



INFORMATION DISCLOSURE AND PRIVACY POLICY

By resolution of the Missouri Western State University Foundation Board of Directors, on February 10, 2016, the Missouri Western State University Foundation (“the Foundation”) revised the following Information Disclosure and Privacy Policy (“the Policy”).

I. INTRODUCTION AND PURPOSE

Established in 1969, the Missouri Western State University Foundation is a private, separately governed, non-profit corporation whose mission is to support Missouri Western State University. The Foundation is committed to preserving public trust, while protecting the privacy of donors and the confidentiality of its competitive strategies. The Foundation consistently strives for trust and accountability in its constituent relationships by promoting the highest standards of ethics.

This Policy sets out the practices of disclosing information held by the Foundation and describes the extent and nature of those materials which the Foundation will make available to the public. As an organization devoted to serving the philanthropic needs of a state university, the Foundation believes it should be as open to public review as possible, while still respecting the privacy rights of donors, both current and prospective, and without compromising the Foundation’s ability to secure and manage funds for the continued success of Missouri Western State University. All of the information available for public review as itemized in this Policy may be obtained through the Foundation’s office. Contact information is provided at the end of this document.

This Policy is effective immediately and supersedes any previous Foundation policies or practices with respect to public disclosure of information.

II. THE POLICY

This Policy expands the range of information previously made available for public review and facilitates public access to this information. The Policy reflects first and foremost the Foundation’s commitment to approaching disclosure of information in an open and fair manner.

For purposes of disclosure, Foundation materials fall into one of three categories:

Disclosure Required by Law: This includes information that the Foundation is obligated to disclose pursuant to state or federal law and includes but is not limited to, the Foundation’s IRS Forms 990 and 1023, as well as documents filed with the Missouri Secretary of State. These records are available directly from the Foundation’s office.

Voluntary Disclosure: This category consists of information that the Foundation voluntarily discloses based on its desire to make available for public review information not withheld for a specific, clear and necessary reason. This category of information comprises the majority of

information within the Foundation's control, and includes a variety of documents, from annual audited financial statements to description of fundraising priorities. As evidence by the list of documents in Part III of this Policy, the Foundation's practice is to make available for public review as much information as possible without compromising the Foundation's mission. The Foundation voluntarily commits to an annual financial audit. The Foundation believes that an annual audit facilitates institutional transparency and accountability. Audited financial statements, with the auditor's opinion, are made available for public review.

Constrained from Disclosure: The third category consists of information that the Foundation does not disclose for specific and necessary reasons. The Foundation does not disclose strategic and competitive business information. Disclosure of such information would compromise the Foundation's position in a competitive fundraising environment. The Foundation also does not disclose private information such as trust documents, donors' or prospective donors' personal and financial records, or gift agreements. The Foundation does make alumni biographical information available to the university departments for university-related business purposes. Biographical information, which is defined in Part III.D.5 of this Policy, includes names, addresses and university degrees.

III. INFORMATION AVAILABLE FROM THE FOUNDATION

Part III.A of this Policy details information that the Foundation is legally obligated to disclose pursuant to federal or state law. All other information detailed in Part III of this Policy is voluntarily disclosed by the Foundation.

A. Legally Obligatory Information

This category of information includes documents created, obtained or maintained in conjunction with the Foundation's obligatory filings with the Internal Revenue Service and other federal agencies. These include:

1. The Foundation Annual Information Return (IRS Form 990)

As required by federal law, the Foundation makes available copies of its IRS Form 990 for the current and prior two years. The Form 990 details revenue, expenses and changes in net assets or fund balances. It also provides a description of the major activities of the Foundation and lists the Foundation's officers and board members.

2. The Foundation's Request for Tax Exempt Status (IRS Form 1023)

The Foundation will, upon request, provide a copy of the IRS Form 1023 filed in 1969 to apply for tax exempt status.

3. IRS Determination Letter

The Foundation will, upon request, provide a copy of the IRS determination letter received in 1969 in response to the submission of the Form 1023 granting tax exempt status.

4. Articles of Incorporation

The Foundation will, upon request, provide a copy of the original Articles of Incorporation submitted to the Missouri Secretary of State, and any revision submitted since the original version.

