

3000 SERIES

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POLICY:

Easterseals Central & Southeast Ohio, Inc. ensures the rights and safety of each consumer are protected at all times.

PROCEDURE:

1. Consumers have the right to the following:
 - a. The right to be informed, in appropriate language and terms, of the rights described in this section.
 - b. The right to provide one's own appropriate language interpreter.
 - c. The right to an individualized, written treatment/service plan to be developed promptly after admission; treatment/service based on the plan; periodic review and assessment of needs; and appropriate revisions to the plan.
 - d. The right to on-going participation in the planning of services to be provided and in the development and periodic revision of the treatment/service plan and the right to be provided with a reasonable explanation of all aspects of one's own condition and treatment.
 - e. The right to refuse treatment/participation.
 - f. The right to not participate in experimentation in the absence of the consumer's informed, voluntary, written consent; the right to appropriate protection associated with such participation, and the right and opportunity to revoke such consent.
 - g. The right to freedom from restraint or seclusion. Restraint and seclusion may only be used in situations where there is imminent danger the consumer will injure him/herself or others and all other less restrictive methods of control have been exhausted (as per behavior support policy #7160).
 - h. The right to a safe, humane environment that affords reasonable protection from harm, appropriate privacy, and freedom from verbal and physical abuse.
 - i. The right of access to a qualified manager or social worker, in order to understand, exercise, and protect his/her rights.

- j. The right to be informed in advance of charges for services.
 - k. The right to all eligible services without discrimination because of race, religion, creed, color, sex, age, disability, or national origin.
 - l. The right to referral, as appropriate, to other providers of health or related services.
 - m. The right to be treated with dignity and respect.
 - n. The right to confidentiality of records.
 - o. The right to appropriate notification in the event of any breach of confidentiality, in accordance with federal HIPAA guidelines.
 - p. The right to access and copy, upon request, his/her own consumer records in accordance with state laws (see policy #9100).
 - q. The right to assert grievances with respect to infringement of these rights, including the right to have such grievances considered in a fair, timely, and impartial procedure.
- 2. Easterseals will make reasonable efforts to ensure that the minimum necessary protected health information is disclosed, used or requested.
 - 3. Easterseals will make reasonable efforts to ensure that the identity of persons requesting access to records has been verified before access is granted.
 - 4. Questions, concerns and/or complaints regarding consumer rights should be directed to a qualified manager or agency ombudsman.
 - 5. Questions, concerns and/or complaints regarding protected health information should be directed to the Security Officer.

Originated:

Reviewed: 10/95, 4/96, 3/97, 8/2000, 5/02, 3/03, 3/04, 2/05, 10/05, 10/06, 10/07, 10/08, 9/09, 10/10, 1/12, 9/13, 11/13, 11/14, 11/15, 11/16, 11/17, 11/18, 11/19, 11/20

Revised: 10/95, 4/96, 3/97, 8/2000, 5/02, 3/03, 3/04, 10/10, 11/14

POLICY:

Easterseals Central & Southeast Ohio, Inc. has procedures outlining consumer/personal representative responsibilities for those consumers receiving services.

PROCEDURE:

1. Each consumer/personal representative is responsible for the following:
 - a. To inform Easterseals staff of any change in consumer physical, medical, and/or emotional status, including medication changes.
 - b. To inform Easterseals of any changes in consumer phone numbers, home address or insurance information.
 - c. To work with Easterseals staff to design and carry out treatment recommendations.
 - d. To participate in the team's establishment of realistic short and long term objectives for the consumer.
 - e. To contact Easterseals staff should questions or concerns arise.
 - f. To adhere to Easterseals Central & Southeast Ohio, Inc. attendance policy and attend services as outlined in their service plan.
 - g. To comply with the communicable disease/infection control policies of all Easterseals programs.
2. If a person other than birth parents claim to possess legal guardianship or custody, or in the event of a divorce, they must provide documentation of child custody/legal guardianship to allow consent for treatment. (Refer to definitions in Appendix B; Legal Custody, Shared Parenting, Legal Guardianship, Non-Parent Custodian and Adoptive Parents.)

