

Church History Donation Agreement

Training document

INSTRUCTIONS

- After deciding to accept a donation, prepare the donation agreement by filling in every section.
- The form is written as if the donor is completing each section. However, it is generally easiest for you to ask the donor questions while filling out the form.

“Donor Information” Section

Enter the contact information of the primary donor (the individual most responsible for the donation). The person’s full name should be broken into two fields: family name and given names. The donor’s full name should be entered in the “Complete name” field in the most complete and appropriate manner, determined by the donor. Also enter the individual’s phone number, email address, and mailing address in the appropriate fields.

Whenever a person representing an organization is making the donation, check “Yes” in the “Donating on behalf of an organization” field. Otherwise, select “No.” For organizations, enter the organization’s name as it is officially known and the donor’s role in the organization. Also enter the phone number, email address, and mailing address in the appropriate fields for the organization’s representative.

Some names require the use of non-Latin-alphabet characters. Enter the donor’s name using the appropriate characters for that language in the “Complete name” field. You should also include the anglicized version of the name. For example, Kim Mi-Jeong could be entered as Kim 김, Mi-Jeong 미정.

“Background of the Donation” Section

While considering the entire donation, provide responses in both fields. Records with different provenances (generally when the records were created by different people or have different chains of custody) should never be combined on one donation agreement, even when the same person is making the donation.

In the “Significance” (first) field, explain the importance of the records and the role of their creator in the history of the Church. You should focus on both the records and the creator. In the “Provenance” (second) field, describe any previous owners of the records and the donor’s relationship to the creator. For collections (a set of records), also describe how the records were brought together.

“Donation Details” Section

“List the Records in this group (title or brief description)”: Donations often include more than one item, and they can be listed together in field A if the answers to questions B–G are alike and consistent for all the records listed.

Example 1: Four original journals, written during someone’s life, could be listed in a single row if the donor wanted the same result with regard to returning the records.

Example 2: Several newsletters and a handbook published by the Missouri Independence Mission, collected during someone's mission, could be listed in a single row if the donor wanted the same result with regard to returning the records.

Example 3: Two original records created by the same person at the same time would need to be listed on separate rows if the donor wanted one record to be digitized and returned and the other record to remain with the Church.

The first page has one row for entering donation details. If additional rows are needed, page 3 provides three more rows. When using a third page, make sure you identify the page numbers at the bottom of each page. For example, if you needed one extra page, you would label the pages, "1 of 3," "2 of 3," and "3 of 3."

"What do you want returned?" Enter what the donor wants done with the records listed on this row. Only one box may be checked.

- "Nothing" means the Church History Department will keep the records listed on this row.
- "Records shipped to mailing address above" means the Church will digitize the records and return them to the donor after the digitizing is completed.
- "Records returned by alternative method" means the Church will digitize the records and return them to the donor by a non-shipping method (for example, pickup or personal delivery).

The most common method for returning originals is mailing them to the donor using the mailing address provided. Any exceptions to this method—and they should be rare—should be communicated by checking the "Records returned by alternative method" box and detailing what should happen in the "Other Return Instructions" field on the top of page 2. For example, I might check this box and ask that the original records be delivered to my office, number 440, so I can personally return them to the donor. Regardless of which box is checked, donors may request a digital copy in section G ("Request digital copy").

"These Records are (choose one): Original or copy?" Originals are one-of-a-kind items—for example, a hand-written journal, a scrapbook, or an artifact. As per the terms of the donation agreement listed on page 2, when a donor donates an original item instead of lending it for digitization, he or she is transferring both the item and all intellectual property rights associated with it to the Church. If the donor doesn't want to transfer the rights, he or she should ask that the original be returned after digitization. Check "Copies" whenever the item being donated is not one-of-a-kind. Examples include published materials, duplicated digital files, and photocopies. Donors do not transfer their intellectual property rights when donating copies.

