

FAQS FOR GRANT APPLICATIONS, AGREEMENTS, AND REPORTS

INTRODUCTION

The University of Colorado Foundation (CUF or the Foundation) is the philanthropic portal for private support for the benefit of the University of Colorado. While the majority of gifts made to the Foundation are from individuals, contributions are also received from non-profit entities, commonly referred to as grants. Grant funding is most often triggered through a grant application initiated on campus by Advancement or Faculty.

All grant proposals and/or agreements need to be reviewed by the respective campus corporate and foundation relations team (CFR) prior to being sent to CUF Compliance. In general, CFR will work with the respective campus office of contracts and grants (OCG/OGC) to predetermine if the funding is philanthropic in nature and may be directed to the Foundation. Note: Funds that are processed through OCG can still be captured in Advance for stewardship purposes.

Documents and funds that are expected to be received and/or signed by CUF need to be submitted to CUF Compliance for review and approval at least 48 hours (about 2 days) before the submission deadline. CFRs/OCGs confirmation that the grant is philanthropic in nature needs to be included. Note: Gift Administration (GAD) at System Advancement does not handle the drafting, review and/or routing of documents related to grants.

CU FOUNDATION AND CU RELATIONSHIP

The University of Colorado Foundation, founded as a separate 501(c)(3) charitable organization in 1967 by CU friends and supporters, is the financial portal for charitable contributions for the benefit of CU. The Foundation is responsible for the investment, management, and allocation of gift funds in a manner consistent with the purposes established by donors. In short, the University assumes all responsibility regarding the work supported by the grant, including all deliverables, while the Foundation holds the fiduciary responsibility of the funding, maintaining a valid tax ID and providing some financial reports, if requested.

Q: How do I represent the relationship between CU and CUF when applying for a grant from a private foundation or corporation?

To ensure the grantor is aware of the relationship between CUF and CU, CUF should be referred to as the "Recipient" and the University should be referred to as the "Beneficiary" in all/any grant related documents. As many grants are handled online there might not be an opportunity to select two parties or otherwise identify both CUF and CU in relation to the grant. This can be handled by adding language to the field "legal name of the organization" as "University of



Colorado Foundation (recipient) f/b/o University of Colorado [campus] (beneficiary) or making a reference to this is in the notes field of the application.

If none of this is possible, CUF will attach a letter that outlines the relationship between the University and CUF to the grant agreement or proposal.

Q: Who governs the Foundation?

A: A Board of Directors, which is an independent governing board, oversees the Foundation. Please note that the Board of Trustees is a volunteer board aiding the University for fundraising purposes and has no authority over the Foundation.

CHARTIABLE GRANTS VS SPONSORED PROJECT

Philanthropic support when given by a non-profit organization to another non-profit organization is often referred to as a grant (with a "grantee" as the entity receiving financial support and a "grantor" as the entity providing financial support) as opposed to a "gift" (with a donor as the giver and the Foundation as the receiver). While many for-profit organizations also often use the word "grant" for their support, the terminology used does not determine whether CUF can accept the contribution for the benefit of CU and if and how CU will be required to manage the funding. Below are some general guidelines that should help you decide the appropriate contact office for assistance for your award or gift, especially for funding from corporations and foundations.

CHARITABLE GRANT CRITERIA

Definition: A charitable grant is a contribution received from an organization for either unrestricted or restricted use in the furtherance of CU's mission for which the institution has made no commitment of resources or services other than committing to use the gift as the grantor specifies. The contribution is a nonreciprocal transfer in that there is no implicit or explicit statement of exchange, purchase of services or provision of exclusive information.

Awards or funding that meet the following criteria are generally considered to be a charitable grant:

- The grant provides support to students, faculty, staff, research, and programs overseen by CU (e.g., professorships, endowed chairs, scholarships, non-federal building projects, fellowships, programmatic support, general research and instructional programs and similar activities.) The grantor may direct the use of funds to a specific program area or purpose.
- The grant has minimal requirements and does not:
 - Restrict publications.
 - Require submission of scientific or technical data.
 - Claim rights in patents, copyrights and other IP rights that may result from activities supported by the grant.
- Require reporting other than a summary of results or funds expended.



- There is generally no expectation that funds remaining at the termination of the project will be required to be returned to the grantor or that formal permission would need to be granted to spend outside of the defined budget period. Although, CUF may accept some language that indicates that grant funding will need to be returned at the end of the grant period.
- There are no benefits for the grantor associated with the funding.
- Any research results are for the benefit of the public and not influenced by the grantor.

