



GIFT ACCEPTANCE POLICY

The Guadalupe Center, Inc., a not for profit organization organized under the laws of the state of Florida, encourages the solicitation and acceptance of gifts to the Guadalupe Center for the purposes that will assist the Guadalupe Center to further fulfill its mission. The following policies and guidelines govern the acceptance of gifts made to the Guadalupe Center for the benefit of any of its programs and/or services.

The mission of the Guadalupe Center is to break the cycle of poverty by providing educational, social and other support programs and resources.

PURPOSE

This gift acceptance policy will provide guidelines to representatives of the Guadalupe Center who may be involved in the acceptance of gifts, to outside advisors who may assist in the gift planning process, and to prospective donors who may wish to make gifts to the Guadalupe Center. This policy is intended only as a guide and allows for some flexibility on a case-by-case basis upon approval of the Guadalupe Center's Board of Trustees.

I. STATEMENT OF GENERAL STANDARDS

The solicitation, planning and administration of a charitable gift is a complex process involving philanthropic, personal, financial and tax considerations, and 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 Guadalupe Center.

- A. The principal basis for making a charitable gift should be the desire on the part of the donor to benefit the Guadalupe Center. The organization will accept unrestricted gifts, and gifts for specific programs and purposes, provided that such gifts are not inconsistent with its stated mission, purposes, and priorities. The organization will not accept gifts that are too restrictive in purpose. Gifts that are too restrictive are those that violate the terms of the articles of incorporation, gifts that are too difficult to administer, or gifts that are for purposes outside the mission of the Guadalupe Center. All final decisions on the restrictive nature of a gift, and its acceptance or refusal, shall be made by the Development Committee and the Finance Committee.
- B. A full and accurate explanation by professional advisors of tax incentives for charitable giving and their implications is often necessary and appropriate. No program, agreement, trust, contract or commitment shall be knowingly urged upon

any prospective donor, which would benefit the Guadalupe Center at the expense of the donor's interest and welfare.

- C. All personnel engaged by the Guadalupe Center to contact prospective donors shall be either volunteers or paid a salary or a fixed wage, but shall not receive commissions. The roles and relationships of all parties involved must be fully disclosed to the donor.
- D. The Guadalupe Center's development staff at all times shall advise donors only in areas in which they are professionally qualified, and shall defer to other professional advisors as necessary. All potential donors shall be advised to consult their own legal and tax counsel in matters relating to their planned gifts, tax and estate planning.
- E. Representatives of the Guadalupe Center shall exercise caution to avoid pressure, persuasion, or undue influence when informing, counseling or assisting a donor regarding gift planning concerns. This caution must include exercise of prudent consideration of the donor's interest as well as his/her charitable objectives.
- F. Only personnel approved by the Board of Trustees shall be authorized to act on behalf of the Guadalupe Center with any donor in respect to any current or planned gift. The Guadalupe Center shall consult its own legal counsel in all matters pertaining to its planned gift program and shall not execute any agreement, contract, trust or other legal document with any donor without appropriate legal advice. Agreements of any kind, which involve any unusual or special legal obligation on the part of the Guadalupe Center or its agents, shall require prior approval of the Board of Trustees or its authorized designee.
- G. The Guadalupe Center shall not take on the role of trustee of any planned gift vehicle.
- H. The Guadalupe Center shall respectfully decline to accept any gift whenever there may be a reasonable question as to whether the donor has sufficient title to the assets or is mentally competent to legally transfer the funds to the Guadalupe Center.

II. TYPE OF ASSETS

- A. **Cash.** Gifts in the form of cash and checks should be accepted regardless of the amount. All checks should be made payable to the Guadalupe Center and shall be considered to be unrestricted unless otherwise designated. The date of the gift is determined to be the date the donor formally releases control of the asset – in the

case of cash or checks; it will be the date of delivery if in person, or the date of the postmark.

- B. Publicly Traded Securities.** Publicly traded securities may be transferred to an account maintained at one or more brokerage firms or delivered physically with the transferor's signature or stock power attached. Unless otherwise directed by the Finance Committee of the Board of Trustees, all securities will be liquidated for cash as soon as practicable. In no event shall an employee or volunteer working on behalf of the Organization commit to any donor that a particular security will be held by the Guadalupe Center unless authorized to do so by the Finance Committee of the Board of Trustees. The Development staff will have available broker information and other relevant documents for transferring stock and identifying the process of stock transfers.

The value of the gift of securities for tax acknowledgment purposes is the average of the high and low prices on the day it was transferred.

- C. Closely Held Securities and Limited Partnership Interests.** All proposed donations of this type will be considered by the Finance Committee of the Board of Trustees on a case-by-case basis. The Committee shall consider:
1. estimated fair market value,
 2. any restrictions on time limits on the Guadalupe Center right to sell,
 3. potential liability from ownership,
 4. potential tax or unrelated business income,
 5. potential problems from affiliation with the business of the issuer of the security.

