

# **Solicitation and Acceptance of Gifts of Real Property, Life Insurance, Tangible Personal Property (Including Fine Art), and Intangible Personal Property**

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**Policy Type** [University](#)

**Contact Office**

[University Advancement \(Office of\)](#)

**Oversight Executive**

[Vice President for Advancement](#)

**Applies To**

Academic Division The Medical Center The College at Wise University-Associated Organization

## **Table of Contents**

### [Policy Statement](#)

1. [Gifts of Real Property](#)
2. [Gifts of Life Insurance](#)
3. [Gifts of Tangible Personal Property](#)
4. [Gifts of Intangible Personal Property \(Patents, Copyright, and Similar\)](#)
5. [Compliance with Policy](#)

### [Procedures](#)

## **Reason for Policy**

A gift officer or University-Associated Organization member shall consult with the Office of Gift Planning within University Advancement prior to agreeing to accept gifts of tangible or intangible property defined below. Guidance by Gift Planning ensures acceptance of gifts according to all legal and University requirements, necessary appraisals and insurance coverage of gifts are in place, proper conservation of gifts, and proper disposition/deaccessioning of gifts.

## **Definition of Terms**

### **Gifts**

Pledges, outright contributions received from private sources, or activities supported by an external party (i.e., donor) in exchange for which no goods or services are expected, implied or forthcoming to the donor, and in which no proprietary interests are to be retained by the donor.

### **[Intangible Personal Property](#)**

Property other than real property, whose value stems from intangible elements rather than physical or tangible elements. Examples of intangible personal property include patents, copyrights, licenses, and royalties.

### **Life Insurance**

Any term or permanent insurance policy including whole life, universal life, variable life, and variable universal life, for which the University or a University-Associated Organization may be named as owner and beneficiary or simply named as beneficiary.

### **Real Property**

Real estate, including residential, commercial, industrial, and undeveloped land.

### **Tangible Personal Property**

Property, other than real property, whose value is derived from its physical existence. Tangible personal property includes, but is not limited to, artwork, antiques, automobiles, books, maps, archival material, technology hardware, furnishings, appliances, office and other equipment and personal items.

### **University-Associated Organization (UAO)**

An independent and separately incorporated legal entity, officially recognized by the University, subject to an executed UAO- Memorandum of Understanding (MOU), and meeting all the following criteria:

- Organized and exists under Virginia law and in good standing with the State Corporation Commission.
- Qualifies as a tax-exempt organization.
- Exists and operates for the benefit of the University or one or more of its units by providing one or more of the following support functions: fundraising, asset management, programs, and services.
- Not an agency, organization, corporation, or unit of the University or the Commonwealth of Virginia.

### **Policy Statement**

Gifts of real property, life insurance, tangible and intangible personal property to a University department, school, or unit, or to a University-Associated Organization (UAO) have the potential to impose financial, conservation, insurance, and/or maintenance obligations on the University or UAO (e.g., for maintenance and protection of the property, or premium payments for gifted life insurance that is not yet paid-up). Gifts of tangible or intangible personal property will be considered for acceptance only if needed by the University to further its mission of education, research, healthcare, and public service. Only certain offices may accept gifts of real and personal property, life insurance, and fine and decorative arts because of the special nature of these gifts. Thus, the Office of Gift Planning (Gift Planning) within University Advancement shall be involved when these gifts are being considered for acceptance. Gift Planning shall facilitate evaluation of the property prior to agreeing to accept, preparation of the required deed of gift and other documentation upon approval of acceptance, and acceptance of the gift according to this policy.

All gifts of real property, life insurance, tangible and intangible personal property must be solicited, accepted, processed, recorded, and acknowledged according to the following provisions:

## **1. Gifts of Real Property:**

Except for interests of real property owned in a time-share arrangement, all gifts of real estate valued in excess of \$50,000, including single and multi-family residential, commercial, industrial, farm and undeveloped land, will be considered for acceptance.

All offers of real estate gifts to any University area or a UAO shall be directed to Gift Planning for guidance and reported to the Vice President for Advancement (or designee) and the Chief Executive Officer (CEO) of the University of Virginia Foundation.

