

## **GIFT ACCEPTANCE POLICY AND PROCEDURES**

**Approving Authority:** Board of Governors

**Policy Lead:** Vice President and Chief Financial Officer

**Administrative Contact:** Finance

**Effective Date:** 12/09/2024

**Revision Date:** 12/09/2024

### **POLICY STATEMENT:**

This Policy provides guidelines for the acceptance of philanthropic gifts. It ensures that Conestoga can successfully solicit, accept, administer, and steward gifts that align with its mission and values, while upholding its legal and regulatory responsibilities, as directed by the Canadian Revenue Agency (CRA) charities division.

Gifts must be provided for the sole purpose of benefiting Conestoga, without the expressed or implied expectation that the Donor will receive anything more than recognition as the result of their support.

### **SCOPE:**

This Policy applies to Gifts which have been received or are under consideration by the College, including:

- Gifts of cash and cash equivalents;
- Endowed gifts;
- Gifts-in-kind including gifts of equipment, tools, consumables, etc.
- Designated Beneficiary Accounts (i.e. life insurance, annuities, retirement, pension and other registered savings funds);
- Gifts of residual interest;
- Publicly traded securities, such as stocks and bonds, are accepted and liquidated in accordance with Conestoga's investment policies;
- Planned Gifts such as bequests, charitable annuities and charitable remainder trusts must be reviewed and accepted in accordance with this Policy;
- In-kind services may be accepted if they align with this Policy;
- Donor advised funds.

This policy applies to all departments and schools accepting Gifts to Conestoga, and to all Gifts, even where a Donor is not eligible for or seeking an official donation receipt for tax purposes.

This Policy does not apply to other forms of financial support to Conestoga, such as:

- Sponsorships, where the funding party receives a substantial advantage in return for the funding, in the form of a permitted association with Conestoga; or
- Sponsored Research.

## **DEFINITIONS:**

### **College Asset**

A college asset is a physical or non-physical resource or property of Conestoga.

### **Conestoga**

'Conestoga' refers to The Conestoga College Institute of Technology and Advanced Learning. Conestoga is a registered charity under the CRA, with registered charitable number 106966799 RR 0001.

### **Donor**

A Donor is a person or entity making a Gift to Conestoga.

### **Endowed Gift**

An Endowed Gift is a cash donation made with the stipulation that it be invested in order to maintain the principal in perpetuity, for the purpose of generating income to fund charitable objectives such as scholarships and bursaries or other commitments from annual earnings.

### **Gift**

A Gift, which may include an Endowed Gift or a Gift-in-Kind, is a voluntary transfer of money or other property, sometimes referred to as a philanthropic charitable donation, irrevocably given to Conestoga, without any expectation of benefit to the Donor or to a third party designated by the Donor.

### **Gift-in-Kind**

Also known as a non-cash gift, a gift-in-kind can be a gift of real property or other tangible or intangible items such as artwork, equipment, securities, cultural or ecological property. It is noted that, per the CRA, a contribution of service – that is, of time, skills or efforts – is not property and, therefore, does not qualify as a gift or gift-in-kind for purposes of issuing official donation receipts.

## Reputation

Reputation refers to an institution's overall quality or character, as seen or judged by the Board of Governors or its delegates.

## Restricted Gift

A Restricted Gift is a Gift that must be used for a specific purpose, directed by the Donor. It is sometimes referred to as designated.

## POLICY:

### 1. Policy Principles

1.1. The acceptance of Gifts to Conestoga must conform to the following principles:

- 1.1.1. Gifts shall align with the mission, vision, values, and priorities of Conestoga, while preserving academic freedom and Conestoga's integrity.
- 1.1.2. Gifts shall be retained as Conestoga Assets and used in connection with Conestoga activities or disposed of for cash or cash equivalent, with the proceeds to be used to support Conestoga's mission at the discretion of the College.
- 1.1.3. Gifts shall be made in accordance with this Policy and with other related policies, procedures, and guidelines.
- 1.1.4. Gifts must be made, accepted, and used in accordance with applicable federal and provincial legislation, including but not limited to the *Income Tax Act*, CRA guidelines, and the *Ontario Trustee Act*.
- 1.1.5. Gift Receipts: The amount declared on a charitable gift receipt is determined by the fair market value on the date the Gift is received by Conestoga. If the donor receives any benefit or consideration ("advantage") in return for a Gift – beyond the de minimis benefit allowed – the charitable gift receipt will be reduced by the fair market value of the advantage, which cannot exceed 80% of the value of the property transferred. If the value of the advantage cannot be assessed, then no gift receipt may be issued.
- 1.1.6. The CRA has determined that the following transactions do not qualify for charitable gift receipts; a gift of service, gift certificates from the issuer, the purchase of an item or service from the College, sponsorship of campus research projects for which the donor retains right of property, including intellectual property, contributions that require advertising a corporate logo and other quid pro quo sponsorship arrangements. The College will comply with applicable law and CRA guidance as amended from time to time.

- 1.1.7. All Gifts must be made independent of all appointment, scholarship, and employment decisions.
- 1.1.8. All Gifts must be made independent of student admission and curriculum decisions.
- 1.1.9. All Gifts must be made independent of decisions about the procurement of products and services.
- 1.1.10. Conestoga does not provide any legal, accounting, tax, or financial advice to Donors with respect to Gifts to the College. Donors are encouraged to seek independent legal, accounting, tax or financial advice from professionals and are responsible for all costs incurred in relation to obtaining such independent professional advice.
- 1.2. The professional standards and code of behaviours set out by the Association of Fundraising Professionals (AFP) in its Donor Bill of Rights serves as the ethical guideline for Conestoga representatives working with Donors or raising Gifts on behalf of Conestoga.
- 1.3. By law, a Gift transfers ownership of the money or other gifted property from the Donor to Conestoga. Once the transfer is made, Conestoga is obliged to use the Gift to further its charitable purpose. While a Donor can restrict or endow a Gift for a specific purpose, after the Gift transfer is complete the Donor relinquishes control and influence over the Gift.
  - 1.3.1. Conestoga is committed to ensuring the Gift is used for its intended purpose. If circumstances make the specified use of a Gift impractical, impossible, or inadvisable for all or part of the Gift to be applied to the purpose(s) described within the Gift Agreement, or if the purpose(s) cannot be achieved because of a future change in law, change in Conestoga's practices, policies or academic priorities, or unforeseeable circumstances, the donor will be consulted where possible and the Gift may be used for any related purpose which, in the reasonable opinion of Conestoga (in consultation with the Donor where possible), will most nearly accomplish the Donor's wishes or is consonant with the spirit and intent of the Gift.

## **2. Approvals for Gift Acceptance**

- 2.1. The authority to approve or decline a Gift rests with the Board of Governors (Board) and its delegates.
- 2.2. The Board may delegate decision-making/approval authority to individuals or entities who will make decisions concerning Gift acceptance on behalf of the Board in accordance with this Policy; such delegates shall be accountable to the Board for their exercise of such delegated authority and, notwithstanding their delegated authority, may opt to bring Gift acceptance decisions to the Board in exceptional instances.

- Gifts up to \$25,000 can be approved by the Director, Donor Relations & Stewardship;
  - Gifts over \$25,000 but under \$1 million dollars must be approved by the Vice President & Chief Financial Officer;
  - Gifts of \$1 million dollars and over must be approved by the President and the Vice President & Chief Financial Officer.
- 2.3. Acceptance of any Gift which involves a naming is subject to Conestoga's Naming Policy.
- 2.4. Notwithstanding any other provision of this Policy, the Board and its delegates may decline a Gift in any circumstance, including but not limited to:
- the Gift is not in accordance with the Principles of this Policy;
  - the Gift exposes Conestoga to unacceptable risk or liability;
  - the Gift will be difficult or costly to administer;
  - the Gift is not given with charitable intent;
  - the Gift may compromise the credibility, integrity or reputation of Conestoga;
  - the Gift conflicts with the mission and purposes of Conestoga;
  - the Gift does not comply with federal, provincial and municipal laws, or the Ontario Human Rights Code;
  - the Gift jeopardizes Conestoga's status as a registered charity;
  - the Gift limits or imposes conditions on academic freedom;
  - the Gift requires Conestoga to provide special consideration and/or improperly benefit an individual, including the donor, or requires that Conestoga deviate from its hiring, promotion, contracting procedures and applicable legal obligations;
  - the Gift comes from illegal, criminal or disreputable activities.
- 2.5. It is Conestoga's general policy to dispose of all Gifts of securities as expeditiously as possible. Thus, Conestoga will attempt to sell, as soon as reasonably practical, all Gifts of securities at a reasonable price, consistent with market conditions. The value of the official receipt will be determined by the fair market value of the security by referencing to the closing market price on the date the security is transferred to Conestoga, as per CRA guidance.
- 2.6. There is the potential for emerging Gift types that have aspects or characteristics that do not conform to this Policy. Under these circumstances, the Chief Financial Officer may recommend the establishment of specific policies for these Gifts or conduct an individual review on a case-by-case basis.
- 2.6.1. The decision to accept or decline new Gift types rests with the Board of Governors.

2.6.2. Case-by-case decisions will not be considered precedent setting.

### **3. Approvals**

- 3.1. All donors will receive a written acknowledgement of their gift, including a charitable receipt where applicable. The College will also recognize donors in accordance with the College's naming policy, unless the donor wishes to remain anonymous.
- 3.2. The Director, Donor Relations & Stewardship is responsible for managing Conestoga's fundraising activities, ensuring the highest standards of professionalism and ethics and that acceptance of Gifts is consistent with this Policy and other policies of College.
- 3.3. The Donor Relations & Stewardship Office is solely responsible for issuing official charitable receipts for Gifts received by Conestoga.

### **4. Adoption of the Gift Acceptance Policy**

- 4.1. The Board of Governors of Conestoga has adopted this Policy by way of resolution at its meeting on December 9, 2024.

## **RELEVANT LEGISLATION AND RELATED DOCUMENTS**

- [Conestoga Endowment Management Policy](#)
- Conestoga Strategic Plan
- [Conestoga Naming Policy](#)
- [Conestoga Naming Procedure](#)
- [Conestoga Gift in Kind Form](#)
- [Privacy and Freedom of Information Guidelines](#)
- [CRA Guidelines](#)

## **REVISION LOG**

12/09/2024	Board of Governors Approval
10/07/2024	Finance and Audit Committee Approval