



## Ohio Administrative Code

### Rule 3358:5-1-01 Foundation-college board relationship.

Effective: May 5, 2025

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#### (A) Responsibilities of the college

(1) The college shall share annually with the foundation its strategic plan, institutional priorities and projects, and resource requirements, so that the foundation may represent the direction and needs of the college to donor prospects and align its programs and campaigns consistent with the strategic objectives of the college.

(2) The college shall promptly alert the foundation to prospective gifts, so that each opportunity for enhancing gift potential and donor relations is fully utilized.

(3) The college agrees to cooperate with the foundation in making available office space and equipment and in making available certain of its employees to engage in administrative and support activities for the foundation. These employees shall remain for all purposes employees of the college and subject to all rights and responsibilities of other college employees.

(4) The college shall cooperate with the foundation in the development of the foundation's fundraising programs and campaigns as may reasonably be necessary for the successful conduct of fundraising programs and campaigns.

(5) The college board of trustees shall appoint a trustee to faithfully attend the meetings of the foundation, and to regularly report the actions of those meetings to the board of trustees.

(6) The college shall ensure that the foundation board of directors is covered by directors and officers liability insurance and other liability coverages as appropriate for the operations of the foundation.

#### (B) Responsibilities of the foundation



- (1) The foundation shall raise, invest, and endow funds for specific college purposes in accordance with the laws of the state of Ohio and any applicable federal laws. Such funds collected shall be used to support the mission, vision and priorities of the college and agreed upon by the foundation board of directors and the college board of trustees. The college shall receive the benefit of all funds directly or indirectly raised or generated by the foundation.
- (2) The foundation shall solicit gifts, where appropriate, in the name of the foundation, on behalf of the college. Correspondence, solicitations, activities and advertisements concerning the foundation shall be clearly discernible as being from the foundation.
- (3) The foundation shall conduct its activities in such a manner to maintain its status as a tax exempt, charitable organization under state and federal tax laws.
- (4) The foundation shall plan all fundraising activities and the promotion and sponsoring of programs in support of college activities in a manner consistent with the mission, vision, purpose and priorities of the college and in close cooperation with the college.
- (5) The foundation shall raise funds in support of the Performing arts center. Funds raised will be allocated in a manner keeping with the funding needs of the college.
- (6) The foundation will assume responsibility for the cost of its variable expenses, including the cost of the audit and the costs of fundraising campaigns and projects. The costs assumed by the foundation will be reflected in the foundation's annual operating budget, which must be approved by the college president and the foundation board of directors.
- (7) The foundation agrees to notify, coordinate with, and solicit the comments of the college regarding all significant disbursements and expenditures planned by the foundation on behalf of the college. The foundation shall notify the college, at the earliest possible date, of any proposed purchase of real estate and any significant debt to be incurred for permanent or working capital, and coordinate its efforts with the college.
- (8) The foundation shall obtain prior approval from the college before accepting any gift for the benefit of the college that contains restrictive terms or conditions or involves real estate. The



coundation will advise prospective donors that any such gifts are subject to the approval of the college under this agreement.

(9) The foundation shall hold, invest, manage and allocate funds and property received in the name of the foundation, and such endowments received in the name of the college and transferred to the foundation to be managed on its behalf and for its benefit, according to their terms. Such endowments shall be separately accounted for and segregated from other funds.

(10) The foundation board of directors will retain their right to refuse any contribution, donation, or gift which comes from a source which, in the foundation board's determination is not in concert with the foundation's mission or its inherent legal, moral, and ethical standard.

(11) The foundation shall have an accounting system in place to ensure financial activities are carried out and reported in accordance with generally accepted business and accounting practices.

(12) The foundation shall have an annual audit of its financial activities by a certified public accountant in conjunction with the annual college audit.

(13) The books, records, documents, and procedures and practices of the foundation relevant to or affecting this agreement shall be subject to inspection by the college at reasonable times.

(14) The foundation shall provide an annual report to the college, including but not limited to, the activities, programs, holdings, investments, income, and fiscal operations of the foundation.

(15) The foundation will consult with the college before any changes in the nature, scope or purpose of the foundation are made. The foundation shall provide the college president with an advance copy of any amendments, additions, or deletions to the foundation's bylaws.

(C) Relationship between the college and the foundation

(1) The college acknowledges and accepts the separate and independent nature of the coundation, and the foundation acknowledges and accepts the separate and independent nature of the college. Each agrees to cooperate with the other in the advancement, achievement, and support of the



educational and cultural programs and services of the college.

(2) The foundation shall be solely responsible for the satisfaction of its own obligations, debts, liabilities, and judgments. The foundation shall not use funds belonging to the college, and managed by the foundation on its behalf, for the satisfaction of any such obligation, debt, liability or judgment.

(3) The college shall maintain, at all times, all necessary policies of insurance for the benefit of the foundation board of directors.

(4) The college shall establish and enforce policies and procedures that support the foundation's ability to protect the confidentiality of donor records. All information about donors, prospective donors, gift data, campaign assignments and notes, donor correspondence and related information is the confidential property of the foundation, whether maintained in paper or electronic form, or maintained on servers and equipment owned by the college, in accordance with the laws of the state of Ohio.