Ordinarily, no financial or other burdensome obligation or expense shall be incurred directly or indirectly by the University as a result of a gift of real property. With any real estate gift, the University may need to perform certain due diligence to include an appraisal, a survey, an environmental inspection, and title binder/evaluation. The party responsible for these costs shall be determined as part of the gift evaluation. Any gift of real property must meet Internal Revenue Service (IRS) regulations that apply to the donor and to the University. Restrictions as to the ultimate sale of real property received as a gift will not be accepted by the University. On the other hand, designating a purpose within the University for a fund or deferred giving vehicle created by the assets received from a sale of such property is permissible. If under extraordinary circumstances, exceptions to the above policies need to be considered, approval by the Vice President for Advancement and the CEO of the University of Virginia Foundation (UVAF) is required.

A donor interest in retaining a life estate in property shall be directed to Gift Planning. Gift Planning will coordinate with the beneficiary at the University and UVAF. Where a life estate is retained in such property, all expenses for maintenance, taxes, and other carrying costs will be borne by the tenant. The tenant will be required to maintain the property in substantially the same condition as of the time of the gift and will not let the property suffer waste or diminution of value. Any changes to the property covered by the life estate, including but not limited to, the building, grounds, and landscaping will require the approval of the University of Virginia Foundation. Final authority for acceptance of real property gifts rests with the UVAF and such acceptance will be subject to its Real Estate Gift Policy and related agreements with the University.

## **2. Gifts of Life Insurance:**

Permanent and term life insurance policy characteristics differ, and gifts of life insurance to the University or a UAO can take more than one form. Depending on the type of life insurance gift, numerous University departments may be involved. When a gift to the University involving life insurance is being considered by a potential donor, the Office of Gift Planning must be notified. Gift Planning will coordinate appropriate contacts with the Office of Treasury Management, Financial Reporting and Operations, University Advancement Services (UAS), appropriate stewardship officers, development officers and deans, as well as the Vice President for Advancement when appropriate.

The Gift Planning will assist gift officers and donors with the process of assigning ownership and beneficial interest to the University and will coordinate documentation, when necessary, regarding the cash surrender value or replacement value as of the date of gift and report the gift value to the Office of Treasury Management and UAS.

Life insurance gifts can come in two main forms: 1) a beneficiary designation of a percentage of the policy's death benefit (a revocable expectancy gift) and 2) an outright gift of the policy to the University or a UAO in which the University or UAO becomes the 100% death-beneficiary and new owner of the

policy (this gift is irrevocable once effected). An insurance contract with outstanding policy loans can create taxable debt-financed income to a charity and will not be accepted [IRC §514(c)(1)(A)].

A beneficiary designation to the University or a UAO has no minimum amount requirements and is booked by the same standards as an expectancy gift (see policy [EXT-007: Acceptance of Bequests and University Life Income Plans](#)); further, there are no restrictions on the type of policy that beneficiary designations may be made from.

An outright gift of an insurance policy is more complicated and has specific requirements based on the nature of the gifted policy. The University or a UAO will only accept gifts of a permanent life insurance policy. Both paid-up and partially paid-up policies may be accepted. To accept a gift of a life insurance policy, the University or UAO, as applicable, must be made the 100% beneficiary of the death-benefit. When booked, the surrender value (cash surrender value less any costs) will be booked as an outright gift and the difference between the death benefit and the surrender value will be booked as an expectancy. Valuation of such gifts for charitable deduction purposes shall be determined in accordance with IRS and federal tax rules and regulations governing charitable gifts; the donor should consult with their tax-advisor before claiming any deduction on their taxes.

If the University accepts a partially paid-up policy in which the donor will make annual contributions equal to the premium payments, it will be based on the understanding that the annual contributions will be received by the University in advance of the due date of the premiums. The policy must have a minimum face value of \$25,000. It also must be made clear to the donor that the University may allow the policy to lapse if donor contributions are not received by the premium due date. The University shall not be obligated to pay any premiums.

