

Gift Acceptance Policy Statement

**Originally Adopted as an Expansion of and an Addition to
The Institutional Fund-Raising Policy as Contained in
Section V, Sub-Section 21, of the University's Governing Documents**

by

**St. Bonaventure University
Board of Trustees**

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POLICIES AND PROCEDURES GOVERNING THE ACCEPTANCE OF GIFTS

Mission Statement

Founded in 1858, St. Bonaventure is a Catholic university dedicated to educational excellence in the Franciscan tradition. We are committed to the constant pursuit of distinction in our undergraduate and graduate programs, our innovative liberal arts core and all of our courses of study. At St. Bonaventure University, we come to know our students on an individual basis and become their mentors. We strive to bring out the best in every individual. As an academic and spiritual community, we endeavor to prepare our students for the challenges they will face in their professional careers as well as in their personal lives. True to our Franciscan heritage, we encourage students to manifest our values through lives of citizenship and service.

Purpose

The purpose of this document is to: establish policies for the acceptance and administration of certain types of gifts.

General Statement Of Policy

As stated in the University's Governing Documents, the Office of University Advancement is the fund-raising arm of St. Bonaventure University (SBU or the University), and is managed by the Vice President for University Advancement. He or she is the chief fund-raising officer and reports to the President of the University. The Vice President is responsible for the coordination of all fund-raising activities, including the overall supervision and management of fund-raising programs, administration of staff, and management of the cultivation, solicitation and proper stewardship of all donors on behalf of the University. All development officers soliciting gifts on behalf of SBU or its schools, units or departments report through the Office of University Advancement.

By authorization of the Board of Trustees, as amended, University Advancement is SBU's official entity responsible for raising and receiving gifts on behalf of the University. The University's Business Office is responsible for administering and investing these gifts. Gifts are outright or deferred contributions received from private contributors (individuals, partnerships, corporations, foundations, trusts, and other organizations, sometimes referred to in this policy as "donors") in which neither goods nor services (other than general reports and fulfillment of donor intent) are expected, implied or forthcoming for the donor. (Such contributions are sometimes called "grants" by foundations and corporations.) All gifts, whether for current use or endowment, solicited in the name of and treated as a gift to any part of the University, must be received and expended by SBU or, in accordance with specific exceptions delineated in written agreements with affiliated organizations of SBU.

The following general policies and procedures set forth the guidelines for the SBU fund-raising program. Exceptions to these policies may be granted, where appropriate, by the SBU Board of Trustees.

Specific Guidelines Affecting All Fund-Raising

1. The fund-raising program of St. Bonaventure University (SBU or the University) generally supports and encourages both unrestricted gifts to the University and designated gifts to constituent schools, units, departments and areas of the donor's choice.
2. All bequests or trust gifts received for the benefit of SBU will be credited to the University's general endowment ("quasi-endowment") unless specific documentation to the contrary is available. The President, in consultation with the Finance Committee of the Board of Trustees, may recommend other proposed uses for such funds. All such proposals are required to be reviewed and approved by a vote of the full Board of Trustees prior to enactment. (Amended: B of T; June 17-18, 2005)
3. All proposals to prospective donors in directed giving opportunities (i.e., naming opportunities) must follow existing guidelines adopted by the Board of Trustees.
4. Because school, unit and department fund-raising programs encompass the broad spectrum of fund-raising activities, all school/department/constituent fund-raising programs contemplated are subject to the procedures contained in this policy statement.
5. All fund-raising projects or campaigns must be pre-approved by the Vice President for University Advancement, and the appropriate Vice President, Dean, Director or Department Head, and must follow the policies and procedures contained herein.

6. All construction or renovation projects require the approval of the Vice President for Business and Finance **before** solicitation begins. The Vice President for Business and Finance's approval is to be based on the recommendation of the appropriate Committee of the Board of Trustees, President, and Dean, Director or Department Head, which should include (a) a list of all proposed naming opportunities in the facility, and (b) endorsements by the Vice President for University Advancement and the Gift Policy and Acceptance Committee (as later defined), if required.
7. All proposals to prospective donors of \$50,000 to \$500,000 in directed giving opportunities (i.e., naming opportunities) must be approved by the Vice President for University Advancement, and the appropriate Dean, Director or Department Head prior to submission to the prospect.
8. Formal solicitations and **even preliminary** discussions with a prospect concerning gifts in excess of \$500,000 must comply with the following procedures. They must be approved in written draft form by the Vice President for University Advancement and the appropriate Dean, Director, or Department Head, prior to the solicitation; must be reported to SBU's President by the Vice President for University Advancement; and must subsequently be presented to the donor in writing.
9. The Office of University Advancement maintains Prospect Tracking Systems that record and manage the solicitation of prospects in order to avoid multiple solicitations that could confuse the prospect and/or diminish the effectiveness of the solicitation. All contacts and solicitations of prospective donors of \$1,000 and above must be reported by the development officers and coordinated through the PTS.
10. University Advancement's ability to assure donors and prospective donors that their personal or financial information will be held in confidence is essential to fulfilling its primary mission of raising private support for St. Bonaventure University. University Advancement will not release any records or information that include personal or financial information about a donor, alumnus, prospective donor or volunteer.

All fund-raising activities undertaken by SBU staff, faculty or students are undertaken on behalf of the entire University. All documents associated with such activities relating to a donor's, potential donor's or volunteer's personal or financial information in the possession of any SBU staff member, faculty or student is a record of the University and is confidential.

Gift Acceptance Policy

In deciding how all gifts offered to SBU through any of its schools, departments, units, areas, etc., will be considered for acceptance, whether such gifts are inter vivos (lifetime) gifts or testamentary gifts (through wills and trusts), the decision will be governed by the following:

Gift Policy and Acceptance Committee

A Gift Policy and Acceptance Committee (GPAC) is created. The members of the Gift Policy and Acceptance Committee, to be appointed by the President, include the Chairman of the Development Committee of the Board of Trustees (Chair of GPAC), Chairman of the Finance Committee of the Board of Trustees, SBU's outside legal counsel, the Vice President for Academic Affairs, the Vice President for University Advancement (Secretary of GPAC), the Vice President for Business and Finance, the Director of Development, the Director of Planned Giving, the Director of the Regina A. Quick Center for the Arts, and a faculty member appointed by the Faculty Senate. Others may be appointed as deemed necessary. GPAC will consider certain gifts of tangible and intangible personal property, as herein defined, gifts of limited marketability such as limited partnership interests, closely held stock, restricted stock, interest in a businesses, and the like, and real property, as defined in the Real Property Gift Acceptance Policy. All GPAC decisions will be reported to the Board of Trustees. In addition, GPAC will refer all gifts valued in excess of \$250,000 it has considered for acceptance to the Board of Trustees for a final acceptance decision along with its recommendation.

