

| <b>System-wide Policy:</b><br><b>FI0615 - Disposition of Gift Personal Property</b> |                                   |
|-------------------------------------------------------------------------------------|-----------------------------------|
| <b>Version: 4</b>                                                                   | <b>Effective Date: 06/10/2024</b> |

## SECTION 1. Policy Statement

### I. Scope

- A. Tangible gift personal property is defined as any non-cash item that a third party gives to the University by gift, inter vivos or testamentary trust, or testamentary bequest. Items such as jewelry, rare coins, artwork, furniture, automobiles, and boats are examples of personal property subject to this policy.
- B. Excluded from the scope of this policy are real property (real estate), stocks, securities, limited partnerships, or other negotiable financial instruments.
- C. Tangible gift personal property does not fall under FI0610 – Surplus Property, unless the property meets all of the following criteria:
  - 1. A University department used the tangible gift personal property; and
  - 2. The property is subject to disposal by public auction or seal bid.
- D. If the donor establishes how the University is to dispose of the tangible gift personal property, the University will dispose of the tangible gift personal property in accordance with this policy and not by following FI0610 – Surplus Property.

### II. Disposition Committee

- A. Due to the variety of gifts that might be donated to the University and the potential methods of disposition for such property, a gift disposition committee will determine the most appropriate disposition method (donation, exchange, trade, sale, etc.) and procedures on a case-by-case basis.
- B. This committee will consist of the Vice President for Development (or designee); a representative of the General Counsel's Office; and the University Treasurer (or designee), who will chair the committee.
- C. Periodically, the committee will attempt to dispose of gifts that the University owns, but no longer uses. The committee will consult the department responsible for such gifts prior to making any decision regarding disposition.

### III. Disposition by Sale

- A. If the committee determines that selling a particular item is in the University's best interest, the gift disposition committee will then determine the following:
  - 1. The item's fair market value at the proposed sale time;
  - 2. The most advantageous method of sale (including, but not limited to, private sale, sealed bid, or public auction conducted by the University or a commercial auctioneer);
  - 3. An acceptable sale price; and
  - 4. Eligible buyers (if by private sale or sealed bid).
- B. The committee will document the procedures it follows for each disposition.

### IV. Reporting Requirements—IRS Requirements

- A. The University will comply with the following reporting requirements:
  - 1. Any University employee who takes delivery of gift personal property must notify the campus or unit development office as soon as possible. The development office in turn

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- must notify the University Treasurer or designee in writing and indicate whether the campus or unit wishes to use the property for some period of time.
2. University employees must not accept gifts valued over \$500 without prior approval of the University Treasurer or designee, and the Vice Chancellor for Development or designee. Development officials will inform donors of their obligation to file IRS Form 8283 (Noncash Charitable Contributions). Generally, this form must be filed whenever the value of the property donated is above \$500. (See the current IRS form for additional requirements.) The affiliated foundation will ensure that each form is signed by the donor and the University Treasurer, if required by IRS Form 8283. In addition, the foundation will maintain copies of completed forms and send a copy to the donor.
  3. Departments, campuses, or units that no longer have use for gift personal property in their custody must notify the University Treasurer and the affiliated foundation as soon as possible. The affiliated foundation will also notify the chair of the gift disposition committee (the University Treasurer or designee).
  4. If the University disposes of gift items valued above \$500 that were included in a Form 8283 signed by the University within three years of their receipt, the Treasurer's Office must file IRS Form 8282 (Donee Information Return) within 125 days after the date of disposition.
- B. Whenever the University sells an item and completes a Form 8282, the Treasurer's Office will send the donor and the appropriate development office a copy of the completed form indicating the sale price.

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## SECTION 2. Reason for the Policy

This policy provides the required steps for the University to take when it receives, uses, or disposes of tangible gift personal property.

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## SECTION 3. Scope and Application

This policy applies to all University employees.

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## SECTION 4. Procedures

The University has not issued systemwide procedures for this policy.

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## SECTION 5. Definitions

N/A

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## SECTION 6. Penalties/Disciplinary Action for Non-Compliance

Failure to comply with this policy could result in adverse human resources actions, up to and including termination. Further, failure to comply with this policy could result in the department or employee, or both, who failed to comply incurring fees and penalties imposed by the Internal Revenue Service.

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## SECTION 7. Responsible Official & Additional Contacts

Responsible Official and Contacts may have responsibilities that include monitoring compliance

| Subject Matter                          | Office Name | Telephone Number | Email/Web Address |
|-----------------------------------------|-------------|------------------|-------------------|
| Policy Clarification and Interpretation |             |                  |                   |

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## SECTION 8. Policy History

List the history of any prior revisions of the policy or whether this policy replaces an existing policy. The forma below is merely a guide.

Revision 3: 06/10/2024

Revision 2: 07/20/2018

Revision 1: 10/01/2017

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## SECTION 9. Related Policies/Guidance Documents

FI0610 – Surplus Property

FI0620 – Capital Projects; Real Estate Transactions (including Leases of Real Property); TSSBA Debt

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