



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 02.07: Disclosure of Conditional Gifts from Foreign Persons

DATE: June 19, 2009

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to assure that Texas Tech University (TTU) complies with state law requiring disclosure to the Secretary of State of all conditional gifts made to TTU from foreign persons or agents.

REVIEW: This OP will be reviewed in April of odd-numbered years by the vice chancellor for institutional advancement (VCIA). Changes will be made with the concurrence of the senior vice chancellor/chief financial officer and the vice chancellor/general counsel.

POLICY/PROCEDURE

1. Definition

*Texas Education Code, § 51.571, *et. seq.*, Texas Administrative Code, § 73.91, and 20 U.S.C., § 1011f (1998)

A "conditional gift" from a foreign person, as defined by Texas Education Code, § 51.571 (3), is any endowment, scholarship, or other gift, donation, or grant of money or property of any kind or any contract award, the use of which is subject to conditions imposed, requested, or provided by a foreign government or foreign person, and which conditions relate to:

- a. What kinds of teachers or students may benefit from such gift; or
 - b. The bias or slant with which subject matter supported by the gift may be taught.
2. Any TTU faculty member, staff member, student, or student organization who is approached by a potential donor who is either a foreign person or a representative of a foreign person and whose gift is conditioned as set forth in Section 1 above must immediately contact the VCIA with the following information:
- a. Name of the donor;
 - b. Value or amount of the gift;
 - c. The name of the country in which the donor resides if donor is an individual;
 - d. The name and principal location or residence of each record and beneficial owner of any equity interest therein, each member thereof, and each person providing funding thereto if the donor is an entity; and
 - e. Whether any other donors have attempted to impose similar conditions upon their gifts within the current fiscal year.
3. If the conditional gift is accepted by TTU, the VCIA or designee will be responsible for the filing of the *Disclosure Statement of Conditional Gifts from Foreign Persons* form with the Secretary of

State, Statutory Documents Section in Austin, and the U.S. Secretary of Education, in accordance with federal law, by January 31 or July 31, whichever is earlier in the fiscal year in which the conditional gift is received.
