

## INTERNATIONAL CLIENT COUNSELING COMPETITION

### GIFTS AND DONATIONS POLICY

International Client Counseling Competition (“**ICCC**”) solicits and accepts gifts for purposes that will help the organization further and fulfill its mission. ICCC urges all prospective donors to seek the assistance of personal legal and financial advisors in matters relating to their gifts, including the resulting tax and estate planning consequences. The following policies and guidelines govern acceptance of gifts made to ICCC for the benefit of any of its operations, programs or services.

#### *Use of Legal Counsel*

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

- A. Gifts of securities that are subject to restrictions or buy-sell agreements.
- B. Documents naming ICCC as trustee or requiring ICCC to act in any fiduciary capacity.
- C. Gifts requiring ICCC to assume financial or other obligations.
- D. Transactions with potential conflicts of interest.
- E. Gifts of property which may be subject to environmental or other regulatory restrictions.
- F. Gifts which, due to the amount, may critically impair the ICCC’s ability to retain its tax exempt status or to meet the requirements of a public charity pursuant to the Code.

#### *Prohibited Gifts*

ICCC will not accept gifts that

- A. would result in ICCC violating its corporate charter,
- B. would result in ICCC losing its status as an IRC § 501(c)(3) not-for-profit organization,
- C. are too difficult or too expensive to administer in relation to their value,
- D. would result in any unacceptable consequences for ICCC, or
- E. are for purposes outside ICCC’s mission.
- F. are not consistent with the activities, policies, mission, goals, and/or programs supported by the ICCC
- G. are linked in any way to a requirement that ICCC endorse or purchase a particular product or service identified by the donor or to a requirement that the ICCC take any specific action to benefit a particular person, corporation, or business.

The Treasurer shall flag any potentially prohibited gifts to the Executive Chair of the Board of Directors, who shall determine whether such gift should be elevated to the Board for their approval. If the Executive Chair is prohibited from making a decision related to the gift on behalf of the ICCC due to a conflict of interest, the gift shall be immediately elevated to the disinterested members of the Board.

#### *Gifts Generally Accepted Without Review*

- A. Cash. Cash gifts are acceptable in any form, including by check, money order, credit card, or on-line. Donors wishing to make a gift by credit card must provide the card type (e.g., Visa, MasterCard, American Express), card number, expiration date, and name of the card holder as it appears on the credit card.

- B. Marketable Securities. Marketable securities may be transferred electronically to an account maintained at one or more brokerage firms or delivered physically with the transferor's endorsement or signed stock power (with appropriate signature guarantees) attached. All marketable securities will be sold promptly upon receipt unless otherwise directed by ICCC's Board of Directors. In some cases marketable securities may be restricted, for example, by applicable securities laws or the terms of the proposed gift; in such instances the decision whether to accept the restricted securities shall be made by the Board of Directors.
- C. Bequests and Beneficiary Designations under Revocable Trusts, Life Insurance Policies, Commercial Annuities and Retirement Plans. Donors are encouraged to make bequests to ICCC under their wills, and to name ICCC as the beneficiary under trusts, life insurance policies, commercial annuities and retirement plans.
- D. Charitable Remainder Trusts. ICCC will accept designation as a remainder beneficiary of charitable remainder trusts.
- E. Charitable Lead Trusts. ICCC will accept designation as an income beneficiary of charitable lead trusts.

The above types of gifts may be subject to review if they exceed in value 10% of the previous year's total annual receipts of gifts or donations, to review the implications on the ICCC's tax status posed by such gift.

#### ***Gifts Accepted Subject to Prior Review***

Certain forms of gifts or donated properties may be subject to review prior to acceptance. Examples of gifts subject to prior review include, but are not limited to:

- A. Gifts that exceed in value 10% of the previous year's total annual receipts. The ICCC will typically be unable to accept a gift that exceeds 33% of the previous year's total annual receipts, but shall work with the donor to adjust the terms of the giving so as not to have an undue impact on the ICCC's tax status.
- B. Tangible Personal Property. The Board of Directors shall review and determine whether to accept any gifts of tangible personal property in light of the following considerations:
  - a. does the property further the organization's mission?
  - b. Is the property marketable?
  - c. Are there any unacceptable restrictions imposed on the property?
  - d. Are there any carrying costs for the property for which the organization may be responsible?
  - e. Is the title/provenance of the property clear?
- C. Life Insurance. ICCC will accept gifts of life insurance where ICCC is named as both beneficiary and irrevocable owner of the insurance policy. The donor must agree to pay, before due, any future premium payments owing on the policy.
- D. Real Estate. All gifts of real estate are subject to review by the Board of Directors. Prior to acceptance of any gift of real estate other than a personal residence, ICCC shall require an initial environmental review by a qualified environmental firm. In the event that the initial review reveals a potential problem, the organization may retain a qualified environmental firm to conduct an environmental audit. Criteria for acceptance of gifts of real estate include:
  - a. Is the property useful for the organization's purposes?
  - b. Is the property readily marketable?
  - c. Are there covenants, conditions, restrictions, reservations, easements, encumbrances or other limitations associated with the property?

- d. Are there carrying costs (including insurance, property taxes, mortgages, notes, or the like) or maintenance expenses associated with the property?
  - e. Does the environmental review or audit reflect that the property is damaged or otherwise requires remediation?
- E. Planned Giving. ICCC will accept planned gifts, in the forms listed below. A planned gift is one which is legally provided for during the donor's lifetime but whose principal benefits do not accrue to ICCC until some future date. Prospective planned giving donors are encouraged to seek legal and financial counsel to review the gift to be donated and the advisability of the gift in light of the donor's overall estate planning. ICCC staff, Board members, consultants, and volunteers do not provide legal or tax advice to prospective donors.
  - a. Planned gifts to ICCC may be placed in a reserve account and it will require approval by the Board of Trustees to transfer funds to other fund accounts, as needed, to support the financial health, or program development of ICCC.
- F. Corporate Gifts / Sponsorship Policies. ICCC's policy on corporate gifts and sponsorships is to accept gifts and sponsorships from corporations and businesses within a strict set of ethical guidelines. ICCC does not accept funds from companies that would compromise ICCC's independence, mission or program work. ICCC will not accept funds from companies that would place ICCC's public image or professional reputation at risk.
  - a. ICCC will accept monetary and in-kind gifts from corporations and businesses provided that the gift comes without conditions or requirements that would negatively affect the integrity or reputation of the activities, policies, mission, goals, and/or programs of ICCC.
  - b. ICCC will accept sponsorships that acknowledge the donor but do not promote the donor's business or products in ways that would expose the sponsorship payments to taxation.

### ***Endowment Fund Policies***

Terms and conditions must be agreed upon before an endowment is established. A minimum contribution is required to establish a named endowment. If the donor fails to fulfill the pledge obligation, or the purpose for which the fund is established becomes illegal, impractical, or no longer meets the needs of ICCC. ICCC may designate an alternative use in the spirit of the donor's original intent for the gift to further the objectives of ICCC. The Board of Trustees will approve endowment gifts and establish endowment funding requirements.