



## **Gift Acceptance Policy & Procedures**

The Oncology Nursing Foundation (the “Foundation”) is a national 501(c)3 charitable organization dedicated to oncology nurses from around the world. Established in 1981 to support cancer nursing excellence.

### **I. *Purpose***

This policy guides all those involved in gift solicitation-by ensuring that gifts have real value, are in keeping with the core values, policies, and the needs of the Foundation. The provisions of these policies shall apply to all gifts received by the Foundation for any of its programs or services, with exceptions determined on a case-by-case basis.

The policy is also intended to:

1. Fulfill all legal requirements.
2. Be fair and sensitive to donors.
3. Further the missions and plans of the Oncology Nursing Society (the “ONS”) and the Foundation.

On occasion, special cases or major exceptions may be presented to the Foundation Board of Trustees for evaluation and approval as needed.

### **II. *Definitions***

1. Recording: Represents the numeric summary of an activity, result, and progress toward goals.
2. Reporting: The process of conveying to a lay audience clearly and transparently what has happened during a specific timeframe.
3. Crediting: Represents the way the Foundation grants recognition to its donors based on its own standard and requirements.
4. Fundraiser: A “person” who seeks financial support to achieve the mission or goal of the foundation. A “person” can be an employee of the Foundation, a Foundation Board of Trustee member, a Foundation volunteer, or a 3<sup>rd</sup> party paid independent contractor.

### III. *Employment of Counsel*

The Foundation shall seek the advice of legal counsel in matters relating to acceptance of gifts when appropriate. Review by counsel is recommended but not limited to gifts involving closely held stock transfers, trust documents, contracts, and those with potential conflict of interest. The Foundation encourages donors to consult their own legal and tax counsel as their needs may require. Foundation staff and the Foundation's Board of Trustees are prohibited from advising donors about the tax or legal consequences of their donation. Donors should seek advice on the tax ramifications of any gifts to the Foundation from independent legal and tax advisors. The Foundation will pay no fees to any person or organization in consideration of directing a gift to the Foundation.

### IV. *Guiding Principles*

The following are the guiding principles used in developing these policies:

- a. These policies are informed by established industry guidelines for best practices in campaign fundraising. These guidelines include Generally Accepted Accounting Principles (GAAP), standards approved by the Financial Accounting Standards Board (FASB), and the National Association of Charitable Gift Planners (CGP).
- b. It is assumed that the Foundation and its representatives will endeavor, at all times, to faithfully implement the stated and/or written goals of donors and the Foundation remains with ultimate variance power.
- c. The leadership of the Foundation, henceforth, the Foundation's leadership, shall refer to the Foundation Executive Director and Foundation Board of Trustees.

### V. *Restrictions on Gifts*

Donors should always be encouraged to make unrestricted gifts to the Foundation to ensure greatest flexibility in use. The Foundation Board of Trustees will adhere to donor intention set forth from the original gift. Should the purpose of the gift no longer meet the needs or serve the missions of ONS and/or the Foundation (i.e. a gift in support of research for a cancer in which a cure was discovered), they will redistribute the remaining funds to a purpose as consistent as possible with the purpose of the Gift as outlined through gift/pledge agreements. To the extent possible, the Foundation will notify Donor or Donor's designee if such changes are necessary.

The Foundation has the right to refuse gifts that place an undue burden on the Foundation or those that are outside our mission. All final decisions on the receipt will be made by the Foundation Board of Trustees.

In the case of tangible personal property that is intended for programmatic or operational use by the Foundation, acceptance of the gift must be recommended by the Director of that programmatic or operational area as suitable for use.

## VI. *Gift Confirmation:*

To be counted as organizational revenue, all gifts must be received by the Foundation outright or documented in writing and signed by the donor or the donor's qualified representative. Written confirmation should include a statement that allocates gifts to the Foundation or, alternatively, projects agreed upon between the donor and the Foundation leadership.

Acceptable forms of written confirmation include, but are not limited to, a signed letter authored by the donor; written agreement; trust document or other legally binding documentation associated with acceptable planned giving instruments, or other legal notification.

## VII. *Stewardship:*

The Foundation shall ensure that all donors are appropriately and timely acknowledged, and that use of each gift is in compliance with the donor's respective expressed intent. Each donor who creates a restricted fund shall enter into a written, signed agreement with the Foundation which describes fees to be charged. It is the standard practice of the Foundation to regularly report to donors who have created restricted funds, both current and endowed, on the use of funds and their financial status.

