



# Confidentiality and Conflict of Interest Policy

## Policy Statement

The intent of this policy is to provide a clear understanding of the policies of The Alaska Community Foundation (the “Foundation”) concerning confidentiality and conflicts of interest.

## Purpose and Scope

The purpose of this policy is to outline the responsibilities of members of the Board of Directors, advisory boards/committee members and employees of the Foundation, to maintain confidentiality and to recognize and disclose potential conflicts of interest and to provide for appropriate action if conflicts arise.

These policies apply to all members of the Board of Directors, advisory boards/committee members and employees of the Foundation. The online privacy policies herein apply to the aforementioned individuals as well as consumers, contributors and authors of content for the ACF website and social media platforms.

## Confidentiality Policy

The Foundation recognizes that the efficient operation of the Foundation requires the maintenance and management of extensive donor and prospect records. These records may contain sensitive information that has to be shared with or developed by the Foundation staff on a confidential basis. The Foundation, its employees and board members, have an ethical and legal obligation to respect the privacy of our constituents, and to protect and maintain the confidentiality of all information and records about our constituents that we may learn or create in the course of providing services to them. Protecting donor confidentiality is a commitment we make to our donors.

Additionally, care must be taken to preserve the confidentiality of discussions that take place and information that is shared in the course of conducting Foundation business.

The purpose of this statement is to express the position of the Foundation on confidentiality.

### **Confidentiality of Records**

The Foundation management shall be responsible for maintaining the confidentiality of donor and prospect records, as well as fund information. At the direction of management, staff may make all or part of any records available to Foundation Board members to assist them in executing their specific

responsibilities. The Foundation's auditors, legal counsel and other contractors are authorized to review donor/prospect and fund records as required for the purposes for which they are engaged.

All persons accessing donor/prospect or fund records in the conduct of Foundation business shall maintain confidentiality of said records. This applies to agency endowments as well as to other types of funds. Staff may share information with donors, fund beneficiaries and grantees pertaining to their own gifts, funds, grants, etc.

### **Publication of Donor Names**

Unless otherwise requested by the donor, the names of all individual donors may be printed in the Foundation's annual report and in other appropriate listings. The Foundation will not publish the amount of any donor's gift without the permission of the donor as expressed in the Donor Agreement. The Foundation will seek permission from donors making gifts to the Foundation by bequest or other testamentary devices before sharing their names on Legacy Society materials or other appropriate listings.

### **Memorial/Tribute Gifts**

The names of donors of memorial or tribute gifts may be released to the honoree, next of kin, or appropriate member of the immediate family, unless otherwise specified by the donors. Gift amounts are not to be released without the express consent of the donor.

### **Anonymous Gifts**

The Foundation is authorized to accept anonymous gifts and to handle them appropriately. Donors who hold Donor Advised Funds may also request that their name not be listed on grants they recommend to non-profits. When made known to Board members, the Board will respect the anonymity of such gifts.

A higher level of anonymity may be requested, with the donor seeking to have the gift known to the fewest number of people at the Foundation. In this case, information regarding this level of anonymity will be restricted to staff and an Officer of the Board with the following conditions which individually and together are considered best practice:

1. The donor specifically requests the highest level of anonymity;
2. The gift is to the unrestricted fund or a field of interest fund (there can be NO donor advice);
3. The gift is cash or cash equivalent; and
4. The "acceptance committee" (the staff member and an Officer of the Board) present a finding to the Board that the donor is known to them and that the donation would otherwise meet all requirements of the gift acceptance policy.

### **No Disclosures to Third Parties**

The Foundation shall not release to third parties or allow third parties to copy, inspect or otherwise use Foundation records or other information pertaining to the identification of a donor or donor's gifts. No disclosures to third parties of such information, including addresses and demographic information, shall be made without the donor's consent. This non-disclosure requirement to third parties does not apply to Foundation Affiliates, or agency funds held by the Foundation for the benefit of other non-profits and or other specified funds unless anonymity was requested.

### **Confidentiality of Foundation Business**

Discussions that take place in the context of the Foundation's operations require discretion, including discussions pertaining to grant making, personnel issues, development activities, operational fundraising, investment management, etc. The positions or statements of individual Board members, advisors, or staff should not be discussed outside of official Foundation meetings and processes.

Likewise, the content of Foundation business, including documents or Foundation analysis or documents, should not be discussed or shared outside official meetings and processes.

## **Public Disclosure**

The Foundation will comply with both the letter and spirit of all public disclosure requirements, including the open availability of its Form 990 tax returns. (Schedule B of Form 990, Donor Listing, will be properly redacted as provided by law to reflect confidentiality as provided by Internal Revenue Service Regulations). This Confidentiality Policy shall not be construed in any manner to prevent the Foundation from disclosing information to taxing authorities or other governmental agencies or courts having regulatory control or jurisdiction over the Foundation. However, all Board members, advisory board/committee members, employees, volunteers, contractors, or consultants must hold strictly confidential all information of a private nature, including but not limited to all items explicitly discussed in this policy.

## **Online Privacy**

The Foundation will not distribute or sell any information voluntarily submitted on the Foundation's website. Online donations and transactions are processed through a secure server, using effective and appropriate safeguard measures to secure sensitive information. Once a secure donation is processed, the Foundation takes steps to ensure all personal, professional and/or financial information remain confidential and secure.

The Foundation assumes all rights to text, images, video, likeness and voice recordings ("media") submitted through the Foundation's online platforms, including social media, and those who submit such media agree that they have relinquished all related rights and copyright to such media and that the Foundation reserves the right to republish and produce new material created from submissions for the purpose of publicity, illustrations, advertisements and communications.

The Foundation reserves the right to publish photographs and/or videos submitted by participants in community projects, component funds and Affiliate Funds supported by the Foundation, including images, likeness, and/or voice recordings without personal compensation. This material is intended for communication purposes only and will not be used for other purposes.

In accordance with federal law and guidelines set up by the Federal Trade Commission regarding youth privacy, the Foundation will not knowingly collect any personal information from young people under the age of 13.

For young people under the age of 13, the Foundation will not release any voluntary data, photographs and/or video, images, and/or voice recordings without written consent from a child's guardian.

## **Conflict of Interest Policy**

### **General**

It is expected that all those associated with the Foundation shall exercise strict rules of honesty and fair dealing between themselves and the Foundation. They shall not use their positions within the Foundation, or knowledge gained thereof, so that any conflict might arise between the interest of the Foundation and that of the individual.

### **Applicable Law**

Directors of a nonprofit corporation are required by law to be loyal to the corporation. Their fiduciary relationship includes the responsibility to administer its affairs honestly and economically, and to exercise their best care, skill and judgment for the sole benefit of the corporation. Proper transparency of activities, in the strictest sense of the law, requires Directors to declare a conflict of interest if one exists (or could be perceived from the personal and professional activities of the Director), abstain from

participation in decision making when appropriate, and refrain from voting on issues where there is a conflict of interest. Necessary transparency and the spirit of the law covering conflict of interest applies to everyone in an advisory, decision making or close working relationship with the Foundation. Employees of the Foundation owe a duty of loyalty, and as a policy matter, must also avoid a conflict of interest with the Foundation.

### **Disclosure**

It is the policy of the Foundation that all conflicts of interest, including potential interests, shall be disclosed. Members of the Board of Directors, advisory boards/committee member and employees of the Foundation should periodically review their vocational and avocational activities to determine and disclose any potential conflicts of interest. When in doubt, the rule is to disclose.

Directors and advisory boards/committee members shall refrain from voting upon or participating in any Board or advisory board/committee action involving an entity or personal activity with which they may have a conflict of interest. It is difficult to anticipate all circumstances where conflicts of interest may develop. By way of example, individual Board or advisory board/committee members are considered to have a conflict of interest when asked to vote on a grant to an organization with which they have a formal affiliation, when they are asked to vote on an issue in which an existing or potential financial material interest exists, or where the promise of a favor from other sources might be perceived to influence their decisions in a specific area.