Originated: 10/95

Reviewed: 10/95, 4/96, 3/97, 8/2000, 4/02, 10/03, 3/04, 2/05, 10/05, 10/06, 10/07, 10/08, 10/10, 1/12, 9/13, 11/13, 11/14, 11/15, 11/16, 11/17, 11/18, 11/19, 11/20

Revised: 10/95, 4/96, 3/97, 8/2000, 4/02, 3/04, 9/09, 10/10

POLICY:

In compliance with HIPAA regulations, all consumers of Easterseals Central & Southeast Ohio, Inc. services will receive a copy of the Notice of Privacy Practices.

PROCEDURE:

1. A Notice of Privacy Practices will be given to each consumer of Easterseals services no later than the first date of service delivery. A signed statement from the consumer/personal representative acknowledging receipt of the Notice of Privacy Practices will be placed in the consumer's file.
2. The Notice of Privacy Practices will be available to consumers of Easterseals services at each service delivery office upon request.
3. The Notice of Privacy Practices will be posted in a clear and prominent location at each service delivery office.
4. When the Notice of Privacy Practices is revised, it will be made available upon request to consumers.
5. The Notice of Privacy Practices will be posted on the Easterseals website.

Originated: 3/03

Reviewed: 3/04, 2/05, 10/05, 10/06, 10/07, 10/08, 9/09, 10/10, 1/12, 9/13, 11/13, 11/14, 11/15, 11/16, 11/17, 11/18, 11/19, 11/20

Revised:

POLICY:

Easterseals Central & Southeast Ohio, Inc. requires all staff to report any suspected consumer abuse or neglect, with the exception of Ombudsman Program staff.

DEFINITIONS:

ABUSE is defined as an “act of commission” against a child or adult that is generally characterized in three categories. (see Appendix B for definitions.)

NEGLECT is the failure to provide any individual with treatment, care, goods, supervision or services necessary for health and safety, when there is a duty to do so. (see Appendix B for definitions.)

PROCEDURE:

1. Whenever abuse or neglect is suspected by or reported to any staff person, that person must take appropriate steps to ensure the at-risk child or adult is protected from further harm.
2. Any staff person who has reason to believe that a consumer is being, or has been abused or neglected shall immediately report their suspicions and observations to their immediate supervisor or designee.
3. Each employee has the ability to report abuse. An employee who is reporting abuse should discuss the situation with their supervisor. The supervisor and employee will determine if each reported incident merits notification of proper authorities. If the need to report is determined, the person who witnessed the act of abuse or neglect will report. All reports will be documented.

Employees in the Ombudsman program are prohibited from reporting abuse without the consent of the individual being served. Employees with concerns of individuals being abused or neglected should request technical assistance from the State Ombudsman Office.

4. Suspected incidents of child abuse and neglect shall be reported to the Public Children’s Service Agency (PCSA) that has jurisdiction for the county in which the incident occurred. The person reporting shall provide all relevant, factual information and well-founded suspicions to the PCSA, and also document the date and time of the call and the name of the PCSA worker that received the call.
5. When the incident involves a child enrolled in a licensed childcare program then a report is made to the county Department of Jobs and Family Services.

6. Suspected incidents of abuse and neglect against a person 60 years of age and older shall be reported to the Adult Protective Services (APS) of the county in which the incident occurred. The person reporting shall provide all relevant, factual information and well-founded suspicions and also document the date and time of the call and the name of the APS worker who received the call.
7. When the alleged child or adult victim is known to be enrolled in or funded by a county board of developmental disabilities (DD), the incident must also be reported within 4 hours to a DD major/unusual incident (MUI) investigator or designee in addition to the local PCSA or APS.
8. It is the responsibility of each Easterseals supervisor or designee to have the appropriate PCSA, APS, and county board DD hotline numbers readily available to all staff.
9. The staff person who originally reported the incident shall complete and submit an agency incident report within 24 hours to their supervisor or designee. If a consumer is with the county Board of DD, then a copy of the incident report will be faxed to the appropriate County Board of DD by 3:00 p.m. the following day.
10. A confidential file of consumer abuse reports shall be maintained on site for each region in a locked location. Any follow-up reports will be included in this file.
11. Any allegation or suspicion of abuse or neglect against an Easterseals employee may result in the employee's immediate suspension. Such suspension is intended to protect both the consumer and employee. The employee may be reassigned to a supervised work situation until an investigation is concluded.

