

**2019 HIGHER EDUCATION TAXATION INSTITUTE**  
**JUNE 4, 2019**  
**AUSTIN, TEXAS**

**CHARITABLE CONTRIBUTIONS**

Joseph R. Irvine  
The Ohio State University  
Columbus, Ohio

Sean P. Scally  
Vanderbilt University  
Nashville, Tennessee

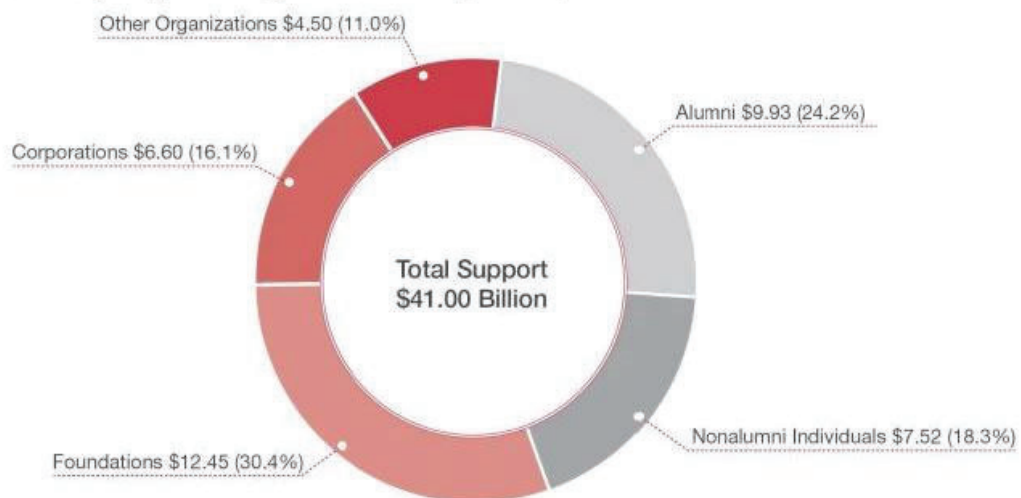
UT LAW

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THE UNIVERSITY OF TEXAS SCHOOL OF LAW

**Charitable Contributions**

Voluntary Support of Higher Education by Source, 2016



## Charitable Contributions

- Gift acceptance policies
- Gift agreements
- Strings on gifts
- Athletic seating rights
- Other Issues
  - Contribution of services
  - Employee assistance plans
  - Gifts in kind
  - Honorariums
  - Donor advised funds
  - Bargain Sales
  - Foreign charities

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## What is a Charitable Contribution?

- **The *sine qua non* of a charitable contribution is a transfer of money or property without adequate consideration.**
- **Essential elements**
  - Donor competent to make the gift
  - Donee capable of taking the gift
  - Clear and unmistakable intention on the part of donor to absolutely and irrevocably divest himself of the title, dominion and control of the subject matter of the gift
  - Irrevocable transfer
  - Delivery by donor to donee
  - Acceptance by donee

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# Gift Acceptance Policies (GAP)

- **Why? Set “Rules of the Road” for Donors and for Development Staff; consistency and clarity**
- **Examples: Vanderbilt University and The Ohio State University Foundation**
- **GAP Essential Ingredients:**
  - Fundraising objectives; naming and other goals;
  - Confidentiality Parameters;
  - Acceptance Criteria; Committees/Personnel

## Gift Acceptance Policies - 2

- **GAP Helpful Ingredients:**
  - Valuation/Appraisals: Donor Responsibility;
  - Legal/Professional Fees: Donor Responsibility;
  - Tax/Legal Advice: Not Provided by Institution;
  - Ethics: Consider Adherence to Nat’l Committee on Planned Giving’s Model Standards or Other;
  - Acknowledgement Guidelines; IRS Reporting;
  - Policy Amendment Procedures

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Title search: Charitable Contributions

Also available as part of the eCourse

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First appeared as part of the conference materials for the

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"Tax and Legal Issues Related to Charitable Contributions"