Role of University Advancement

Because of the various complexities—both legal and otherwise—associated with evaluating, processing, recording and acknowledging gifts, all gifts offered to the University through any of its schools, units, departments, areas, etc., except as noted below, must be referred to University Advancement which will co-ordinate the acceptance process as outlined in this policy prior to formal approval. Information about all gifts and donations, and their donors, along with copies of additional documentation received including appraisals, gift descriptions, IRS forms, etc., will be forwarded to University Advancement for recording

and preparation of the gift acknowledgment to the donor.

Unrestricted Gifts

These are not designated as to purpose by the donor, and include bequests and other gifts from trusts, and the in the form of:

- 1) cash or cash equivalents such as publicly-traded securities traded on national exchanges, except in extremely rare and unforeseen circumstances, will be accepted;
- 2) gifts to be promptly liquidated including gifts of tangible personal property, including works of art not given to the Regina A. Quick Center for the Arts (QAC), books/manuscripts/collections/ collectables not donated directly to the Friedsam Memorial Library, real estate and gifts-in-kind, as later defined, will be accepted by University Advancement **so long as the property:**
 - a) is consistent with the mission of the University; and
 - b) can be liquidated without reservation and the proceeds used by SBU; or
 - c) does not involve significant additional expense in its present or future use, display, maintenance, or administration; or
 - d) does not carry a financial or other burdensome obligation that is or will be directly or indirectly incurred by SBU as a result of acceptance; or
 - e) is valued at \$25,000 or less (\$250,000 in the case of residential real estate); or
 - f) does not conflict with University needs.
- 3) all other unrestricted gifts will be referred to the Gift Policy and Acceptance Committee (GPAC) in accordance with this policy. It is the responsibility of any development officer or departmental or other University official presented with a gift or working with an estate to bring all gifts subject to this policy before the Gift Policy and Acceptance Committee prior to accepting such gifts.
 - a) all GPAC decisions will be reported to the Board of Trustees;
 - b) gifts valued in excess of \$250,000 will be referred to the Board of Trustees for a final acceptance decision along with GPAC's recommendation.

Restricted Gifts

These **are** designated as to purpose or use by the donor, and include bequests and other gifts from trusts, will be reviewed within University Advancement to determined if the gift is to be used for designated University fundraising priorities as determined from time-to-time by the Board of Trustees.

A. If the gift **addresses one or more University fundraising priority**, and is in the form of:

1. cash or cash equivalents such as publicly-traded securities traded on national exchanges, except in extremely rare and unforeseen circumstances, will be accepted;
2. gifts to be promptly liquidated including gifts of tangible personal property, including works of art not given to the Regina A. Quick Center for the Arts (QAC), books/manuscripts/collections/ collectables not donated directly to the Friedsam Memorial Library, real estate and gifts-in-kind, as later defined, will be accepted by University Advancement **so long as the property:**
 - a. is consistent with the mission of the University; and
 - b. can be liquidated without reservation and the proceeds used by SBU; or
 - c. does not involve significant additional expense in its present or future use, display, maintenance, or administration; or
 - d. does not carry a financial or other burdensome obligation that is or will be directly or indirectly incurred by SBU as a result of acceptance; or
 - e. is valued at \$25,000 or less (\$250,000 in the case of residential real estate); or
 - f. does not conflict with University needs.

3. all other restricted gifts will be referred to the Gift Policy and Acceptance Committee (GPAC) in accordance with this policy. It is the responsibility of any development officer or departmental or other University official presented with a gift or working with an estate to bring all gifts subject to this policy before the Gift Policy and Acceptance Committee prior to accepting such gifts.
 - a. all GPAC decisions will be reported to the Board of Trustees;
 - b. gifts declined by GPAC that were restricted for use by a particular SBU school, unit, department, or other area will be referred to that entity to consider its purchase of the gift;
 - c. gifts valued in excess of \$250,000 will be referred to the Board of Trustees for a final acceptance decision along with GPAC's recommendation.

B. If the gift **does not address one or more University fundraising priority**, and is in the form of:

1. cash or cash equivalents such as publicly-traded securities traded on national exchanges, except in extremely rare and unforeseen circumstances, the gift will be accepted. Should the purpose of the gift be inconsistent with the mission of the University, it will be referred to GPAC for consideration.
2. books/manuscripts/collections/collectables or works of art (including additions to current holdings), valued by the donor at \$25,000 or more, donated specifically to the Friedsam Memorial Library or to the Regina A. Quick Center for the Arts (QAC), will be considered for acceptance first by those entities and then referred to GPAC for consideration in accordance with this policy;
3. all other restricted gifts will be referred to the Gift Policy and Acceptance Committee (GPAC) in accordance with this policy. It is the responsibility of any development officer or departmental or other University official presented with a gift or working with an estate to bring all gifts subject to this policy before the Gift Policy and Acceptance Committee prior to accepting such gifts.
 - a. all GPAC decisions will be reported to the Board of Trustees;
 - b. gifts declined by GPAC that may have a use by or in a particular SBU school, unit, department, or other area will be referred to that entity to consider its purchase of the gift;
 - c. gifts valued in excess of \$250,000 will be referred to the Board of Trustees for a final acceptance decision along with GPAC's recommendation.

University Acquisition of Gift Property

A gift of property designated by the donor to be liquidated and the proceeds used for a specific purpose (restricted) or for the University's general purposes (unrestricted), may be acquired by SBU for its own use provided the University acquires the asset for its fair market value as of the date of its receipt. In these cases, and if the property in question has an aggregate value in excess of \$25,000, the Board of Trustees must authorize the acquisition and the use of University funds for the acquisition. Further, in those cases where the donor's intent is to support a specific purpose, the Board must designate that the funds used for the acquisition, from whatever source, will be for the benefit of the restricted gift purpose.

