



Gift Acceptance Policy

The Cooper Union for the Advancement of Science and Art (“The Cooper Union”) encourages the solicitation and acceptance of gifts from numerous thoughtful supporters that will help The Cooper Union to further and fulfill its mission. In order to be assured that The Cooper Union is a responsible steward of these gifts and that these gifts are in the best interest of The Cooper Union, the Board of Trustees of The Cooper Union developed this Policy.

Contents

- I. Purpose of the Policy
- II. Ad Hoc Gift Review Committee
- III. Responsibility to Donors
- IV. Types of Gifts Accepted
- V. Compliance with Tax Laws and Requirements
- VI. Gift Agreements and Pledges
- VII. Endowment Gifts
- VIII. Naming and Recognition



I. Purpose of the Policy

The purpose of the Policy is to govern the acceptance of gifts – including lifetime gifts, pledges, bequests, and other planned gifts – to The Cooper Union and to provide guidance to prospective donors. When considering whether to solicit or accept gifts, The Cooper Union will determine whether the gift advances its mission and positively measures up against other guiding factors:

THE MISSION OF THE COOPER UNION

Our mission is to sustain The Cooper Union as a free center of learning and civic discourse that inspires inventive, creative, and influential voices in architecture, art, and engineering to address the critical challenges and opportunities of our time.

OTHER KEY FACTORS:

- Values—whether the acceptance of the gift is consistent with the values embraced by The Cooper Union
- Compatibility—whether there is compatibility between the intent of the donor and the organization’s use of the gift.
- Reputation—whether acceptance of the gift is consistent with the reputation of The Cooper Union.
- Primary Benefit—whether the primary benefit is to The Cooper Union, versus the donor.
- Independence- whether acceptance of the gift preserves The Cooper Union’s ability to make independent decisions in the best interest of The Cooper Union, including personnel, program design, and curatorial decisions.
- Consistency— whether the acceptance of the gift is consistent with prior practice.
- Form of Gift—whether the gift is offered in a form that The Cooper Union can use without incurring substantial expense or difficulty (beyond what is directly supported by the gift).
- Effect on Future Giving—whether the gift will encourage or discourage future gifts.



II. Ad Hoc Gift Review Committee

There shall be established an ad hoc gift review committee composed of the President, the Vice President of Development, the Vice President of Finance, the Board Chair, the Alumni Affairs and Development Committee Chair(s), the Finance Committee Chair(s) and any others as deemed appropriate by the Board Chair and President (the Gift Review Committee). The Gift Review Committee will review and approve any gifts that fit within the criteria outlined below.

Depending on the nature of the gift, the Board Chair, President, and Committee may add external people with relevant expertise to the ad hoc Gift Review Committee. The Committee's review/approval should be given before a gift agreement is presented to the donor for signature. Additionally, any gift that poses reputational risk to The Cooper Union as determined by the Committee will require the approval of the Board of Trustees or the Executive Committee. All gifts that have been reviewed by the ad hoc Gift Review Committee will be reported to the full Board.

Criteria for review and approval of a gift by the ad hoc Gift Review Committee:

- Gifts of \$1 million and above
- Gifts of Real Estate
- Gifts that do not align with the above factors (see Other Key Factors in Section I)
- Gifts that do not fit into any category listed below (see Types of Gifts Accepted by the Cooper Union in Section IV)



III. Responsibility to Donors

The Cooper Union upholds the following responsibilities to donors to ensure gifts are received, implemented, and reported appropriately assuming that the gifts comply with the rest of the Gift Acceptance Policy, as outlined herein.

A. Responsible Stewardship

The Cooper Union seeks to steward donations with the utmost care, including responsible financial management, faithful implementation of the work funded by the contribution, and transparent reporting of the use of funds as it relates to endowments and other restricted and unrestricted gifts.

B. Confidentiality

If the donor requests it and provided all other requirements of this policy have been met, information concerning a transaction between a donor and The Cooper Union shall be held in confidence and the gift will be identified as anonymous by The Cooper Union, publicly disclosed only with the permission of the donor. Notwithstanding the foregoing, disclosure of the gift shall be made to the President, the Vice President of Development, the Vice President of Finance, the Board Chair, the Alumni Affairs and Development Committee Chair(s), the Finance Committee Chair(s), The Cooper Union's Financial Monitor, and any others as deemed appropriate by the Board Chair and President. In addition, a limited number of development staff may be informed on an as-needed basis to process and steward the gift



IV. Types of Gifts Accepted by The Cooper Union

The Cooper Union is able to accept the following type of gifts from donors. The President, Vice President of Development and Vice President of Finance, are authorized to accept gifts as detailed below (subject to review and approval by the Gift Review Committee if warranted by this Policy as noted above).

