

BOARD OF REGENTS
BRIEFING PAPER

Agenda Item Title: HANDBOOK REVISION, Donor Policy

BACKGROUND & POLICY CONTEXT OF ISSUE:

At the January 2007 meeting of the Board of Regents, questions were raised about whether the NSHE policies are sufficient to ensure that a donor of a gift did not have undue or inappropriate influence on academic, research, and personnel decisions within institutions. While private contributions are essential to supplement public dollars and ensure the creation of quality institutions, final authority must rest with the Presidents and the Board of Regents.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

An addition to Title 4, Chapter 10, Section 8 (I) spells out clearly that the President shall ensure that a) the regular selection process for filling administrative or faculty positions is followed if a private gift is involved, b) no undue or inappropriate influence by or on behalf of a donor has been exerted, and c) private gifts do not interfere with the normal scholarship and research of the institution.

IMPETUS (WHY NOW?):

The Board wants to ensure that donors and private gifts are handled appropriately and the integrity of the institutional processes is protected.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- Similar policies are in place in many higher education institutions across the nation;
- The President establishes the basis for approval of any gift and these policies provide guidance for the President in making such decisions; and
- The policies do not discourage private gifts to support NSHE institutions.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

- Donors should have the prerogative to be directly involved in the operations of the institutions.

ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

No addition to existing policies.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title #___ Chapter #___ Section #___
- Amends Current Board Policy: Title #_4_ Chapter #_10_ Section #_8_
- Amends Current Procedures & Guidelines Manual: Chapter #___ Section #___
- Other: _____
- Fiscal Impact: Yes ___ No X
Explain: _____

POLICY PROPOSAL
TITLE 4, CHAPTER 10, SECTION 8(I)
Gifts, Contracts, and Sponsored Programs

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 8. Approval, Acknowledgment, and Administration of Gifts, Contracts, and Sponsored Programs

I. Introduction

In order to establish a basis for approval of any proposed gift, contract, or sponsored program, the President of each institution will provide assurances to the Board of Regents that:

- A. The designation of the purpose of the gift, contract, or sponsored program is in accordance with the institution's mission statement, the Board of Regents' policies and procedures including the Academic Master Plan and capital construction priorities, the laws of the State of Nevada and the Internal Revenue Code;
- B. The proposal for acceptance of any gift, contract or sponsored program must include a reporting of total direct and indirect costs as compared to anticipated revenue;
- C. The gift, contract or sponsored program is free from injurious racial or gender biases or any other illegal restrictions imposed by the parties;
- D. Acceptance of the gift, contract or sponsored program does not obligate the institution to matching commitments or other costs exceeding the amount of the gift, contract or sponsored program unless the institution concurrently identifies and encumbers institutional funds to cover these costs;
- E. Funds designated by the gift, contract or sponsored program for employee compensation, which includes cash or in-kind perquisites, comply with Board of Regents' Handbook Title 4, Chapter 3;
- F. Gifts, contracts or sponsored programs involving related parties or parties that appear to have conflicting roles in the transaction have been publicly noticed and approved by the Board of Regents;
- G. The institution has defined the basic elements in a donor or contractor's proposal that will be, or have been used to categorize it as a gift, contract or sponsored program[-];
(B/R 8/94)
- H. Gifts intended to fully or partially fund a faculty or administrative position that are made on the condition that a particular person be offered a position within NSHE without going through the regular selection process will not be accepted;***
- I. During the course of the selection process to fill a faculty or administrative position supported by a donor gift, no undue or inappropriate influence by or on behalf of the donor may be exerted; and***
- J. While a donor may, if legally permissible, restrict the use of a gift, restricted gifts will not be accepted from a donor if a condition of the gift precludes NSHE or an institution from pursuing other work or scholarly activity.***