Originated: 5/82

Reviewed: 7/88, 11/89, 9/90, 2/93, 7/93, 9/94, 4/96, 4/97, 5/97, 5/98, 8/2000, 7/02, 10/03, 3/04, 2/05, 10/05, 10/06, 10/07, 10/08, 9/09, 10/10, 1/12, 9/13, 11/13, 11/14, 11/15, 11/16, 11/17, 11/18, 11/19, 11/20

Revised: 7/88, 11/89, 9/90, 2/93, 7/93, 9/94, 4/96, 4/97, 5/97, 5/98, 8/2000, 7/02, 10/03, 3/04, 10/05, 10/06, 10/08, 9/09, 11/14

POLICY:

Consumers/personal representatives have the right to file a complaint or grievance regarding any aspect of their care and treatment received within Easterseals Central & Southeast Ohio, Inc.'s programs and services and receive a response to it.

PROCEDURE:

1. A consumer/personal representative may register a concern or complaint, verbally or in writing, to any staff member.
2. Every attempt should be made to resolve the complaint immediately and informally and with the involvement of the staff directly affected by the complaint. Staff shall document the outcome of this attempt on the Complaint/Grievance Report form and submit to Human Resources.
3. If the above does not resolve the issue to the satisfaction of the consumer, the consumer/personal representative shall be informed of their right to file a formal grievance.
4. When a formal grievance is received, a meeting with the consumer will be scheduled within two working days and at the consumer's convenience. This meeting will be attended by the consumer or personal representative, a representative from human resources and any staff directly involved in the grievance, and when necessary, a direct supervisor or designee. A written record of the meeting documenting the outcome will be sent to the consumer/personal representative within one working day of the meeting.
5. If a team meeting is not desired by the consumer/personal representative, the complaint may go directly to the supervisor or designee who will make a recommendation within two working days of receipt of the grievance.
6. If the consumer/personal representative is not satisfied with the outcome, they have the right to file their grievance to an external party. These may include, but are not limited to, any of the following: county board of DD, Ohio Civil Rights Commission, Ohio Legal Rights Service, and ADA Ohio. The consumer/personal representative may request assistance from the human resource department in accessing any of the above entities.
7. Easterseals may not discharge or otherwise discriminate against any consumer or other party because of involvement in the grievance process.

8. The site manager or program coordinator can assist any consumer/personal representative to report abuse and/or neglect, or to obtain information about legal rights. Numbers to report abuse, neglect and ombudsman assistance are posted in buildings and available in the consumer handbook. The social worker will assist any consumer/personal representative with questions related to the above.
9. Procedures carried out under this policy must be conducted with regard for confidentiality, rights and dignity of all parties. Staff must comply with organizational confidentiality requirements.
10. Complaints regarding Protected Health Information (PHI) should be directed to the Chief Operating Officer, or Designee.

Originated:

Reviewed: 12/91, 2/93, 10/94, 10/95, 4/96, 3/97, 8/2000, 4/02, 10/03, 3/04, 2/05, 10/05, 10/06, 4/07, 10/07, 10/08, 9/09, 10/10, 1/12, 9/13, 11/13, 11/14, 11/15, 11/16, 11/17, 11/18, 11/19, 11/20

Revised 12/91, 2/93, 10/94, 10/95, 4/96, 3/97, 4/02, 10/03, 3/04, 4/07, 10/07, 9/09, 11/14, 12/16

CONSUMER/PERSONAL REPRESENTATIVE PARTICIPATION**POLICY:**

Easterseals Central & Southeast Ohio, Inc. assures that every individual receiving direct care services will have a staff person designated as case manager as assigned by Easterseals. These services include Early Intervention, Adult Day, In Home, and Vocational.

PROCEDURE:

1. Each consumer will have an assigned Case Manager to coordinate the services provided by Easterseals. (Case Manager titles will vary by program and funding streams, and in some programs a primary Case Manager will be from another agency.)
2. Each consumer's service plan shall be developed by a core team and individually designed and coordinated to meet his/her needs. The core team will consist at a minimum of the consumer/personal representative, case manager, and provider(s) of service(s). Some funding streams, where another agency is the primary case manager, permit the consumer to develop the service plan without the provider of services being present.
3. The consumer/personal representative may request other individuals be present to assist in the development of the service plan. In the event the consumer is unable to make the request, the personal representative may do so.
4. Team members may participate in the service planning meeting via written reports, conference calls or attendance.
5. Consumers/personal representatives are encouraged to review the service plans carefully and relate any errors, omissions or disagreements to the Case Manager either verbally or in writing. Concerns with service delivery or changes in consumer needs should be presented either verbally or in writing to the Case Manager in order to ensure appropriate and timely action be taken. In the event the consumer is unable to review his/her service plan, the personal representative is encouraged to do so.

Originated: 9/82

Reviewed: 10/85, 7/88, 11/89, 9/90, 2/93, 7/93, 10/94, 4/96, 3/97, 8/2000, 5/02, 10/03, 3/04, 2/05, 10/05, 10/06, 10/07, 10/08, 9/09, 10/10, 1/12, 9/13, 11/13, 11/14, 11/15, 11/16, 11/17, 11/18, 11/19, 11/20

Revised: 10/85, 7/88, 11/89, 9/90, 2/93, 7/93, 10/94, 4/96, 3/97, 8/2000, 5/02, 3/04, 12/16

POLICY:

Easterseals Central & Southeast Ohio, Inc. assures that all programs have a mechanism for considering human rights issues that arise while providing services to consumers.

PROCEDURE:

1. Easterseals strives, at all times and in all services, to respect and protect the rights of individuals involved in our services. Individuals shall be accorded impartial treatment regardless of sex, age, disability, creed, color, race, religion, or national origin. We respect and uphold individual rights to privacy, family and individual values, and programming participation and input.
2. Any suspected violation of a consumer's rights shall immediately be reported to a supervisor or other individual overseeing the consumer or consumer rights issues and proper documentation shall be completed.
3. A Human Rights Committee may become involved when a behavior support plan uses aversive methods or methods which may involve potential risks to the individual's rights and protections. The committee may consist of those individuals appointed by a county board or appointed by the provider.

Sources Used:

State of Ohio Department of Developmental Disabilities (ODDD),
County Board Administration: Incidents Adversely Affecting Health and Safety, Rule 5123:2-17-02, Section G Unusual Incidents.

Ohio Revised Code, Section 5123:6.2, Basic Rights.

Easterseals Policy #3050 – Consumer Rights.

State of Ohio Department of DD, County Board Administration, Rule 5123:2-1-02, Section J-2, k, and l.

Originated: 7/88

Reviewed: 11/89, 9/90, 2/93, 7/93, 10/94, 10/95, 4/96, 9/96, 3/97, 8/2000, 3/03, 3/04, 2/05, 10/05, 10/06, 10/07, 10/08, 9/09, 10/10, 1/12, 9/13, 11/13, 11/14, 11/15, 11/16, 11/17, 11/18, 11/19, 11/20

Revised: 11/89, 9/90, 2/93, 7/93, 10/94, 10/95, 4/96, 9/96, 3/97, 8/2000, 3/03, 3/04, 9/09, 11/14, 12/16

POLICY:

Easterseals Central & Southeast Ohio, Inc. assures that individuals and/or families who are consumers of its services (or who could benefit from Easterseals services) be involved in the decision/planning process.