SPONSORED PROJECT/AWARD CRITERIA

Definition: A sponsored project/award is an agreement (grant, cooperative agreement, or contract) between CU and a grantor typically for a specified statement of work with a related, reciprocal transfer of something of value. The agreement is binding and creates a quid pro quo relationship between CU and the entity.

Awards that meet one or more of the following criteria are generally considered to be sponsored awards:

- The award is from a federal, state, or local government agency, or flow-through from one of these agencies.
- The award is for a specific scope of work with a specified performance period or completion date.
- The award includes budget restrictions (e.g., prior approval for re-budgeting and restrictions for certain budget categories)
- Detailed billing, separate accounting procedures, and/or regular reporting of expenditures are required.
- The award includes a provision for an audit of technical objectives or expenditures.
- Unexpended funds must be returned to the sponsor at the end of the project period.
- Detailed technical, financial, or property reports or other deliverables are required.
- The award contains provisions such as:
 - Restricts or monitors publications or use of results.
 - Protection of sponsor and/or confidential information.
 - Delivery of specific goods or services by the University (e.g., technical assistance or training).
 - Disposition of property whether tangible or intangible, (e.g., equipment, inventions, copyrights, or rights in data).

For assistance with sponsored awards, contact your campus' OCG/OGC team.

If your award does not seem to fit in either category, contact <u>grants@cufund.org</u> and we will work with Advancement and various other CU offices to find the correct office to assist you.

Q: How do I know if this outside funding should be handled by OCG?

A: Some examples of outside funding that should be handled by OCG include:



- Graduate fellowships in which the student is working on a project which will directly benefit the sponsor.
- Technical assistance is provided by a CU employee, acting as a consultant to a private company or organization. The University is compensated with a contribution in lieu of pay.
- Organization provides funding to conduct studies (such as animal impact studies) which are part of the corporation's research and development process.
- Funding to the administrator or host to manage a specific seminar, conference, or institute in which the sponsor has a direct interest.
- Research that includes human subjects (which can include conducting interviews).
- Projects that have strict budget constraints/expectations.

Q: My grant includes subcontract(s) but seems otherwise charitable - can CUF accept the grant?

A: No. The Foundation does not accept contracts with subcontracts. These need to be handled by OCG/OGC.

Explanation: Subcontract (or Subaward or Subrecipient) involves an actual written agreement CU would put in place for any organization that is not a part of CU that is performing work on a project for which CU has received an award. The Subcontractor is accountable to CU for the work they perform on the project and how they conduct it – both technically and ethically. The terms dictated by the sponsor or donor of the funding that CU agrees to are also "flowed down" to the Subcontractor. So whatever terms CU is obligated to comply with in accepting the gift, grant, or contract – are the same terms with which the Subcontractor must comply.

Whenever there is a Subcontract or Subaward on a project, CU is obligated under federal law to perform the required Subrecipient monitoring – even if the prime funding source is not federal. These requirements are quite extensive – institutions get dinged in audits around them all the time – so our Subcontracts Team handles that, and it comprises a major portion of their workload.

Q: I did consulting work for an organization and want to donate the payment I received. They are willing to send payment directly to CUF. Can CUF accept that?

A: No. This is payment for service and not a philanthropic contribution. In addition, CU has many rules and regulations regarding consulting work conducted by faculty and staff. Reach out to OCG/OGC for specifics.

Q: What is the difference between a consultant and a subcontractor?

A: A consultant is usually an individual, while a subcontractor is usually another university or another organization – though this is not always the case. The agreement with a consultant is different and is managed by PSC. OCG/OGC handles the subcontract agreements.

Consultants and Subcontractors must be put through Visual Compliance screening to be certain of the risk that may be involved in doing business with that organization or individual and to be sure they are not debarred or suspended from doing business in the U.S.



RESEARCH AWARD CRITERIA

Definition: A research award is generally given to recognize or support the research of a faculty member who has answered calls for research proposals by an industry specific/related organization (often for-profit, e.g., Apple, Google, Microsoft) in their area of expertise/interest. The awarding organization selects the awardees and issues payment to the awardee's institution.

Awards or funding that meet the following criteria are generally considered to be gifts:

- The award letter will indicate that the contribution is considered a gift/charitable contribution.
- Contribution is issued to the faculty's institution, not the awardee.
- Contribution is for either unrestricted use or use restricted to the indicated type of research.
- There are no deliverables associated with the award (e.g., report, IP).
- University has control over the receiving gift fund.

