiate approval of the GDGE. The request must include copies of any supporting documentation related to the transaction and should be recommended, by signature, by the member chief executive officer (CEO) and chief financial officer (CFO). The signed and completed GDGE approval request form and supporting documentation is forwarded to SOBA for routing and processing within the System Offices.

After routing and approval is granted by the System Offices, the requesting member is notified of such approval and a signed copy of the approval request form is returned to the member. If additional information is required, the System Offices contacts the member and notifies it of such requirement.

Copies of the GDGE acceptance request forms and GDGE contact information are available at the SOBA website.

3. GDGE REPORTING

GDGE are accepted by the member CEO and, in some cases, with approval of the System Offices. SOBA works with member development offices to gather information and prepare a quarterly GDGE report that includes information for all members. This summary report is provided to the board in order to keep it informed of system GDGE activity.

4. SCOPE OF REGULATION

4.1 GDGE reporting for transactions with foundations and affiliated organizations

This regulation is intended to include only GDGE made directly to a member by a donor, development foundation or an affiliated organization. The following provisions shall apply to transactions with development foundations and other affiliated organizations:

4.1.1 GDGE transactions between a donor and any development foundation or other affiliated organization are excludible as long as the transaction is between the donor and the development foundation or affiliated organization. The member is required to comply with this regulation at the time at which the development foundation or other affiliated organization makes a GDGE directly to the member.

4.1.2 Cash GDGE from affiliated organizations, as described in System Regulation *60.01.01, Association with Affiliated Organizations*, are exempt from the System Offices review requirements of this regulation, regardless of amount.

4.2 GDGE from federal, state, local and foreign governments are excludible from the requirements of this regulation.

4.3 For purposes of this regulation, the term “grant” excludes transactions resulting from a contract or similar agreement in which a legal obligation is incurred which is enforceable by law (see System Regulation *25.07.01, Contract Administration, Delegations and Reporting*).

4.4 Uncollected pledges are excludible from the requirements of this regulation.

4.5 The value of any services provided by volunteers is excludible from the requirements of this regulation.

5. OTHER

5.1 Each member shall establish recording and reporting guidelines that are compliant with state accounting requirements and federal tax law, including a written guideline for communicating with donors and donor representatives.

5.2 Members must report receipt of conditional gifts, donations, grants and endowments from foreign persons to the U.S. Department of Education and the Texas Secretary of State in accordance with System Regulation *21.05.02, Federal Reporting of Foreign Gifts, Donations, Grants, Endowments and Contracts*.

- 5.3 Procedures governing the pursuit, acceptance and administration of sponsored research contracts are described in System Policy *15.01, Research Agreements*.

6. UTILIZATION AND MANAGEMENT

- 6.1 GDGE accepted by members must be utilized for the purpose designated by the donor. If a purpose is not specified by the donor, the member CEO may determine an appropriate means of utilization for the GDGE.
- 6.2 GDGE shall not be transferred to an affiliated organization subject to System Regulation *60.01.01, Association with Affiliated Organizations*, unless the member obtains written permission from the donor. The member must keep all records, including letters of permission, pertaining to the transfer of a GDGE. All GDGE transfers must be reported to the Office of the State Auditor and the System Office of General Counsel.
- 6.3 Real or personal property acquired through a GDGE transaction is subject to the same property management requirements as other state property. Disposal of real property acquired through a GDGE must be made in accordance with System Policy *41.01, Real Property*.

Related Statutes, Policies, or Requirements

[Tex. Educ. Code § 85.21\(b\)](#)

[System Policy *15.01, Research Agreements*](#)

[System Policy *21.05, Gifts, Donations, Grants and Endowments*](#)

[System Regulation *21.05.02, Federal Reporting of Foreign Gifts, Donations, Grants, Endowments and Contracts*](#)

[System Regulation *25.07.01, Contract Administration, Delegations and Reporting*](#)

[System Policy *41.01, Real Property*](#)

[System Policy *60.01, Relationships with Affiliated Organizations*](#)

[System Regulation *60.01.01, Association with Affiliated Organizations*](#)

The August 2003 version of this regulation supersedes System Regulation *21.99.03, Gifts, Donations, Grants, and Endowments*

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

System Office of Budgets and Accounting
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