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# STEPS FOR CREATING A DEED OF GIFT

This worksheet defines the steps for creating a *Deed of Gift* template. A Deed of Gift is a formal and legal agreement between a donor and a repository, that transfers ownership of and legal rights to the donated materials. Deeds of Gift help build a relationship of trust between an institution and a donor by setting the expectations and conditions an institution must meet as it assumes responsibility and ownership of a collection. Deeds of Gift state what is being donated, who is granting permission for the transfer, and any special rules concerning the access and use of a collection. Deeds of Gift are important in that once signed by both parties, they establish and govern the legal relationship between donor and repository and the legal status of the materials. Follow the steps below to create a template for a deed of gift between your institution and a donor.

## 1. Give the deed a title

Include the name of your institution and “Deed of Gift”. Remember, you will want to give a copy of this document to a donor. Adding a clear, simple title will help donors and their descendants identify the function and importance of this record.

### Example:

Deed of Gift  
Washington State University Libraries

## 2. Write a basic statement establishing the transfer of materials to the repository

This consists of a generic statement that includes the transfer of ownership and intellectual property rights from the donor to the institution. This statement can be edited depending on the actual agreement made with the donor. It is easier to include language for the transfer of all rights in your template and then delete any statements that do not apply to a specific gift. Some institutions prefer to include blank spaces where donors fill in their name and the date the form is completed. You may also want

to include a statement that provides permission for your institution to use its professional judgment to appraise, preserve, and provide access to the collection.

**Example:**

I/we hereby give, transfer and deliver to the Board of Regents of Washington State University all my/our right, title and interest, except as otherwise indicated, to the property described below. I/we affirm that I/we have the authority to make this gift. Furthermore, except as specifically reserved, I/we hereby assign all literary and intellectual property rights, including copyrights, I/we might hold to the Board of Regents of Washington State University.

[in a separate paragraph]

The Washington State University Libraries hereby accept and acknowledge as a gift the collection described below and agrees to administer it and any additions that may be made to it in accordance with its established policies and procedures and the terms of this agreement.

**3. Provide a space for the donor's name and contact information as well as an alternative contact**

There are many reasons why you may need to contact the donor. For example, you may wish to return materials of questionable research or historic value after processing a collection, or a researcher may wish to use an image in a collection where the donor retains all intellectual property rights. The donor may wish to provide an alternative contact person for when they are no longer living. (see the sample form at the end of this document)

**4. Provide a space for the signature of the donor and a person from your institution with authority to accept the gift**

This is simply a blank line for signatures. (see sample form below)

**5. Provide space to title and briefly describe the content of the donation**

Include a prompt to provide a tentative title for the collection. This may be fairly generic and include simply the name of the person, family, or organization who created or collected the materials (e.g., Joseph Smith Papers). A brief description will help make clear that both parties are fully aware of what is being transferred. (see sample form at the end of this document).

## **6. Write a prompt asking the donor to state any desired access restrictions**

If a donor wishes to restrict access to any part of the collection, this should be stated on the deed of gift. It is a good idea to create a prompt encouraging the donor to consider what should be restricted, how long it should be restricted, and if there are any exceptions (e.g., restricted to all, but immediate family) or other conditions for access. (see sample form at the end of this document).

## **7. Write a prompt asking the donor to state how to handle unwanted materials**

This prompt allows your institution to use professional judgement to determine whether any materials in the collection are not suitable for your institution. If you have a collection development policy in place, it is also good to reference it here. Make sure to provide options for the donor too, for example: return all unprocessed materials / contact donor after processing / dispose all unprocessed materials according to best practices and professional judgment.

### **Example:**

Instructions for materials not selected for processing (please choose one):

- Discretion of MASC staff
- Return to:
- Other (please specify):

## **8. Make sure to obtain the proper permissions for the template.**

Depending upon your institution, you may need to seek approval from your supervisor, legal counsel, or a tribal council or committee, on the deed of gift you will use. Identify any important stakeholders ahead of time and clarify who needs to sign off on your document before putting it into use.

### **Other Sample Deeds of Gift and Templates**

[Deed of Gift - Karuk Tribe](#)

[University of California, Santa Cruz Deed of Gift](#) (Word document download)

[Minnesota Historical Society Sample Deed of Gift](#) (Word document download)

### **Information to Donors about Deeds of Gift**

[A Guide to Deeds of Gift](#), by Society of American Archivists

# SAMPLE DEED OF GIFT

## DEED OF GIFT AND ASSIGNMENT

### *MANUSCRIPTS, ARCHIVES AND SPECIAL COLLECTIONS*

### *WASHINGTON STATE UNIVERSITY LIBRARIES*

I/we hereby give, transfer and deliver to the Board of Regents of Washington State University all my/our right, title and interest, except as otherwise indicated, to the property described below. I/we affirm that I/we have the authority to make this gift. Furthermore, except as specifically reserved, I/we hereby assign all literary and intellectual property rights, including copyrights, I/we might hold to the Board of Regents of Washington State University.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Donor(s):

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<i>Signature</i>	<i>Print Name</i>
_____	_____
<i>Address</i>	
_____	

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<i>Signature</i>	<i>Print Name</i>
_____	_____
<i>Address</i>	
_____	

The Washington State University Libraries hereby accept and acknowledge as a gift the collection described below and agrees to administer it and any additions that may be made to it in accordance with its established policies and procedures and the terms of this agreement.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2016

Accepted by:

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*Signature* *Name*

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*Title*

**Description of collection:**

**Restriction(s) and reservation(s), if any:**

NONE

**Instructions: Please complete, sign, and return both copies. A countersigned copy will be returned to you for your records.**