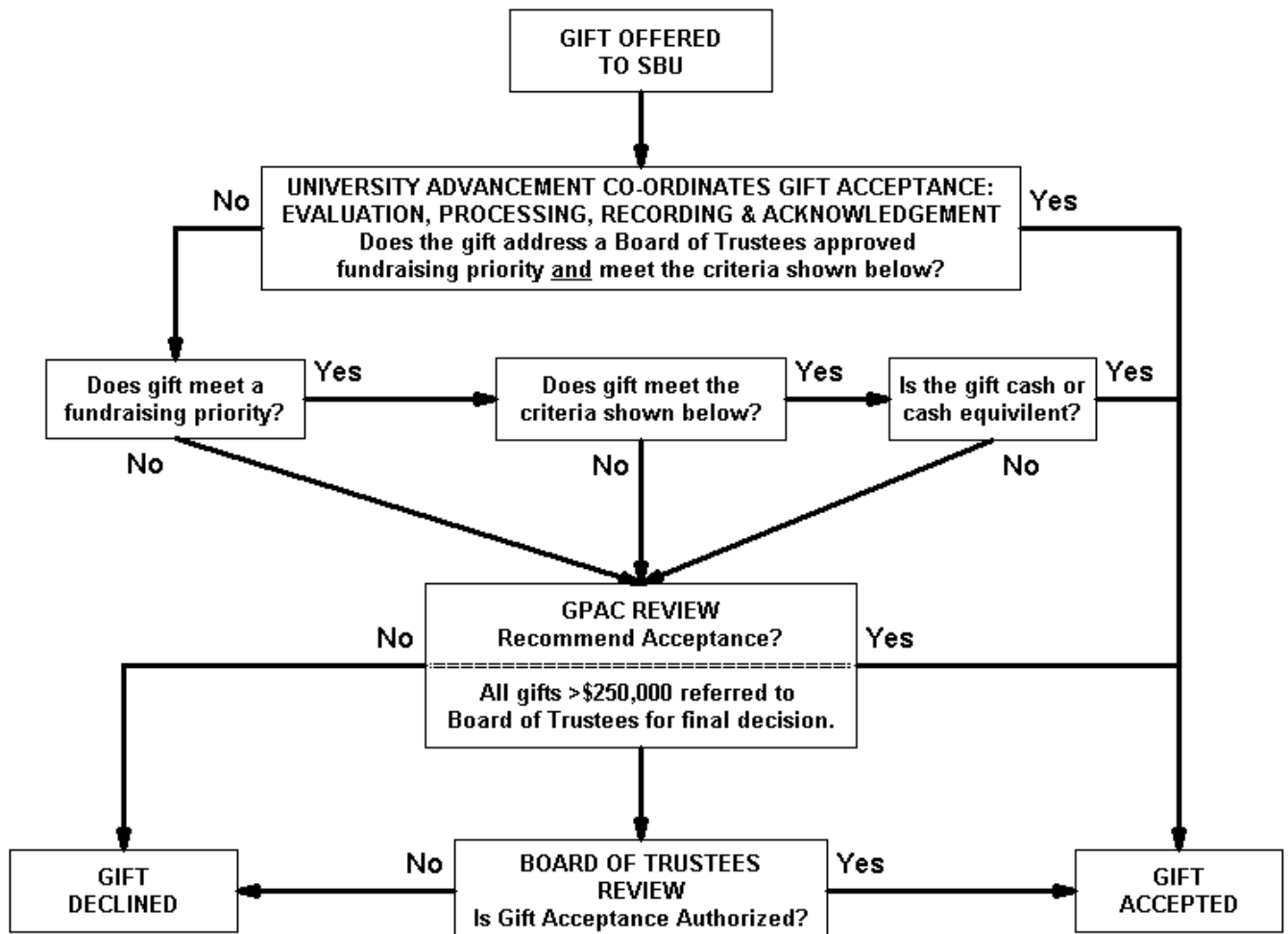
Acceptance

Once accepted the gift will be recorded, the donor acknowledged, and stewardship will be initiated.

Declination

Gifts not accepted will be returned to the donor expeditiously with a written explanation for the declination.

Gift Acceptance Decision Tree



Criteria for Gift Acceptance

University Advancement in virtually every case will evaluate, process, record and acknowledge the gift so long as it:

1. is consistent with the mission of the University; and
2. can be liquidated without reservation and the proceeds used by SBU; or
3. does not involve significant additional expense in its present or future use, display, maintenance, or administration; or
4. does not carry a financial or other burdensome obligation that is or will be directly or indirectly incurred by SBU as a result of acceptance; or
5. is valued at \$25,000 or less (\$250,000 in the case of residential real estate); or
6. does not conflict with SBU's own needs.

Types of Gifts

Cash/Checks/Credit Card Payments

Cash, checks and credit card payments will be reported at full value as of the date received. Any authorized person on behalf of the University may accept such gifts. Gifts of currency totaling \$10,000 or more, however, from an individual or his or her family, will be subject to reporting to the IRS using the Currency Transaction Report form 4789 as required by the Bank Secrecy Act. Foreign denominated checks or currency will not be accepted for immediate credit, but may be entered for collection and credited as of the date good funds are received. Gold coins or other collectable currency will be considered as tangible personal property for purposes of this policy.

Readily Marketable Securities/Mutual Funds

All gifts of readily marketable securities and/or mutual funds shall be referred to the Office of Planned Giving, which, on behalf of the University, may accept publicly traded securities. The donor should be advised that, generally, it is the policy of the University to sell gifted securities as soon as possible and, as authorized by the Board of Trustees, and as later described in this Policy, the authority to sell or hold gifted securities rests solely with the President and with the Vice President for Business and Finance. Instructions for the electronic delivery of securities is attached as Exhibit A and made a part hereof by reference. The physical delivery of securities to the University through other means (i.e., United States Postal Service, overnight courier, by hand) have certain requirements which should be discussed with the donor prior to commencement of such delivery.