Under special circumstances, the Foundation's leadership may approve a schedule of gift levels for naming opportunities. Unless special dispensation is provided by Foundation leadership, a naming opportunity will not be confirmed until receipt of gift, in its entirety.

In general, all physical areas of the Oncology Nursing Society Enterprise building and the Foundation's programs are subject to naming. Such identification is appropriate in light of the gift or gifts received, which should be proportionate to the significance of the physical space or program being named.

A list of naming opportunities for those spaces and programs, which have already been subscribed, will be maintained by the Foundation and will be reviewed annually by Foundation leadership.

The use of realized assets from an estate or planned gift to name property is not preferred but is considered on a case-by-case basis. The Foundation will consider the request at the final distribution of the gift provided the gift meets minimum funding for the naming opportunity at the time of distribution.

Exceptions to the policy for naming opportunities in light of unrealized deferred gifts, may be considered by the Foundation Board of Trustees, taking into consideration such facts and circumstances pertaining to the gift:

- a. The gift is irrevocable;
- b. The Foundation is given a copy of the gift instrument; and
- c. The present value of the gift equals the minimum funding amount of the naming opportunity;
- d. Donor's connection to the Foundation;
- e. Donor's giving history; and
- f. Donor's record of volunteer service to the Foundation.

The Foundation reserves the right to remove names from facilities and programs in light of unethical behavior that would reflect negatively on the Foundation or its employees.

The Foundation reserves the right to honor, through appropriate naming opportunities, any individual or family, irrespective of the individual or family's giving record. Such honors are generally made posthumously.

Matching gifts will be acknowledged toward donors' recognition levels.

### VIII. *Declining and Returning Gifts*

The Foundation may decline or return gifts under conditions including, but not limited to, the following:

1. Gifts that could injure the reputation or standing of the ONS or the Foundation or cause it to enter activities that conflict with its mission.
2. Gifts that could put at risk the tax-exempt status of, or trigger negative tax situations for, the ONS or the Foundation, such as unrelated business income tax.
3. Cases in which gifts are accepted but, upon further review by the ONS' or the Foundation's leadership, are subject to the concerns set forth in these policies.
4. Cases in which the ONS or the Foundation are unable to (or the donor perceives that they are unable to) fulfill the donor's philanthropic intentions.

## IX. *Types of Gifts*

The following types of gifts are accepted, and where noted, subject to approval via the Board of Trustees. Other types of gifts not listed may be accepted upon review through the Foundation Board of Trustees.

### A. Outright Gifts

1. Cash Non-Pledge
2. Pledge
3. Gift-in-Kind
  - Tangible Personal Property

### 4. Securities

### B. Deferred Gifts

5. Bequests
6. Retirement Plan Assets
7. Life Insurance: Beneficiary designations
8. Donor Advised Fund

## VIII. *Acceptance of each Gift Type*

### 1. **Cash: Non-Pledge**

**Acceptance:** Cash refers to cash equivalents. Gifts of cash are acceptable in many forms, including checks, money orders, currency/coin, credit card payments, wire transfer, Electronic Funds Transfer (EFT) or payroll deduction. Checks and money orders shall be made payable to the Oncology Nursing Foundation. In no event should a check be made payable to an employee, agent, or volunteer for credit of the Foundation. Cash may be delivered in person, by mail, by EFT, or by wire transfer.

**Recording:** Cash gifts are recorded and counted at face value on the date the cash is received.

*\*Note: Cash does not include payment on a pledge.*

### 2. **Pledge**

**Acceptance:** A pledge agreement should be established with the donor for a specific dollar amount, purpose, and payment schedule. The payment of the pledge is governed by the different methods of payment.

**Recording:** Pledges are financially recorded in full upon receipt of the written pledge, provided the pledge is in accord with the above guidelines. Acceptable forms of a written pledge include, but are not limited to:

- a) Written gift agreement.
- b) Signed letter of intent or pledge card.
- c) Letter or email authored by the donor.
- d) Other legal notification as deemed acceptable by the Foundation Board of Trustees.

The pledge payment period, regardless of when the pledge is made, should not exceed five years. The Foundation Board of Trustees can, at its discretion, extend the pledge payment period to accommodate donors' wishes and/or needs on a case-by-case basis.