B. Administrative Information

Most information concerning the internal structure and workings of the Foundation is voluntarily made public. This information includes:

1. The Foundation's Bylaws - - The Foundation's bylaws describe the election and responsibilities of the officers and directors, terms of office, and information about meeting schedules, quorums and governance guidelines.
2. IRS Forms 990 for Prior Years - - The Foundation voluntarily discloses its Form 990 tax filings submitted prior to the three required by law described in Part III.A.1 above.
3. Memorandum of Understanding between the Foundation and Missouri Western State University - - The memorandum of understanding between the Foundation and Missouri Western State University that sets out the operating relationship between the two entities.
4. Organizational Chart - - A copy of the MWSU Foundation Organization Chart and the relationship with the University Advancement Department of MWSU.
5. Information Regarding Actions of the Foundation Board of Governors - - This includes a roster of the board members and officers. Information pertaining to most major decisions of the Board of Directors is made available through press announcements.
6. Whistle Blower - - A copy of the policy adopted by the Board of Directors
7. Sexual Harassment Policy - - A copy of the policy adopted by the Board of Directors
8. Conflict of Interest Policy - - A copy of the policy adopted by the Board of Directors
9. Accounting Policies and Procedures - A copy of the policy and procedures adopted by the Board of Directors

C. Financial Information

1. The Foundation's Audited Financial Statements - - The Foundation voluntarily submits to an annual audit of its financial statements. The Foundation believes that it must be held uniquely accountable given its mission to support a public institution, and its obligations to donors. The audited financial statements with

auditor's opinion for the previous three fiscal years shall be made available for public inspection.

2. The Foundation's Annual Reports Including Financials - -Copies of its annual report for the past two fiscal years. This report includes audited financial statements, board of directors roster, donor lists and other information about the activities of the Foundation.

D. Fundraising and Stewardship Information

The Foundation's fundraising-related information is summarized in the Foundation's general financial information as described above. In addition to the general information contained in those materials, the Foundation also voluntarily makes available for public review the following more specific information.

1. Donor Bill of Rights - - The Foundation has adopted the Donor Bill of Rights established by the American Association of Fund-Raising Counsel (AAFRC), Association for Healthcare Philanthropy (AHP), Council for Advancement and Support of Education (CASE), and the Association of Fundraising Professionals (AFP). In addition to the Foundation's office, this document is also available on the author organizations' websites: www.afrc.org, www.goahp.org, www.case.org and www.afpnet.org.
2. Gift Acceptance Policy - - The Gift Acceptance Policy provides procedures for analyzing and accepting gifts. This policy is being developed and once approved will be covered by this disclosure policy.
3. Guidelines for Named Gifts - - The Foundation cooperates with Missouri Western State University's Board of Governors regarding naming facilities for gifts in honor of donors or others. This policy is being developed and once approved will be covered by this disclosure policy.
4. In-Kind Gift Acceptance Policy - - The In-Kind Gift Acceptance Policy establishes guidelines for the acceptance of in-kind gifts and the acknowledgement of such gifts. This policy is being developed and once approved will be covered by this disclosure policy.

E. Foundation Investment Information

The Foundation invests funds in a variety of instruments. The responsibility for establishing investment guidelines and for overseeing the Foundation's investments has been delegated by the Board of Directors to the Investment Committee.

1. Endowment Fund Investment Policies - - These policies guide the investment managers in the investment of the Foundation's endowment fund (permanently restricted funds).
2. Current Restricted Fund Investment Policies - - These policies guide the investment managers in the investment of the Foundation's Current Restricted Fund (temporarily restricted funds).

3. **Unrestricted Fund Investment Policies** - - These policies guide the investment managers in the investment of the Foundation's unrestricted funds.

IV. CONSTRAINTS ON DISCLOSURE

Every effort is made to keep constraints to a minimum. Privacy and concern for strategic information place some limits on information that can responsibly be made public. In an effort to be as transparent as possible, the Foundation's practice is to detail the central principles for non-disclosure of certain types of information in order to ensure that a specific, clear and necessary reason is articulated when information is not disclosed.

A. Private Information

The Foundation respects the privacy of donors and prospective donors, and has considered this right to privacy when adopting this Policy, which specifies the following information that will not be made available for public review. Exceptions will be made only with the permission of the donor or prospective donor involved.