Life Insurance

All inquiries concerning the gifting of life insurance shall be referred to the Office of Planned Giving. That office will review each case and make recommendation to the Vice President for University Advancement and the Vice President for Business and Finance concerning acceptability of the gift. As part of this review, an evaluation of the insurance company's long-term viability will be conducted including third party ratings, key financial ratios, operating performance and market profile. Copies of all pertinent documentation must be in received as part of this review. In rare instances, gifts of life insurance may be referred to GPAC for final consideration.

Typically, a gift of a fully paid-up policy or a partially paid-up policy supported by an unqualified pledge by the donor to make all subsequent premium payments when due will be accepted provided the insurance company is deemed sound. Gifts of new policies or term policies will be evaluated on a case-by-case basis. Except in rare instances, policies encumbered with loans will not be accepted. As authorized by the Board of Trustees, and as later described in this Policy, the authority to hold or surrender gifted policies rests solely with the President and with the Vice President for Business and Finance.

While life insurance can be an excellent gift, the University must exercise caution in its relationship with any insurance company, insurance product or agent. It shall be the policy of SBU not to endorse any insurance products for use in funding gifts nor agree to the payment of finders fees, commissions, or other fees as a condition for the delivery of the gift. Also, in no event shall lists of donors or volunteers be furnished to anyone for the purpose of marketing life insurance for the benefit of donors or volunteers or for the benefit of the St. Bonaventure University. Further, in no event will the University accept a policy wherein the insured or the insured's family or a trust for the benefit of the insured or the insured's family retains an interest in any cash surrender or paid-up values (generally referred to as "charitable split-dollar" or "charitable reverse split-dollar" plans). SBU will not borrow against a policy's cash surrender value unless such a loan is for the payment of a premium and the loan is expected to be repaid shortly by the donor.

Gifts of commercial annuity contracts will be considered on a case-by-case basis.

Life Income Gifts (Charitable Remainder Trusts and Charitable Gift Annuities)

Life income gifts usually are in the form of charitable remainder trusts or charitable gift annuities. These gift arrangements involve transfers of cash or income producing assets, such as stocks or bonds, to a trust or directly to the University. During its term, the trust or the University pays the designated beneficiary or beneficiaries a specific percent of the trust or gift annuity.

All inquiries concerning these gifts shall be referred to the Office of Planned Giving. That office will review each case and make recommendation to the Vice President for University Advancement concerning acceptability of the gift. This policy will govern the acceptability of the assets used.

Charitable Lead Trust

A charitable lead trust is a gift arrangement in which the donor transfers income-producing assets, such as stocks and bonds or income-producing property, to a trust for a specified term of years. During the term of the trust, the annuity amount or unitrust amount is paid to St. Bonaventure University, and at the end of the term, the trust principal returns to the donor or the donor's heirs. All inquiries concerning these gifts shall be referred to the Office of Planned Giving. That office will review each case and make recommendation to the Vice President for University Advancement concerning acceptability of the gift. This policy will govern the acceptability of the assets used.

Tangible and Intangible Personal Property/ Oil, Gas and Mineral Interests/Timber and Agricultural Commodities/Gifts-in-Kind

A gift of tangible and intangible personal property, interests in oil and gas and or minerals, interest in timber or crops and gifts-in-kind, defined as including, but not limited to, works of art, collections of books, manuscripts, other literary works, collectables, boats, motor vehicles, aircraft, coin collections, furniture, jewelry, notes, mortgages, intellectual property, royalties, working oil wells, partial interests in gas fields, coal mines, rights to timber or farm commodities of all kinds, and computer hardware and software, including gifts donated specifically to the Friedsam Memorial Library, but excluding works of art donated specifically to the Regina A. Quick Center for the Arts for the purpose of this section only, may be considered for acceptance on behalf of the University **so long as the property:**

1. is consistent with the mission of the University; and
2. can be liquidated without reservation and the proceeds used by SBU; or
3. does not involve significant additional expense in its present or future use, display, maintenance, or administration; or
4. does not carry a financial or other burdensome obligation that is or will be directly or indirectly incurred by SBU as a result thereof; or
5. is valued at \$25,000 or less; or
6. does not conflict with University needs.

All other gifts falling outside these parameters, including all gifts incorporating a request of a future interest to the donor including reversions, remainders and other interests that encumber SBU's use, possession or enjoyment at some future time, and gifts in kind will be referred to University Advancement and/or GPAC for acceptance. Gifts of works of art are discussed separately below.

Partnership Interests, Non-Publicly Traded Stock, Restricted Securities, other Business Interests

An offer of a gift of an interest in a limited or general partnership, or of stock in a corporation that is not publicly traded, or of restricted or controlled stock of a publicly traded corporation, may be accepted on behalf of the University provided that the appropriate due diligence has been performed by GPAC. Approval by GPAC must be obtained prior to any transfer to SBU of a partnership interest, stock that is not publicly traded, or restricted or control-person stock.

Unsolicited transfers of partnership interests or closely held stock will not be accepted. Upon receipt of any such unsolicited transfer, University Advancement staff will immediately notify the transferor (in writing) that the interest or stock has not been accepted and will not be accepted until the requirements of this policy are met.

Art Work

Gifts of works of art may be accepted by SBU. In addition to the noted policies on gifts of tangible personal property which are incorporated herein and made a part hereof, and The Regina A. Quick Center for the Arts (QAC) existing Collections Management Policy, attached as Exhibit B and which is incorporated herein and made a part hereof by reference, SBU, in accepting works of art, will adhere to the following two-tier approach:

1. Works of high quality, individually or in whole collections, may be given to or otherwise accessioned by The Regina A. Quick Center for the Arts (QAC), the official collector and keeper of important works of art for the University. To be "accessioned" indicates the QAC's commitment to care for the work and to use the work to complement SBU's mission and for QAC purposes. Gifts of Art accepted by the QAC must be approved by the QAC Director prior to acceptance and,

if appropriate, the Art Council's Acquisitions Committee. The principal criteria for acceptance, besides quality, are condition, ownership, authenticity, and relatedness and appropriateness to the purpose and nature of the collections of the QAC and their focus. In addition, it must meet the following conditions:

- a. Generally, it must be unencumbered by any restrictions as to use, attribution, exhibition, and disposal. The QAC will, however, honor the donor's wishes regarding gift recognition.
 - b. Because of increasing problems of repatriation lawsuits for certain ethnic and cultural categories, works of art should also be accompanied by a bill of sale or other proof of ownership and a complete provenance (the artwork's history of ownership), where available.
 - c. Does not involve significant additional unbudgeted expenses in its present or future use, display, maintenance, or administration nor carry a financial or other burdensome obligation that is or will be directly or indirectly incurred as a result of acceptance.
2. Gifts of works of art falling outside these parameters, including all gifts not given specifically to the QAC, or which are not accepted by the QAC, will be referred to University Advancement and/or GPAC for acceptance. Whenever and wherever possible, University Advancement and GPAC will use the same criteria for accepting works of art as does the QAC which are, besides quality, its condition, ownership, authenticity, and relatedness and appropriateness to the purpose and nature of the proposed use. Works not meeting QAC standards may still be of value to the University for decorative, instructional or resale purposes. However used, title to these works remains with SBU, and decisions regarding disposition rest with the University. Proof of ownership is a condition of acceptance for any artwork because of increasing problems of repatriation lawsuits for certain ethnic and cultural categories.

The final decision regarding the acceptance gifts of works of art, both individually and as a group, valued in excess of \$250,000, will rest with the Board of Trustees. GPAC will forward its recommendations, in such instances, to the Board for a final decision.

Real Property

Due to the complexity of such gifts, including gifts granting the donor a retained life estate in the property, a separate Real Estate Gift Acceptance Policy has been developed and adopted by the SBU Board of Trustees for the acceptance of real property. That policy is incorporated herein by reference and is attached.

Some of the points covered in this policy are:

1. No interest in real property, whether outright, in trust, by bequest, as a secured interest, or otherwise, will be accepted by or on behalf of SBU without first complying with all environmental due diligence requirements as set by the Board.
2. Each real property acquisition will require a site visit by the Vice President for Business and Finance, the Vice President for University Advancement, or by SBU's designated agent, and may require an appraisal, survey, or title work.
3. SBU will not discriminate or condone discrimination in its real property activities. SBU will conduct all affairs in compliance with all applicable state and federal Equal Opportunity, Fair Housing, Equal Credit Opportunity, and other anti-discrimination laws.

Restrictions On Gifts

Gift Agreements

The terms of all endowment gifts, and all non-endowed gifts of \$25,000 or more, will be specified in a written gift agreement that outlines the program to be supported (for endowment gifts) and the schedule of contributions. The gift agreement must be signed first by the appropriate SBU academic officers (if applicable), the Vice President for University Advancement or his or her designee, next the Vice President for Business and Finance, then the President of SBU (if applicable), and last, by the donor(s). All donors are presumed to have directed SBU to apply for any matching funds from federal, state, or private sources that might be available as a result of their gifts.

Restricting Policies

1. The terms of any gift should be as general and flexible as possible to permit the most productive use of the funds.
2. The University encourages clauses in proposals, gift agreements or solicitations that are non-discriminatory in nature and which are consistent with University policies.
3. Preferences for relatives or descendants of the donor in the awarding of scholarships or in the use of donated funds are unacceptable.
4. Gifts from any donor for a fellowship or scholarship made on the condition or with the understanding that the award will be made to a student of the donor's choice will not be accepted. Money received subject to such restrictions may be credited to a depository account within the University Office of Student Financial Aid, but will not be recorded as a gift to SBU.
5. Gifts that restrict or impede the work or scholarly activity of a faculty member, fellowship holder or student will not be accepted.
6. No fellowship or scholarship gift will be accepted if the terms of the gift in any way include a commitment for the future employment of the student recipient.
7. As a general rule, the University discourages donors serving on any selection, evaluation, or advisory committees involved in the selection or evaluation of students or faculty members who would benefit from his or her gift. Exceptions will be considered on a case-by-case basis.
8. It remains a University prerogative to reject or otherwise refuse any gift with limitations it deems too restrictive or outside the bounds of the University's mission.

Changing Restrictions

The use of donated funds for a purpose other than that stipulated by the donor is prohibited. If another use is deemed necessary, consent for using the funds in a different manner may be sought from the donor or may be altered in accordance with the terms of the gift agreement. If the use becomes impossible or unlawful, court approval may be sought to alter the use. Similarly, for a donor to change the originally stated use of donated funds, appropriate University officials must first agree to the change.

Allocation Of Certain Gifts

1. As has been directed by the Board of Trustees, all unrestricted gifts approved for acceptance, other than those gifts made to the unrestricted Annual Giving Campaign, will be credited to the unrestricted endowment. Correspondingly, the use and/or allocation of approved gifts of less than \$5,000 donated on a restricted basis to a particular school, unit or department shall be determined by the appropriate Dean or Director. The appropriate Dean or Director also will consult the Vice President for University Advancement regarding the use and allocation of approved gifts of \$5,000 or more.
2. Those persons designated by Vice Presidents, Deans or Directors to oversee the disbursement of funds, with the written approval of the appropriate Vice President, or Dean or Director, and with oversight by the Vice President for Business and Finance, will designate the use and/or allocation of restricted gift income consistent with the specified intent of the donor.
3. Corporate matching gifts will be credited to the donating corporation's gift record. Such matching gifts, however, will be deposited into the fund for which the individual employee-donor's gift was made, unless the corporate donor specifies otherwise. The employee-donor's gift record receives "soft credit" for the corporate match. SBU is solely authorized to certify, execute and deliver necessary and appropriate affidavits and forms in connection with corporate matching gifts.
4. Unrestricted corporate gifts or grants made or computed on the basis of the number of SBU trained personnel in the corporation's employ or under a similar formula will be allocated to unrestricted University funds unless information is furnished by the corporation indicating a clear intent that the gift should be credited to a particular area.

Administration Of Gifts

The administration of all gifts is the responsibility of SBU's Office of Business and Finance. The University's Board of Trustees through its Finance and Investment Committees oversees SBU fund management and investment policies.

Donors should not be given assurances that their gifts will be invested in a manner inconsistent with the general policies of the University as published in its Governing Documents. This is particularly true in cases where the donor wishes to:

1. Direct that specific investments be made; or
2. Direct that a specific investment manager be used.

The SBU Office of University Advancement will record all gifts, and receipt gifts to the donors. The Office of Business and Finance will deposit gifts into the proper accounts as determined by the Vice President for University Advancement in consultation with the Vice President for Business and Finance and the Development Committee of the Board of Trustees.

