

# INDIAN AFFAIRS MANUAL

Part 30

Education (Management)

Chapter 8

Donations Policy

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- 1.1 Purpose.** This chapter establishes policy for the Bureau of Indian Education (BIE) to solicit and accept donations, and procedures for collecting and reporting on donations and obligating these funds to Bureau-operated schools and postsecondary institutions.
- 1.2 Scope.** This policy applies to all BIE employees who solicit or accept donations on behalf of a Bureau-operated school or use donated funds for school purposes or BIE programs. This policy excludes donations of leave by employees, which is covered by the Indian Affairs (IA) Attendance and Leave policy (28 IAM 2) and related handbook (28 IAM 2-H). It also excludes donations or gifts to individual employees that are separately governed by the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635).
- 1.3 Policy.** BIE may solicit, accept, and use donations only in accordance with Department of the Interior (DOI) and IA policy, and with statutory and regulatory authorities.
- 1.4 Authority.**

## **A. Statutes and Regulations.**

- 1) 25 U.S.C. § 2006 (f), Acceptance of Gifts and Bequests
- 2) 25 U.S.C. § 5341, Donations for Indians; use of gifts; annual report to Congress
- 3) P.L. 112-74 Consolidated Appropriations Act, 2012, as amended by P.L. 113-235 and P.L. 114-113
- 4) 25 CFR 48, Leases of Land or Facilities of Bureau-Operated Schools and Fundraising Activities at Bureau-Operated Schools

## **B. Guidance.**

- 1) 374 Departmental Manual (DM) 6: Donations

## **1.5 Responsibilities.**

### **A. Director, BIE (DBIE) or the Director's Designee is responsible for:**

- 1) reviewing all proposed fundraising by BIE employees to be conducted as part of their official duties using their official title, position, and authority;
- 2) certifying in advance of the fundraising taking place that the fundraising complies with DOI and IA policy and applicable law;

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- 3) reviewing all donations valued at \$5,000 or more, and certifying that the donations comply with Departmental policy, 25 CFR 48, and any applicable statute before approving for acceptance;
- 4) submitting to the IA Office of the Chief Financial Officer (OCFO) any donations greater than \$250,000 for review; and
- 5) reviewing annual reports of donations submitted by Bureau-operated schools and colleges.

**B. All Bureau-operated School Principals and College Presidents** are responsible for:

- 1) ensuring that their schools and/or colleges obtain advance written approval by the DBIE, or Director's Designee, of all fundraising activities. If the school or college does receive donations, they are responsible for submitting an annual report of donations to the DBIE, or Director's Designee, containing the information as required in 25 CFR 48; and
- 2) submitting a written request to the DBIE, or the Director's Designee, to obligate donated funds. The written request should include assurances from the school/college that the obligations are allowable under the conditions of the donation, have been approved in the school/college operating budget, and will be recorded in Financial and Management Business System (FBMS) before the end of the fiscal year.

**C. BIE Collection Officer** is responsible for the following:

- 1) receiving donations on behalf of BIE;
- 3) recording the collection (i.e., donation) on the Schedule of Collections form (see section 1.7 D. 1) for more information on this template), and identifying the appropriate line of accounting (LOA) on the form from the FBMS; and
- 4) providing a completed Schedule of Collections to the IA OCFO for recording in the FBMS.

**D. IA OCFO** is responsible for the following:

- 1) serving as the Senior Manager for IA donations as outlined in 374 DM 6;
- 2) coordinating with the DOI's Office of Financial Management to review donations of \$1 million or more;
- 3) receiving donations on behalf of BIE;
- 4) recording collections received per the Schedule of Collections form;
- 5) depositing collections received; and

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- 6) recording donations in the FBMS using the LOA provided by the BIE Collection Officer or BIE program.

**E. BIE employees** are responsible for:

- 1) seeking approval from his/her school principal prior to engaging in a fundraising activity;
- 2) spending no more than a reasonable portion (i.e., no more than 10%) of his/her official duty time in any calendar year performing fundraising activities; and
- 3) forwarding any donations received as part of a fundraising activity to the appropriate BIE Collection Officer.

## 1.6 Definitions.

- A. Donation** means something of value (e.g., funds, land, personal property) received from a non-federal source without consideration or an exchange of value.
- B. School or college purposes** means any lawful activities and purchases that benefit a BIE-operated school or college's operations or students, including, but not limited to, academic; residential; extra-curricular programs during or outside of the normal academic day and year; books; supplies or equipment for school or college use; building construction, maintenance and/or operations; and landscape construction, modification, and/or maintenance of school grounds.

