

# Gift Acceptance Policy

Adopted: January 8, 2019

## I. Purpose

Refill Cafe d/b/a the Refill Jackson Initiative (“Organization”) is only able to carry out our mission—to empower young adults, ages 18 to 24, so that they are more confident, better equipped, and motivated to enter into, navigate, and stay in the workforce—because of the generosity of our donors. Recognizing that contributions come in many forms, the Organization adopts the following Policy for Accepting Gifts to uniformly treat donors and their gifts with full disclosure and to provide guidance on the acceptance and stewardship of gifts.

The Organization recognizes a donor’s rights as outlined in A Donor Bill of Rights (attached as Appendix A).

## II. Organization’s Use of Legal Counsel

The Organization will seek the advice of legal counsel in matters relating to acceptance of gifts when appropriate. Review by counsel is recommended for the following gifts:

- Closely held stock transfers that are subject to restrictions or buy-sell agreements;
- Documents naming the Organization as Trustee;
- Gifts involving contracts, such as bargain sales or other documents requiring the Organization to assume an obligation;
- Transactions with potential conflict of interest that may invoke IRS sanctions; and
- Other instances in which use of counsel is deemed appropriate by the gift acceptance committee.

## III. Conflicts of Interest

The Organization urges all prospective donors to seek the assistance of personal legal and financial advisors in matters relating to their gifts and any tax and estate planning consequences. The Organization does not provide advice to donors regarding gifts; further, it complies with the *Model Standards of Practice for the Charitable Gift Planner* by the National Committee on Planned Giving (attached as Appendix B).

A charitable gift that benefits the Organization at the expense of the donor’s interest should never be encouraged.

At all times, the Organization’s directors, officers, and committee members (hereinafter referred to as “members”) and the Organization’s employees are to

avoid both the fact and appearance of a conflict or duality of interest. For further information on how real, perceived, or potential conflicts or dualities of interest are managed, see the Organization's Conflict or Duality of Interest Policies.

To avoid any incidence of impropriety, the Organization's employees and members are discouraged from serving as a personal representative or executor of a donor's estate, unless the donor is a relative of the employee or member. Employees are discouraged from serving as the executor, administrator, or trustee of any will or trust in which the Organization is named as a beneficiary regardless of the date of the dispositive document.

Gifts are accepted only from those individuals, partnerships, corporations, foundations, government agencies, or other entities whose mission and values align with the mission and values of the Organization.

#### **IV. Restrictions on Gifts**

The Organization accepts unrestricted gifts and gifts for specific programs and purposes, provided that such gifts are consistent with our stated mission, purposes, and priorities. The Organization does not accept gifts, including those gifts that are in-kind, that are too restrictive in purpose, which includes those that violate the terms of our operating agreement or bylaws, are too difficult to administer, or are for purposes outside the Organization's mission. The Board makes all final decisions on the restrictive nature of the gift and its acceptance or refusal.

A donor may not restrict how a gift, bequest, or endowment funds are invested by the Organization. All donors of major gifts and endowment funds are notified prior to the gift being made that investment of their gift is in accordance with the investment policy adopted by the Board. Such notice informs the donor that his/her gift or endowment fund is not segregated but is commingled with the Organization's other investments.

#### **V. Types of Acceptable Gifts**

The following gifts are acceptable:

- Cash, checks, money orders, and credit cards;
- Tangible personal property;
- Securities;
- Real estate;
- Remainder interests in property;
- Oil, gas and mineral interests;
- Bargain sales;
- Life insurance;
- Charitable gift annuities;
- Charitable remainder trusts;

- Charitable lead trusts;
- Retirement plan beneficiary designations;
- Bequests; and
- Life insurance beneficiary designations.

Donors are encouraged to contact the Organization to discuss any gift so that both donors and the Organization are comfortable with the terms of and/or requirements for the gift.

## **VI. Miscellaneous Provisions**

Donors may give directly to Refill Cafe, LLC. Donations are tax-deductible within the guidelines of U.S. law.

It is the responsibility of the donor to secure an appraisal (when required) and independent legal counsel for all gifts made to the Organization.