Q: I am a faculty member and applied for and was awarded a Fellowship award from Apple for my research; the check is being issued to CU as an unrestricted gift to support my research. Can this be processed by CUF?

A: Generally, yes, as it indicates that the award supports your scholarly work for CU. The funds will need to be directed to either a general research fund or a separate fund to support the research that is currently conducted by you. There can be no benefits to the Grantor in return.

Reasoning: Our standard gift agreement templates include language for research funds to be set up that are "currently conducted by" a faculty member. A research award that has been awarded to a faculty member by a grantor is in line with that purpose.

Q: I applied and won a monetary award for my work and the check is being issued in my name. Can I just write the check over to CUF? Can I ask the organization to send the award to CUF? They are willing to do that.

A: No. This indicates that the award constitutes a direct benefit to you and is not meant to be a benefit to the University. Therefore, this is not considered a charitable contribution. You may decide to accept the funds and make a donation to CUF for the benefit of CU, but CUF cannot receive the funds on your behalf.

Reasoning: Payments from an organization for consulting services, honoria or awards provided to faculty or staff members (including offering graduate students to provide such work) are not considered charitable transactions in the eyes of the IRS. Therefore, faculty and staff members cannot direct the payments directly or indirectly to the Foundation to claim a charitable



contribution. Please consult the University Office of Contracts and Grants and your tax advisor on how to handle this type of income.

Q: I received an industry specific award without applying and it is rather large. Can I give this to CUF to process to be placed into my research fund?

A: Generally, yes, as per IRS code section74 (b), you may direct the organization to send the award to CUF to be placed into a fund that supports your scholarly work for CU as long as the grantor did not receive or expects to receive any benefits from you (e.g., consulting, research results). Consult your tax advisor before accepting.

(https://uscode.house.gov/view.xhtml?req=granuleid:USC-1999-title26section74&num=0&edition=1999)

EXTERNAL SCHOLARSHIP AWARD CRITERIA

Definition: A scholarship award is generally given to a student selected by the university and applied to their tuition account. As a donor cannot exercise control over their donation, a donor cannot select a specific student and a payment cannot be directed to a specific student. A person cannot pay their child's tuition via a grant or other type of payment as it constitutes a direct benefit to the donor.

However, there are non-profit organizations (e.g., Denver Scholarship Foundation, Reisher Foundation) as well as for-profit organizations (Apple, Google) that offer fellowship or scholarship awards to students. In these cases, the awarding organization selects the awardees and issues payment to the awardee's institution.

CUF generally accepts scholarship support received from a non-profit as outlined in IRS Code 26 CFR § 53.4945-4 "Grants to individuals", but any such tuition support from a for-profit organization should be handled by the University.

Awards or funding that meet the following criteria are generally considered to be gifts:

- Grantor is a non-profit whose mission is to provide scholarships to a qualifying charitable class (e.g., not limited to students at CU or who want to attend CU)
- Grantor's scholarship application process is clearly defined and followed.
- Check is directed to CU/CUF and not issued to an individual (check often is accompanied by a letter listing multiple students that were selected by the organization and happen to go to CU).
- University has full control over the funds.

Q: I am a student and was selected by a for-profit organization to receive their scholarship support; the check is being issued in my name. Can I just write the check over to CUF?



A: No. This indicates that the award constitutes a direct benefit to you and is not considered a charitable contribution. Contact the Bursars office on how to handle this.

GIFT FUNDS FOR GRANTS

Q: Do I need a new gift fund for this grant?

A: Given the nature of grants and their requirements for reporting, it is often preferred to establish a new gift fund (assuming the grant is over \$10K). If there is an existing gift fund with the same purpose, it is preferred to place the gift there.

Q: I need a new gift fund for this grant. How do I request one?

A: Requesting a new fund for a grant follows the same process as a new fund for any other funding that comes through the Foundation. Please see the Gift Fund Setup (GFS) FAQ on the Intranet or reach out to <u>Grants@cufund.org</u> to learn about the process and workflow.

Q: Who initiates a new gift fund for grants?

A: The general rule of thumb is that if CUF is a party to the grant, CUF will initiate the request. It is helpful to let CUF know in advance if a new fund is needed or if it is related to an existing allocation. Please see general workflow in the Helpful Tips section below.