Special Gift Issues

Charitable Gift Annuity

The establishment of a charitable gift annuity requires a minimum gift of \$5,000. The minimum beneficiary age is 55 years old.

If the gift is other than cash or publicly traded securities that can be liquidated promptly, approval will be required by the Gift Policy and Acceptance Committee for the issuance of the gift annuity. In no event, however, will real estate be accepted since that violates New York law.

The rates paid on charitable gift annuities will follow the suggested rates approved by the American Council on Gift Annuities (ACGA). Under special circumstances, the rates may be decreased or increased, based on one or more of the following factors:

1. **Decreased Rate:** If the donor desires a larger-than-normal charitable income tax deduction and requests the rate be lowered to cause this.
2. **Increased Rate:** Will be considered by the Gift Policy and Acceptance Committee in one of the following circumstances:
 - a. The proposed annuitant's probable life expectancy is significantly less than what would be expected using the standard mortality table; or
 - b. The proposed gift is equal to or greater than \$100,000; or
 - c. The University's prior favorable giving experience with the proposed annuitant; or
 - d. A favorable recommendation from the Director of Planned Giving.

Special attention will be paid to make sure that any variation from the ACGA recommended annuity rates is in the best interest of SBU.

Charitable Trusts

Payment of Fees

St. Bonaventure University seeks to encourage donors to include the University in their trust plans and will reimburse donors with a portion of the costs of preparing such plans on a case-by-case basis. (SBU will only make payments directly to the donors and in no event will make payment to the attorney who prepares the documentation.) The decision on whether to assist with the costs of preparing documents is at the discretion of the Director of Planned Giving, the Director of Development, or the Vice President for University Advancement. As a general rule, St. Bonaventure will expect all of the following conditions be met before agreeing to reimburse donors:

1. St. Bonaventure University is named as at least a 50% irrevocable beneficiary; and
2. The amount of the reimbursement does not exceed 2% of the present value of SBU's interest; and
3. In the event of multiple charitable beneficiaries, the donor reimbursement is apportioned among the beneficiaries based on their portion of the charitable remainder interest in the plan (i.e., if the proceeds of a charitable remainder trust are to be split 50/50 between SBU and another charitable organization, SBU will reimburse no more than 50% of the legal fees).

4. Satisfactory documentation from the grantor/donor verifying full payment of the fees in question.

Acting as a Fiduciary

The University or University Officials and Employees Acting as Trustee, Executor, Administrator, Guardian, Custodian or Attorney-in-Fact (Power of Attorney)

Except in very unusual and extremely rare circumstances, SBU will not agree to act as trustee of charitable remainder trusts since the expertise required and inherent fiduciary liability are greater than what SBU is prepared to assume. However, if SBU is asked to consider the role of trustee, SBU will require the following conditions to be met before any decision is made about its role:

1. A minimum gift of \$500,000 with at least 50% of the remainder irrevocably designated for the benefit of SBU.
2. A unitrust may be funded with less than the minimum amount provided the donor agrees in writing that the corpus of the trust will meet the required minimum within 36 months from funding.
3. A grant of authority to the trustee to commingle the assets of the charitable remainder trust with assets of other charitable remainder trusts managed by the trustee, for investment purposes only.
4. A grant of authority to the trustee to name a co-trustee, if the trustee deems this to be necessary to assist in the management or investment of the trust.
5. Specific authorization and agreement that all fees charged for the management of the trust, whether by SBU or its outside agents, will be paid by the trust.

The final decision regarding SBU's role as trustee will rest *jointly* with the Vice President for University Advancement the Vice President for Business and Finance.

University officials, acting in their official capacity, may not act as a fiduciary (trustee, executor, administrator, guardian, custodian or attorney-in-fact) in those cases where the University has a present, future or contingent financial, income or remainder interest of any kind in a grantor's trust, estate, or accounts.

Employees of the University, if asked, named or appointed in such a capacity as individuals, and not acting on behalf of SBU (for example, serving as executor for a family member), may serve as a fiduciary unless the University has a present, future or contingent financial, income or remainder interest in a grantor's trust, estate, or accounts. If so named, employees must bring the matter to the attention of the Vice President for University Advancement and the Vice President for Business and Finance to request a waiver of this provision. The Vice President for University Advancement or the Vice President for Business and Finance may request an opinion from University counsel prior to bringing the matter to the University President for a final decision.

Originally Adopted: June 14/15, 2002.

Exhibit A

Instructions for Delivery of Securities

If you will be transferring stocks or bonds to St. Bonaventure University, please instruct your broker, trust officer or financial advisor to electronically deliver the securities by DTC to:

| | |
|-----------------|--------------------------------------------------------------------------|
| Broker: | Brown & Company One Beacon Street Boston, Massachusetts 02108-3102 |
| Telephone: | 800-357-4410 |
| Account Name: | St. Bonaventure University |
| Account Number: | 83523200 |
| DTC Number: | 785 |

Please call, or have your advisor call, the Planned Giving Office at 800-664-1273 or (716) 375-2409 as soon as possible to let us know:

1. Your name, address and phone number (needed for receipting purposes);
2. Name(s) of the security(ies) being transferred;
3. Number of shares (stocks) or face value amount (bonds);
4. Approximate current market value of the securities;
5. The name, address and phone number of your advisor.

The official value of your gift will be the average of the high and low quotes on the day the securities are recorded in the St. Bonaventure University account. Normally, a transfer will take place within two or three business days, but may take much longer near year end. A receipt will be prepared and mailed to you within a few days following the delivery of the security(ies).

We appreciate your generosity greatly.

Paul Moore
Director of Planned Giving
800-664-1273
(716) 375-2409

Exhibit B

Collections Management Policy F. Donald Kenney Museum And Art Studys Wing

THE REGINA A. QUICK CENTER FOR THE ARTS
ST. BONAVENTURE UNIVERSITY

Approved by the University Arts Council, June, 1999

Approved by the President, July, 1999

This document represents the official collections policy of the F. Donald Kenney Museum and Art Study Wing at The Regina A. Quick Center for the Arts, St. Bonaventure University. It sets forth the goals and guidelines for the care, development and preservation of the Museum's collections. Please refer to the Museum's Ethics Policy for details of conflicts of interest relating to collections.

