

San Francisco State University
Donations from Employees in Support of Their Own Programs/Research

University Executive Directive #UED 20 - 44

On occasion, San Francisco State University receives donations of funds from University employees to support their own research or other programs in their own units/departments. The University may also receive donations of funds from members of University employees' families or by corporations in which an employee holds a significant or controlling interest.

This directive provides policies and guidelines for the acceptance of donations and gifts from employees directed to support their own activities, programs or research received by the University or any of its auxiliary organizations. Policy and guidelines below are in compliance with the Political Reform Act of 1974 which contains a general provision against conflicts of interest in public decision making, as well as a provision for the adoption of a [CSU Conflict of Interest Code](#). The restrictions of this Act apply to all CSU employees, without regard to whether they are required to file an annual conflict of interest form.

A. Receipt, Acceptance and Acknowledgment of All Gifts to the University

1. Per **UED 95-19 - Receipt, Acknowledgement and Acceptance of Gifts**, all cash and non-cash gifts are to be received, accepted and acknowledged by the University Advancement division. Once received, it is the policy of the University that such gifts shall be administered and managed by either The University Corporation, San Francisco State ("UCorp") or the San Francisco State University Foundation (SFSU Foundation). ~~Except in the~~ special cases where the donor, for clearly specified reasons, requests that the gift be administered and managed by the University. In approaching donors, the Office of University Development is obligated to inform them about this arrangement.

B. Gifts from Employees to Support Their Own Activities

1. Gifts to the University, the University Corporation or San Francisco State University Foundation on behalf of the University from University employees to support their own activities may be accepted if the purpose of the gift is to support bonafide University activities, programs or research. If gift is a purchase for the University, such gifts must be subject to University Corporation's [Procurement Policy](#).
2. The University or any of its related entities shall not be placed in the position of acting as a conduit of funds for which employees claim a deduction that is likely to be disallowed by the Internal Revenue Service. For definitions of charitable gifts, please refer to [IRS Publication 526](#).
3. It is against University policy for any employee to deposit any gifts intended for the University in off-campus accounts. Such action is considered a misappropriation of University resources, if the intent of the donor was to support the University or any of its activities.

4. The work or activity supported by these funds may not be combined with personal or professional activities of a commercial nature that are external to the donor's university appointment. For example, an investigator may have a financial conflict of interest if he or she is a consultant to the company sponsoring research in his or her laboratory. Another example is a faculty member who owns significant equity in a company whose product he or she wants to test. Employee donor has a duty to disclose potential conflict of interest, including but not limited to: ownership share in a company that conducts business with SFSU; ownership share in a company that has made contributions to SFSU; receipt of an honorarium, free service, or a discount from a company that has made a contribution to SFSU.
5. Federal tax regulations provide that a gift may not be fully deductible if there is a direct or indirect personal benefit to the donor. The employee/donor should consult with a personal tax advisor as to whether his or her gift is considered a deductible charitable contribution per Section 170 of the Internal Revenue Code. Examples of circumstances in which a donation may not be fully deductible include when the funds are used to support the employee/donor's own salary or for travel or entertainment in which the employee/donor (or family members) participate. For this and other reasons, the University prohibits the use of donated funds (or substituted equivalent amounts from institutional funds) to fund any or all of the employee/donor's salary, including, but not limited to, additional pay, overload or compensation through reimbursed release time (RRT). Donated funds may be used for the employee/donor's travel only when it is determined that such travel is for University business.

C. Procedures for Gifts

The following procedures must be followed for these gifts:

- [The Employee Donor Agreement Form](#) must be completed by the employee and submitted to University Advancement.
- The University account in which donated research funds are deposited must be under the control of the VP, AVP, unit head, departmental business officer, or another official who is not under the supervision of the employee/donor.
- The unit head or other responsible party must assure that expenditures of donated funds comply with relevant regulations.
- The unit head or other responsible party must acknowledge use of the donated funds and authorize use on the Employee Donor Agreement Form.
- The original Employee Donor Agreement Form must remain in a file in the unit or department and a copy must be sent with the gift and/or a gift transmittal sent to the University Advancement Gift Processing Office in ADM 154C.
- Deficit spending in such accounts is not permitted.

If you have questions as to whether the funds should be considered as a sponsored activity, please consult the [Office of Research and Sponsored Programs \(ORSP\)](#) at San Francisco State University.

Approved by: 
Lynn Mahoney, Ph.D., President

Date: 06/17/2020 | 2:48 PM PDT



Employee Donor Agreement Form

Please use this form for donations from an Employee or Employee-Vested Company in Support of the Employee’s Own Program or unit (see # UED 20-44). If you have questions about making this gift, please consult the University Advancement Services Gift Acceptance Team at ext. 5-3820 or email develop@sfsu.edu.

Employees donating funds for their own projects or activities must complete the **Employee Donor Agreement Form**. The unit/department must maintain a file that includes the original completed form. A copy of the completed form must accompany the gift and/or Gift Acceptance Form sent to the San Francisco State University Advancement Services Gift Acceptance Team in ADM 154C.

Employee Donor

I, _____ UIN: _____
(9 digit SFSU ID #)

Wish to make a personal gift of \$ _____

Have ownership interest in an entity known as _____
(Company)

With the intention to donate to SF State to support research or programs in _____
(Department/College/Unit)

The funds will support:

I (we) understand that:

The funds must be used to support bonafide University activities, programs or research consistent with the University’s mission. The work or activity supported by these funds may not be combined with personal or professional activities of a commercial nature that are external to my university appointment. For example, an investigator may have a financial conflict of interest if he/she is a consultant to the company sponsoring research in his/her laboratory. Another example is a faculty member who owns significant equity in a company whose product he or she wants to test.

I understand that I have a duty to disclose potential conflict of interest, including but not limited to: ownership share in a company that conducts business with SFSU; ownership share in a company that has made contributions to SFSU; receipt of an honorarium, free service, or a discount from a company that has made a contribution to SFSU.

The Account in which these funds are deposited will be under the control of the VP, AVP, unit head, business officer, dean or department chair or other designated official not under my supervision, and that they shall have responsibility for the disposition of the funds.

If scholarships/fellowships are to be awarded from these funds, the recipients will be selected by a committee appointed by the department and cannot be awarded to me or to members of my family.

These funds cannot be directed to students or employee involved activities that benefit, or appear to benefit, entities in which I have a personal financial interest.

To avoid a conflict of interest, the University prohibits the use of donated funds (or substituted equivalent amounts from institutional funds) to fund any or all of my salary, including, but not limited to, additional pay, overload or compensation through reimbursed release time (RRT). Donated funds may be used for my travel only when it is determined that such travel is exclusively for University business.

Federal tax regulations provide that a gift may not be fully deductible if there is a direct or indirect personal benefit to the donor. I have been advised to consult with a personal tax advisor as to whether my gift is considered a deductible charitable contribution.

I agree to the above terms and conditions.

Employee Donor

Donor Signature

Date

Campus email: _____

Campus ext. or cell # _____

VP/AVP/Unit Head or Dean/Department Chair

I attest that I or another department head, VP/AVP, dean/department chair or business officer will retain control of the University account in which donated research funds are deposited and will be responsible for the disposition of funds. I attest that I am not under the direct supervision of the employee donor. I assure that expenditures of donated funds comply with relevant regulations and that I understand that deficit spending in such accounts is not permitted.

I agree to the above terms and conditions.

Signature

Date

Campus email: _____

Campus ext. or cell # _____