PROCEDURE:

1. At least two members of the Program Committee of the Board of Directors will be persons with disabilities or their family members. These may be Board or non-Board members. At least one position on the Committee will be held by a current consumer/personal representative of an Easterseals program, and this will be for the duration of their participation in the program only.
2. At least one member of all regional advisory Boards will be a consumer/personnel representative of current or past Easterseals services.
3. Consumers/personal representatives will participate in the Easterseals Program Committee's strategic planning whenever the plan is updated, reviewed or revised.
4. Satisfaction surveys will be given at least annually to all available consumers and feedback from these surveys will be included in the management report/program evaluation system.
5. Follow-up contacts will be made after discharge to determine perceptions of program satisfaction and impact after discharge. The Discharge Survey will be sent within two weeks of discharge by the supervisor of the person discharged. The findings of the Discharge Survey will be included in the management report/evaluation system.
6. Complaints/suggestions will be reviewed and analyzed by the program management team. Staff will document all consumer complaints/suggestions and determine changes needed in systems. Complaints will be reviewed and treated as opportunities. Report on complaint use will appear in the management report.
7. The Grievance policy will be accessible to consumers upon admission and referenced should a concern occur.

Originated: 1/92

Reviewed: 1/92, 2/93, 7/93, 10/94, 4/96, 3/97, 8/2000, 5/02, 10/03, 3/04, 2/05, 10/05, 10/06, 10/07, 10/08, 9/09, 10/10, 1/12, 9/13, 11/13, 11/14, 11/15, 11/16, 11/17, 11/18, 11/19, 11/20

Revised: 1/92, 2/93, 7/93, 10/94, 4/96, 3/97, 8/2000, 5/02, 3/04

POLICY:

Easterseals Central & Southeast Ohio, Inc. provides equal access in all facets of the organization's operations and strives to increase and improve the accessibility of its services, operations and activities for persons with disabilities.

PROCEDURE:

1. Persons with disabilities/personal representatives or family members will be recruited for membership on the Board of Directors. At least two persons with disabilities or their representatives will serve on the Board's Program Committee.
2. The social and economic participation of persons with disabilities in our communities will be promoted.
3. Accessible service, program and activity locations will be provided to assure participation by individuals with disabilities.
4. An Accessibility Plan will be maintained that will guide our efforts for more accessible programs and service delivery.
5. The Accessibility Plan will include goals, and will be reported in the Easterseals Management report bi-annually.
6. This plan will be reviewed bi-annually with consumer input. For program locations, this will include: (a) self evaluation; (b) identified barriers; (c) plan for barrier removal; (d) contingency plans: consideration of viable alternatives in light of resources.
7. The accessibility plan is reviewed by the Program Committee of the Board of Directors.
8. Some service settings not owned or operated by Easterseals may not comply with accessibility guidelines/laws. In those situations, Easterseals will advocate on behalf of the consumer(s) to bring the facility into compliance.

Originated: 8/94

Reviewed: 8/94, 4/96, 3/97, 8/2000, 6/02, 10/03, 3/04, 2/05, 10/05, 10/06, 10/07, 10/08, 9/09, 10/10, 1/12, 9/13, 11/13, 11/15, 11/16, 11/17, 11/18, 11/19, 11/20

Revised: 8/94, 4/96, 3/97, 6/02, 3/04

POLICY:

All Easterseals Central & Southeast Ohio, Inc. employees are expected to maintain the highest possible ethical standards and to perform within the laws of the State of Ohio.

PROCEDURE:

1. Employees shall not engage in activities that harm the Easterseals organization, clients, or profession.
 - a. Employees shall subscribe to and become advocates for the purpose statement of their organization.
 - b. Employees shall conduct their personal and professional lives recognizing that their actions represent the organizations by which they are employed.
 - c. Employees shall respect the wishes and needs of constituents, and do nothing that would negatively impact their social, professional, or economic well-being.
2. Employees shall not engage in activities that conflict with their fiduciary, ethical, and legal obligations to the organizations and its clients.
 - a. Employees shall take care to assure that all legally binding gift planning obligations they propose are prepared or approved by qualified legal counsel.
 - b. Employees shall urge their clients to seek independent, qualified counsel in regard to any legal or fiduciary obligation that a member proposes.
 - c. Employees shall make every reasonable effort to assure that their organization's fiduciary obligations are held to the highest ethical standards and conform to applicable law.
 - d. Employees shall make every reasonable effort to assure that third party organizations that are appointed to carry out fiduciary obligations on behalf of their organization are held to the highest ethical standards.
3. Employees shall effectively disclose all potential and actual conflicts of interest; such disclosure does not preclude or imply ethical impropriety.

