

21.05 Gifts, Donations, Grants and Endowments



Revised [November 7, 2024](#) (MO -2024)
Next Scheduled Review: November 7, 2029
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. ACCEPTANCE OF GIFTS TO MEMBERS

With the exception of gifts to members **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 to members in accordance with this policy and System Regulation *21.05.01, Gifts, Donations, Grants and Endowments*, prior to the execution of a gift agreement and acceptance of a gift. If a gift to a member requires chancellor or designee review and approval, the CEO must obtain such approval before acceptance of such gift occurs.

The following restrictions apply to gifts to members and outline requirements for chancellor or designee review and approval prior to execution of a gift agreement and acceptance of the gift 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 of \$1,000,000 or greater. The CEO may execute a gift agreement for a gift with a fair market value of \$1,000,000 or greater as long as the gift agreement indicates the member's acceptance of the gift is contingent upon final acceptance of the chancellor or designee.

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

3.2.1 The CEO may execute a gift agreement and accept an unrestricted, unconditional cash gift of less than \$1,000,000. If the gift agreement contains a naming right/recognition, the CEO must obtain the Office of General Counsel (OGC) review and approval prior to the execution of such gift agreement and acceptance of such gift unless an unaltered, fill-in-the-blank only gift agreement form approved by OGC is used for the gift.

3.2.2 The CEO may execute a gift agreement and accept a restricted or conditional cash gift of less than \$1,000,000, including one that contains a naming right/recognition, 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 restriction or condition that is discriminatory or which violates any federal or state law, or system policy. If the gift has restrictions or conditions that create economic risk and/or liability issues, the CEO must obtain OGC review and approval prior to the execution of such gift agreement and acceptance of such gift. If the gift contains a naming right/recognition only, the CEO must obtain OGC review and approval prior to the execution of such gift agreement and acceptance of such gift unless an unaltered, fill-in-the-blank only gift agreement form approved by OGC is used for the gift.

3.3 Non-Cash Gifts

3.3.1 The CEO may execute a gift agreement and accept a non-cash gift (restricted or unrestricted) with a fair market value of less than \$250,000 unless the gift involves a partial sale/partial gift transaction. The CEO must obtain System Offices Budgets and Accounting (SOBA) and OGC review and approval prior to execution of a gift agreement and acceptance of a non-cash gift that involves a partial sale/partial gift transaction.

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. The CEO may execute a gift agreement for a non-cash gift with a fair

market value of \$250,000 or greater as long as the gift agreement indicates the member's acceptance of the gift is contingent upon review and approval from SOBA and OGC.

3.3.3 The CEO is responsible for the review of all non-cash gifts for restrictions, conditions, economic risks, and associated liability for the member. If the gift has restrictions or conditions that create economic risk and/or liability issues, the CEO must obtain OGC review and approval prior to the execution of such gift agreement and acceptance of such gift. If the non-cash gift contains a naming right/recognition only, the CEO must obtain OGC review and approval prior to the execution of such gift agreement and acceptance of such gift unless an unaltered, fill-in-the-blank only gift agreement form approved by OGC is used for the gift.

3.4 Gifts of Real Property and Mineral Rights

3.4.1 The CEO may execute a gift agreement and 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 execute a gift agreement and 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 execute a gift agreement and 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. GIFTS TO AN AFFILIATED ORGANIZATION

If a gift to an affiliated organization, made for the benefit of a member, includes a naming right/recognition or financially obligates the system or member and the gift agreement requires the member's approval per the terms of the gift agreement or the member's agreement with the affiliated organization, the member must seek OGC review and approval of the gift agreement prior to the member giving its approval to the affiliated organization or signing the gift agreement. Notwithstanding the foregoing requirement of OGC review and approval, with regard to restrictions, conditions, or provisions related to a naming right/recognition in a gift agreement, no such review shall be required so long as such provisions have been previously approved by OGC.

5. 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 will determine an appropriate process to establish a fair market value for the gift.

6. 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](#)

[Acceptance of Cash Gifts Request Form](#)

[Acceptance of Non-Cash Gifts Request Form](#)

Member Rule Requirements

A rule is not required to supplement this policy.

Contact Office

Budgets and Accounting
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