GRANT PROPOSALS

Q: Where do I find the CU Foundation's W9, IRS affirmation letter, and/or form 990? A: You can find the current CU Foundation W9 and IRS affirmation letter on the <u>Advancement</u> <u>Intranet</u>. Click <u>here</u> for the W9, <u>here</u> for the affirmation letter (the letter is from 2016 – this is okay to use), and <u>here</u> for the form 990.

Q: Where do I find CUs/my school's/unit's Major Contributors?

A: The Foundation does not provide top donor or major contributor information. In general, if the top donors or major contributors for the program/unit/your campus are needed, work with your Advancement team to pull the information from the Executive Fundraising Dashboard on Advancement Intelligence (AI), ensuring appropriate handling of data. If the grantee wants the top donors or major contributors across CU, please reach out to System Advancement for this data.

Q: What if I, as the applicant, don't want to share the top donor and/or major contributor information?

A: The Foundation is happy to provide a CUF letter stating that the Foundation does not share donor information. This can be found on the <u>Advancement Intranet</u>.

Q: Where do I find the CU Foundation's annual budget, the most recent audit, and the Board of Directors?

A: All of these items can be found on the <u>Advancement Intranet</u>. You can also find the Board of Directors on the CU Foundation <u>website</u>.



Q: What is the breakdown of diversity on the Foundation's Board Directors?

A: Please see the CUF Demographic Information document on <u>Advancement Intranet</u>. Note that if your application asks for the breakdown of a governing board, which is the Board of Directors for the Foundation, not the Trustees. If you need the Trustees information, please work with System Advancement.

Q: Can I sign the grant proposal?

A: No, you cannot sign as a Foundation employee if the grant is to be signed by CUF. The name of the Grantee's CEO should be Jack Finlaw, President & CEO, University of Colorado Foundation. If you need to obtain the Foundation's signature, please reach out to grants@cufund.org. To help ensure a smooth signature process, please include grants@cufund.org on all DocuSign envelopes coming from grantees. The Foundation will then sign after review. Please see tips below about portals if signature is required through a portal. If the University is to sign, ensure you have signature authority to sign on behalf of the University.

Note: Just because the Foundation signs the proposal does not guarantee that we can accept the actual grant. Any terms associated with the grant that were not disclosed during the proposal phase will need to be reviewed and accepted by CUF before accepting the funding.

GRANT AGREEMENTS (REVIEW AND SIGNATURE)

Q: Who do I send grant agreements to for review?

A: It is best practice to work with your campus OGC/OCG (and IFR at Boulder) to review and determine if your grant is philanthropic in nature. Once it is determined that the contribution should come through the Foundation, please send a request to review to grants@cufund.org. Please include the agreement (and any other documentation received), as well as the name of the respective office of contracts and grants representative you worked with.

Q: Why does the Foundation require some agreements to be redlined and not others?

A: In general, CUF will always ensure that grant documentation clearly presents the relationship between the University and CUF. In an effort to be as accommodating as possible, CUF will take into consideration the gift amount, level of risk and type of deliverables to determine requests for changes in the documentation.

Q: Who signs charitable grant agreements?

A: Depends on who the agreement is made out to and the terms of the agreement. In general, if you are presenting the Foundation with a grant agreement, we assume that this has been approved as a gift to run through CUF by your respective IFR and/or OCG/OGC. If it is determined that the University should sign (to keep redlines at a minimum), the money may still be able to go through the Foundation as a charitable contribution.



Note: Very few people are allowed to sign on behalf of the University so work with your legal department to determine who should sign. Please see below for more details under "Miscellaneous".

Q: How do I obtain the Foundation's signature?

A: Any requests for signature need to go to <u>grants@cufund.org</u>. To help ensure a smooth signature process, please only provide <u>grants@cufund.org</u> as the email associated with CUF – do not provide the CEO's email address as that slows down the process. DocuSign is the preferred method for obtaining the Foundation's signature (please refer to the DocuSign section below). If wet signatures are needed, please make sure you allow for at least 48 hours for us to obtain a physical signature. If signature is required through a grant portal, please review the "Grant Portals" section below.

GRANT REPORTS

Q: Who is responsible for grant reports and other deliverables?

A: The person who applied for the grant is responsible for the accurate and timely submission of any deliverables listed in the grant agreement – even if CU did not sign. CUF is not responsible for anything other than the receiving and managing of the funds on the Foundation side; expenditures and such is the responsibility of the University.

Please do not consider reminders sent to CUF from the grantor/grantor portal as a reliable mechanism to fulfil deliverables. We do our best to forward reminders but cannot guarantee it reaching the right person in due time.