Similarly, if the University is to purchase a life insurance policy based on a donor gift, the contract will not be purchased until sufficient contributions have been received. The Vice President for Finance and the Assistant Vice President for Financial Operations, in consultation with the Vice President for Advancement, have the authority to execute these contracts.

Coordination of gifts that potentially involve the University purchasing a life insurance contract on an individual's life must be coordinated through the Office of Gift Planning and the Office of Treasury Management.

For UAOs, it is recommended that Gift Planning be notified and consulted prior to accepting a life insurance gift.

### 3. **Gifts of Tangible Personal Property:**

The University of Virginia has established policies and procedures for accepting gifts, including bequests, of tangible personal property (TPP), including artwork, antiques, rare books, archival materials, artifacts, furnishings, collectibles, musical instruments, equipment, and similar items, donated to the University, including any of its schools, departments, programs, or to a University Associated Organization. For purposes of this policy, proposed gifts of publicly-available software shall be considered TPP.

Proposed TPP gifts shall be made to the University or a UAO (**not to an individual faculty or staff member or student**) and shall be consistent with IRS and federal tax rules and regulations governing charitable gifts.

Certain TPP gifts **cannot be accepted** because they pose unexpected risk, expense, inappropriate donor restrictions, and/or administrative burdens. For these and other reasons, a review process prior to acceptance is required to protect the University and to ensure the donor's wishes can be met and desired tax deduction preserved. The proposed TPP gift, regardless of whether it is intended to be used by the University or a UAO, will be evaluated to determine whether it can be used for a purpose related to the University's mission.

The University is home to The Fralin Museum of Art at the University of Virginia ("The Fralin Museum"), the University of Virginia Library (including the Albert and Shirley Small Special Collections Library) (the "Library"), the Kluge-Ruhe Aboriginal Art Collection at the University of Virginia (the "Kluge-Ruhe"), the Arthur J. Morris Law Library, and the Claude Moore Health Sciences Library (collectively referred to as "Libraries" throughout this policy). All are staffed with expert curators and acquisition staff who regularly identify, evaluate, accept, restore, curate, preserve, protect, and display works of decorative and fine art, archival materials, rare books and manuscripts, archaeological and other artifacts, and other items important to the University's educational mission and history. In cases of proposed TPP gifts to any area at the University, including a UAO, these entities in most cases should be consulted to evaluate the item for acceptance into their collections, to advise on the most appropriate University/UAO or non-University "home" for the item, and to advise on potential costs of administering and maintaining the TPP. The Office of Gift Planning will coordinate that outreach and evaluation on behalf of the gift officer or staff member proposing such a gift.

Copyright issues must be addressed and resolved in the deed of gift for any proposed TPP gift involving text, including books, manuscripts, papers, and similar items. Federal copyright protection is available to all works of authorship that have been fixed in a tangible medium.

TPP gifts **must be insured** against loss. The University has umbrella loss coverage for TPP and specific coverage for particularly valuable items, tracks the location and use of all TPP across the University, and complies with state asset reporting requirements. For these reasons, a proposed TPP gift in almost all cases should be deeded to the University to trigger state and University protections, reporting, and insurance coverage. The University can then lend the insured item to a UAO for its use. If the donor deeds TPP to a UAO, the UAO can then deed the TPP to the University, which can then lend the item back to the UAO for its use. In all cases, a UAO holding TPP is expected to oversee and implement proper security and care of the TPP in compliance with University policy.

A gift officer or UAO member shall consult with the Office of Gift Planning prior to (i) promising acceptance, or (ii) accepting a gift of TPP. Gift Planning will facilitate evaluation of the TPP and assist with preparation of a University-approved Deed of Gift after receiving formal University approval.

Gifts of fine and decorative art, archival materials, manuscripts, rare books, artifacts, and similar items are governed by additional requirements described in [Section 3e](#).

