

July 1, 2006
The University of North Carolina at Chapel Hill
Guidelines on Gifts Affecting the Curriculum

The University of North Carolina at Chapel Hill adopted guidelines in 2006 on donations and curriculum development. The full text of the guidelines may be found at <http://www.unc.edu/provost/> . The purpose of these guidelines is to promote early consultation with faculty about potential donations that have a material effect on the curriculum and to ensure that faculty are provided with as much information as possible throughout the process.

The University community endorses and adheres to these guidelines, which convey deep appreciation for private gifts and emphasize that UNC Chapel Hill faculty determine the design, content, and staffing of whatever position or program is being funded. The guidelines call for affected faculty, programs, and departments to be involved in the process of designing and designating the gift as early as possible. The guidelines complement the University's Policy on Gifts, Contributions, and Solicitations, which state: "The University of North Carolina at Chapel Hill Board of Trustees believes that establishing clear and consistent policies about gifts, contributions, and solicitations encourages stronger relationships among representatives of the University, donors, and advisors" (p. 1).

We welcome the opportunity to discuss how your gift may enhance the stature of the University of North Carolina at Chapel Hill.

General Guidelines

Overview and Purpose.

The purpose of these guidelines is to promote early consultation with faculty about potential donations that have a material effect on the curriculum. Donations affecting the curriculum may originate within the university development office or within academic units. In most cases, faculty members will be unified in their desire to accept a proposed donation affecting the curriculum. In rare cases, however, donations affecting the curriculum may not coincide with or further the priorities or mission of the affected unit, or may be controversial because of the source or proposed use of the funding. The University recognizes the need to involve faculty early in the process when potential donations affect the curriculum, and to provide faculty with as much information as possible throughout the process. Broad consultation is not required, however, in cases where a proposal has minimal effect on the curriculum or where the faculty members and units primarily affected agree on the desirability of accepting the donation. The factors identified in these guidelines should be considered by those involved in negotiating with potential donors and by those who are consulted during the process.

1. Any unit of the University shall be consulted at the earliest possible time with regard to the details of any gift that may affect its curriculum. For purposes of this policy:

- a) A donation affects the curriculum if it would have a material effect on faculty positions, faculty assignments, the creation or content of a course or program, class size or learning resources.

b) A unit of the University includes a college, school, department, program, curriculum, center, or institute.

2. Priority in negotiating with potential donors shall be given to securing gifts that will be used to support needs identified by affected units of the University. The University representative working with a potential donor on a gift that affects the curriculum shall consult with the head(s) of any affected unit(s) at the earliest possible stage to determine whether the proposed donation meets the needs and priorities of the unit(s). The head of an affected unit shall consult with the administrative board of the unit, other appropriate committees within the unit, and individual faculty members, as deemed appropriate by the unit head, in order to ensure that the proposed donation is consistent with the needs and priorities of the unit. The unit head should bear in mind that one purpose of these consultations is to ensure that faculty are informed of the potential donation.

3. The following factors shall be considered in determining whether a gift affecting the curriculum should be accepted and in determining the final form of accepted gifts:

- a) Whether any curricular changes to be brought about by the proposed donation are consistent with the goals, mission and values of the University and the affected units;
- b) The effects of any curricular changes that may occur as a result of the proposed donation on the overall curricular plan of any affected unit;
- c) Whether the proposed donation contains contingencies or conditions and the nature of the contingencies or conditions;
- d) Any effects that the proposed donation may have on academic freedom;
- e) Whether the University's acceptance of a proposed donation would reflect poorly on the University's reputation or would conflict with the mission and values of the University and the affected units; and
- f) Whether donors' names should be attached to professorships, programs, or courses.

4. If individual faculty members or units of the University disagree with or have concerns about a decision to accept or reject a proposed donation affecting the curriculum, they shall address those concerns to the University administration according to these guidelines. Individual faculty members shall first address concerns to the head of their unit. Faculty members who continue to have concerns and units of the University (represented by the unit head) shall raise their concerns with the Provost. The Chancellor will make the final decision based upon consultation with the Provost, the unit head, the Vice Chancellor for Advancement, the Vice Chancellor for Research, and concerned faculty.

**Report of the Task Force to Develop Guidelines
on Donations and Curriculum Development
January 12, 2006**

Introduction

The University of North Carolina at Chapel Hill, like many other public and private universities, is increasingly engaged in relationships with foundations, nonprofit organizations, and individual donors from outside the campus. Over the last several decades, as Carolina has become a great research university we have developed policies governing the receipt of research funding from the federal government and private corporations. As our faculty members have become more entrepreneurial, we have revised our financial conflict of interest policy. As our faculty has achieved greater success in technology transfer we have clarified the rules regarding the role of the faculty, the University, and the new company in negotiating intellectual property and licensing agreements. And as we have increased the number of endowed chairs as part of the Carolina First Campaign, it has been critical that we abide by ethical standards for naming opportunities and the receipt of restricted or restrictive gifts.

With this report, we now turn to the role of faculty when proposed donations from outside organizations and individuals have the potential to affect the curriculum. The University's current policy establishes the following standard for the solicitation and acceptance of gifts: "Donors, advisors, and representatives of the University will work together to structure a gift that achieves a fair and proper balance between the charitable interests of the donor and the needs of the University." (University of North Carolina at Chapel Hill, Policies on Gifts, Contributions and Solicitations, Section V.A.)¹ Faculty members have primary responsibility for establishing and implementing the curriculum. As such, faculty members have an essential role in determining whether proposed gifts affecting the curriculum meet the needs of the University.

Beginning in September 2005, a task force of faculty and staff led by co-chairs Provost Robert Shelton and Professor William Race met to develop University guidelines for the solicitation and acceptance of donations when matters of the curriculum are involved. The co-chairs charged the task force members at their first meeting to articulate principles and provide guidelines that safeguard intellectual integrity and academic freedom, while respecting the wishes and intentions of donors. Among the issues to be considered by the task force were (1) the transparency of the current donation process; (2) the appropriate role of faculty in the process; (3) whether conditions or contingencies should ever be placed on donations to the extent they may adversely affect academic principles; (4) the conditions under which donors' names should be attached to courses or programs; (5) the extent of donors' influence on the curriculum and on faculty hiring; and (6) whether there are conflicts of interest associated with the receipt of a proposed gift. The results of their work are set forth below.

Recommendations

¹Examples of existing policies and regulations that limit donors' restrictions on gifts include:

* Federal law (IRS Publication 526 (12/2003), Charitable Contributions).

* The University's "Policies on Gifts, Contributions and Solicitations," which defines a gift.

* The University Business Manual, which also defines gifts.

1. Preparation of an informational document for donors that expresses UNC Chapel Hill's philosophy on receiving philanthropic gifts—a thoughtful, substantive statement that would convey the University's deep appreciation for private gifts, but also make clear that UNC Chapel Hill faculty determine the design, contents, and staffing of whatever position or program is being funded. This document might stress that affected faculty, programs, and departments be involved in the process of designing and designating the gift as early as possible. The document would be composed by development officers in cooperation with the office of the Provost.

2. Development of systematic communication of divisionally prioritized needs and goals from academic units to development officers. The Provost, working with the deans and their faculty advisory councils would take on this responsibility.