


<p>DONOR RIGHTS, PRIVACY & CONFIDENTIALITY POLICY</p> 	<p>POLICY NO.:</p> <p>DATE: January, 2009</p>
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The Family Tree respects the privacy of generous donors who financially support its objectives and mission. Safeguarding donor privacy is a good stewardship as well as a matter of professional ethics. The “Donor Bill of Rights” (endorsed by CASE and the Association of Fundraising Professionals) states that donors are: “to be assured that information about their donations is handled with respect and with confidentiality to the extent provided by law.” The Family Tree will make every effort to ascertain a donor’s wishes in this regard and to abide by them when practicable.

1. Confidentiality

The Family Tree recognizes that it is in a position of trust with the donor, and that the donor has placed trust in the organization concerning confidentiality. Therefore, all donor information, correspondence and governing instruments will be kept in a locked file, which will be accessible to individuals with approval of one of the following: the Executive Director, the Finance Director and the Director of Development. It shall be known throughout The Family Tree that this is confidential information.

2. Use of Constituent Lists or Donor Personal Information

It is the organization’s policy not to share its constituent lists; and will not sell, trade or share their personal information with individuals or organizations interested in using it for any purpose including fund raising purposes, or for any other purpose.

3. Anonymity

The Family Tree requires that donors be identified for all substantial gifts. This information may be kept confidential. The Family Tree will respect any donors request to remain anonymous. The gift will be recorded to the donor’s individual record but will not be published in any materials or any public fashion.

4. Protection of Donor’s Interest


No program, agreement, trust, contract or commitment shall be knowingly urged upon any prospective donor who would benefit The Family Tree at the expense of the donor’s interest and welfare. No agreement shall be made between The Family Tree and any agency, person, company or organization on any matter related to investments, management or otherwise which would knowingly jeopardize the donor’s interest.

5. Honoring Donor Intentions

Donors to The Family Tree can determine if their gift is unrestricted or restricted. It is The Family Tree’s Policy to honor the donor’s intentions.

B. Guidelines Governing the Administration of the Fund Raising Programs

1. Gift Acceptance Committee

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The Development Director shall be assisted in the interpretation and implementation of these guidelines by a Gift Acceptance Committee made up of The Family Tree’s Executive Director, Finance Director and Development Director. Other Board members may be consulted at the committee’s discretion. Advice may be sought from the agency’s auditors. The Gift Acceptance Committee’s role shall be to approve gift agreements, endowed funds and the acceptance of gifts that deviate from these policies.

2. Review and Amendments of Gift Acceptance Policies

- a. These policy guidelines shall be reviewed every three years.
- b. Responsibility for review and suggested amendments shall be with The Family Tree Development Director.
- c. The procedure to amend these guidelines shall be as follows: The Development Director will provide written recommendations to the Executive Director, who will present these recommendations to the Finance and Executive Committees of the Board of Trustees.

2. Code of Conduct


Representatives of The Family Tree shall exercise caution to avoid pressure, persuasion or undue influence when a representative is to inform, counsel and assist the donor in gift planning concerns, including the exercise of prudent consideration of the donor’s personal interest as well as charitable objectives.

All personnel employed by The Family Tree to contact prospective donors or to promote the planned gifts program shall be paid a salary or fixed wage, and shall not receive commissions which could give such personnel a direct beneficial interest in any agreement.

3. Use of Legal Counsel

The prospective donor will be advised to seek the legal or tax counsel of his/her attorney in any and all aspects of the proposal gift, whether by bequest, trust agreement, contract, or outright. They will be advised to consult with their attorney or accountant on matters related to the tax implications and state planning aspects of a planned gift agreement.

The Family Tree will consult with separate legal counsel in all matters pertaining to its planned giving program and will consult counsel when executing agreements, contracts, trusts or legal documents. No legal fee will be paid by The Family Tree for the drafting of will or other trust instruments on behalf of prospective donors even if the organization is to be named as a beneficiary. The Gift Acceptance Committee must authorize any exemptions to this policy.

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The Family Tree is not in the practice of law, and therefore, will not draft any legal instruments pertaining to an individual's estate plan. In all cases, an individual will be advised to seek his or her own counsel. In no case is The Family Tree's attorney the attorney for the donor. Donors will be advised to seek their own legal or tax advisement.

C. Gift Acknowledgement Policies

Effective 1994, the Omnibus Budget Reconciliation Act of 1993 (OBRA) added Internal Revenue Code section 170(f)(8) which denies donors a charitable deduction for any contribution of \$250 or more unless the donor obtains a contemporaneous written acknowledgement of the contribution from charity. The Family Tree is in full compliance with the law; it is the policy of the organization to provide an acknowledgement for all gifts regardless of the size.

1. Disclosure

The new law also requires charities to provide written disclosure about the solicitation or receipt of quid pro quo contributions that exceed \$75.00. The disclosure must: inform the donor that the amount of the contribution that is tax deductible for federal income tax purposes is limited to the excess of the amount on any money and other property contributed by the donor, over the value of the goods and services provided by the charity; and provide the donor with a good faith estimate of the value of such goods and services. This disclosure must be made when the contribution is solicited or when the contribution is received.

There are three situations in which a disclosure is not required: where the goods or services are "insubstantial," i.e., token or otherwise de minimums;" where no donative intent is present, i.e., sales of T-shirt at reunion, where only an intangible benefit is provided to the donor, i.e. participation in a religious ceremony.

2. Policy for Thanking Donors

In addition to processing all gifts and generating gift receipts, the Development Department is also responsible for thanking donors for their gifts in a timely manner. This acknowledgement usually accompanies the official gift receipt. The Family Tree has established internal procedures for thanking donors for their contribution. These procedures include information on who signs the letter, what type of acknowledgement letter is sent, what letters are kept in permanent files, etc.