Distinguished Faculty Gather at Oases Conference at Utah Valley University

In late September, distinguished faculty from across the country gathered together in Orem, Utah, at Utah Valley University for the fall 2019 Oases of Excellence conference. The 68 programs designated as Oases of Excellence by the American Council of Trustees and Alumni (ACTA) introduce students to the best of the foundational arts and sciences, protect free inquiry into a range of intellectual viewpoints, and prepare students for informed and engaged citizenship.

The morning began with a vibrant dialogue on the current state of higher education. Christine Basil of Belmont Abbey College, Gabriel Brahm of the Center for Academic and Intellectual Freedom at Northern Michigan University, and Robert Jackson of Great Hearts Academies addressed the crisis of on-campus loneliness and how professors can help build a student community. They also discussed opportunities for fostering the liberal arts in k-12 education. Students with an early liberal education will likely gravitate toward similar postsecondary programs, and private schools like Great Hearts Academies are committed to hiring teachers who have received a rigorous liberal arts education.

David Corey, professor of political science at Baylor University, delivered the keynote address, “Liberal Education: Its Conditions and Its Ends.” He inspired a lively discussion with the conference participants about the core tenets of the liberal arts.

In the afternoon, Scott Paul of the Center for Constitutional Studies at Utah Valley University and Emily Koons Jae of the Fund for Academic Renewal discussed methods for finding and approaching donors to support Oases programs. Erik Gross, communications associate at ACTA, conducted a workshop on strategies to improve social media presence and the quality of program websites.

Throughout the day, participants were able to share their concerns about the current state of higher education and the challenges faced by professors in fostering a student community. This lively exchange of ideas and strategies for addressing the crisis of on-campus loneliness provided valuable insights for those committed to maintaining the highest standards on college campuses through targeted philanthropy.
their particular campuses and seek out advice from thriving programs at other universities. Gregory McBrayer of the Ashbrook Center at Ashland University, Steven Frankel of the Stephen S. Smith Center at Xavier University, and Shilo Brooks of the Engineering Leadership Program at UC–Boulder all shared strategies for success from their experiences creating robust liberal arts programs on campus.

Dr. Brooks noted, “If it is true that the liberal arts are dying in universities, then the worst thing we can do is to sit around and lament. We need innovative and forward-thinking solutions to this problem that do not rely on traditional academic frameworks.” Oases of Excellence faculty conferences serve as a place where participants can find inspiration and creative direction for their individual programs.

**Q: In the case of higher education, how would you advise donors to think through the initial stages of their planning?**

Giving is very personal, and so when emotions are running high during a tricky part of the deal, it is important to have steadfast relationships on which everyone can rely. Major gift relationships are ongoing and should have multiple touchpoints within the charity over many years. One or more major gift offers might be involved in stewarding one large gift over several different consecutive careers at one institution. Hopefully one gift leads to a chain of philanthropic collaboration over the course of the lifetime of both the donor and the charity.

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**Nonprofit Law Expert, Marla Conley, Discusses Giving Trends in Higher Education**

Marla Conley is a founding partner of Conley Law Group LLP where she focuses her practice on serving nonprofit organizations and their donors. She speaks frequently on nonprofit governance and fundraising issues. After participating together on the Certified Financial Analyst (CFA) society panel during the 10th Annual Endowment, Foundation, and Philanthropy Conference, Ali Eskandarian, executive director of the Fund for Academic Renewal, sat down with Ms. Conley to learn from her experience in nonprofit law.

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goals, are important aspects of the process. And so I really encourage in-person meetings and all the things that go with traditional donor stewardship that are very common sense to a fundraising officer but not necessarily to a lawyer or a banker. I encourage the shaking of hands. I encourage the visiting of facilities, the viewing of actual programs, and many discussions about shared vision and practice.

Q: Do you think explicit agreements are one of the best ways for colleges to know what they’ll be held accountable for? Absolutely. A written contract sets expectations and obligations on both sides, and it helps you navigate what you can’t foresee. A donation agreement also gives the donor and the university an opportunity to leverage the university’s particular expertise in crafting appropriate language to further a charitable purpose, instead of inadvertently creating obstacles that may frustrate the accomplishment of that charitable purpose down the line.