**a. Policies affecting acceptance of proposed TPP gift:**

A gift of TPP must be deemed by the University to be of general or specific value to the University's mission prior to formal acceptance by the University or a UAO. Gifts not deemed to be of general or specific value to the University's mission will be declined and, if in the possession and control of the University or a UAO, shall be returned to the would-be donor, or if previously accepted returned to the would-be donor by the University or UAO holding the goods. Note that

“value” to the University’s mission does **not** comprise a plan to sell the TPP and use the cash proceeds to support the University’s mission.

The University is **unable to accept all proposed TPP gifts**, even if those gifts are otherwise of general or specific value to the University’s mission. Considerations that will or may affect acceptance include:

- Gifts involving significant University expense, either directly or indirectly, for their present or future use, display, maintenance, or administration unless approved by the Board of Visitors or its designee.
- Gifts for which the donor has asked to be indemnified. The University cannot legally bind itself to indemnify the donor from liability arising while the University is using the property.
- Gifts made on the condition that the item(s) will be loaned back to the donor or persons designated by the donor for life or extended periods of time to be determined by the donor.
- A UAO’s desire and need for the gift and its ability to administer, protect, and maintain the gift.
- Whether the gift is of the entire property or a fractional interest thereof.
- Whether the donor wishes to impose restrictions on the use of the gift.

Gifts made on the condition or expectation that the items will be regularly or permanently exhibited, or that a collection will be maintained and shown as such, will not be accepted.

(Note: For TPP gift acceptance procedures, see Acceptance Procedures for Gift of Tangible Personal Property. For additional information on gift acceptance, see [EXT-008: Acceptance, Receipt, and Acknowledgement of Gifts.](#))

**b. Valuation and Donor Credit:**

A donor will receive gift credit for, and the University will record on its financial records, the fair market value of the property donated, regardless of whether the donor claims an income tax charitable deduction for the gift. Note that a group of similar items, those of the same generic category of type (for example, coin collections, books, paintings, etc.), will be valued as a group.

Gifts with an apparent value of **less than \$250** may be valued for internal University purposes by the University personnel with expertise related to the gift.

Gifts, including a group of similar items, with a total apparent value of **\$5,000 or less** (but equal to or more than \$250) shall be recorded and credited at the donor’s claimed value if independent verification of that value is provided. Independent verification includes a written “qualified appraisal” of the donated property prepared in compliance with applicable provisions of the Internal Revenue Code and related regulations, a written record of the donor’s original purchase price, a written estimate provided by an expert in the type of tangible personal property donated (for example, an art dealer or an individual who regularly deals in the purchase and sale of coin collections), a vendor’s invoice indicating the item’s cost to the vendor, or the cost to the University if it were to purchase the same equipment from a manufacturer on the open market (including any available educational discounts, if applicable). In all cases, the donor is responsible for securing and/or paying for any appraisal and for providing the University with information to support the claimed value. In some cases where written records are not available, the property may be valued for internal University purposes informally by University personnel with particular expertise in the type

of TPP donated.

Gifts, including a group of similar items, with an apparent value of **more than \$5,000** shall be recorded and credited based on the “qualified appraisal,” prepared in compliance with applicable provisions of the Internal Revenue Code and related regulations, the donor obtains to substantiate his or her income tax deduction (see Donor Responsibilities below). In cases where the donor declines to obtain a qualified appraisal, written documentation should be submitted with the Deed of Gift to support the gift value as described above. Please contact the Gift Planning for assistance in completing the Deed of Gift in these cases.

The donor is responsible for securing and/or paying for any appraisal and for providing the University with information to support the claimed value. In the event the donor does not provide sufficient documentation supporting the gift value, the University unit or UAO wishing to accept the TPP must obtain at its own expense a formal valuation sufficient to support insurance coverage. The donor will not receive gift credit for a valuation obtained or provided by the University or a UAO.

The Director of University Advancement Services (UAS) reserves the right to evaluate the reported valuation for reasonableness before recording and to seek Gift Policy Committee approval in unusual instances.

**The University will not under any circumstances provide or corroborate the value of any TPP for the purpose of substantiating a donor’s income tax charitable deduction.** If the University or UAO obtains an appraisal for TPP, it will use the information for internal insurance purposes only and will not share the appraisal with the donor to be used for the donor’s tax purposes. Note that the University’s museums and Libraries are specifically prohibited from obtaining appraisals on behalf of donors in adherence to guidelines established by the American Alliance of Museums, the Society of American Archivists, the Association of Research Libraries, and/or the American Library Association, as applicable.