A number of these types of gifts will require an independent appraisal that will be conducted at the donor's expense.

A. Gifts of Cash or Publicly Traded Securities

The Cooper Union accepts gifts of cash and publicly traded securities.

B. Gifts of Closely-Held Stock or of Interests in Partnerships, Subchapter S Corporations or Limited Liability Companies

In considering whether to accept gifts of closely-held stock or interests in partnerships, subchapter S corporations, or limited liability companies, The Cooper Union thoroughly examines all aspects of the proposed gift, including (1) the value of the proposed gift (potentially obtaining an independent appraisal), (2) the marketability of the proposed gift, (3) any restrictions on transfer, (4) whether the proposed gift will generate unrelated business taxable income, and (5) whether acceptance of the proposed gift could expose The Cooper Union to any liability.

C. Gifts of Art

Any proposed gifts of art must be recommended by the School of Art if it is to remain in The Cooper Union's collection. When considering whether to accept a proposed gift of art, the following considerations must be taken into account: costs for maintaining, hanging, and storing the work; outside appraisal; and flexibility to transfer the work to another party if necessary.

D. Gifts of Tangible Personal Property

In considering whether to accept a proposed gift of tangible personal property, The Cooper Union considers (1) whether the proposed gift is related to The Cooper Union's mission (e.g., resources for The Cooper Union's academic programs or books for the Library), (2) the financial value of, and any potential liabilities associated with, the proposed gift, (3) the costs associated with receiving, maintaining, or selling the proposed gift (including costs of insurance, shipping, storage, care, and/or appraisals), (4) any restrictions on the use or sale of the proposed gift, and (5) whether, if appropriate, the proposed gift can be transferred easily and without significant cost.



E. Gifts of Real Estate

Proposed gifts of real estate must be approved by the Gift Review Committee and the Board of Trustees or a committee of the Board designated by the Chair. In determining whether to accept such gifts, the donor will be asked to disclose, and the Gift Review Committee will thoroughly review, all potential benefits and burdens associated with the proposed gift and evaluate (1) the value of the proposed gift, (2) whether there are any financial, environmental, or other liabilities that would be required to be assumed upon acceptance of the proposed gift, (3) the costs of carrying the property, including but not limited to insurance, property taxes, and maintenance, (4) whether the property would be useful to The Cooper Union, (5) whether the property would be readily marketable, (6) whether the property is subject to any liens, easements, restrictions, or other limitations, and (7) whether the gift is a straightforward outright conveyance of a fee simple interest or whether the gift is in another form (e.g., a gift of a remainder interest or a gift of real estate to a charitable remainder trust). Real estate transactions must be authorized and executed by the President and Vice President of Finance following review and approval by the appropriate governing body referenced above.

F. Life Income Gifts

Proposed life income gifts will be reviewed for acceptance under the policy established, as appropriate, by The Cooper Union's planned giving staff and Vice President of Development, and in accordance with the laws of the State of New York, or in the state of residence for the donor and beneficiary of the gift annuity. The Cooper Union will only issue charitable gift annuities for donors who reside in states where The Cooper Union is in compliance with that state's laws governing issuance of gift annuities.

G. Life Insurance

The Cooper Union may accept gifts of paid-up insurance provided that all rights and incidents of ownership are irrevocably transferred by the donor to The Cooper Union. The Cooper Union shall review on a case-by-case basis the circumstances under which The Cooper Union shall accept partially paid-up policies where continuing premiums are due and/or a restriction is made on the gift. Notwithstanding the foregoing, The Cooper Union may be named primary or secondary beneficiary of any life insurance policy.

H. Gifts of Intellectual Property

Gifts of Intellectual Property (e.g. patents, trademarks, and copyrights) can be accepted in accordance with the Intellectual Property policies across the institution. If the proposed gift has a value less than \$50,000 dollars as determined by by an independent qualified appraiser, the donor will be encouraged to sell it and donate the proceeds to The Cooper Union instead. If the gift is appraised to be worth more than \$50,000, the donor will be encouraged to underwrite the expenses needed to monetize the IP if no patent/trademark exists. The President, Vice President of Finance, and Vice President of Development are authorized to accept and/or decline such gifts as circumstances require.