The F. Donald Kenney Museum possesses an eclectic collection, composed of the following subcollections: The Col. Michael Friedsam collection, the Hanley collection, the F. Donald Kenney collection and other gifts of art not associated with a specific collection. Col. Friedsam donated inlaid silver pipes, ivory carvings, bronzes, Chinese vases, examples of the Barbizon School, American artists, Dutch paintings, primitive Italian, French and Flemish schools. The collection donated by Dr. T. Edward Hanley contains representations of French Impressionist works, among others. The Kenney collection includes French paintings and prints spanning the 20th century. The Museum also holds Native American, Mayan, Pre-Columbian and Asian collections, and has started to develop a contemporary art collection.

All collections exist to support the academic mission of St. Bonaventure University and to serve as a resource for the education and pleasure of the Museum's audiences.

Acquisitions

Selection Committee

- The Acquisitions Committee, a subdivision of the University Arts Council, shall advise the President of St. Bonaventure University, and subsequently the Museum's leadership, on collections management.
- As the Acquisitions Committee's function will be primarily advisory, the Director of the F. Donald Kenney Museum and Art Study Wing will make final decisions on what acquisitions to present to the Director of The Regina A. Quick Center for the Arts and the University President.

Criteria for Selection

- Any work that is selected for addition to the existing collection, whether by purchase or gift, should be appropriate to the nature of the collection, and it must also help to enhance the collection's focus.
- Any work should be relevant to the Museum's mission statement and complement the mission of the university.
- Any work should be of museum quality.

Means of Acquisition

- Direct Purchase – A purchase from artists, or their dealers, with funds provided by grants, donors or contingency funds.
- Gift in Kind – Gifts from artists whose works have been predetermined as desirable additions to the permanent collection.
- Donations to the Collection – Donations to the collection that will aid in the Museum's mission, and contribute to the overall quality of the collection. Works should be appraised, in good condition, and accompanied by documentation of both history and ownership.

General Procedure

A. For gifts and purchases, the following procedure shall be followed:

1. The Museum Director shall make all recommendations for gifts and purchases to the QAC Director.
2. In the case of purchases less than \$3,000, the Museum Director, in consultation with the QAC Director, shall have the final decision on whether to proceed. In all other cases the QAC Director must seek the endorsement of the Acquisitions Committee before approving the request.
3. In the case of major purchases, i.e. purchases that exceed the above limit, the Museum and QAC Directors shall request a meeting of the Acquisitions Committee. A proposal will be placed before the committee for its endorsement; this endorsement will be sent to the President for final approval.
4. The Acquisitions Committee must endorse all proposed gifts/donations. Should Committee members feel they cannot endorse a proposed gift/donation, they must state the reasons in writing. The proposed gift/donation will then be reassessed by the Museum Director and QAC Director. Their decision to accept the gift in question then will be referred to the Gift Policy and Acceptance Committee.
5. Should the Museum reject a proposed gift, it may be considered for acceptance elsewhere on campus upon the recommendation of University Advancement and/or St. Bonaventure University's Gift Policy and Acceptance Committee. However, at no time may the Museum be requested to house the gift or reassess it for the Museum collection without abiding by the acquisitions procedure.
6. Information about all gifts/donations accepted, and their donors, will be forwarded to University Advancement for recording and receipting along with copies of additional documentation received including appraisals, gift descriptions, IRS forms, etc.

B. Except in unusual circumstances, the staff will observe the following guidelines:

1. The Museum Director will make a physical examination of the object(s) before making a recommendation.
2. Purchases in the fine arts costly enough to require committee endorsement will be examined by an appropriate conservator, and the Museum Director's decision on whether the condition warrants continued pursuit shall be final. Purchases of lesser value shall be examined by a conservator whenever practical.
3. Major purchases and gifts may be brought to The Quick Arts Center on temporary loan prior to the formulation of a final recommendation. (see loan policy)
4. Title to all objects acquired for the collections will be obtained without restrictions, except in extraordinary cases. Exceptions to this policy require the endorsement of the Acquisitions Committee, and the approval of the Museum Director, in consultation with the QAC Director. In the event that an object is accepted with restrictions or limitations, all conditions must be clearly stated in an instrument of conveyance, which will then be added to the object's records.
5. In accordance with IRS regulations, The Regina A. Quick Center for the Arts will provide neither appraisals nor appraisal arrangements for donors.
6. A legal instrument of conveyance, setting forth appropriate representations and warranties with respect to ownership and right of transfer, will accompany all acquisitions and will become part of the registration records. Such documents must be signed by the donor or seller, and by the QAC Director and Museum Director.
 - a. Objects of doubtful provenance, or objects that are accompanied by insufficient documentation, will not be accepted.
 - b. An object cannot be willfully/knowingly acquired or recommended for acquisition if it has been stolen or illegally imported.

7. Records of accession shall be created and maintained for all objects in the permanent collections.

Deaccessioning and Disposal

All objects entering the Museum's collections through formal registration and accessioning are of fundamental importance to the Museum's mission. Their perpetual care, preservation and benefit for educational purposes constitute the public trust vested in the Museum and University by the New York Board of Regents.

At times, however, some objects in the collections may be considered to have insufficient justification to warrant their retention. In such circumstances and in the case of duplication, the process of deaccessioning and disposal through sale, trade or loan is appropriate as a means of strengthening the quality of the overall collection.

The policy for deaccessioning and disposal of an object from the Museum's collections adheres to the recommendations of the American Association of Museums and the American Association of Art Museum Directors, following the guidelines established by the New York State Board of Regents. Those recommendations are:

1. The purpose of deaccessioning and disposal is a legitimate part of the formation and care of collections and is intended to refine and improve the quality and appropriateness of the collections.
2. Proceeds derived from the deaccessioning of any property from the collection shall be placed in either:
 - a. a temporarily restricted fund to be used only for purposes of acquisition
 - b. a permanently restricted fund the earnings of which shall be used only for purposes of acquisition.

Under no circumstances shall proceeds derived from the deaccessioning of any property from the collection be used for purposes other than the acquisition of new artwork.

