

Special Types of In-Kind Contributions

- a. *Real Estate*: Please see Section 2 for Policies and Procedures for Real Estate Gift Acceptance.
- b. *Software (CASE Guidelines)*: All gifts of software are subject to the following policies and procedures:
 - The Chief Information Officer will review all gifts of software with a value of more than \$5,000 prior to official acceptance and will make a recommendation regarding the recorded values.
 - Gifts of software will be recorded at the educational discount value established in writing by the donor. If no educational discount is available, it must be so stated in written communication from the donor and the established retail value will be used.
 - The donor must irrevocably transfer ownership of the software to the institution and this transfer of ownership must be documented in written communication from the donor. If use of the software license must be renewed at a later date, the transaction is not a gift.
 - A gift of software can only be counted in the year that the gift is originally given. If free upgrades are given at a future date which have a higher established retail value, then the difference between the new retail value (less educational discount) and the original retail value (less educational discount) is countable as an additional gift.

For gifts of software, the Gift-in-kind Acceptance Form must be submitted to the Office of Development along with appropriate documentation of the gift including:

- A letter from the donor on company letterhead documenting the dollar value of the software, including a statement of the educational discount value if it is available; letter must verify that the donor is irrevocably transferring ownership of the software given to the University.
 - A specific description of the software including the number and type of licenses (individual license, site license, etc.) and the stated value for each license;
 - A copy of the gift agreement and all related documents;
 - A statement of the planned administrative, academic or research use for the software.
- c. *Patents, Trademarks, and Other Technology Rights*: All gifts of patents, trademarks, and other technology rights are subject to the following policies and procedures:
 - The University of Memphis Foundation will normally be the donee for all gifts of patents, trademarks, and other technology rights.
 - Responsibility for specific acceptance and management of contributions of patents, trademarks, and other technology rights will be determined on a case-by-case basis by the University President and the University of Memphis Foundation Board of Trustees Chair.
 - Gifts of patents, trademarks, and other technology rights will be recorded at a nominal value (\$1) for both legal and recognition credit. Per CASE recommendations, income generated in the future as a result of these gifts can be recorded for recognition credit.
 - The donor is expected to pay the recordation fees in the appropriate copyright and patent offices associated with the transfer of the patent, trademark, or other technology rights to the University of Memphis Foundation. If the donor does not agree to cover this cost, the dean of the college in which the patents, trademarks, and other technology rights will be used must assume responsibility for the recordation fees, if such gift is to be accepted.
 - The donor is also expected to make a cash contribution that will cover the cost of renewing the donated patent, trademark, and technology rights. If the donor does not agree to cover this cost, the dean of the college in which the patents, trademarks, and other technology rights will be used must assume responsibility for all renewal expenses.

- d. *Contributed Services:* Based on CASE and FASB guidelines and IRS regulations, contributed services are not considered charitable contributions and will normally not be included in the University's annual fund-raising totals. The final decision regarding whether to include certain contributed services in annual fund-raising totals will be made by the Chief Development Officer. However, contributed services are eligible for recognition credit if the services received (a) create or enhance non-financial assets or (b) require specialized skills, are provided by individuals possessing those skills, and would typically need to be purchased if not provided by gift. Services requiring specialized skills are provided by accountants, architects, carpenters, doctors, electricians, lawyers, nurses, plumbers, teachers, and other professionals and craftsmen. Contributions of broadcast time and newspaper space are also considered contributed services and are eligible for recognition credit only. Reporting contributed services on the Gift-in-Kind Acceptance Form will enable the University to give recognition credit to the contributor of the service.
- e. *Items Not Considered Charitable Contributions:* Based on CASE and FASB guidelines and IRS regulations, the following types of in-kind contributions are not considered charitable contributions and will not be included in the University's annual fund-raising totals:
- Use of real estate
 - Discounts on purchases
 - Costs of appraisals
 - Shipping costs
 - Sales tax
- f. *Permanent Loan:* Property given to the University as a permanent loan will not be booked as a gift.
- g. All gifts of collection materials such as art and archival materials are subject to the following policies and procedures.
- The Office of Development will facilitate all donations of art and collection materials to the University of Memphis. The Gift Acceptance and Naming Committee must approve any gift valued over \$5,000.
 - The Office of Development will work with appropriate personnel to determine whether the donated item(s) are of value to the University and the proper University area to house the donated items and be responsible for care and maintenance.
 - If a work of art/archival material is likely to be considered controversial in terms of potential public relations issues related to the acceptance of the gift, the Chief Development Officer will review with the item(s) with University leadership to determine a course of action that is in the best interest of the University of Memphis.
 - The appropriate Development Officer will work with the donor and the college/school/academic support unit to facilitate gift acceptance.
 - The donor must irrevocably transfer ownership of the item to the institution.
 - Documentation of the University's rights to adapt, reproduce, display, distribute and perform the material will be obtained. Copyright of the items for academic purposes will be requested.
 - If the donor declines acceptance of the standard University policy for such rights, the donation will be reviewed by the Chief Development Officer to determine the course of action that is in the best interest of the University of Memphis.
 - All units with custodial responsibilities may elect to insure the item(s) for which they are responsible. In order to obtain insurance, it is mandatory that the donor obtain an appraisal.
 - All art and archival materials valued at over \$5,000 must be approved by the President prior to acceptance.