



Administrative Policy - Gift Acceptance

Introduction

The purpose of this gift acceptance policy is to give guidance and counsel to those individuals within the American Institute of Architects, Orange County Chapter (AIAOC) concerned with the planning, promotion, solicitation, receipt, acceptance, management, reporting, use, and disposition of private sector gifts of philanthropic intent.

These policies must be viewed as flexible and realistic in order to accommodate unpredictable situations as well as donor expectations, as long as such situations and expectations are consistent with AIAOC's mission and policies. Flexibility must be maintained since some gift situations will be complex, and proper decisions can be made only after careful consideration of all related factors. These policies may, therefore, require that the merits of a particular gift be considered by the appropriate staff and/or committee of the Board along with legal counsel and directors if necessary.

All fundraising activities and gift acceptance policies, and their day-to-day implementation, are designed and managed by the Executive Director in conjunction with the appropriate staff, and are subject to approval by the Board.

The Board, through the finance committee and the Executive Director, is responsible for the gift acceptance policy. This responsibility cannot be delegated or waived. These policies and authorizations shall be reviewed by the Board as circumstances warrant.

Policy Statements

A. Board Acceptance of Gifts

The Board shall exercise its public trust, as mandated by statute, in making final decisions for the acceptance of all gifts and grants and for any exception to its policies and guidelines. Gifts and gift instruments may be received by the Executive Director but can be accepted officially only by the Board as managers of the public trust.

AIAOC shall accept only those gifts the transference and implementation of which shall be deemed consistent with the public laws and/or regulations of the United States of America and the State of California.

B. Philanthropic Intent

The Board shall determine that gifts to AIAOC are evidence of philanthropic intent and that the donor's philanthropy is in accord with the stated mission and goals of AIAOC. The purpose is to prevent AIAOC from being an object of philanthropic intent for either designed or innocent avoidance of taxes, prejudiced purposes, or evaluation of gifts without generous, advanced, objective, experienced evaluation.

C. Ethics

The Board shall assure itself that all philanthropic promotions and solicitation are ethical by adopting policies that prohibit AIAOC personnel from benefiting personally by way of commissions or other devices related to gifts received.

D. Review Legal Arrangements

Legal counsel retained by AIAOC shall, as required, review legal documents, contracts, and all donor agreements. AIAOC shall seek the advice of legal counsel in all matters pertaining to its planned giving program. All agreements shall follow the formats of the specimen



agreements to be approved by legal counsel unless counsel has agreed in writing to a change for a specific agreement.

AIAOC shall encourage donors to seek their own counsel in matters relating to their bequests, life income gifts, tax planning, and estate planning. All legally binding documents involving large gifts shall be prepared and/or reviewed by counsel retained by the donor, to avoid any conflict of interest or undue influence. Alternatively, a donor may sign a document prepared by AIAOC, releasing AIAOC from any liability and waiving any conflict.

E. Professional Fees

While AIAOC is happy to offer assistance to attorneys and other professional advisors by providing specific language to be used in charitable giving instruments, it cannot pay any attorney's or advisor's fees associated with this work.

F. Unacceptable Gifts

AIAOC reserves the right to refuse any gift that is not consistent with its mission. In addition to and without limiting the generality of, the following gifts will not be accepted by AIAOC:

1. Gifts that violate any federal, state, or local statute or ordinance
2. Gifts that contain unreasonable conditions (e.g., a lien or other encumbrance) or gifts of partial interest and property
3. Gifts that are financially unsound
4. Gifts that could expose AIAOC to liability

G. Stewardship

AIAOC will be responsible for good stewardship toward its donors by following these guidelines:

1. All gifts will be acknowledged within the required, or otherwise reasonable, period of time.
2. All gift acknowledgment letters/receipts will be prepared by the Executive Director or his or her designee.
3. Gifts to AIAOC shall be reported in a manner consistent with the standards recommended by the Association of Fundraising Professionals (AFP) or the National Council on Planned Giving (NCPG).
4. Files, records, and mailing lists regarding all donors and donor prospects are maintained and controlled by AIAOC. Maximum use will be made of information and contacts that members of the Board, various volunteer groups, or the staff have with potential donors. Written reports of interviews and solicitations will be maintained in the donor prospect file and/or computer.
5. This information is confidential and is strictly for the use of AIAOC Board and staff. Use of this information shall be restricted to organization purposes only. Donor has the right to review his or her donor fund file(s).
6. AIAOC will provide the donors of endowed scholarships with appropriate information about the recipients of scholarship assistance.
7. Should the gift be restricted, AIAOC will provide the donor with a narrative and financial report detailing the activities made possible by their support. This report will be submitted to the donor within 14 days of the completion of the underwritten activities.
8. Gifts to AIAOC and accompanying correspondence will be considered confidential information, with the exception of the publication of donor recognition societies. All donor requests for confidentiality will be honored.
9. Names of donors will not be provided by AIAOC to other organizations, nor will any lists be sold or given to other organizations.

H. Conflict of Interest

AIAOC will assure itself that AIAOC personnel are circumspect in all dealings with donors in order to avoid even the appearance of any act of self-dealing. The Board will consider a transaction in which the employee has a "material financial interest" with a donor an act of



AIA Orange County

self-dealing. In reviewing self-dealing transactions, the Board shall consider financial interest “material” to an employee if it is sufficient to create an appearance of a conflict. In each case, this will be a question of fact.

The Board will examine all acts of self-dealing including, but not limited to prohibition against personal benefit. Those individuals who normally engage in the solicitation of gifts on behalf of AIAOC shall not personally benefit by way of commission, contract fees, salary, or other benefits from any donor in the performance of their duties on behalf of AIA OC. (The definition of individuals includes each of the categories of employees of AIAOC. Individuals are further defined to include associations, partnerships, corporations, or other enterprises in which a member of the staff holds a principal ownership interest.)

I. **Conformity to Federal and State Laws**

The Board will assure itself that fundraising activities comply with local, state, and federal laws.

J. **Gift Valuations**

AIAOC shall follow accepted guidelines for the valuation of gifts such as stock, real estate, personal property, and life insurance that require specific methods of valuation for the protection of both the donor and AIAOC.

Gifts of art, furniture, books, stamps, coins, and other collections must have values assessed by properly accredited independent appraisers retained by potential donors for appropriate gift tax credit. AIAOC shall acknowledge receipt of such properties but must not verify values.

K. **Required Reporting of Gifts to the Internal Revenue Service**

Should AIAOC sell, exchange, or otherwise dispose of any gift (other than checks, cash, or publicly traded stocks or bonds), within two years after the date of the gift, AIAOC will furnish the Internal Revenue Service and the donor with a completed Form 8282.