Q: What if the grant report needs a signature?

A: If the proposal/agreement was signed by the Foundation, generally the report will also need to be signed by the Foundation. Any reports that require a signature by the Foundation should be sent to <u>grants@cufund.org</u>, along with a copy of the grant agreement. The Foundation will then sign after review. If signature is required through a grant portal, please review the "Grant Portals" section below.

DOCUSIGN

Q: Can we route for signature using DocuSign?

A: Yes. This is the preferred method for obtaining the Foundation's signature to ensure that it is done in a timely manner. If wet signatures are needed, please reach out to <u>grants@cufund.org</u> to coordinate. To send via DocuSign, please use the <u>grants@cufund.org</u> email address to obtain the Foundation's President and CEO signature.

Q: Who initiates the DocuSign?

A: It depends on the grantor. Either the funder can initiate or CUF can. Just let CUF know if they need to and supply them with all the contact information for those who need to sign. If the



grantor decides to initiate the DocuSign, please make sure to use the <u>grants@cufund.org</u> email only to obtain the Foundation's signature. This ensures that this is reviewed and signed in a timely manner, as well as retrieving fully executed copies. Please note that any requests for signature sent directly to the Foundation's President and CEO will be forwarded to <u>grants@cufund.org</u> and not signed before review by CUF Compliance.

GRANT PORTALS

Many funders are using portals for their grant management and more often than not, only provide one log-in for the entire University and CUF. While convenient for the funder, our structure is not easily compatible with that set-up.

As soon as you know that the grantor uses a portal and your grant will most likely run through CUF, please reach out to <u>grants@cufund.org</u> to coordinate review and signatures. Please forward all login information required to get into the portal with directions of what needs to be done. If getting into the portal is unsuccessful, please make sure to have a backup option to obtain signature (e.g., pdf of the agreement). At the very least, we need to be able to review the entire document that is expected to be signed before we can determine whether or not the funding can come through CUF.

Note: Some grantors only allow one log-in for the entire University system (e.g., El Pomar). Be very cognizant when requesting to change a password or when changing a password. Please check with <u>grants@cufund.org</u> prior to making any changes that could affect CUF's ability to access the portal for signature purposes.

PAYMENTS

Q: What address do I use if the grantor wants to send the grant payment via check? A: To make a gift by mail, you will need to download and <u>complete this form</u>, making sure to specify the fund you would like your gift to go to. Then, make out your check(s) for the donation amount payable to the University of Colorado Foundation.

Mail the form along with the check(s) to: University of Colorado Foundation Gift Compliance/Grants P.O. Box 17126 Denver, CO 80217-9155

If you have any questions, please reach out to the Gift Management team at gifts@cufund.org.

Q: Where should I direct the grantor if they would like to do an ACH or wire transfer? A: As of April 2021, the Foundation has increased security in the wire and security gift processes. The wire and securities instructions have been removed from the Advancement



Intranet and a link to a form is now available on the giving.cu.edu website. We ask that all CU Advancement staff remove any locally saved copies of wire and security donation information and instead direct donors to the <u>giving.cu.edu</u> website. This option will take the donor to a form where they can provide brief, but important, information to help the Foundation identify their gift when it arrives.

For more information and instructions, click <u>here</u>. If you have any questions, please reach out to the Gift Management team at <u>gifts@cufund.org</u>.

OTHER QUESTIONS

Q: Why or when can the University sign the agreement and the money can still go to the Foundation?

A: The Foundation is the philanthropic portal for the University. In general, checks made out to the University can be taken by CUF. In the case of grant payments, accepting the check indicates that the recipient agrees to the terms of the agreement. Thus, the University can always sign, and payment can come through the Foundation, but the agreement should still come through CUF for review to ensure that by accepting the check, there is no risk to the foundation.

Q: What if the faculty member the grant is for leaves the University?

A: Grant money benefits the University, not the individual. Except for special circumstances (clearly specified in the grant agreement, especially when it is one type of research that only this faculty member does in the U.S.), grant money does not follow a faculty member to a new institution. If this is the case, the Foundation will be in contact with the new institution to ensure they can adhere to the terms and are willing and able to take the funds to support this particular research.

Q: What if the grantee is from outside of the United States?

A: It is generally possible for the Foundation to receive international funding. Please reach out to <u>grants@cufund.org</u> PRIOR to applying for any internal grants to allow for a thorough review of the grantor and grant terms.