I. Other Gifts

The Cooper Union may accept other types of gifts on a case-by-case basis with the approval of the Gift Review Committee.

J. Gifts with Restrictions

At the discretion of the President and Vice President of Development, any proposed gift to The Cooper Union that is subject to restrictions pertaining to use (e.g. Restricted Securities or Gifts of Art) may be reviewed by the Gift Review Committee to ensure that the restrictions are consistent with the mission and administration of The Cooper Union. In the event that the restrictions are inconsistent with The Cooper Union's mission, its administrative principles, public policy, or the law, The Cooper Union shall decline the gift.

V. Compliance with Tax Laws and Requirements

The Cooper Union shall comply with all tax laws and other legal requirements regarding gifts.

Unusual aspects of, or structures for, proposed gifts should be reviewed by outside counsel with expertise in the relevant area.

The Cooper Union will not knowingly facilitate a donor claiming an improper tax deduction or other benefit. No proposed gift shall be accepted if it generates an improper private benefit for the donor or if the proposed gift is an excess benefit transaction (as defined under section 4958(c) of the Internal Revenue Code of 1986, as amended).

The Cooper Union shall comply with all Internal Revenue Service reporting requirements, including, upon a donor's request, the completion of the donor statement of IRS Form 8283 and, where applicable, the filing of IRS Form 8282.

The Cooper Union shall acknowledge all gifts in writing to the extent required by law. Donors are responsible for obtaining appraisals of gifts where required for the donor's tax return. The Cooper Union does not select the appraiser, hire the appraiser, or pay for such appraisals.

Donors are responsible for seeking independent legal and tax advice in advance of making a gift to The Cooper Union.



VII. Gift Agreements and Pledges

All gifts that require review by the Gift Review Committee under this policy must be reviewed by the Committee before a commitment is made to the prospective donor to accept the gift.

A gift agreement is required for all restricted gifts, including restricted pledges, of \$100,000 or more and may be required for restricted gifts or restricted pledges below that level.

All pledges below \$100,000 must be paid within five (5) years. The pledge payment schedule for a particular gift will be recorded in the applicable gift agreement.

Any significant deviation from The Cooper Union's standard template agreement requires the approval of the Gift Review Committee.

VIII. Endowment Gifts

A minimum gift of \$250,000 is required to create a separate endowment fund at The Cooper Union. Please see Addendum A below for The Cooper Union's minimum gift amounts for endowments. Gifts at lower levels may be added to existing endowment funds.



X. Naming and Recognition

A. Naming and Recognition Opportunities

The Cooper Union's Development Office maintains a list of current naming and recognition opportunities, which are generally available in the following areas:

- Lobby/Public Spaces
- Classrooms/Labs
- Academic Staff
- Resource Centers
- Auditoriums
- Program Materials/Exhibition Spaces

Donors who support these spaces/positions/programs are recognized based on the size of the gift. After the supported program has been fully funded, The Cooper Union may use any excess funds to support other academic programs/student programs, as applicable.

B. Review Process

All naming gifts must be reviewed and approved by (i) the Gift Review Committee and (ii) the relevant schools, programmatic areas or departments as determined by the President and Vice President of Development.

C. Duration of Naming Opportunity

Consistent with current best practices, a building, lobby or other space within The Cooper Union may be named for a period not to exceed twenty-five (25) years. The donor or descendants, as applicable, shall have the right of first refusal to maintain naming rights at the level and conditions determined by the approved naming schedule in place at that time.

Donors must give up building and other naming rights if they are credibly accused, charged or convicted of some moral impropriety as determined by the Gift Review Committee. While The Cooper Union may choose to return a gift under such circumstances, the gift agreement cannot obligate The Cooper Union to return the gift. In such situations, partial return of the gift based on the time that has elapsed since the gift was made could be considered.



Addendum A

Table of Minimum Gift Amounts for Endowment and Restricted Use

Amount	Applications	Description
\$10M	E	Deanship
\$5M	E	Department Chair
\$3M	E	Distinguished Professorship
\$1M-\$2M	E	Visiting Artists, Scholars, Architects, and Engineers
\$500,000	E	An annual lecture or exhibition
\$500,000	E	Faculty Development to support scholarship and research
\$500,000	E	Named scholarship or fellowship restricted to a particular program or purpose
\$250,000	E	Unrestricted, named scholarship

E = Endowment: Donor restrictions apply only to the annual draw – i.e., authorized spending account – from endowment principal as determined by The Cooper Union’s Investment Spending Policy, and as updated periodically.