- a. Employees establish a clear understanding between themselves and their organizations regarding the extent to which members are permitted to engage in outside consulting.
 - b. Employees disclose if they or a member of their immediate family have a material interest in a current or potential vendor firm.
 - c. Employees disclose any formal relationship they may have with a donor, including relationships formed with that donor through previous employment.
 - d. Employees encourage their organizations to adopt policies on conflict of interest.
 - e. Employees understand that effective disclosure includes the sharing of sufficient information to adequately explain the facts so that persons or entities who might be affected by such possible conflicts of interest can make informed decisions.
4. Employees shall not exploit any relationship with a donor, prospect, volunteer, or other employee for the benefit of the Employee or the Easterseals.
- a. Exploitation in this context includes:
 - i. taking advantage of, or making use of, another person for one's own ends;
 - ii. encouraging another person to take action that is to the person's disadvantage or to the disadvantage of that person's family; and,
 - iii. encouraging another person to action that would seem, to the reasonable person, contrary to the best interest(s) of the person so encouraged.
 - b. Employees assure that the compelling purpose of gift planning is to ensure that the wishes of the donor or the donor's representative are carried out, and that the organization receiving the contribution provides services to constituents that are meaningful to the donor.
5. Employees shall comply with all applicable local, state, provincial, and federal civil and criminal laws.
- a. Employees recognize that compliance with applicable laws and regulations is a clear standard. Nevertheless, laws regarding fundraising are proliferating, and ethical practitioners, remembering the admonition that ignorance of the law is no excuse, must be alert to new laws.

- b. Employees consult the legal counsel involved with their own organizations. Most nonprofit organizations have access to legal counsel, either paid or volunteer. Employed consultants and suppliers of fundraising services also consult legal counsel regarding their contracts and practices.
- 6. Employees recognize their individual boundaries of competence and are forthcoming and truthful about their professional experience and qualifications.
 - a. Employees state their professional qualifications in a manner that gives a clear and accurate picture of their skills, capabilities, level of expertise, experience, performance, and credentials.
 - b. Employees clearly describe the parameters of their roles within the larger financial development efforts of any organization with which they have been affiliated.
- 7. Employees shall present and supply services honestly and without misrepresentation and will clearly identify the details of those services, such as availability of the services and other factors that may affect the suitability of the services for donors, clients or other nonprofit organizations.
 - a. Employees shall assure, to the best of their ability that the representations of the services which they provide for donors, clients or other nonprofit organizations are sufficiently complete and accurate.
 - b. Employees shall supply services which are consistent with the representations made to donors, clients, or other nonprofit organizations.
 - c. Employees shall clearly and honestly describe their ability to deliver their services in a timely or complete manner, as well as other factors that may reasonably affect the suitability of the services.
- 8. Employees shall establish the nature and purpose of any contractual relationship at the outset and will be responsive and available to organizations and their employing organizations before, during and after any sale of materials and/or services. Employees will comply with all fair and reasonable obligations created by the contract.
 - a. Employees shall enter negotiations on a contractual relationship to provide products, materials or services openly and transparently.
 - b. Employees shall respond in a timely manner to requests for information or clarification from a client.

