

Family Service Rochester

Gift Acceptance Policy

Family Service Rochester was founded in 1965 as a nonprofit organization with a staff of three and the mission to support and enhance the dignity and quality of life for individuals and families in our community. Today, Family Service Rochester provides more than 30 programs across 12 different counties. Our staff of over 150 along with 600 + volunteers provides a wide range of services addressing mental health, child-wellbeing, family stability, and senior independence.

This policy is designed to encourage donations to Family Service Rochester (FSR) without encumbering the organization with gifts that are unduly restrictive and/or are too expensive to administer or maintain.

I. Purpose of Policies and Guidelines

The Board of Directors at FSR and its staff solicit current and deferred gifts from individuals, corporations, and foundations to secure the future growth and mission of FSR. It is the purpose of these policies and guidelines to govern the acceptance of FSR gifts and provide guidance to perspective donors and their advisors when making gifts to FSR. These policies shall apply to all gifts received by FSR for any of its programs or services.

II. Use of Legal Counsel

FSR shall seek the advice of legal counsel in matters relating to acceptance of gifts where appropriate. Likewise, all prospective donors shall be advised to seek counsel in any and all aspects of their proposed gift whether by bequest, trust agreement, contract, or estate planning or other. Review by counsel is recommended for Planned Giving and the following

- a. Review of closely held stock transfers that are subject to restrictions or buy-sell agreements
- b. Review of documentation naming FSR as Trustee
- c. Review of all gifts involving contracts, such as bargain sales, or other documents requiring FSR to assume obligation.
- d. Review of all transactions with a potential of conflict of interest that may invoke IRS sanctions
- e. And such instances in which use of the counsel is deemed appropriate by Executive Director or Director of Finance

III. Conflict of Interest

FSR shall not give advice to prospective donors and all prospective donors shall be strongly urged to seek personal legal and financial advisors' assistance in matters relating to their gifts and resulting in tax and estate planning consequences. No program, trust agreement,

contract or commitment shall be urged upon any donor or prospective donor which would benefit FSR at the expense of the donors' interests.

IV. Confidential Information

All information concerning donors or prospective donors, including their name the names of the beneficiaries, the amount of gifts, size of gifts or estates etc. shall be kept strictly confidential by FSR and its authorized personnel unless permission is obtained from the donor to release such information.

V. Restrictions of Gifts

FSR will accept unrestricted gifts and gifts for specific programs and purposes provided that such gifts are not inconsistent with mission, objectives and priorities. Gifts may be designated to specific programs or services if directed by the donor.

VI: Types of Gifts accepted:

FSR prefers that gifts be given in cash, checks, credit card, or auto payment from a bank account which shall be accepted regardless of amount.

1. Checks should be made payable to Family Service Rochester and shall never be made payable to an employee, agent or volunteer for the credit of FSR.
2. FSR accepts and encourages gifts of publicly traded securities (such as those traded on the New York, NASDAQ, Chicago Board of Trade or American Stock exchanges.)
3. Privately traded securities or commodities will only be accepted with the express, prior approval of the Executive Director (ED) and Director of Finance (DOF) who may consult with the Chair of the Board of Directors.
4. FSR will sell all securities as soon as possible after the receipt of the gift unless the donor had requested otherwise as a condition of the gift or the finance committee has authorized holding the security. Any restrictions on the sale of the security requested by the donor must have the express. Prior approval of the ED and DOF with will consult with the chair of the board or Directors. FSR will never repurchase securities as part of a restriction or other condition on a gift.
5. FSR will only accept gifts of real estate with the prior written consent of the ED and DOF. Real Estate will only be considered for a gift when a) the donor furnishes FSR with an independent appraisal of the property showing a value of more than \$50,000 USD and b) when the title is unencumbered by any mortgage, lien or other claims. FSR will not accept gifts of real property under which the Donor maintains a life interest in the property, without prior written Board approval.