**c. University Recording, Reporting, and Receipting:**

UAS will record a new TPP gift when the fully executed Deed of Gift is provided to it by the Office of Gift Planning or with the Gift Planning’s express approval. Gifts whose value cannot be verified at the time of the gift will be recorded with an undetermined value.

UAS will report new TPP gifts each month to the Fixed Assets Accounting, the Office of Property and Liability Risk Management, and the Office of Treasury Management. In the case of TPP gifts to the University Medical Center, such gifts will be reported each month to Medical Center Finance.

UAS will issue a gift receipt in accordance with IRS requirements and provide a copy of the fully executed Deed of Gift to the donor and to the Office of Gift Planning. Gift Planning will save a copy of the Deed of Gift in the donor’s central file and provide a copy to the UAO or the University school or unit that procured the gift.

As noted in Procedures for Acceptance of Tangible Personal Property, a donor intending to claim an income tax charitable deduction based on a gift of TPP valued at more than \$500 must, under current law, file an IRS Form 8283 to substantiate the claimed value. As a courtesy, and upon the donor’s request, the University or UAO can provide the donor with a Form 8283 to use in filing the donor’s tax return. An authorized signatory of the University or UAO, as applicable, must sign the Form 8283 as donee to acknowledge receipt of the TPP. The Office of Gift Planning can assist with



d. **Disposition/Deaccessioning of Works of Art and Other TPP Gifts:**

The University accepts TPP gifts with the expectation that they will be used or held for charitable purposes for a **minimum of three years**, from the date of the gift. The Office of the Vice President for Finance must approve exceptions to this policy.

For disposition or deaccessioning of TPP donated to the University, contact University Advancement. TPP purchased with University funds, or otherwise acquired by the University, shall be disposed of according to policy [PRM-016: Surplus Property Disposal](#).

e. **Special Rules for Fine and Decorative Art, Archival Materials, Rare Books, Artifacts, and Similar Items:**

This section relates to the acceptance, recording, and maintenance of works of fine and decorative art, archival materials, rare books, historic maps, manuscripts, aboriginal art, historical and archaeological artifacts, and similar items by the University, its schools, units, and programs, and UAOs. These rules do not apply to TPP gifts offered directly to the Libraries, each of which follow separate guidelines.

Fine and decorative art includes items that could have considerable monetary or historical value or are of special significance to the University. Examples include paintings, photographs, drawings, prints, maps, sculpture, rugs, ceramics, china, silver and silver plate, metalware, lamps, glassware, textiles, antiques, furniture, and miscellaneous objets d'art. Note that items such as posters are typically not considered fine or decorative art unless they are rare, and therefore valuable, or interpretively significant to the University. In general, fine arts objects possess a quality that makes them worth more than their utility value.

Rare books, papers, manuscripts, maps, archaeological and other artifacts, and archival materials also are subject to the rules of this section. Archival materials and papers include papers, records, resources, and digital material that document and record the past, including the University's own history and/or that of any of its schools, units or programs, students, faculty, or staff. Examples include items such as books, pamphlets, prints, photos, written records, digital materials, and similar items representing events and/or people and/or ideas over time. Archival materials have inherent historical value and/or value based on the relationship of the material to other materials within the University's archival collections.

i. **Right of first refusal and proposals for additions for the Libraries:**

Proposed gifts of items described in this section, particularly those of museum quality, will first be offered to supplement the collections and educational mission of one or more of the Libraries, as applicable, all of which will coordinate to evaluate the property and advise on the most appropriate "home" for the item that will best advance the University's mission. Gift Planning will facilitate consultation with the Libraries.