### 3. **Gift-in-Kind Goods and Tangible Personal Property**

**Acceptance:** The Foundation will accept gift-in-kind goods and tangible personal property that will assist in carrying out the purpose for which it was organized. Gifts-in-kind of art must be approved for acceptance by Foundation Board of Trustees. The Foundation will generally not accept gifts of personal property that require the Foundation to retain ownership in perpetuity, or that require special facilities or security. No fractional interest in a tangible property shall be accepted without prior approval of Foundation leadership. All other gifts of tangible personal property shall be examined considering the following criteria:

- a) Does the property fulfill the mission of the Foundation?
- b) Is the good or property marketable?
- c) Are there any undue restrictions on the use, display, or sale of the good or property?
- d) Are there any carrying costs for the property?

The final determination on the acceptance of other tangible property gifts shall be made by the Foundation Board of Trustees for gifts greater than \$5,000. Donors should be encouraged to consult with their own tax advisors as the pertinent Internal Revenue Code regulations are complex.

**Recording:** Gifts of tangible personal property with a value less than or equal to \$5,000.00 need not be consulted with the Foundation Board of Trustees. They will be recorded on the Foundation's financial records at the donor's estimated value or fair market value if independent verification of the value of the gift is provided (including but not limited to an independent appraisal, a vendor's invoice, or the donor's original purchase price and a Deed of Gift form.)

Gifts of tangible personal property with a value exceeding \$5,000.00 that have been reviewed and approved by the Foundation Board of Trustees shall be recorded on the Foundation's financial records at the appraised value. The Foundation Board of Trustees shall require the donor to provide a copy of the qualified written appraisal of the donated property in accordance with IRS regulations to substantiate the fair market value of the goods donated and a Deed of Gift form.

These gifts will be counted on the date the donor relinquishes control of the asset to the Foundation. In all cases, the donor is responsible for securing and/or paying for the appraisal.

#### 4. **Securities**

##### **Publicly Traded Securities**

**Acceptance:** Securities that are publicly traded and readily marketable will be accepted. Securities must be transferred directly to the Foundation's local brokerage account.

Those securities which are determined to be restricted by applicable securities laws will be reviewed by the CFO and Director of Contracts & Facilities of the ONS. If the restrictions are deemed to be unreasonable or excessive, acceptance will be referred to the Foundation Board of Trustees. In no event shall an employee or volunteer working on behalf of the ONS, or the Foundation commit to a donor that a particular security be retained unless authorized to do so by the Foundation Board of Trustees, and the CFO.

**Recording:** It is the Foundation's policy to sell all marketable securities upon receipt unless reviewed and directed otherwise by the Foundation Board of Trustees. When the securities are sold, the full sale amount should be recorded on the sale date along with the sum of any broker fees associated with the sale. Publicly traded securities are recorded using the mean share price between the high and low selling prices quoted at the date the security is transferred to the Foundation.

The gift date for the security will be determined as follows:

- a) Hand Delivery: Date of Delivery
- b) Mail Delivery: Latest postmark date of stock certificate and signature of guaranteed stock power (in separate envelopes).
- c) DTC Transfer: Date securities are transferred out of the donor's control.

- d) Mutual Funds Transfer: Date the shares are transferred out of the donor's control.

**Closely Held Securities**

**Acceptance:** Acceptance of closely held securities, which include not only debt and equity positions in non-publicly traded companies but also interests in partnership, general, and limited liability companies, private equity companies, hedge funds, carried interest, employee stock ownership plans, and other ownership forms, can be accepted subject to the approval by the Foundation Board of Trustees. Such gifts must be reviewed prior to acceptance to determine that:

- a) There are no restrictions on the security that would prevent its conversion to cash.
- b) The security is marketable.
- c) The security will not generate any undesirable tax consequences for the Foundation.
- d) The security is capable of valuation.
- e) The ownership interest could not expose the ONS or the Foundation's assets to liability for debts or the interest, or other liabilities.
- f) The assets of the business consist primarily or in large part of real estate.

If potential problems arise on review of the security, further review and recommendation by an outside advisor may be sought before making a final decision on gift acceptance. The final determination on the acceptance of a closely held security shall be made by the Foundation Board of Trustees. No commitment for the repurchase of these interests will be made prior to the completion of the gift of such interests. Every effort will be made to sell non-marketable securities as quickly as possible.

