

**AGREEMENT**

**between**

**Tennessee Technological University**

**and**

**Agricultural Foundation for Tennessee Tech, Inc.**

Pursuant to Tennessee Board of Regents Policy No. 4:01:07:02, the provisions of the relationship between the Agricultural Foundation and the Institution have been formulated as described below and pursuant to Provision 5(1) of the above mentioned policy.

This agreement is made this 22<sup>nd</sup> day of May 2003 by and between Tennessee Technological University and the Agricultural Foundation for Tennessee Tech, Inc.

WHEREAS, the Foundation is a non-profit corporation chartered to support the Institution; and

WHEREAS, the Foundation and the Institution share identical objectives; and

WHEREAS, the Tennessee Board of Regents has determined that a formal agreement should exist between the Institution and any external Foundation;

NOW THEREFORE;

WITNESSETH

In consideration of the mutual promises herein contained, the parties have agreed and do hereby enter into this agreement according to the provisions set out herein.

The Agricultural Foundation is a private, nonprofit foundation with the Institution as the sole beneficiary. The Foundation is controlled by a board independent of the Institution. The financial records, investments, and other financial transactions are handled external to the institution.

The services provided by the University to the Foundation include the services of the Division of University Advancement, the Division of Business and Fiscal Affairs, and the College of Agriculture and Human Ecology. All funds contributed to the Foundation are processed and invested by the Treasurer of the Foundation. Investments by the Foundation are governed by T.C.A. 35-10-101 et seq.

The charter and bylaws of the Foundation provide that the Institution's President or the President's designee(s) hold membership on the Foundation's Executive Board. The Dean of the College of Agriculture and Human Ecology holds this membership position on the Foundation Executive Board.

All gifts to the Agricultural Foundation are processed through the University Advancement Gifts/Records/Stewardship Center (GRSC). Monetary gifts are transmitted on GRSC deposit forms that are accompanied by the check, stock, or cash. The deposit form will be prepared by the Foundation treasurer and completed by the secretary in the office of the Director of the School of Agriculture. Gifts are received by the GRSC into the Foundation Account 0-89900 and deposited with the Business Office. The Business Office will forward a check to the Foundation treasurer once a month.

Note: As an exception to TTU Advancement Policies and Procedures, gifts that involve CD renewals at banks are processed by attaching a copy of the check to the GRSC deposit form as substantiation for gift entry into ADS; however, no funds are transferred.

Gifts-in-kind are transmitted on University gift-in-kind forms and will be accompanied by documentation of the value of the property or service and will include a certified appraisal if applicable. Gifts-in-kind in excess of \$500 must meet IRS requirements outlined on IRS form 8283.

University Advancement provides the following documentation and reports to the Foundation: for deposit forms, the yellow copy which is returned after all signatures are obtained; for gift-in-kind forms, the pink copy which should be kept at origination and the yellow copy which will be returned after all signatures for approval of gift acceptance are obtained; and for checks transmitted from the business office to the Foundation treasurer, a monthly donor report that includes names, addresses, social security numbers, and gift crediting information. To donors - acknowledgement letters and receipts as appropriate.

University Advancement has the capability to restrict access to donors through the ADS system to no contact or no solicitation, and can also code donors for access for donor management by a particular development officer. The Foundation will submit requests by written memo for any desired restrictions to the Vice President of University Advancement.

Employment of personnel, administrative or otherwise, who will be paid to solicit gifts or act in any capacity using Tennessee Technological University's name or property will be approved by the University's President prior to appointment.

Foundation records and financial reports are audited by independent auditors secured by the Foundation. The University agrees to furnish any records it produces to support the Foundation audit.

IN WITNESS WHEREOF, the parties, through their authorized representatives, have affixed their signatures below,

INSTITUTION:



Robert R. Bell, President

Date 5/22/03

FOUNDATION:



Clarence M. Richards, Executive Director

Date 5-28-03