3. Among the reasons for deaccessioning and disposal of an object are the following:
 - a. The object is of poor quality, either intrinsically or relatively, in comparison with other objects of the same type in a collection. Items of modest quality, however, may have sufficient educational value to warrant retention.
 - b. An object may be redundant or considered a duplicate, which has no value as a variation or a part of a series.
 - c. The Museum's possession of the item is not legitimate, i.e. the object is found to be stolen, or illegally exported or imported in violation of applicable state and federal laws. The means of disposal will be determined on a case-by-case basis.
 - d. The object is no longer relevant to the mission statement.
 - e. The object is more appropriately placed at another institution.
 - f. The object is beyond the capability of the museum to preserve.
4. The process of deaccessioning and disposal is initiated by the appropriate professional staff with full justification in writing to the Museum's Director. The Museum Director, after appropriate review of the facts and circumstances with the acquisitions committee, will present the request to The Quick Arts Center Director. The QAC Director, after appropriate review, will present the request to the University President.
5. No member of the University's Board of Trustees, University Arts Council, staff or those whose association with the institution might give them an advantage in acquiring the work, shall be permitted to acquire directly or indirectly a work deaccessioned by the university. Nor will said parties be allowed to benefit from the object's sale or trade.
6. Complete and accurate records, including photographs of the object and the circumstances of its disposal, will be maintained by the Curator of Exhibitions as part of the permanent records.

7. Notification to donors and living artists is prerequisite to deaccessioning objects. Likewise, all donors must be informed the University is required to complete IRS Form 8282, and send copies to the donor and the IRS, if we sell, exchange or otherwise dispose of contributed property valued at \$5,000 or more within 2 years of receipt.
8. Acquisitions of future objects from the proceeds of deaccessioning and disposal will acknowledge original donors and artists where appropriate.
9. Gifts given to St. Bonaventure in perpetuity may not be deaccessioned.

The Education Collection

In some instances, an alternative to the deaccessioning process may be favorable. While there may be insufficient justification to retain duplicates or objects of poor quality in the permanent collection, disposal may not always be the most appropriate approach. Such objects may be placed within the Education Collection, a sub-collection of St. Bonaventure University's F. Donald Kenney Museum art collection. Objects placed in this sub-collection will be available for display in various campus venues, thereby increasing the presence and impact of the collection on campus.

The art that is deemed suitable for classification within the Permanent Collection will be:

1. Work of outstanding quality or value
2. Work of significant educational importance
3. Work that is "one of a kind"

Art that is deemed unfit to be retained within the Permanent Collection may either be deaccessioned and removed from the university's art collection altogether, or placed within the University Collection. Art that is placed in the Education Collection will be:

1. Work of lesser quality or value
2. Work that lacks significant educational importance
3. Work that is a duplicate of another piece in the collection.

Pieces that are placed in the Education Collection will not be restricted in the duration of their retention, and may be removed at any time. In addition, such pieces will not be restricted with regards to storage.

The Museum Director, in consultation with the QAC Director and Curator of Exhibitions, will be responsible for the reclassification of those pieces already in the Museum's art collection. This reclassification will involve evaluation of each piece based on the three criteria for retention in the Permanent Collection. Any pieces that do not meet the three criteria for retention, based on the Curator's assessment, will either be placed in the Education Collection or deaccessioned. In the event that a decision to deaccession is reached, the Museum Director must seek the approval of the University Arts Council. Such approval need not be sought for reclassification of artwork as part of the University Collection.

Preservation

Preservation of the Museum's collections is as important as any other criterion in determining the appropriateness of an acquisition. Physical and financial resources that can be devoted to preservation of an object in the collections will be an a priori condition for implementation of this collections policy.

The Museum shall act in a responsible manner to ensure the best possible physical care of all items entrusted to its care. All items in the permanent collection not on exhibition shall be housed in such a manner as to ensure their preservation, systematic access, and easy retrieval.

Acquisition of objects requiring extensive conservation work or having evidence of having already received major conservation work will require curatorial justification to the QAC Director. The QAC Director will then decide on the appropriateness of such an acquisition.

Access

Although the public must have reasonable access to the collections on a nondiscriminatory basis, the Museum assumes as a primary responsibility the safeguarding of materials and, therefore, must regulate access to them. Collections are accessible to University faculty and students, scholars and other members of the general public in several ways. Two galleries are primarily used for the exhibition of

collections objects year round. For prints not on display, the Museum's LickDyke –Cunningham Prints and Drawings Study Room is open to the general public by appointment only. Arrangements must be made several days in advance with the Museum's Director or Curator of Exhibitions; groups and individuals must have a specific request or narrow field of requests. With the assistance of Museum staff, they can research their request prior to the appointment. Works other than prints are accessible by special request if they are available and in stable condition.

The Museum and QAC staff abide by the following principles and procedures:

1. The Museum's permanent collections and related records shall be made available for legitimate study, research, inquiry, and examination by responsible parties.
2. Approval for requests for access to the collections are subject to the requesting party satisfactorily completing the appropriate collection access form. The Museum shall maintain all collection access forms for five years.
3. Staff availability, conservation considerations, condition of collections, restrictions to collections, or purpose or nature of the examination may limit accessibility to collections and records.
4. Examination of collections shall be restricted to areas designated for this purpose; access to storage areas by the public or unauthorized staff will not be allowed unless specifically approved by the Museum Director or designated staff within established procedures governing authorized access.
5. All persons requesting access to Museum collections will be supervised at all times, unless specific approval to the contrary is granted by the QAC Director, Museum Director or designated staff.
6. Certain types of information, such as donor-stipulated closed files, donor-requested anonymity, or that governed by statutes that restrict public access to certain types of information, such as the location of archaeological sites, may be restricted or denied for security reasons. In such cases, the person requesting access shall be informed of the reason for restriction or denial of access.
7. Access to and use of Museum collections and records shall be credited appropriately in all publications, exhibitions, and other presentations.
8. No commercial or promotional use of the Museum's permanent collections and information or images resulting from their examination shall be allowed unless specific approval in writing is granted by the QAC Director, Museum Director or designated staff.
9. The Museum Director, who will consult with the Curator of Exhibitions, must approve any access to collection storage facilities.

No photographs of permanent collections objects may be taken. Should a researcher or curator require a photograph of an object, Museum staff will arrange for the production of photograph provided that the request is for educational purposes and the requestor agrees to pay photography costs as designated by the Museum.