

21.05 Gifts, Donations, Grants and Endowments



Revised [May 19, 2022](#) (MO -2022)
Next Scheduled Review: May 19, 2027
Click to view [Revision History](#).

Policy Summary

This policy delegates authority to The Texas A&M University System (system) chancellor and/or each member chief executive officer (CEO) to accept gifts, donations, grants and endowments on behalf of the respective member subject to certain limitations.

Definitions

Click to view [Definitions](#).

Policy

1. GENERAL

Texas Education Code, Section 85.21, specifically authorizes the system Board of Regents (board), upon terms and conditions acceptable to it, to accept and administer gifts, donations, grants and endowments, from any source, for use by the system or any of its members.

2. DELEGATION OF AUTHORITY

By this policy, and subject to the restrictions outlined in this policy, the board delegates authority for the acceptance of gifts, donations, grants and endowments to the chancellor and CEOs. The CEO is responsible for organizational compliance with state and federal law and system policy at all times. The CEO must ensure the member maintains the highest level of integrity and ethical standards in the solicitation or acceptance of gifts. The CEO may appoint a designee(s) to assist with these duties.

3. GIFT ACCEPTANCE

With the exception of gifts from affiliated organizations, as described in System Regulation *60.01.01, Association with Affiliated Organizations*, which are exempt from the review requirements of this policy, the CEO or designee must review all gifts in accordance with this policy and System Regulation *21.05.01, Gifts, Donations, Grants and Endowments*, prior to acceptance. If a gift requires chancellor or designee review and approval, the CEO must obtain such approval before acceptance of the gift occurs.

The following restrictions apply to gifts to members and outline requirements for chancellor or designee review and approval prior to acceptance by the CEO:

3.1 Gifts \$1,000,000 or Greater

The chancellor or designee has authority to accept any gift with a fair market value of \$1,000,000 or greater after the review and recommended approval by the System Office of Budgets and Accounting (SOBA) and the System Office of General Counsel (OGC). The chancellor must establish a process to notify the board office of each gift \$1,000,000 or greater.

3.2 Cash Gifts Less than \$1,000,000

3.2.1 The CEO may accept an unrestricted cash gift of less than \$1,000,000.

3.2.2 The CEO may accept a restricted cash gift of less than \$1,000,000 as long as the gift is reviewed by the member development and business offices, fits within the current pattern of accepted gifts for the member, and the gift does not contain a restrictive condition that is discriminatory or which violates any federal or state law, or system policy. If the gift has restrictions, economic risk and/or liability issues which warrant System Offices review, it is the responsibility of the CEO to obtain such review prior to the acceptance of the gift.

3.3 Non-Cash Gifts

3.3.1 The CEO may accept a non-cash gift (restricted or unrestricted) with a fair market value less than \$250,000 unless the gift involves a partial sale/partial gift transaction. This non-cash gift could be personal property or real property (land).

3.3.2 The CEO may accept a non-cash gift (restricted or unrestricted) with a fair market value of \$250,000 or greater only after review and approval from SOBA and OGC.

3.3.3 The CEO is responsible for the review of all non-cash gifts for associated economic risks and associated liability for the organization. If the gift has restrictions, economic risk and/or liability issues which warrant System Offices review, it is the responsibility of the CEO to obtain such review prior to the acceptance of the gift.

3.4 Gifts of Real Property and Mineral Rights

3.4.1 The CEO may accept any gift of real property or mineral rights only after review and approval from SOBA and OGC.

3.4.2 Gifts of real property and mineral rights must be reviewed in accordance with System Policy *41.01, Real Property*.

3.5 Gifts of Closely-Held Securities and Interests in Entities

The CEO may accept a gift of closely-held securities or a gift of an interest in an entity only after review and approval from SOBA and OGC. Gifts of securities that are publicly

traded on a securities exchange and for which there are public price quotations are excluded from this section's requirement.

3.6 Gifts of Intellectual Property

The CEO may accept a gift of intellectual property only after review and approval from SOBA, OGC and the system's Texas A&M Technology Commercialization department.

4. VALUATION OF GIFTS

The members do not have the authority to and must not provide appraisals or valuations to donors for any type of gift at any time. If the fair market value of a gift is in question, System Offices' deputy chancellor and chief financial officer or designee determines an appropriate process to establish a fair market value for the gift.

5. IMPLEMENTATION

The chancellor or designee is responsible for the implementation of this policy and must adopt a detailed system regulation in support of this policy.

Related Statutes, Policies, or Requirements

[Tex. Educ. Code § 85.21\(b\)](#)

[System Regulation 21.05.01, Gifts, Donations, Grants and Endowments](#)

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

[System Policy 41.01, Real Property](#)

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

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

Member Rule Requirements

A rule is not required to supplement this policy.

Contact Office

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