

<p>Title:</p> <p><b>Planned Giving Program (Legacy)</b></p>	<p>Effective Date:</p> <p>Last Reviewed &amp; Approved:</p> <p>Scheduled Review Date:</p> <p>Supersedes:</p> <p>Approved By:</p>	<p>March 28<sup>th</sup>, 2018</p> <p>March 28<sup>th</sup>, 2018</p> <p>January 2021</p> <p>Previous Planned Giving Program Policies</p> <p>Board of Directors</p>
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## POLICY STATEMENT

Mission Statement: To partner with the community to support our Hospital in the delivery of an excellent patient care experience

Vision Statement: To inspire a lifetime of philanthropic support for our Hospital

Values: Integrity, Leadership, Community, and Results

### 1. Introduction

The St. Thomas Elgin General Hospital Foundation (the "Foundation") is authorized to encourage donors to make both outright and deferred gifts. The types of deferred gifts to be accepted and/or offered by the Foundation, including acceptance policies, descriptions and guidelines, are included herein. Other gift arrangements may be made as the Board of Directors of the Foundation (the "Board") from time to time may approve.

All programs, solicitation plans, and activities shall be subject to the review of the Executive and/or Finance Committee or as otherwise delegated by the Board.

This policy and any subsequent additions or changes are subject to review by the Executive and/or Finance Committee and approval of the Board.

### 2. Policy Principles

- 2.1 The policy of the Foundation is to inform, serve, guide, or otherwise assist donors who wish to support Foundation's activities in support of patient care excellence at the St. Thomas Elgin General Hospital (the "Hospital") but never under any circumstances to pressure or unduly persuade.
- 2.2 Persons acting on behalf of the Foundation shall in all cases require the donor to discuss the proposed gift with independent legal and/or tax advisors of the donor's choice to ensure that the donor receives a full and accurate explanation of all aspects of the proposed charitable gift. This is particularly important in cases where Foundation representatives have one or more reasons to believe the proposed gift might significantly affect the donor's financial position, taxable income, or relationship with other family members.

In utilizing the Planned Giving Program (the “Program”), the Foundation is not providing legal or tax advice to the donor and has no liability to the donor for the donor’s tax or legal position with regard to the Program. This must be expressed clearly during interactions with donors.

- 2.3 The Executive Director (and additional persons authorized by the Board) will ensure that the donor is aware of the relevant policies of the Foundation when reviewing planned gift agreements with prospective donors.
- 2.4 All planned giving agreements requiring execution by the Foundation shall first be reviewed and approved as to form by the Foundation’s legal counsel. Where substantially the same form of agreement is used repeatedly, only the prototype needs to be approved.
- 2.5 Planned gifts must adhere to Foundation policies regarding gift acceptance. Should the gift not conform to the current policy, the Executive Director will review issues with the estate executors and/or legal counsel. Should resolution not be achieved, the matter will be referred to the Board of Directors for direction. Should an impasse continue to exist, the gift will be returned to the estate.

### **3. Guidelines**

The following guidelines are established to ensure that persons involved with the Foundation’s Planned Giving Program are appropriately directed and that planned gifts accepted by the Foundation will be cost effective and acceptable to the Canada Revenue Agency.

#### **3.1 Conflict of Interest**

Various individuals including volunteers, employees of the Foundation and planned giving agents (herein “Agents”) are involved in promoting the program, presenting gift options to the donor and executing gifts on the donor’s behalf.

These roles are separate and distinct, and it is essential that the donor understand the roles of each and who may carry out each role. All individuals involved with the program must be informed as to their respective roles as well.

#### **3.2 Planned Giving Program Associates**

The role of a volunteer is to:

- i) Achieve success for the Foundation;
- ii) Represent the Foundation and the Planned Giving Program but not represent the donor in the negotiations, preparation, execution, or witness of planned giving vehicles unless there has been compliance with the Conflict of Interest requirements;
- iii) Promote the Planned Giving program to prospective donors and the general public as a whole but not use their position as a volunteer to promote their own personal gain;

- iv) Be on guard to avoid all situations in which their personal interests conflict, or might conflict, with their duty as Foundation volunteers;
- v) Advise the donor to seek independent advice from Agents regarding planned giving products on the market. The Foundation does not endorse any particular Agent, the Company they represent, or the products they sell.

Employees: This category covers, but is not limited to, the Executive Director and additional persons authorized by the Board.

- i) It is the role of employees to advise prospective donors on the planned giving products acceptable to the Foundation. Employees shall not prepare, execute or witness any planned giving agreement on behalf of donors. Employees shall advise the donor to seek independent advice from Agents in regard to planned giving products on the market. Employees may provide donors with a selection of names of Agents, if requested by a donor, but may not endorse any particular Agent, the company they represent or the products they sell.
- ii) The Foundation encourages donors to seek independent advice if the proposed gift is a Planned Gift and/or the Foundation has any reason to believe the proposed gift might significantly affect the donor's financial position, taxable income, or relationship with other family members.

Agents: This category covers, but is not limited to Accountants, Financial Planners, Lawyers, and Life Insurance representatives.

- i) It is the role of Agents to advise and execute planned giving agreements on behalf of their clients who wish to donate planned gifts to the Foundation. Agents fulfill their advisory role solely in their professional capacity.

#### **4. Review**

- 4.1 The Planned Giving policy will be reviewed every three years.
- 4.2 In the interim, this policy may be revised or rescinded if the Board of Directors deems necessary.
- 4.3 If this policy is revised or rescinded, all secondary documents will be reviewed as soon as reasonably possible in order to ensure they comply with the revised Policy or, in turn, are rescinded.

#### **5. References**

- 5.1 Board Governance Policy, Code of Conduct and Commitment
- 5.2 Code of Conduct Policy (Staff and Volunteers)
- 5.3 Gift Acceptance Policy, Including Gifts-In-Kind
- 5.4 Fundraising Practices Policy
- 5.5 Imagine Canada. Standards Program for Canada's Charities & Non Profits, 2013.
- 5.6 Privacy & Confidentiality Policy (Staff and Volunteers)
- 5.7 Volunteer Engagement Policy