



Gift Acceptance Policy

Approved by the
Board of Director
February 20, 2016

1. Purposes and Administration

The purposes of this gift acceptance policy are to:

- a. Guide the Board of Directors, staff and others connected to the ACLU of Ohio about their responsibilities concerning gifts to the organization; and
- b. Guide prospective donors and their professional advisors when making gifts to the ACLU of Ohio.

This policy governs both the ACLU of Ohio and the ACLU of Ohio Foundation.

The Board of Directors, through the Executive Director and Treasurer, is responsible for this policy. The Executive Director will consult with the Treasurer and, when necessary, legal, financial or real estate counsel, when non-standard gifts to the organization are proposed.

Any deviations from this policy must be approved by the Board of Directors.

All representatives of the ACLU involved in the gift process will adhere to the organization's conflict of interest policy.

The ACLU of Ohio will not give legal or financial advice to prospective donors, and strongly encourages them to seek their own professional counsel.

2. General Acceptance Standards

The ACLU of Ohio Board of Directors and its staff and volunteers solicit and accept current and deferred gifts from individuals, corporations, foundations and others only for purposes that will further and fulfill the organization's mission.

The ACLU of Ohio generally does not accept gifts that create a liability or place a continuing fiduciary obligation on the organization. The Ohio ACLU will not accept gifts that:

- a. Violate the terms of the ACLU of Ohio's organizational documents;
- b. Would jeopardize the organization's status as an exempt organization under federal or state law;

- c. Violate any federal, state, or local statute or ordinance;
- d. Are financially unsound;
- e. Could expose the ACLU of Ohio to liability;
- f. Are too difficult or expensive to administer;
- g. Contain unreasonable conditions (e.g. a lien or other encumbrance) or gifts of partial interest and property;
- h. Are for purposes that do not further the ACLU's objectives; or
- i. Could damage the reputation of the ACLU.

The ACLU of Ohio will generally not accept gifts with little or no apparent value, or where transaction costs are expected to be a disproportionate share of the gift value.

3. Gifts with Terrorism-Related Conditions

The ACLU of Ohio sometimes receives gifts that require us:

- a. To affirm that we will not "support" or "promote" any activity or belief characterized only by such vague terms as "terrorist;"
- b. To certify that we do not employ or associate with individuals or groups on so-called "terrorist related lists;" or
- c. To screen our employees or associates against such lists. [We believe that this condition exceeds the limitations of the law.]

We view such conditions as especially chilling and harmful when they stretch beyond mere oversight of the uses of the donated funds themselves and attempt to control all our activities.

If presented with such a conditional gift, the ACLU of Ohio, in coordination with national ACLU, will make every effort to amend the offending condition so as not to impair our work in furtherance of our mission. If the condition cannot be satisfactorily changed, the ACLU of Ohio will not accept the gift.

4. Specific Types of Gifts

A. Cash: Cash is acceptable in any form.

B. Tangible Personal Property: The ACLU of Ohio shall review and decide whether to accept gifts of tangible personal property by considering these factors:

- 1. Whether the property furthers the ACLU of Ohio's mission;
- 2. The marketability of the property;
- 3. Any restrictions on the use, display, or sale of the property; and
- 4. Carrying costs and possible liability for the property.

No tangible property will be accepted that obligates the ACLU of Ohio to ownership of it in perpetuity. In addition, no property which will require special facilities or security to properly safeguard it will be accepted.

C. Securities

Unrestricted marketable securities may be transferred to an account maintained by the ACLU of Ohio at one or more brokerage firms or delivered physically with the transferor's signature or stock power attached.

Closely-held securities, including debt and equity positions in non-publicly traded companies, interest in LLPs and LLCs, or other ownership forms, may be accepted, taking into consideration the following factors:

- a. Restrictions on the securities that would prevent the ACLU of Ohio from ultimately converting the securities to cash;
- b. The marketability of the securities; and
- c. Any undesirable consequences for the ACLU of Ohio from accepting the securities.

Securities shall normally be sold as soon as practical following receipt.

E. Bequests: Donors may make bequests to the ACLU of Ohio under their wills, trusts, and/or beneficiary designations. A bequest will not be recorded as a gift until the gift is irrevocable. When the gift is irrevocable, but is not due until a future date, the gift will be recorded in accordance with Generally Accepted Accounting Principles (GAAP).

F. Charitable Trusts and Charitable Gift Annuities: The ACLU of Ohio will accept such gifts in coordination with the national ACLU development staff.

G. Retirement Plan Beneficiary Designations: The ACLU of Ohio may accept a designation as a beneficiary of a donor's retirement plan. Designations will not be recorded as gifts until the gift is irrevocable. When the gift is irrevocable, the gift will be recorded in accordance with GAAP.

H. Life Insurance: The ACLU of Ohio will generally accept two types of life insurance gifts:

1. Gift of a paid-up insurance policy;
2. Gift of a new or existing insurance policy, for which the donor intends to continue making payments so that the policy does not lapse.

In either case, the donor must name the ACLU of Ohio as both the owner and the beneficiary of the insurance policy.

The ACLU of Ohio will generally not accept a life insurance policy with an outstanding loan, premium due, or other liability, or any condition that would preclude the option of converting the policy for cash.

J. Real Estate: Gifts of real estate may include developed property, undeveloped property, or gifts subject to a prior life interest. In general, the ACLU of Ohio will accept real property that is mortgage-free, salable immediately or in the near term, and will provide a minimum net value to the ACLU of Ohio of \$10,000. Mortgaged property will be considered on a case-by-case basis. Further, the ACLU of Ohio will generally not accept a gift involving real property that makes the ACLU of Ohio a principal in a real estate partnership, joint venture, or business activity in which the ACLU of Ohio participates fully in the risks of the operation and has more than limited liability for the conduct of the business. The ACLU of Ohio will sell any real estate received as gifts in as timely a fashion as possible, except in unusual circumstances.

The following factors will be considered in deciding whether to accept real estate:

1. Whether the property is useful for the purposes of the ACLU of Ohio;
2. The marketability and condition of the property;
3. Any encumbrances, leases, restrictions, reservations, easements, or other title limitations associated with the property;
4. Any carrying costs associated with the property, including insurance, property taxes, mortgages, notes or other costs;
5. Any concerns that an environmental inspection reveals.

5. IRS Filings on Sale of Gifts: The ACLU of Ohio will file in a timely manner all applicable IRS forms associated with the types of gifts enumerated in this policy.