## 1.7 Standards, Requirements, and Procedures.

### A. General

- 1) Donated funds may be used for expenditures when a specific appropriation (i.e., construction) already exists, as long as the expenditure is within the scope of the donation authority, and there is not a commitment of more funds than are available (donated funds plus appropriated funds available for obligation) in order to avoid violating the Anti-deficiency Act. BIE may need to submit a reprogramming report to Congress if the donation exceeds the amount in a construction line item.
- 2) Fundraising activities must be for school and college purposes only, and may not include any gaming or gambling activity, including raffles and bingo. Fundraising activities must also maintain the impartiality, and appearance of impartiality, of the BIE, BIE-operated schools and colleges, and BIE employees, and maintain public confidence in the BIE and BIE-operated schools, its programs, and its personnel.

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- 3) Participation in fundraising is voluntary. BIE employees may not coerce or unduly pressure a student, community member, or organization to participate in fundraising.

### **B. Fundraising by non-federal entities on behalf of the BIE**

- 1) Except in limited circumstances, BIE-operated schools and colleges may not accept donations raised for BIE's benefit without a written fundraising agreement. The agreement, which may vary in format and substance, must be completed and signed by both parties before the non-federal entity begins its fundraising activities.
- 2) A memorandum of understanding (MOU) or other appropriate agreement may be used to describe the overall goals and objectives between the BIE and a partner. In instances when an MOU or other appropriate agreement already exists, fundraising agreements may tier off those agreements as needed.
- 3) In the MOU or agreement, the fundraising entity must state explicitly that they are seeking financial or other resources for the BIE's benefit. For example:
  - a. A local civic group raising funds for sports equipment or facilities at a BIE school must have a fundraising agreement in place before sending out solicitation letters.
  - b. A non-profit education group that comes to a BIE school to solicit funds for a project to benefit that school must complete a fundraising agreement.
  - c. An agreement may be written for a short-term effort or may broadly cover a long-term relationship encompassing many fundraising activities.
- 4) Fundraising agreements may vary in format and substance but should enable the BIE and a fundraising partner to identify and describe fundraising objectives, plans, and schedules; minimize overlap with other fundraising efforts; and ensure fundraising complies with Departmental and IA policy. The agreement must require those fundraising for the BIE's benefit to conduct themselves in a manner that reflects well on the integrity and impartiality of the Department and the BIE, and maintain public confidence in the Department's and the BIE's programs and personnel.
- 5) The fundraising agreement must contain, at a minimum, the following information:
  - a. the fundraising objectives and timeframe;
  - b. descriptions of the roles that BIE employees may have in the fundraising campaign;

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- c. the name, title, and contact information for any BIE employee authorized to participate in the fundraising activity;
  - d. the name, title, and contact information for the fundraising non-federal entity;
  - e. a requirement that the authorized BIE employee provide written approval of any informational and fundraising materials before distribution or communication to the public;
  - f. a description of how the entity will account for all funds raised;
  - g. a clause that allows the BIE to terminate the agreement at its discretion and without cost;
  - h. a clause prohibiting actions that imply that the BIE endorses the business, products, or services of donors, or supports actions that are inconsistent with the Department's donations policy or BIE's policy;
  - i. a description of how prospective donors must be reviewed;
  - j. plans for how the donor and/or donation will be recognized;
  - k. descriptions of how contingencies, such as cost overruns, dissolution of assets, if necessary, and the like will be addressed; and
  - l. frequency of reporting, what to report, and who gets the report(s).
- 6) The BIE does not require a written fundraising agreement for events that are local or community-based, are locally publicized, and are not expected to raise more than \$25,000 on behalf of the BIE. Authorized BIE employees must still consider the totality of circumstances before accepting donations from small-scale events.

### **C. Acceptance of donations**

BIE should consider the following when evaluating the circumstances of a donation and/or its acceptance:

- 1) Acceptance would maintain public confidence in IA and the integrity and impartiality of the Department, and is legally and ethically appropriate.
- 2) Acceptance would not likely result in public controversy.
- 3) The donation meets a legitimate need of IA and does not require a commitment of funding that is not planned or available.

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- 4) Any conditions of a donation are consistent with IA policy, goals, and programs, and a BIE-operated school or college must be able to properly utilize or manage any donated real or personal property within policy, programmatic, and management goals.
- 5) The donation is not, nor appears to be (such as by size or circumstances), an attempt to influence the exercise of any regulatory or other authority.
- 6) The proposed donation may only be in an amount that would not influence, or appear to influence, any pending Bureau decision or action involving the donor's interests.
- 7) The donation does not involve any inappropriate goods or services.
- 8) The donation will not be used by the donor to state or imply endorsement by the Department or by IA of the donor or the donor's product or services.
- 9) The donor may not obtain or appear to obtain special treatment dealing with the Bureau or a Bureau-operated school.
- 10) Donations are accepted by the BIE, not by individual employees. Checks may not be written to individual employees; and employees may not "sign over" or endorse a check for deposit into a BIE account.

### **D. Processing donated funds**

#### **1) Transfer of funding to Central Office**

Immediately upon receiving a donation, Bureau-operated school principals and college presidents must report those funds on a Schedule of Collections form to BIE's Collection Officer in the School Operations, Budget, and Finance Division.

The Schedule of Collections form will be provided by the BIE Collection Officer upon request.

#### **2) Obligating the funds**

- a. Bureau-operated school principals and college presidents are required to submit a written request to the DBIE, or the Director's Designee, to obligate donated funds. The written request should include assurances from the school/college that the obligations are allowable under the conditions of the donation; have been approved in the school/college operating budget; and will be recorded in

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FBMS before the end of the fiscal year.

- b. If the request to obligate donated funds is allowable, a fund distribution document will be issued by BIE to establish the required "authority to obligate" the donated funds.
- c. Obligation of funds donated to BIE-operated schools and colleges should be coded to the appropriate location code and the fiscal year of the obligation.

### **E. Use of donations**

Donations for a specific purpose should be used only for that purpose. Funds and in-kind donations raised through fundraising activities must be used for school and college purposes identified in the solicitation. If specific purposes were not identified in the solicitation, then the donations may be obligated for any school purpose.

### **F. Donor recognition guidelines**

Donors who contribute to the BIE directly or through a fundraising partner should receive appropriate, reasonable recognition and thanks from BIE, the BIE's fundraising partner(s), or both. BIE operated schools and post-secondary institutions should consider various recognition methods, such as:

- 1) Thank-you letters.
- 2) For any donations received valued at \$250 or more, the BIE should, at a minimum, acknowledge the donation by preparing and issuing a letter of acceptance and appreciation from the BIE.
- 3) Publicity, such as news releases to traditional and digital media outlets (e.g., newspapers, magazines, radio, television, websites, and social media).
- 4) Events, such as media events, award presentations/programs, press announcements, photo opportunities, annual meetings, conferences, or other recognition activities that acknowledge or involve a donor (and flyers associated with these events).
- 5) Temporary displays, signs, and/or banners, such as Adopt-a-School sign or other temporary signage/items or portable exhibits at construction, restoration, or other sites when directly related to the project for which the donation was made.
- 6) Awards (e.g., a nomination for an appropriate BIE or non-BIE award).

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- 7) Certificates, acknowledgment plaques or nameplates, donor boards and walls, donor books, and similar items.
- 8) Short, discrete, unobtrusive publicly displayed acknowledgements of credit, showing the donor's name on/in interpretive and digital media, such as temporary exhibits, waysides, audiovisual productions, and printed materials (e.g., *"This exhibit made possible by a generous donation from ..."*, *"Sponsored by...on Behalf of the Bureau of Indian Education"*).
- 9) When determining the best means of recognition, BIE employees must consider the appearance associated with the particular donation and whether the cost of the recognition is a proper expenditure of appropriations.
- 10) Donor recognition that includes donor logos or name scripts as part of a credit line is allowable on items that are temporary (e.g., publications/printed material, temporary signs, BIE special event banners/materials, video/film/electronic material, etc.) provided that the size, scale, scope, and location of recognition is subtle and does not dominate an item or an area or event facility. The manner of any on-site recognition should not compete for attention with, or draw attention away from, the BIE site's purpose or natural, cultural, and/or other resources.
- 11) Donor recognition in the form of name scripts and logos is prohibited on BIE vehicles (e.g., specific product names, slogans, or advertisements) to ensure that there is not commercialization of BIE schools. The BIE must not recognize a donation in a way that implies endorsement of the donor's products, services, or activities (other than the actual donation itself).

## 1.8 Reports and Forms.

Bureau-operated schools and colleges must report to the DBIE, or Director's Designee, the following information regarding donations by **December 31st** of each year. There is no specific form or template, but the following information must be included:

- name of the donor;
- donation amount and/or estimated value of donated goods;
- conditions of the donation and whether the donation was solicited as part of a pre-approved fundraising activity; and
- results achieved by use of donation.

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Note: If the donation was solicited as part of a pre-approved fundraising activity, then an accounting of all costs of the fundraising activity as well as supporting documentation showing the donation was used for school/college purposes must also be included in the report.

### Approval



Tony Dearman

Director, Bureau of Indian Education

2-12-21

Date