1. **Trust Documents, Wills and Gift Agreements**
2. **Biographical Information of Donors and Prospective Donors** - - Personal information about donors and prospective donors is not provided to non-university persons or entities without the permission of the donor or prospective donor. All requests of donors for confidentiality are diligently observed. The use of all donor information is restricted to purposes consistent with the mission of the Foundation and subject to written agreements between the Foundation and Missouri Western State University.

B. Strategic and Competitive Business Information Constraints

1. **Meeting Agendas, Minutes and Notes of the Foundation Board of Directors and Foundation Committees** - - Corporate records of the meetings of the Foundation's Board of Directors, committees, task forces and ad hoc groups are maintained for internal and strategic reference only.
2. **Individual Expense Vouchers, Trip Reports and Contact Reports** - - This information is protected because it is proprietary and includes names of prospective donors and the names of individuals who have not consented to disclosure of their biographical information.
3. **Prospect Lists and Prospect Cultivation Plans** - - Prospect lists and cultivation plans are afforded statutory protections because they derive independent economic value, actual and potential from not being generally known. They are also a matter of privacy as they relate to donors and prospective donors.
4. **Information Contained in the Foundation's Constituent Database** - - The Foundation purchased and maintains the constituent database as a service to the University. This database contains information regarding donors and prospective donors as well as alumni and other constituents of the University. Much of this data is private as described above and much of it is critical to carrying out the Foundation's mission. The database is

proprietary and is managed by the Foundation. This data is protected because of the privacy rights of the individual constituents and is essential to the strategic operations of the Foundation.

V. REVIEW PROCEDURES FOR INFORMATION REQUESTS

Consistent with the Foundation's goal to make reasonable accommodations for those who wish to examine publicly available information held by the Foundation, the Foundation adheres to the following guidelines.

1. The Executive Director of the Foundation will designate a staff member to process all requests for publicly available information. This staff member will follow the stipulations contained in this Policy statement. Should any question about the appropriateness of providing information or declining to provide information arise, this staff member will seek the input of the Executive Director, who may refer to the question to the Foundation's Executive Committee and/or the Foundation's legal counsel for guidance.
2. If an information request requires the retrieval and reproduction of documents listed in this Policy, a reasonable per-page fee will be charged in most cases. The per-page fee shall not exceed the actual cost to the Foundation of satisfying the request. The Foundation will set the per-page fee taking into account the full internal and external costs needed to produce the requested information. These costs will include, but are not limited to: overhead, retrieval, preparation, reproduction, shipping, handling and staff and professional time needed to respond.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers as of the revised date.



Chairperson, Board of Directors
Missouri Western State University Foundation



Vice President for University Advancement
and Executive Director, MWSU Foundation

Adopted: October 28, 2009
Revised: February 10, 2016

ATTACHMENT
INFORMATION DISCLOSURE AND PRIVACY POLICY
Missouri Western State University Foundation, Inc.

Disclosure Required by Law

- IRS Form 990 (for the current year and prior two years)
- IRS Form 1023 – Request for Tax Exempt Status
- IRS Determination Letter
- Articles of Incorporation for the MWSU Foundation

Voluntary Disclosure

Administrative Information

- MWSU Foundation Bylaws
- IRS Form 990 (for years prior to those required by law)
- Memorandum of Understanding between the MWSU Foundation and Missouri Western State University
- Organizational Chart
- Whistle Blower Policy
- Sexual Harassment Policy
- Conflict of Interest Policy
- Accounting Policies and Procedures

Financial Information

- Audited Financial Statements
- Foundation Annual Report including financials

Fundraising and Stewardship Information

- Donor Bill of Rights
- Gift Acceptance Policy
- In-Kind Gift Acceptance Policy

Investment Information

- Endowment Fund Investment Policies
- Current Restricted Fund Investment Policies
- Unrestricted Fund Investment Policies

Constrained from Disclosure

Private Information

- Trust documents, wills and gift agreements, employee personnel records
- Biographical information about donors and prospective donors
- Information regarding specific individual gifts

Strategic Business Information

- Meeting agendas, minutes, and notes from Board of Directors and committees
- Individual expense vouchers, trip reports, and contact reports
- Prospect lists and prospect cultivation plans
- Information contained on the Foundation's constituent database