Q: What if there is money left over in the fund at the end of the grant period and the grantor is requesting the balance to be sent back?

A: As long as this type of "Claw-back" provision was included in the grant agreement, CUF is prepared to cut a check to the grantor. In order to do so, you will need to coordinate with the grantor on the exact amount and address / wire information for the grantor. The Foundation will not initiate return of funding without request from CU and as CUF does not have insight into expenditure, cannot be in compliance with claw-back terms without CU's oversight.

Q: What do you mean by "redlining" an agreement?



A: It refers to edits requested to a legal document with changes tracked. If a funder has questions about the Foundation's redlines on a grant, let Foundation Compliance know and we are happy to explain and/or connect the funder's general counsel with the Foundation's.

Q: What is the turnaround time for review once I sent documents to CUF?

A: The Foundation strives to have a turnaround of 2 business days, provided that all information necessary for us to do a comprehensive review has been provided to <u>grants@cufund.org</u>. Day-of due-date reviews are unlikely but we will do our best to accommodate your needs. Tip: It is best to assume that red lines are required, so please build that into your timeline for submission. Ideally, prep the grantor that a review is needed before accepting, including submission of redlines to their terms.

CONTACT INFORMATION

Q: I need help. Who should I contact?

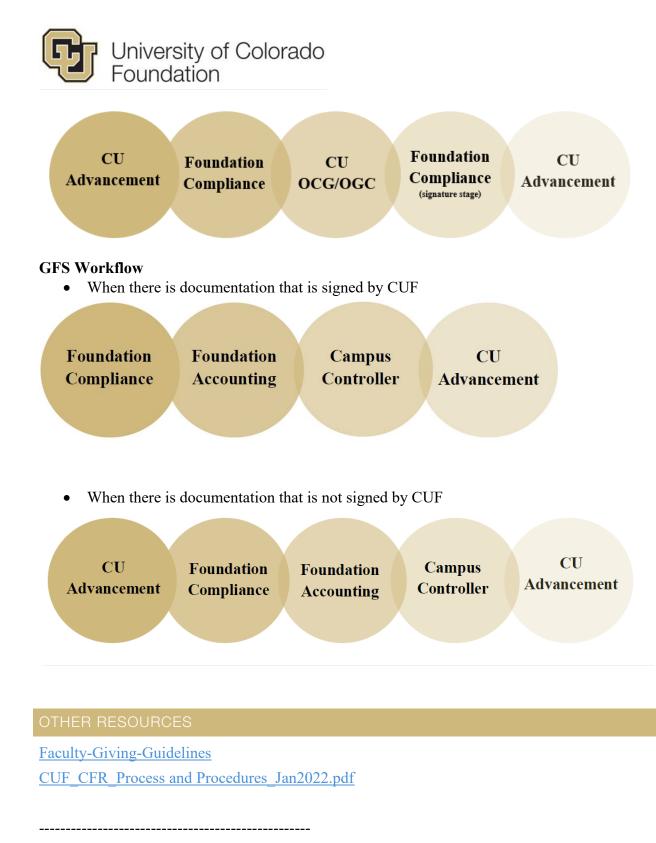
- **Compliance** (<u>grants@cufund.org</u>) When you need CUF signature on a proposal, agreement and/or report, as well as when an agreement review is needed.
- **Gift Management** (<u>gifts@cufund.org</u>) When you know there is an incoming wire transfer, EFT and/ACH.
- Campus grants and contracts (OCG/OGC) -
 - CU Boulder Industry and Foundation Relations (IFR): industry@colorado.edu
 - CU Boulder OCG: <u>ocg@colorado.edu</u>
 - UCCS: <u>osp@uccs.edu</u>
 - CU Denver | CU Anschutz: <u>Xenia@cudenver.edu</u>

Not sure where to start?

- Visit your campus' office of contracts and grants website:
 - CU Boulder: <u>https://www.colorado.edu/ocg/</u>
 - UCCS: <u>https://osp.uccs.edu/</u>
 - CU Denver | CU Anschutz: <u>https://research.cuanschutz.edu/ogc</u>

GRANT WORKFLOW

Below is the general workflow once a grant comes in for review, depending on what is stated in the grant and if this is a renewal grant. The CU OCG/OGC step may be skipped if you make sure OCG/OGC/IFR all approved this to go through CUF (make note of who/when) otherwise CUF will reach out, which may add to the turnaround time.



CU Foundation Gift Compliance Grants@cufund.org