

## United Way of Missoula County\*

### Gift Acceptance Policy

United Way of Missoula County seeks gifts that will further the organization's mission, goals, and objectives. The primary consideration in the pursuit of gifts is how they can benefit the organization in the most ethical and unencumbered manner. To that end, we take the following into consideration when deciding whether to accept a gift:

- a. *Core Values.* Is the gift consistent with the organization's standards, principles, and core values?
- b. *Compatibility of Cause.* Will the gift unnecessarily challenge the organization's ability to further its mission, goals, or objectives?
- c. *Public Relations.* Does the acceptance of the gift present the organization in an unfavorable light? Does it appear that there may exist a conflict of interest between the donor and the organization?
- d. *Motivation.* Is there clear charitable intent and a commitment to the organization?
- e. *Consistency.* Will the acceptance of the gift be compatible and in agreement with other fundraising activities or gifts of the organization?
- f. *Credibility.* Are the circumstances surrounding the donor and the gift believable?
- g. *Organizational Stability.* If controversy develops, will it be significant enough to weaken the structure of the organization?
- h. *Form of Gift.* Will the nature of the in-kind contribution create problems, such as in advertising or sponsorship?
- i. *Source of Gift.* Who is the donor? Is the gift from an individual or a corporation? Does the donor represent a perceived conflict of interest, or might the donor's objectives not fit with the mission of the organization?

### Gift Acceptance Policy

1. United Way of Missoula County accepts unrestricted, outright gifts of cash, check, credit card, and publicly traded securities.
2. Gifts will only be accepted where there is charitable intent on the part of the donor. The most desirable gifts are those with the least restrictions, as unrestricted funds allow the organization to address its most pressing needs. United Way of Missoula County is unable to accept gifts that are overly restrictive in purpose. Unless the board grants a specific exception, United Way of Missoula County will not accept any gifts that
  - o Contain a condition that requires any action on the part of the organization that is unacceptable to its leadership

\*This policy also applies in full to United Way of Ravalli County

- Contain a condition that the proceeds will be spent by the organization for the personal benefit of a named individual or individuals
- Require the organization and its administration to employ a specified person now or at a future date
- Inhibit the organization from seeking gifts from other donors
- Expose the organization to adverse publicity, litigation, or other liabilities
- Require undue expenditures, or involve the organization in unexpected responsibilities because of their source, conditions, or purpose
- Involve unlawful discrimination based upon race, religion, gender, sexual orientation, age, national origin, color, disability, or any other basis prohibited by federal, state, and local laws

Noncash gifts will be accepted only when it is reasonably expected they can be converted into cash within a reasonable period of time or when United Way of Missoula County can utilize the property in its operations. Generally, six months shall be considered reasonable for conversion to cash. All noncash gifts will be sold at the discretion of United Way of Missoula County, whose express policy will be to convert the property to cash at the earliest opportunity, keeping in mind current market conditions and the potential use of the property in the accomplishment of the organization's mission.

3. Property encumbered by a mortgage or other indebtedness cannot normally be accepted as a gift unless the donor agrees to assume all carrying costs until the property is liquidated. Exceptions to this guideline can be made when the value of the property exceeds the anticipated exposure, or will produce income, or will be used by United Way of Missoula County in its programs.
4. Associated expenses of a gift made to United Way of Missoula County are to be borne by the donor.
5. Donors of property gifts of over \$5,000, except for gifts of publicly traded stock, must obtain an appraisal by an independent third-party appraiser in accordance with current tax law requirements.
6. To avoid conflicts of interest, the unauthorized practice of law, the rendering of investment advice, or the dissemination of income or estate tax advice, all donors of noncash gifts must acknowledge that United Way of Missoula County is not acting as a professional advisor, rendering opinions on the gift. All information concerning gift planning from United Way of Missoula County is to be for illustrative purposes only and is not to be relied upon in individual circumstances. United Way of Missoula County may require a letter of understanding from a donor of a property gift, along with proof of outside advice being rendered, before such a gift will be accepted.
7. United Way of Missoula County will accept gifts of life insurance policies if the policy is paid up and has a minimum face value of \$5,000. All gifts of life insurance must comply with applicable state insurance regulations, including insurable interest clauses. United Way of Missoula County may be named as a

- primary beneficiary, secondary beneficiary or contingent beneficiary of a life insurance policy.
8. United Way of Missoula County does not accept any gifts requiring annuity payments that will be guaranteed by the organization.
  9. All gifts and gift consideration must meet all applicable local, state, and federal laws and regulations.