Donors often want to impose a future restriction on the gift, but none of us can fully anticipate what the future might entail, and a donor might inadvertently undermine their own charitable goals with the chosen restriction. For instance, we see donors trying to restrict the practical effectuation of a particular mission in a way that will overly burden staff or render the program impossible. So when we start to get into the nitty-gritty—for example, that your classes should have x-number of students, or you should be pursuing this particular type of research, or I want this particular person to be the chair or in the classroom—that would be the donor exercising too much control. Very detailed restrictions, the minutia that donors sometimes want to impose, can be a major impediment to the charity. A lot of my practice involves seeking to modify or remove restrictions on old charitable funds where donors simply could not anticipate every detail of the future.

My thinking on this is also adjusting with feedback from clients – I had always been taught as a lawyer to minimize any gift restrictions as they increase administrative burden and can frustrate the charitable purpose. But a very sophisticated gift officer recently mentioned in our conversations that she prefers a gift restriction for every gift. She prefers to have it written down because it gives her the opportunity to have that conversation with the donor. And so we said, “Well, it’s true. Every gift is restricted. You just might not know what the restriction is.” And then we laughed about how much better it often is to know in advance; a donation agreement provides the opportunity to have that conversation to clarify expectations.

Q: You provide legal services across the nonprofit sector, but when it comes to higher education, what are some of the misconceptions that you have witnessed in the donor community? The higher education sector is facing a discussion right now about what is inherently “educational” as compared to what may be administrative or commercial activity that is treated differently. Particularly in a university context, we often talk about who gets to make decisions about what programs and activities are the “most” educational or how administration or investments will be managed. Many funders steer away from grants for capital projects or overhead, which people see as administrative. Government is also seeking more revenue from this sector; for example, new federal taxes apply to the investment activities of certain universities.

I think it’s important to sufficiently value the input of the highly skilled, technical staff working in our institutions of higher education and to defer to those people as the programmatic experts since that is what they are paid to do. Maintaining a successful institution of higher education requires a lot of technical work that costs money; administrative overhead does not necessarily mean waste; it may instead represent skilled bureaucracy that is necessary to manage risks and returns with the understanding a high-level fiduciary brings to bear. Those overhead costs may represent economies of scale and specialized efficiencies that are critical to the direct charitable program’s success. But, as we discussed at the beginning, a donor ceding control over all aspects of a major gift requires a lot of trust and strong long-term relationships with the charity.

“Academic freedom doesn’t mean you’re free not to study.”

Ron Morgan

Photo by stock Images
Last year, Americans gave more than $46 billion to higher education, yet confidence in our institutions of higher learning hit an all-time low. Given the problems roiling higher education today, it is not hard to see why. Tuition is skyrocketing, burdening a generation with student-loan debt that they may never be able to pay off. And quality is diminishing, leaving these same students woefully unprepared for career or citizenship.

For donors who wish to inspire meaningful change, higher education is a challenging landscape. Donors must navigate a bureaucratic labyrinth to determine how their gift will be spent and whether it is achieving the impact they intended.

The Fund for Academic Renewal (FAR) understands how hard it is to give with confidence. Our mission is to guide donors through the giving process in order to ensure their gifts reflect their vision and values.

FAR works with donors to:
- Clarify a statement of intent
- Craft an air-tight gift agreement
- Monitor the impact of a gift

We believe donors play an integral role in restoring the promise of higher education. Through a partnership with the law firm of Arnold & Porter, our clients have access to free legal consultation. And with a network of faculty friends across the country, we connect donors to on-campus allies who share their vision.

Join the community of donors revitalizing our colleges and universities with well-structured, meaningful gifts that promote academic excellence. The experienced FAR team stands ready to assist with all steps in the process. Please contact FAR via email (info@AcademicRenewal.org) or phone (202-467-6787).