If the proposed TPP gift is not deemed significant to the collections of any of the Libraries, it may be accepted by another University area or UAO in accordance with the procedures and policies set forth in this policy, including TPP insurance, care, and management policies. The



receiving unit must have a desire or need for the gift and be able to accept the financial obligations that are associated with accepting and administering such a gift. The Libraries, as appropriate, can provide guidance in assessing the financial costs, such as those for conservation and restoration, associated with a TPP gift covered by this section being considered for acceptance.

Proposals for additions to collections of one of the Libraries shall be made through the Office of Gift Planning, which will facilitate communications with the proposed recipient. Whether the work will be accepted shall be determined by the review and acceptance policies of the specific Library, as applicable, in effect at the time the proposed addition is made.

**f. Accountability for and Transfers of Works of Art and TPP to other University Units:**

Each University unit or UAO is responsible for reporting/confirming the condition and location (or changes of location) of all its works of art and collections annually to the Office of Treasury Management and Property & Liability Risk Management and maintaining a file for each work of art and collections. Any change of location for a work of art or other TPP on Grounds or on loan (see below) outside the University must be reported to Treasury Management and Property & Liability Risk Management.

Any UAO or University unit may formally transfer a work of art or collection to one of the Libraries, or to another University department or unit with the permission of the receiving entity and the University. Because all works are the property of the Commonwealth of Virginia and the University, one area of the University may transfer works to another area, but no area may purchase works or collections from another area of the University.

**g. Conservation Requirements and Insurance:**

Any University unit or UAO that accepts TPP has a responsibility to care properly for the works. This responsibility entails the proper display (including climate stability, location, and security), long-term care (insurance fees, possible conservation and/or reframing costs), and records management (object history files, location, and inventory accountability) of these objects.

Donations of TPP to the University are automatically insured by the University of Virginia once the TPP and its value has been reported to the University through the processes described in [Section 3d](#).

**h. Loan Agreements for TPP, Including Works of Art:**

Except for all Libraries, which have established loan policies for borrowing from and lending works to other entities for educational purposes or public benefit, any external loan of artwork or other items by the University and any request to borrow works of art from any University of Virginia department or unit, must be memorialized in a loan agreement signed by an authorized signatory in the Office of the Vice President for Finance in accordance with its established procedures for processing art loan agreements.

**i. Guidelines for Requesting a Transfer of Copyright:**

Ownership of the copyright in a work of art, written works, or archival material is distinct from ownership of the material object. Whenever possible, the receiving Unit should request a transfer of

the copyright to the work. This issue typically arises when the donor is donating a work of art created by the donor.

Under federal law, copyright protection is available to all works of authorship that have been fixed in a tangible medium. This includes pictorial, graphic, and sculptural works, photographs, prints and art reproductions, maps, globes, charts, diagrams, models, technical and architectural drawings, and manuscripts. Copyright owners have the following exclusive rights: to reproduce the work, to prepare derivative works, to distribute copies to the public, to perform/display the work publicly.

Note that valuing a copyright (a form of qualified intellectual property, which is a type of intangible personal property) is determined under applicable Internal Revenue Code sections and related Treasury Regulations and differs from the valuation assumptions and processes described above with respect to the tangible personal property itself. Generally, the donor's deduction will be limited to cost basis initially, and the donor may be able to deduct future income the copyright generates for the University for up to ten years, requiring the University to file tax forms every year the donor wants to claim additional deductions.

All questions on the complex issues of copyright should be referred to the Office of Gift Planning, which will coordinate consultation with the Office of the University Counsel and one or more, as applicable, of the Libraries.

**j. TPP Gift Policy Exceptions:**

Requests for exceptions to this policy shall be communicated to the Office of Gift Planning for submission to the University of Virginia Gift Policy Committee. The Gift Policy Committee has sole authority to grant policy exceptions.

**4. Gifts of Intangible Personal Property (Patents, Copyright, and Similar):**

Proposed gifts of intangible personal property with a value of at least \$100,000 will be considered.

