

# LUTHER COLLEGE

## POLICIES AND PROCEDURES

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| Department:              | Financial Services                               |
| Subject:                 | Donating College Assets                          |
| Date Issued:             |  |
| Updated and Reviewed By: | Finance & Administration Team – September 2022   |
| Approved By:             | VP for Finance & Administration – September 2022 |

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### **I. Policy**

This policy sets forth the guidelines for donating college property and money to outside organizations.

### **II. Purpose**

Luther College is a not-for-profit, tax exempt institution chartered to fulfill its mission. As a general rule, the College does not make financial or property contributions to other charitable organizations. The College may only make donations which relate to the mission of the College and satisfy certain conditions and criteria outlined in this policy.

### **III. Scope**

This policy applies to all college faculty, staff and students.

### **IV. Terms and Definitions**

- College Assets – college-owned property that includes, but is not limited to, equipment, vehicles, books, furniture and fixtures as well as monetary assets such as cash.
- Outside Party – any person, group of individuals, or organization external to Luther College.
- Disclaimer of Warranties and Covenants Form – form to be signed by the recipient of college property that states they will not hold Luther liable for any associated use of the property and that the property is received “as is.”
- “As Is” – term to identify that there are no guarantees with the acquisition of college property. The purchaser accepts the item for sale in its presently existing condition without modification or repair.

### **V. Procedures and Guidelines**

- A. As a general rule, college assets cannot be donated to outside organizations.
- B. An exception can be made to donate college property to an outside organization if all of the following conditions have been met:
  - The College property is no longer of use to any department on campus.
  - The College property has been made available for purchase but was not purchased. (See the Disposal of College Property Policy)

- o Technology property is made available for sale by Information Technology Services. Details are online at [luther.edu/helpdesk/services/equipment/usedequipment/](http://luther.edu/helpdesk/services/equipment/usedequipment/).
  - o All non-technology property is made available for auction or sale by Facilities Services.
  - A cabinet member has approved the property for donation.
- C. Recipients of donated property will be required to sign a Disclaimer of Warranties and Covenants Form that acknowledges the property is accepted “as is.”
- This form will be processed and kept on record by the Information Technology Services for technology property or Facility Services for non-technology property.
- D. The only circumstance in which money may be donated to an outside party is when a department or student organization with an “agency” relationship to Luther has raised the money. In addition, the fundraising effort must explicitly identify the outside organization as the ultimate beneficiary.
- Operating budget dollars may not be used to donate money to another outside party even if the organization is another not-for-profit company. With cabinet approval, a contribution to a non-profit may be permissible for marketing purposes.

## **VI. Confidentiality and Record**

The Information Technology Services and Facility Services will keep respective signed Disclaimer of Warranties and Covenants forms and any associated documentation regarding the donated property on file for a period of seven years.