"When were these Records created?" Identify the year the record was created and the year the record was completed. List the creation and completion dates, not the time period represented in the record's contents. For instance, if a woman born in 1920 began writing her life history in 1989 and finished it in 1990, you would record "1989–1990." You would not list "1920–1990," which describes the record's contents. When the span of dates is less than one year, and if the precise dates can be determined, use the precise dates (for example, 12 January–11 August 1938).

"Did you create these Records?" Check "Yes" if the donor created the records. The creator is the person or organization that is responsible for producing, compiling, or forming a record. A creator may be an author, photographer, painter, or sculptor. Creators typically hold intellectual property rights, such as a copyright, that protect their interests. However, the donor and creator are not always the same person. If the donor did not create the records, you will need to list the name of the person or organization that did. Enter the creator's complete name, birth year, and death year (if applicable) and the donor's relationship to the creator. If more space is needed, attach an additional page and follow the instructions listed above regarding page numbering.

“Request digital copy”: A donor may request a digital copy if he or she has intellectual rights to the records. If there is a commercial copyright interest, we will not digitize records without proper permission. Digitization can take some time, so please make sure you understand the current turnaround time and can set appropriate expectations with the donor. Digital copies can be emailed to the email address listed in the “Donor Information” section, or they can be delivered in some other way (described in the “Other Return Instructions” field on page 2).

“IP code (Church use only)”: This section will be completed at headquarters later in the acquisition process.

“Other Return Instructions” Section

See “What do you want returned?” above.

“Terms of the Donation Agreement” Section

These are the legal terms of the donation. They are intended to give the Church very broad usage rights so that we will not be limited in our efforts to share the records. The rights differ depending on whether the donor is the creator and whether the donor is giving us the records or lending them for digitization. Understanding these terms will help you answer questions the donor may have. Do not modify the terms in any way. If needed, other agreements are available and can be accessed by consulting with a Church History Department archivist. The following information highlights some important aspects of the terms.

LICENSE VS. TRANSFER OF INTELLECTUAL RIGHTS:

Digitize-and-return

Donor is the creator. ———→ License is granted to the Church.

Donor is not the creator. —→ Only agree to this request if there is no commercial copyright interest in the records. (For example, we would agree to digitize a collection of correspondence or a scrapbook even though the donor did not create every letter or item in the scrapbook. However, we would not agree to digitize a recently published book created by someone who did not sign the donor agreement.)

Donations of original physical items

Donor is the creator. ———→ Copyright is transferred to the Church, and a license is granted back to the donor allowing personal and family use.

Donor is not the creator. —→ Accept, but no IP rights are transferred to the Church.

Donations of duplicate (copies of) physical items

Donor is the creator. ———→ License is granted to the Church.

Donor is not the creator. —→ Accept, but no IP rights are transferred to the Church.

RETURN OF RECORDS:

Please inform the donor that he or she is responsible for telling us if his or her address or contact information changes. When digitization is complete, we will attempt to contact the donor by email or phone, thus reducing the risk of shipping the records to an incorrect address. However, after waiting 30 days for a response, we can legally do whatever we want with the records, which could include shipping them to the listed address or keeping them in our collection. Remember, the faster we return the records, the less likely it is that we will have trouble.

FINAL REVIEW:

The records are accepted when processing is completed, so it is OK to determine which records might not be needed and to return records during processing. In rare cases, some donations may need to go to the Gifts Review Committee (GRC) before processing is complete. This review may happen after a call number is assigned, but formal acceptance will not occur until the GRC has formally accepted the donation.

“Signatures” Section

The Church representative is the person authorized by the Church History Department to negotiate for the records. The agreement date is the date the final signature is added to the agreement.

The donor is the individual who is donating the record on his or her own behalf or on behalf of the organization. Please include the birth year of the donor. This is used to identify and distinguish donors with the same name. The membership record number (MRN) can be used as an alternative for those who do not want to share their birth year. Please *do not include actual birth dates*, as we are not properly protecting that information and this will cause privacy issues for the Church. There is room for two donors to sign. For example, a brother and sister may want to sign when donating their deceased father’s records. Having more than two donors is uncommon, but additional donors can be listed by writing in the space below the formal signature fields.