- c. Employees will provide for an effective method of follow up on the sale and/or implementation of any products, materials or services supplied. Any proposed further charges resulting from this follow up shall be transparently communicated.
 - d. Employees shall honor the explicit obligations of their contract, and work proactively with the client to meet any fair and reasonable requests implied by the contract.
 - e. Employees shall file copies of the contract with all relevant regulatory bodies.
 - f. Employees shall heed national, as well as local (e.g., state, provincial, etc.) contract laws.
 - g. Reference also Procedure 5.
9. Employees shall refrain from knowingly infringing the intellectual property rights of other parties at all times. Employees shall address and rectify any inadvertent infringement that may occur.
- a. Employees shall not engage in plagiarism and shall ensure that all materials which they prepare and/or present are original creations, or that the member has appropriate approval of the author/owner to use the material.
 - b. Employees respect all copyrights.
 - c. Employees shall provide appropriate remedy when inadvertent infringement of the intellectual property rights of others occurs, where such IP rights can reasonably be asserted.
 - d. Employees shall adhere to any timelines and/or limitations for usage of intellectual property granted by owner.
 - e. Employees shall not claim ownership of intellectual property when they know that such property is owned by another individual or entity.
10. Employees shall protect the confidentiality of all privileged information relating to the provider/client relationships.
- a. Ensuring that all legal requirements concerning privacy, confidentiality and privileged information concerning donors, clients and nonprofit organizations, as well as these ethical procedures, are adhered to.

11. Employees shall refrain from any activity designed to disparage competitors untruthfully.
 - a. Employees shall ensure that any portrayal of competitors is fair, accurate and can be substantiated
 - b. Disparaging competitors is unprofessional and unethical, and reflects badly on both parties and the sector.
12. Employees shall take care to ensure that all solicitation materials are accurate and correctly reflect the organization's mission and use of solicited funds.
 - a. Employees shall ensure, to the best of their ability, that the materials upon which individuals make decisions about supporting the organization are direct and truthful.
 - b. Employees shall be forthcoming and accurate when describing the organization's mission, needs, programs, goals, objectives, and achievements.
13. Employees shall take care to ensure that donors receive informed, accurate and ethical advice about the value and tax implications of contributions.
 - a. Employees with knowledge of the tax or ethical implications of a potential contribution should realize the limit of their expertise before advising donors about the contribution and should, as a best practice include other professionals in the process.
 - b. Employees always advise donors to seek the advice of their own independent counsel regarding tax and financial implications.
 - c. Employees are mindful of the implication of practicing law without a license when advising donors about legal instruments.
 - d. Employees do not draft legal instruments obligating donors and nonprofit organizations unless legally authorized to do so.
 - e. Employees relate the specific implications of contributions, providing the prospective donors have been told of the member's credentials (or lack thereof) and have been encouraged to seek their own independent counsel.

- f. Employees ensure that appropriate forms are completed and filed in the event of noncash contributions. They also advise donors of these requirements, if applicable.
- 14. Employees shall take care to ensure that contributions are used in accordance with donors' intentions.
 - a. Employees ensure that proper documentation outlining the intention and expectation of the donor(s) is provided to all appropriate persons and organizational units within the recipient organization (i.e., development office, accounting office). This documentation, including copies of all relevant supporting materials, is made a permanent part of the records of such units.
 - b. Employees ensure that contributions are used if and as specified by the donor. If a donor indicates a use that is inappropriate, the employee confers with the donor to determine an appropriate use that is in keeping with the donor's wishes and the organizational mission. In the event that no mutually satisfactory use can be determined, the employee offers to return the donation.
 - c. Employees review documentation outlined in guideline 'a.' above on a regular basis to ensure that those responsible for administering contributed funds continue to adhere to the donor's intentions.
 - d. Also see Procedures No. 10 and 11.
- 15. Employees shall take care to ensure proper stewardship of all revenue sources, including timely reports on the use and management of such funds.
 - a. Employees provide an annual report to donors. This can be included in a general report about the organization or can be included in a constituent newsletter, mailing, etc., which is sent to donors.
 - b. Employees should ensure that donors of endowment funds receive a report on their funds at least annually. For small organizations, such reporting is recommended as a best practice.
 - c. Employees shall, to the best of their abilities, urge their organizations to adopt and operate within written policies governing planned gifts, donor recognition, vendor transactions, and investments.
 - d. Employees shall maintain written protocols or agreement guidelines for the administration of each restricted fund.