The general expectation is that non-publicly traded securities and limited partnerships interests may only be accepted after appraisal (based on the value of the underlying corporation or assets and dated not earlier than 60 days before the proposed date of gift) and approved by the Finance Committee of the Board of Trustees, which will direct the time and process for sale of the assets. No commitment for repurchase of closely held securities shall be made prior to completion of the gift of the securities.

- D. Real Estate, Tangible Personal Property, Unusual Assets.** All proposed donations of real estate or unusual assets shall be considered by the Finance Committee of the Board of Trustees on a case-by-case basis. Donors must provide a qualified appraisal as to the value of such assets dated no earlier than 60 days before the proposed date of donation. The Guadalupe Center may specify an appraiser who shall not have any business or other relationship to the donor. The donor is responsible for obtaining and paying for the appraisal of the property. A visual inspection by a knowledgeable representative of the Guadalupe Center and an environmental assessment ordered by the donor will be required of all real estate. When

appropriate, a title binder shall be obtained by the Guadalupe Center prior to the acceptance of the real property gift. The cost of this title binder shall generally be an expense of the donor. The Committee shall consider:

1. marketability of the property,
2. costs to administer, maintain, insure, secure and sell the property,
3. liability assumed (e.g., environmental hazards, liens, etc.),
4. restrictions on use or sale,
5. effect of ownership on non-profit status,
6. licensing requirements or legal ramifications.

III. TYPES OF GIFT VEHICLES

- A. **Outright**, with or without restriction.
- B. **Pledges** shall generally not exceed 5 years.
- C. **Gifts by Will or Trust**, unless restricted by the donor, the Board of Trustees will make appropriate and wise decisions regarding the use of the bequests.
 1. **Charitable Remainder Trusts (CRT)** provide a residual interest in specific assets for the Guadalupe Center.
 2. **Charitable Lead Trust** distributions shall be made in accordance with donor intent.
 3. **Life Insurance Policies** – The Guadalupe Center may be named as the recipient of a Life Insurance Policy.
 4. The Guadalupe Center shall not act as personal representative for a donor’s estate.
- D. **Charitable Gift Annuities** the Guadalupe Center may be the recipient of a charitable gift annuity. However, the Guadalupe Center shall not administer a charitable gift annuity.
- E. **Miscellaneous Provisions:**
 1. **Securing appraisals and legal fees for gifts to the Guadalupe Center:** It will be the responsibility of the donor to secure an appraisal, where required, and independent legal counsel for all gifts made to the organization.

2. **Valuation of gifts for development purposes:** The organization will record a gift received by the Guadalupe Center at its valuation for gift purposes on the date of the gift.

3. **Responsibility for IRS Filings upon sale of gift items:** The Finance Department of the organization is responsible for filing IRS Form 8282 upon the sale or disposition of any asset sold within two years of receipt by the organization when the charitable deduction value of the items is more than \$5,000.

4. Acknowledgment of all gifts made to the Guadalupe Center and compliance with the current IRS requirements in acknowledgement of such gifts shall be the responsibility of the Board of Trustees.

IV. GIFT RECOGNITION POLICIES

A. **The date of the gift** is determined to be the date the donor formally releases control of the asset by the execution of stock powers or other transfer or title, or, in the case of cash or checks, the date of delivery if in person or the date of the postmark. Valuation and credit for a gift of securities will be based on the market value on the date of the gift.

B. The Guadalupe Center's development staff will **acknowledge the gifts** and will inform donors of their responsibility to substantiate any value claimed. Internal determination of the value for fund raising records will be made by the Development Department of organization and will include information from the appraised value of the real estate, possible excluding from the value of the gift costs for maintenance, insurance, real estate taxes, broker's commission and other expenses of holding and sale. Soft credits will be determined by the Development Department.

C. With regard to **in-kind, non-cash donations**, the Guadalupe Center will inform the donor that they should file IRS Form 8283 and that the Guadalupe Center is obligated to file IRS Form 8282 if the gift is sold within two years. The Finance Department will manage filing requirements of IRS Form 8282. Any gifts that will create an administrative burden or cause the organization to incur excessive expenses may be declined.

D. **Restricted gifts** must be accompanied by a written intention by the donor to make the gift and a statement defining the restriction of the gift.

F. **Donor information** relating to gifts, estate planning, or the nature and value of assets shall be kept strictly confidential by the organization, with the exception of recognition on the donor wall and in the annual report, unless the donor opts to not

have their gifts publicly acknowledged as noted above.. Those with access to donor information include the following: Board of Trustees, the President, the Development staff, the Finance Office, the Finance Committee of the Board and Legal Counsel, Auditors, Regulators. Limited information may be provided to other committees authorized by the Board of Trustees.

These updated guidelines have been approved by the Board of Trustees on the recommendation of the Finance Committee and the Development Committee on this 26th day of January, 2016.