**Recording:** Gifts of closely held stock, approved for acceptance by the Foundation Board of Trustees, deemed to be negotiable and exceeding \$10,000 in value may be credited at the fair market value placed on them by a qualified independent appraiser as required by, and in accordance with IRS Publication 561. Gifts of closely held stock of \$10,000 or less may be counted at the value determined by a qualified, independent appraiser or at the per-share cash purchase price of the most recent bona fide transaction involving such stock (which must have occurred within the 12 months preceding such gift).



5. **Bequests**

**Acceptance:** Donors and friends of the Foundation will be encouraged to make bequests to the Foundation under their wills and trusts. Such bequests will not be recorded as gifts to the Foundation until such time as the gift is irrevocable.

**Recording:** When the gift is irrevocable, but not due until a future date, the present value of that gift may be recorded at the time the gift becomes irrevocable.

It is the policy of the Foundation generally to convert non-cash bequests to cash as soon as possible (see item 3, Gift-in-Kind Goods and Tangible Personal Property). In the case of a non-cash gift resulting from a bequest, the Foundation will normally request the personal representative or trustee to sell the property and remit the proceeds to the Foundation.

6. **Retirement Plan Beneficiary Designations**

**Acceptance:** Donors and friends of the Foundation will be encouraged to name the Foundation as a beneficiary of their retirement plans (e.g. an IRA, 401(k) plan account, or a defined contribution account). Such designations will not be recorded as gifts to the Foundation until such time as the gift is irrevocable.

**Recording:** When the gift is irrevocable, but not due until a future date, the present value of that gift may be recorded at the time the gift becomes irrevocable.

7. **Life Insurance Beneficiary Designations**

**Acceptance:** Donors and supporters of the Foundation will be encouraged to name the Foundation as beneficiary or contingent beneficiary of their life insurance policies. Such designations shall not be recorded as gifts until the gift is irrevocable.

**Recording:** Where the gift is irrevocable, but is not due until a future date, the present value of that gift may be recorded at the time the gift becomes irrevocable.

8. **Donor Advised Funds (DAF)**

**Acceptance:** The Foundation will accept a gift from a DAF.

**Recording:** The Foundation will record the value of the gift as payments

are received. The providing organization is receipted for the gift.

## X. Miscellaneous Provisions

- **Securing appraisals and fees for gifts to the Foundation:** It will be the responsibility of the donor to secure an appraisal where required and independent counsel for all gifts made to the Foundation.
- **Valuation of gifts for development purposes:** The Foundation will record a gift received for gift purposes on the date of the gift based on the gift type valuation per Foundation leadership.
- Acknowledgements of all gifts made to the Foundation and compliance with the IRS requirements in acknowledgement of such gifts shall be the responsibility of the Foundation.
- **Fiduciary Relationships:** Neither the ONS nor the Foundation will agree to serve as executor of a decedent's estate nor as trustee or co-trustee of any trust, including but not limited to living trusts, charitable remained trusts and charitable lead trusts.
- **Confidentiality and Anonymity:** In performing their duties, the Foundation leadership and Board of Trustees are privy to information about individuals and families, such as giving history, assets, wealth, and family relationships. Due to the sensitivity of this information, all Foundation leadership, staff, and volunteers will adhere to the policy that information shared with them remains confidential, is not discussed with others in private or public settings and is not disclosed or used for any other purposes. Only those who are involved in the solicitation, documentation or recording of a gift will have knowledge of the donor's intentions.  
  
Donors who wish to remain anonymous and not be included in published lists of donors must state so at the time of the gift. Otherwise, completion of the gift remittance envelope or mention of name on any correspondence accompanying the gift 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 Foundation workforce members and members of the Board of Trustees are permitted to view donor files.  
  
Donors may request anonymity of their support to the organization. The Foundation will work with the donor to determine the appropriate level of anonymity.
- **Exceptions to the above:** At times, there may be exceptions to the rules set forth in this document. These exceptions to these rules can be made at the discretion/approval of the Foundation

Board of Trustees on a case-by-case basis.

**XI. Changes to Gift Acceptance Policies**

These policies and guidelines have been reviewed and accepted by the Foundation Board of Trustees. The Foundation Board of Trustees must approve any changes to or deviations from these policies.

*Approved via Board of Trustees, July 25, 2024*