Intangible personal property for purposes of this policy includes, but is not limited to:

- **Copyright.** As noted below, federal law provides copyright protection for all works of authorship that have been fixed in a tangible medium. This includes pictorial, graphic, and sculptural works, photographs, prints and art reproductions, maps, globes, charts, diagrams, models, technical and architectural drawings, and manuscripts. Copyright owners have the following exclusive rights: to reproduce the work, to prepare derivative works, to distribute copies to the public, to perform/display the work publicly.
- **Patents.** The patent laws of Title 35 of the United States Code protect the intellectual property rights of those who invent or discover any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof. Patents are issued in the name of the United States of America, under the seal of the Patent and Trademark Office. They grant to the patentee, his or her heirs, or assigns the right to exclude others from making, using, offering for sale, or selling the property subject to the patent throughout the United States, or importing the property into the United States. Patents are limited in term.
- **Royalty.** A "royalty" is a payment for the right to use patents, copyrights, secret processes and formulas, trademarks, trade brands, franchises, and similar property. Unless otherwise specified, the transfer of a royalty does not include the property or property right which produces it.

- **Working and Operating Interests.** A working or operating interest refers to an interest in oil and gas in place that is burdened with the cost of development and operation of the property. Depending on the nature of the interest, it may be treated as an interest in real estate.
- **Cryptocurrency.** The University evaluates gifts of cryptocurrency on a case-by-case basis and may accept them through a designated cryptocurrency processor. As a condition to accepting the gift of virtual currency, the donor must first attest to the University that the cryptocurrency is owned by the donor (and not a third party) and was not derived from unlawful sources or activities. Gifts of virtual currencies are considered a non-publicly traded capital asset, treated as intangible personal property by the IRS for tax purposes. To receive a tax deduction for cryptocurrency gifts in excess of \$5,000 the donor must obtain a qualified appraisal.
- **Other Intangible Property.** Gifts of other types of intangible property may be considered, including trademarks, mineral rights, statutory and non-statutory stock options, as well as proprietary computer software not normally widely available to educational institutions.

Because of the complex nature of these assets, potential unrelated business tax issues for the University, and valuation issues, all proposed gifts of copyright, patents, mineral interests, royalties, other intellectual property, or other intangible assets subject to this policy shall be referred to the Office of Gift Planning, which will coordinate evaluation for acceptance in consultation with the Office of the University Counsel, the University's patent office, and other University departments as required.

Valuing a copyright, patents, royalties, mineral interests, and other forms of intangible assets differs from valuation for tangible personal property and is determined under applicable federal law, including but not limited to federal tax laws. Deductibility varies depending on how the property is characterized for tax purposes in the donor's hands.

## 5. Compliance with Policy:

Failure to comply with the requirements of this policy may compromise the University's fundraising efforts and donor relations and may result in disciplinary action up to and including termination or expulsion in accordance with relevant University policies.

Questions about this policy should be directed to the [Office of University Advancement](#).

## Procedures

[Deed of Gift Template](#)

[Acceptances Procedures for Gifts of Tangible Personal Property and Other Gifts-in-Kind](#)

Procedures for Disposition/Deaccessioning of Works of Art and Other TPP Gifts [link to be added]

## Related Information

[EXT-007: Acceptance of Bequests and University Life Income Plans](#)

[EXT-008: Acceptance, Receipt, and Acknowledgement of Gifts](#)

[FIN-001: Determining if an Award is a Gift or Sponsored Project](#)

[FIN-036: Signatory Authority for Executing University Contracts](#)

[PRM-016: Surplus Property Disposal](#)

[Information about Art Loan Agreements \(incoming or outgoing\)](#)

Major Category [External Relations](#)

Next Scheduled Review Sunday, July 14, 2024

## **Revision History**

Updated Compliance section 12/20/21; Revised 7/14/21; 10/12/18; Updated term "Gifts" 6/22/18; Revised 11/20/15.

## **Applies To Text**

Academic Division, the Medical Center, the College at Wise, and University-Associated Organizations.

## **Supersedes Policy Text**

IX.A.4, Solicitation and Acceptance of Certain Types of Gifts; IX.A.11, Gift in Kind Policies; X.E.2, Acceptance and Maintenance of Works of Fine and Decorative Art

**Last modified** February 15, 2024 - 12:24pm

**Approved By** Policy Review Committee

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