### **Business Relationships**

It is the Foundation's policy to endeavor to establish business relationships consistent with the goals, objectives, and needs of the organization. This does not prohibit the Foundation from doing business with anyone, including organizations or entities associated with members of its Board, advisory boards/committees, and employees. However, no special consideration will be given to those organizations or entities. Any contract or transaction between the Foundation and one or more of its Directors, or between the Foundation and any other corporation, firm, association, or entity in which one or more of its Directors has a substantial financial interest shall be entered into only after the material facts are fully disclosed to the Board and the transaction is approved by a majority of disinterested Directors, in accordance with non-profit law.

### **Employees**

Employees shall avoid any conflicts of interest with the Foundation. No employee or family member of an employee shall have any interest in any entity which does business with the Foundation without the prior written approval of the President, after full disclosure. No employee shall hold any position with any nonprofit organization that is, or has applied to become, a grantee of the Foundation, or which may be reasonably considered to compete for funding with other nonprofits that are or may become grantees, without full disclosure and prior approval by the President.

### **Acknowledgment and Disclosure**

Each individual, whether a member of the Board of Directors, advisory board/committee member or employees of the Foundation shall annually file a disclosure statement with the President & CEO and complete the Annual Federal Form 990 questionnaire with regard to disclosure of reportable relationships in accord with Internal Revenue Code requirements.

The disclosure shall include within the last (5) years positions or relationships in which they are involved or which may pose a potential conflict of interest, and shall further disclose any subsequently established relationship that may be perceived to be a potential conflict of interest. If the potential for conflict is uncertain, disclosure is required.

## Policy Adoption, Review, and Revision History

### Policy: Confidentiality and Conflict of Interest Policy

Date	Action taken	Comments
2013.08.14	Approved by ACF Board	
2015.05.19	Approved by ACF Board	
2016.11.14	Approved by ACF Board	

**Next Bi-Annual Review Date: 2018.11**



Name: \_\_\_\_\_ ACF Role: \_\_\_\_\_

Current employer or other principal business affiliation: \_\_\_\_\_

### Business/Other

Identify if you have a family relationship or a business relationship with an ACF Board member, officer or key employee.

None

\_\_\_\_\_  
\_\_\_\_\_

Identify any interest that you or a member of your immediate family (spouse/domestic partner, children, grandchildren and great-grandchildren and their spouse/domestic partner) or any organization in which you have an interest (e.g. corporation or partnership) has had in any transaction during the last (5) years, to which the Foundation or any related organization, was a party (e.g. any loans, sales of goods or services, or guarantees).

None

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\_\_\_\_\_

Identify any investments, financial interest or other services which you or a member of your immediate family (spouse/domestic partner, children, grandchildren and great-grandchildren and their spouse/domestic partner) may have/had (within the last (5) years) as either an ACF Board member, officer, employee or agent of any business organization, that has, does, or is likely to provide goods or services to the Foundation.

None

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### Charitable/Civic Involvement

Identify any position that you or a member of your immediate family (spouse/domestic partner, children, grandchildren and great-grandchildren and their spouse/domestic partner) holds as a board member, director, trustee or officer of any charitable, civic or community organization as well as any unofficial roles which might give rise to a conflict of interest or duality of interest between you and the

Foundation. Including, but not limited to, any entity that receives or seeks, or is anticipated to receive or seek, grant funding from the Foundation for a charitable purpose.

None

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Identify all other circumstances affecting you or members of your immediate family (spouse/domestic partner, children, grandchildren and great-grandchildren and their spouse/domestic partner) that might appear to involve a conflict of interest, actual or potential, and any circumstances that could be viewed as use of information relating to Foundation business for personal or profit or advantage.

None

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I hereby acknowledge receipt of the Foundation's Confidentiality and Conflict of Interest Policies. If at any time there is a matter under consideration which may constitute a direct or indirect conflict of interest or duality of interest, it is my obligation to declare the conflict, to abstain from voting and to refrain from using my personal influence on the matter. It is also my obligation to keep Foundation business confidential and to honor donor confidentiality.

As a member of the Board of Directors, advisory board/committee member or employee of the Foundation, I hereby agree to abide by the above policies.

Signature \_\_\_\_\_ Date \_\_\_\_\_