

# The END Fund (US) Policy

May 2018

## Gift Acceptance Policy

### Summary and Scope

The END Fund's mission is to end the most prevalent neglected diseases among the world's poorest and most vulnerable people. The END Fund encourages the solicitation and acceptance of gifts for purposes that will help the END Fund further and fulfill its mission. The Gift Acceptance Policy (hereafter, "the Policy") governs the acceptance of all restricted and unrestricted, current and deferred gifts made to the END Fund. It is the responsibility of the Chief Executive Officer to educate the following people about the Policy:

- A. **Staff:** Staff at all levels, including full-time and part-time employees, full-time consultants, fellows and interns
- B. **Board and Advisors:** Members and observers of the Boards of Directors, Technical Advisory Council, Leadership Advisory Council and Board Committees
- C. **Other Partners:** Other consultants, contractors, donors, sponsors, journalists, media, researchers, guests and others engaged in resource mobilization with or on behalf of the END Fund.

The Policy must also be publicly available on the END Fund website for the purpose of providing guidance to prospective donors and their advisors when making gifts to the END Fund.

All final decisions on the acceptance or refusal of a gift shall be made by the Chief Executive Officer. The Chair of the Board and those appointed in any Board resolutions are authorized to enter into planned gift agreements on behalf of the END Fund and to execute any and all documents necessary or appropriate to consummate such agreements.

### Unrestricted and Restricted Gifts

The END Fund has been established with the purpose of following donors' instructions for all gifts. As such, the formal donor legal documents will clearly state how much of any gift may be used for unrestricted purposes and restricted purposes. The END Fund 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 END Fund reserves the right to decline any financial commitment, gift, or bequest, as well as the right to determine how a gift will be credited and/or recognized. The END Fund will not accept gifts that are too restrictive in purpose, gifts that are too difficult to administer, or gifts that are for purposes outside the mission of the END Fund.

In drafting instruments that govern the receipt of restricted funds to the END Fund, or to any of its affiliated organizations, donors and their advisors shall be encouraged to use language that would permit application of the gift to a more general purpose if, in the opinion of the CEO, the designated purpose is no longer feasible.

All receipts from unrestricted bequests, annuities, charitable remainder trusts, and charitable lead trusts shall constitute unrestricted funds, unless the CEO determines a particular unrestricted gift of the type enumerated in this section should become part of the general endowment.

### **Administrative Expenses**

- The END Fund will not pay commissions or finder's fees as consideration for directing a gift to the END Fund.
- Donors are responsible for obtaining their own appraisals of real property or tangible or intangible personal property given to the END Fund and for any fees or other expenses related to such appraisals.
- The END Fund retains the right to obtain its own qualified appraisals of real property or tangible or intangible personal property being offered as a gift at its own expense.
- Acknowledgement of all gifts of tangible personal or real property made to the END Fund shall be the responsibility of the CEO and shall comply with current IRS requirements. The END Fund is responsible for filing IRS Form 8282 upon the sale or disposition of any asset sold within three years of receipt when the charitable deduction value of the item is more than \$5,000. The END Fund must file this Form within 125 days of the date of sale or disposition of the asset.
- Prospective donors shall be responsible for their own legal, accounting, appraisal, transportation, and other fees related to the END Fund.

### **Use of Legal Counsel**

The END Fund shall seek the advice of legal counsel in matters relating to acceptance of gifts when deemed appropriate by the Senior Leadership Team or Board of Directors. Review by counsel is recommended for:

- Closely held stock transfers that are subject to restrictions
- Documents naming the END Fund as Trustee
- Gifts involving contracts, such as bargain sales or other documents requiring the END Fund to assume an obligation
- Gifts of real property
- Other instances in which use of counsel is deemed appropriate.

### **Donor Due Diligence**

The END Fund staff and/or Board of Directors must conduct appropriate due diligence prior to accepting a gift to the END Fund to uncover any "red flags" that may compel the END Fund to decline accepting the donation. The Board of Directors must review any potential gift with the following "red flags" and provide direction to the Chief Executive Officer:

- Donor has criminal convictions and/or is facing legal action
- Donor has known criminal associates
- Activities that demonstrate a disregard for human rights
- Funds originate from known conflict zones
- Lack of transparency about activities in sectors/regions where contraventions of international standards frequently occur
- Known or alleged violations of international standards or codes of conduct.

## **Confidentiality**

All information about donors and prospective donors, including but not limited to, their names, the names of their beneficiaries, the nature and amounts of their gifts, and the sizes of their estates will be kept confidential by the END Fund, unless the donor grants permission to release such information. See the Confidentiality Policy for more information.

All requests by donors for anonymity will be honored, except to the extent that the END Fund is required by law to disclose the identity of donors.

## **Exceptions to Gift Acceptance Policy**

Any exceptions to this Gift Acceptance Policy may be made only in exceptional circumstances, on an individual basis, and shall require the approval of the Board.