6. FSR encourages gifts through will and trusts (bequests) such as and not limited to Charitable Annuity Trusts, Charitable Gift Annuity, Charitable Lead Trusts, Charitable Lead Trusts, Deferred Gift Annuity, Remainder Trusts, as long as it adheres to this policy.
7. The ED, DOF and/or Director of Community Engagement (DCE) will determine whether to accept gifts of tangible personal property or Crypto Currency. A gift of personal property requires prior written approval. Personal property will never be accepted that obligates FSR to own it in perpetuity. Perishable property or property that will require special facilities or security to properly safeguard it will never be accepted. Crypto Currency will be decided based on the size of the gift, nature of the gift and ability to sell for cash.

VII: Miscellaneous Provisions

1. Any non-standard gift requires a thorough review and prior approval by the ED and DOF and in most case, approval of the Chair of the Board.
2. The Board reserved the right to refuse to act as trustee and or to appoint a trustee.
3. FSR Management and or Board of Directors reserves the right to return or reject any gift in which there is a question as to whether the donor has sufficient title to the assets (including gifts that might have been procured through fraud or deception). Or when there is question about whether the donor is mentally competent to legally transfer the funds as a gift to FSR.
4. FSR will acknowledge all gifts made to FSR, and will do so in compliance with the current IRS requirements.

VIII: Changes in Policy

These policies and guidelines have been reviewed and approved by the FSR Board of Directors. The board must approve any changes and or deviations from these policies.

Approved and adopted date: 11/23/2022

MODEL STANDARDS OF PRACTICE

I. Primacy of Philanthropic Motivation

The principle basis for making a charitable gift should be a desire on the part of the donor to support the work of charitable institutions.

II. Explanation of Tax Implications

Congress has provided tax incentives for charitable giving, and the emphasis in this statement on philanthropic motivation in no way minimizes the necessity and appropriateness of a full and accurate explanation by the Gift Planner of those incentives and their implications.

III. Full Disclosure

It is essential to the gift planning process that the role and relationships of all parties involved, including how and by whom each is compensated, be fully disclosed to the donor. A Gift Planner shall not act or purport to act as a representative of any charity without the express knowledge and approval of the charity, and shall not, while employed by the charity, act or purport to act as a representative of the donor, without the express consent of both the charity and the donor.

IV. Compensation

Compensation paid to Gift Planners shall be reasonable and proportionate to the services provided. Payments of finder's fees, commissions or other fees by a donor organization to an independent Gift Planner as a condition for the delivery of a gift are never appropriate. Such payments lead to abusive practices and may violate certain state and federal regulations. Likewise, commission-based compensation for Gift Planners who are employed by a charitable institution is never appropriate.

V. Competence and Professionalism

The Gift Planner should strive to achieve and maintain a high degree of competence in his or her chosen area, and shall advise donors only in areas in which he or she is professionally qualified. It is a hallmark of professionalism for the Gift Planners that they realize when they have reached the limits of their knowledge and expertise, and as a result, should include other professionals in the process. Such relationships should be characterized by courtesy, tact and mutual respect.

VI. Consultation with Independent Advisors

A Gift Planner acting on behalf of a charity shall in all cases strongly encourage the donor to discuss the proposed gift with competent independent legal and tax advisors of the donor's choice.

VII. Consultation with Charities

Although Gift Planners frequently and properly counsel donors concerning specific charitable gifts without the prior knowledge or approval of the donor organization, the Gift Planner, in order to insure that the gift will accomplish the donor's objectives, should encourage the donor, early in the gift planning process, to discuss the proposed gift with the charity to whom the gift is to be made. In cases where the donor desires anonymity, the Gift Planner shall endeavor, on behalf of the undisclosed donor, to obtain the charity's input in the gift planning process.

VIII. Description and Representation of Gift

The Gift Planner shall make every effort to assure that the donor receives a full Description and an accurate representation of all aspects of any proposed charitable gift plan. The consequences for the charity, the donor, and, where applicable, the donor's family, should be apparent, and the assumptions underlying any financial illustrations should be realistic.

IX. Full Compliance

A Gift Planner shall fully comply with and shall encourage other parties in the gift planning process to fully comply with both the letter and the spirit of all applicable federal and state laws and regulations.

X. Public Trust

Gift Planners shall, in all dealings with donors, institutions, and other professionals, act with fairness, honesty, integrity and openness. Except for compensation received for services, the terms of which have been disclosed to the donor, they shall have no vested interest that could result in personal gain.