### **Acceptance/Refusal of Gifts**

The Chief Executive Officer and board of directors of United Way of Missoula County reserve the right to decline any financial commitment, gift, or bequest, as well as the right to determine how a gift will be credited and/or recognized. When a gift is offered that is unique in nature, or in the judgment of the CEO and Director of Development carries a potential for significant risk, the Administrative Committee will act as United Way of Missoula County's gift-acceptance committee and has the authority to accept or reject that gift.

### **Restricted and Unrestricted Gifts**

Unrestricted gifts shall be encouraged unless

- 1) the donor indicates that he or she is only willing to make a restricted gift or
- 2) the option of a restricted gift will otherwise significantly increase the chances of obtaining a gift from the donor.

In drafting instruments for the gift of restricted funds to United Way of Missoula County, donors and their advisors shall be encouraged to use language that would permit application of the gift to a more general purpose if, in the opinion of the board, the designated purpose is no longer feasible.

All receipts from unrestricted bequests, annuities, charitable remainder trusts, or charitable lead trusts shall become a part of the permanent endowment, unless otherwise directed by the donor and unless the Administrative Committee determines a particular unrestricted gift of the type enumerated in this paragraph should be deposited in a different account.

### **Administrative Expenses**

United Way of Missoula County will not pay commissions or finder's fees as consideration for directing a gift to United Way of Missoula County or to any of its affiliates.

Donors are responsible for obtaining their own appraisals for tax purposes of real property or tangible or intangible personal property being given to United Way of Missoula County and for any fees or other expenses related to such appraisals.

United Way of Missoula County retains the right to obtain its own qualified appraisals of real property or tangible or intangible personal property being offered as a gift at its own expense.

United Way of Missoula County will acknowledge receipt of gifts of tangible personal or real property in accordance with the federal tax law and will sign any IRS form or other documents necessary for the donor to obtain a tax deduction for such gifts, so long as such acknowledgment does not entail valuing the gift.

Prospective donors shall be responsible for their own legal, accounting, appraisal, transportation, and other fees related to United Way of Missoula County.

### **Professional Advice**

Prospective donors shall be strongly encouraged in all cases to consult with their own independent legal and/or tax advisors about proposed gifts, including tax and estate planning implications of the gifts. No representative of United Way of Missoula County shall provide legal or tax advice to any donor or prospective donor.

Upon request, representatives of United Way of Missoula County may provide to the donor sample bequest language for restricted and unrestricted gifts to ensure that a bequest is properly designated. United Way of Missoula County may also provide, upon request, IRS-approved prototype trust agreements for review and consideration by the donor and his or her advisors. The sample nature of such language or agreements shall be clearly stated on all documents given to donors, and donors shall be advised that consultation with their own legal advisors is essential prior to use of such standard language or specimen agreements.

### **Confidentiality**

All information about donors and prospective donors, including but not limited to their names, the names of their beneficiaries, the nature and amounts of their gifts, and the sizes of their estates will be kept confidential by United Way of Missoula County and its representatives, unless the donor grants permission to release such information. All requests by donors for anonymity will be honored, except to the extent that United Way of Missoula County is required by law to disclose the identity of donors.

### **Authority**

The board president or his or her designee is authorized to enter into planned gift agreements on behalf of United Way of Missoula County and to execute any and all documents necessary or appropriate to consummate such agreements.

Any exceptions to these gift acceptance policies may be made only in exceptional circumstances, on an individual basis, and shall require the approval of Administrative Committee of the board.

These gift acceptance policies may be amended by the Administrative Committee, upon recommendation of members of the board.

## **Stewardship**

United Way of Missoula County 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 CEO or his or her designee.
3. Files, records, and mailing lists regarding all donors and donor prospects are maintained and controlled by United Way of Missoula County. Maximum appropriate use will be made of information and contacts that members of the board, Campaign Cabinet, volunteers, or the staff have with potential donors. Written reports of interviews and solicitations will be maintained in the donor prospect file and/or computer.
4. This information is confidential and is strictly for the use of United Way of Missoula County 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).
5. Should the gift be restricted, United Way of Missoula County 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 60 days of the completion of the underwritten activities. This does not apply to donor-designated payroll deductions.
6. Gifts to United Way of Missoula County 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.
7. Names of donors will not be provided by United Way of Missoula County to other organizations, nor will any lists be sold or given to other organizations.

## **Conflict of Interest**

Those individuals who normally engage in the solicitation of gifts on behalf of United Way of Missoula County 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 the organization.

## **Conformity to Federal and State Laws**

The board will ensure that fundraising activities comply with local, state, and federal laws.

## **Gift Valuations**

United Way of Missoula County 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 United Way of Missoula County.

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. United Way of Missoula County shall acknowledge receipt of such properties but must not verify values.

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

Should United Way of Missoula County 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, United Way of Missoula County will furnish the Internal Revenue Service and the donor with a completed Form 8282.