16. Members shall obtain explicit consent by donors before altering the conditions of financial transactions.
 - a. Employees meet with the donor or the donor's surviving family or representatives to discuss any potential alteration in the original conditions of a contribution.
 - b. Should changing circumstances on the part of a recipient organization necessitate a change in the prescribed use of an existing gift, the process to be followed in making this change should be captured within the original gift agreement.
 - c. Employees shall accurately characterize the nature of a financial transaction with any party.
17. Employees shall not disclose privileged or confidential information to unauthorized parties.
 - a. Employees do not discuss any information about prospective donors or donors outside the work environment, and they discuss it within the work environment only as appropriate.
 - b. Employees honor and protect donors' rights to anonymity.
 - c. Employees ensure that prospective donor and donor information is collected lawfully and presented factually.
 - d. Employees balance the obligation of their organizations to collect, record, and make public information with the right of prospective donors and donors to privacy.
 - e. Employees seek and record only information that is relevant to the fundraising efforts of their organizations. Such information is accurately recorded in an objective and factual manner, and verified or attributable to its source.
 - f. Employees ensure that the collection and use of information are done lawfully. Further, nonpublic information is the property of the organization for which it is collected and is not to be given to persons other than those who are involved with the cultivation or solicitation effort, or those who need that information in the performance of their duties for that organization.

- g. Employees ensure that information, including research, about prospective donors and donors are stored securely to prevent access by unauthorized persons.
 - h. Employees give special protection to all giving records pertaining to anonymous donors. Those donors are informed of the organization's policies regarding access to such information, especially who is to have knowledge of the donor's identity.
 - i. Employees are respectful of the fact that information about donors and prospective donors is the property of the organization for which it was gathered and is not to be taken to another organization.
 - j. The provisions of Procedure 10 should also be applied as appropriate in conjunction with this Procedure.
- 18. Employees shall adhere to the principle that all donor and prospect information created by, or on behalf of, the organization or a client is the property of the organization or client and shall not be transferred or utilized except on behalf of the organization or client.
 - a. Employees do not physically or electronically remove or transmit information from the possession of a nonprofit organization or client without prior explicit consent.
 - b. Employees respect the wishes of donors as to anonymity and the confidentiality of particular details of specific contributions.
 - c. Employees understand that the relationship between donor and development officer is based upon trust.
 - d. This procedure does not apply to information that is in the public domain.
- 19. Employees shall give donors and clients the opportunity to have their names removed from lists that are sold to, rented to, or exchanged with other organizations.
 - a. Members ensure that donors are informed in accordance with such policies and practices.
- 20. Members shall neither offer nor accept payments or special considerations for the purpose of influencing the selection of services.

- a. Offering or accepting personal inducements for the purpose of influencing the selection of your services is unethical.
 - b. The offer or acceptance of payments or special consideration for the purpose of influencing the selection of products or services potentially undermines an organization's mission.
 - c. Employees must not enter into agreements where personal inducements are offered for retaining the member's services.
 - d. Employees must not enter into an agreement with prospective clients who require personal inducement as a condition for the business.
 - e. So-called "client loyalty programs" (such as hotel points or airline miles) are exempt provided that they are widely and transparently available to all customers of the organization.
 - f. This procedure does not apply to business to business relationships (e.g., Business A pays an incentive to a 3rd party marketer or a sales representative to generate business leads).
21. Any employee receiving funds on behalf of a donor or client must meet the legal requirements for the disbursement of those funds. Any interest or income earned on the funds should be fully disclosed.
- a. Employees shall establish beyond all doubt the legal requirements, under the jurisdictions in which they operate, for the handling, disbursement and reporting of funds. Ignorance of the law is no defense.
 - b. Employees must ensure that all funds received on behalf of a donor or clients are handled strictly in accordance with all duties of care required by law. In the case of business members, the organizations have the responsibility of ensuring that their employees handle such funds in conformance with those procedures of care.
 - c. Employees shall accurately and transparently account for all funds received.
 - d. Employees must provide regular status reports to donors and clients on whose behalf the member holds funds.
 - e. Employees shall clearly communicate to their clients and donors the manner and timelines within which funds will be remitted.

- f. Employees will disclose fully any interest or income earned, prior to disbursement, on the funds held on behalf of donors and clients.
- g. Employees urge their organizations to adopt and operate within written policies governing the maintenance and disbursement of donor and client funds, including the full disclosure of interest or income earned on such funds.

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