



General Criteria for Determining if a Contribution is a Gift¹

The following is a list of factors that will assist in determining if a contribution is a gift. Please contact the Office of Gift Acceptance if you have further questions. The standard gift agreement template should be used for all gift agreements. Please contact the Office of Donor Relations for assistance with gift agreements. Any language that varies from the standard template language should be sent to the Dean's Office, the Office of Donor Relations, and the Associate Vice President for Research Administration for early review.

- There is no financial benefit, i.e., no goods or services expected, implied or provided to the donor in exchange for the gift beyond the donor's philanthropic interest.
- The donor letter that documents the provision of the gift may specify use in an area of research or education, general or specific. The **donor may not** prescribe specific methods, strategies, approaches or workplans.
- No deliverables are required as a term of the gift, though general intent for use may be specified.
- No restrictions on publishing nor rights to licensing products accrue to the donor. The donor may request acknowledgement in publications that result from the gift.
- The donor has no right to acquire or restrict the University's right to intellectual property or publications developed as a result of the effort funded by the gift. Conditions for the disposition of intellectual property (including open source software or public dedication or a requirement to put in the public domain) must be approved by UM Ventures (formally OTC) prior to gift acceptance. Please use this form to make the request (http://otc.umd.edu/sites/default/files/documents/Gift%20IP_waiver_form.docx)
- No donor control is maintained on the expenditure of the donation. The University, university Foundation, department, or one named individual employed by the aforementioned organizations exercises control over how the donation will be spent. Please note: Faculty/Staff who are signers on accounts can't donate to the account.
- Donor preapprovals are only required, when the original purpose of the gift has been achieved and the University requests to redirect funds.
- Technical progress reports are not required to be submitted to the donor.
- There is no requirement for a line item budget. Financial reporting to the donor is limited to stewardship purposes only.
- No terms of funding are applied to the gift.
- The donor may not recoup the gift. (Only under certain circumstances)

¹ Gift and Donation are used interchangeably

- Any named fund needs a gift agreement. All endowed funds require a gift agreement. For assistance with gift agreements, please call the Office of Donor Relations.
- No preferential or discriminatory practices are prescribed by the gift.
- The gift does not create a Conflict of Interest for the donor, or for the institution and/or its administrators or faculty.
- The gift is not contingent on a specified financial commitment by the University. Any commitment of staff / funds toward the objective of the gift is determined by the University. No post-acceptance donor notification, e.g., change of personnel, is required by the terms of the gift.
- The gift does not preclude disclosure of the gift or the donor to University leadership with stewardship responsibilities for gift/donation management. Such disclosure does not impede a donor's wish to otherwise remain anonymous.

Contact Information:

Gift Agreements:	Fulvio Cativo	301-405-5712
Gift Acceptance:	Emi Ayala	301-955-1275
Account Agreements:	Charlene Hudson	301-955-1270
Endowments:	Caroline Cohen	301-955-1269