All information concerning donors and prospective donors—including their names, the names of their beneficiaries, the exact amount of the gift, size of the estate, or any other information for which there is a reasonable expectation of privacy and/or confidentiality—is kept strictly confidential by the Organization, employees, volunteers, and Board, unless written permission is obtained from the donor to release such information. The Organization does not sell or share its donor and mailing lists with other organizations.

Donors who wish to remain anonymous and not be included in published lists of donors must state so at the time of the gift. Completion of the donation remittance envelope or mention of name on any correspondence accompanying the donation is deemed written permission to be included in published lists of donors.

Donors are welcome to request and receive a complete copy of their records.

Only authorized employees and Board members are permitted to view donor files.

Donor files must remain onsite at the Organization.

The Organization records a gift's valuation on the date the gift is made.

Gifts may be given in honor or in memory of the donor or anyone she/he may wish to designate. Notice of the person honored or memorialized must be provided in writing at the time the gift is made. Upon request, notification of the gift is mailed to a third party. The gift amount is not disclosed.

No refunds of gifts are permitted.

Donors and prospective donors may opt out of fundraising mailings via telephone, letter, e-mail, or in person. A statement providing opt-out instructions is included in all fundraising correspondence.

## **VII. Changes to Policy for Accepting Gifts**

To ensure that the Organization operates in a manner consistent with its charitable purposes and its status as an organization exempt from federal income tax, the Board will authorize and oversee a periodic review of the administration of this Policy for Accepting Gifts. The review may be written or oral and will consider the level of compliance with the Policy, the continuing suitability of the Policy, and whether the Policy should be modified and improved.

Should the need for a deviation from this Policy arise, the Board will review the potential gift and circumstances and make a final decision.

## **Policy for Accepting Gifts – Appendix A**

### **A Donor Bill of Rights**

**Developed by: Association for Fundraising Professionals, Association for Healthcare Philanthropy, Council for Advancement and Support of Education and Giving Institute: Leading Consultants to Non-Profits**

Philanthropy is based on voluntary action for the common good. It is a tradition of giving and sharing that is primary to the quality of life. To ensure that philanthropy merits the respect and trust of the general public, and that donors and prospective donors can have full confidence in the not-for-profit organizations and causes they are asked to support, we declare that all donors have these rights:

- I. To be informed of the organization's mission, of the way the organization intends to use donated resources, and of its capacity to use donations effectively for their intended purposes;
- II. To be informed of the identity of those serving on the organization's governing board, and to expect the board to exercise prudent judgment in its stewardship responsibilities;
- III. To have access to the organization's most recent financial statements;
- IV. To be assured their gifts will be used for the purposes for which they are given;
- V. To receive appropriate acknowledgment and recognition;
- VI. To be assured that information about their donations is handled with respect and with confidentiality to the extent provided by law;
- VII. To expect that all relationships with individuals representing organizations of interest to the donor will be professional in nature;
- VIII. To be informed whether those seeking donations are volunteers, employees of the organization or hired solicitors;
- IX. To have the opportunity for their names to be deleted from mailing lists that the organization may intend to share; and
- X. To feel free to ask questions when making a donation and to receive prompt, truthful and forthright answers.

## **Policy for Accepting Gifts – Appendix B**

### **Model Standards of Practice for the Charitable Gift Planner by the National Committee on Planned Giving**

A code of ethical practice for all professionals who work together to structure gifts that balance the interests of the donor and the purposes of the charitable institution.

#### **Preamble**

The purpose of this statement is to encourage responsible gift planning by urging the adoption of the following Standards of Practice by all individuals who work in the charitable gift planning, gift planning officers, fund raising consultants, attorneys, accountants, financial planners, life insurance agents and other financial services professionals (collectively referred to hereafter as "Gift Planners"), and by the institutions that these persons represent. This statement recognizes that the solicitation, planning and administration of a charitable gift is a complex process involving philanthropic, personal, financial, and tax considerations, and as such often involves professionals from various disciplines whose goals should include working together to structure a gift that achieves a fair and proper balance between the interests of the donor and the purposes of the charitable institution.

#### **I. Primacy of Philanthropic Motivation**

The principal 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. Payment of finders fees, commissions or other fees by a donee 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 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 donee organization, the Gift Planners, in order to ensure 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 Planners 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 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.