



MIDDLE TENNESSEE STATE UNIVERSITY
Office of Compliance and Enterprise Risk Management

Compliance Tip of the Month #1

Arrangements and Gifts

When accepting in-kind services and/or gifts, the following are compliance and risk management tips to remember:

1. **MTSU Policy.** Policy 659 – *Gifts, Prizes, and Awards* provides procedures and documentation regarding the acceptance of gifts of a certain amount, as well as outlines the IRS reporting information required for certain gift amounts.
2. **Federal and State regulations.** If a service, gift, or service arrangement could provide the appearance of violating a federal or state regulation, and/or actually does violate such regulations, avoid accepting the gift or service. Such federal and state regulations may include, but may not be limited to, any of the following:
 - a. IRS rules and reporting requirements (*Note:* the value of the in-kind gift for an individual or agency may not be the same as the value the IRS prescribes to the in-kind gift, or allows, for tax purposes. For example, gifts of time and service are not generally considered tax deductible. Additionally, the value of a charitable donation/contribution is the reporting responsibility of the donor and not MTSU. Gifts to MTSU also must be related to the University's mission; therefore, the gift must be program-related (academically or athletically), or related/aligned in some other way to MTSU's mission).
 - b. Healthcare regulations and statutes (*Note:* healthcare regulations and statutes may include such laws as Fraud and Abuse, Anti-Kickback, Beneficiary Inducement Statute, False Claims Act, prohibitions on Upcoding, prohibitions on Undercoding, violations of provider insurance contract provisions, and others).
 - c. Rules and/or regulations from the U.S. Department of Health and Human Services, such as those from the National Institutes of Health or the Office for Human Research Protections.
 - d. State of Tennessee, Financial Integrity Act of 1983, T.C.A. § 9-18-102.

For questions, guidance, or additional information regarding in-kind services, gifts, or service arrangements, please contact any of the following offices:

