



Volunteer Opportunities and Ground Rules

For Licensed Financial Professionals

This document provides guidance to licensed financial professionals regarding volunteer opportunities with the First Command Educational Foundation (FCEF). The Foundation began in 1983 as a private foundation within First Command Financial Services (FCFS). However, it was incorporated as a separate organization. We were approved by the IRS as an incorporated independent public charity in 2011. Since that time, FCEF has operated independently of FCFS and its subsidiaries, including having our own Board of Directors.

FCEF is an approved 501(c)(3) organization under the Internal Revenue Code. Donations qualify as tax-exempt to the extent allowed by law. Maintaining separation between corporate business goals and being a volunteer speaker with a charitable non-profit organization is essential. This distinction maintains our tax-exempt status that underpins the many philanthropic works we conduct on behalf of our military service members and their families.

Our Mission is to “Educate Those Who Serve”

Financial professionals and other working professionals have a long history of making generous voluntary contributions of money, time, facilities, and equipment to the FCEF. Volunteer Speakers enable us to provide financial education to military service members and their families across the country.

We are continually in need of volunteers to provide educational presentations, workshops, seminars, and conferences. In all cases, FCEF will prepare the appropriate materials, deliver them to the volunteer, and cover applicable expenses directly related to the educational opportunity. We often need the expertise of financial advisors to properly articulate content in meaningful and understandable ways.

Ground Rules for Volunteer Speaker Activities with FCEF

FCEF will provide materials to the Volunteer Speaker as soon as possible once a volunteer speaking engagement has been confirmed. The volunteer will receive the date and location of the event, a brief description of the intended audience, and the name materials to be used. Volunteer Speakers **will not** obtain or keep a list of the attendees at an event. Volunteer Speakers **may not** alter or otherwise change any materials to be used at an event.

During volunteer activities, licensed financial professionals may not engage in selling or solicitation activities of any kind.

FCEF requires Volunteer Speakers to sign a Volunteer Agreement, including a Code of Ethics and Code of Conduct, before being eligible to give presentations on our behalf.

Licensed financial professionals can volunteer with FCEF and give financial presentations, seminars, and other activities at public or private schools, hotels, or other locations not on DoD military installations. FCEF has the approval to conduct educational presentations on DoD military installations with the permission of the applicable Military Department and installation commander. DoD regulations impose the following limits on our





on-installation presentations, including a specific prohibition on the use of financial advisors and insurance agents in the programs:

1. Licensed financial professionals may not conduct educational presentations on behalf of the FCEF. DoDI 1344.07, para. 6.7 prohibits commercial agents, including representatives of loan, finance, insurance, or investment companies, from making on-installation presentations to members of the Military Services on personal financial affairs, including such subjects as insurance, savings, and budgeting.
2. FCEF or their volunteers may not recommend any financial services company, product, or service during educational presentations for members of the Military Services.
3. The volunteer speaker must disclose that neither FCEF nor DoD endorse or favor any commercial supplier, product or service, or promote the services of a specific financial institution.
4. Licensed financial professionals may sit in on FCEF's education presentations *if*
 - a. Attendance is cleared in advance with the installation,
 - b. They **do not** conduct solicitation activities while present, and
 - c. FCEF does not endorse the financial professional.
5. FCEF or their volunteers may not request contact information from attendees

Installations will likely insist that financial professionals not attend; however, a few installations may be willing to allow it.

Use of FCEF Materials

Foundation materials may only be used for the specific presentation for which they are provided. Any other use must be approved by FCEF in advance. The materials are for educational purposes and are not intended as financial advice. Reproduction or transmittal of the materials requires the prior written permission of FCEF.





Volunteer Speaker Profile and Agreement

Please complete form and submit it to First Command Educational Foundation (FCEF). Information from this profile may be used to create a biographical sketch that may be provided to FCEF points of contact. This information is kept strictly **confidential** and shall be used only in managing our services and programs. The form can be faxed to **817-569-2970** or emailed to **edufoundation@fcef.com**.

Personal Information:

Name: _____ Military rank & service (if applicable): _____

Personal email address: _____ Date retired or separated from service: _____

Address: _____ City: _____ State: _____ ZIP: _____

Cell phone: _____ Home phone: _____

Emergency contact name & relationship: _____ Phone: _____

Undergraduate college or university: _____ Degree: _____

Graduate college or university: _____ Degree: _____

Professional certifications: _____

Professional licenses: _____

Professional military education: _____

Career highlights (military and financial): _____

Affiliations and organizational memberships: _____

Volunteer activities in civic and cultural endeavors: _____

Employer: _____ Type of business: _____

Address: _____ City: _____ State: _____ ZIP: _____

Business email address: _____ Business phone: _____

Business website: _____





Volunteer Speaker Profile and Agreement

Speaker Media Release Agreement:

I hereby grant First Command Educational Foundation permission to publish in print, electronic, or video format my likeness or image. This includes all media used throughout the work (including print, non-theatrical, home video, CD-ROM, internet, and any other electronic medium existing now or in the future), and the right to use and incorporate (alone or together with other materials), in whole or in part, photographs or video footage take of me as a result of my participation in the Foundation’s programs or activities. I therefore release all claims against First Command Educational Foundation with respect to copyright ownership and publication, including any claim for compensation related to the use of said materials.

Initial: _____ Date: _____

Please include your social media accounts so we can “tag” you in photos we post.



Speaker Representation Agreement:

All speakers must meet the following criteria:

- Demonstrate good judgment.
- Abide by the “no solicitation” rule. You may not collect personal information from attendees for any reason, distribute business cards or advertisements, or recommend specific financial service providers or products during the presentation.
- Adhere to an objective, balanced treatment of all subject matter.
- Effectively deliver presentations and/or courses using materials and scripts provided by First Command Educational Foundation.
- Have extensive knowledge of the subject matter being discussed.
- Disclose current occupation and business and/or professional associations on biographical sketch and profile.
- Abide by requirements of **Department of Defense Instruction 1344.07** (Personal Commercial Solicitation on DoD Installations). At no time shall you solicit anyone for the purpose of selling or recommending any financial service or product, or any other service or product.
- Adhere to First Command Educational Foundation’s **Code of Conduct** and **Conflict of Interest** policies (signed separately.)
- Comply with the **First Command Educational Foundation—Volunteer Opportunities and Ground Rules**. (First Command Financial Services Advisors must deliver the notification required in paragraph 5. a. of that document, also found in the FCFS Written Supervisory Procedures at Client Presentations/Group Presentations > First Command Educational Foundation Appearances.)

By signing below, I agree to adhere to the above criteria and to represent First Command Educational Foundation with integrity and professionalism at all times.

I understand that if my services as a speaker are no longer required, I will cease to represent First Command Educational Foundation immediately.

Signature: _____ Date: _____





Speaker Non-Availability Schedule

Please complete this form **at least annually** and submit it to First Command Educational Foundation for dates you will be unavailable to make presentations or for other FCEF activities during the year. Fax the completed form to **817-569-2970** or email it to **edufoundation@fcef.com**.

Name: _____ Email address: _____

Cell phone: _____ Home phone: _____

I will be unavailable for Foundation activities on the dates shown below. I will notify the Foundation if my situation changes.

Calendar year: _____

January	July
February	August
March	September
April	October
May	November
June	December

Signature: _____ Date: _____



CODE OF ETHICS

Policy:

It is the policy of First Command Educational Foundation (FCEF) to operate at the highest of ethical standards, to promote understanding of ethical obligations, and to be accountable to established norms. The Code of Ethics and its provisions are applicable to all members of the Board of Directors, officers, employees, and volunteers of FCEF.

Comments:

- (1) Ethics in Action: All directors, officers, employees, and volunteers are expected to accept individual responsibility to understand, respect, and comply, in letter and spirit, with all laws, rules and regulations, and / or policies governing their respective positions. It is impractical to directly address all the regulatory requirements dealing with the operation of FCEF, but all personnel are expected to know the details of laws, rules, and regulations governing their specific duties, and to seek additional information, training, or advice when appropriate. FCEF shall assist in this process by offering emphasis and training on the laws and regulations most pertinent to its operation. All leaders of FCEF shall maintain an open door policy for any clarifications needed by any personnel on related issues.
- (2) Conflict of Interest: FCEF has always operated on the premise that its mission is altruistic; it exists strictly to help the people served by the mission. If any Foundation director, officer, employee, or volunteer is faced with a decision involving a conflict or perceived conflict between helping the public and any other goals, the best interest of the public will be paramount. Serving the public by offering educational opportunities and promoting financial literacy is the reason FCEF exists. ***A conflict of interest exists whenever an individual's private interests conflict or even appear to conflict with the interests of FCEF.*** Conflicts can arise when an individual is faced with a decision that could benefit the individual or members of that person's family, directly or indirectly. Conflicts also occur when dealing with a competitor or outside provider of services. In all cases, decisions must be made with the interests of FCEF foremost. It is absolutely essential to disclose any real or apparent conflict of interest to the next level of supervision before any obligation is incurred for FCEF. Such disclosure will be made in writing and the resolution thereof is to be recorded in writing. FCEF is a non-profit entity. No member of FCEF will enter into any arrangement or take any action that would compromise our non-profit status or impair our ability to impartially serve the best interests of the public.
- (3) Fair Dealing: FCEF seeks to provide scholarships and financial education primarily to military audiences but may also work with the general U.S. population. Selection criteria for scholarships must be fair and unbiased to the extent that it is possible to determine. Likewise, educational materials and

presentations must be objective, unbiased, and free of commercial influence. It is incumbent on FCEF to ensure all personnel are sufficiently educated and trained to offer valid, pertinent financial information. As FCEF grows, special attention will be paid to ensuring its staff and volunteers have the certifications and qualifications sufficient to conduct the educational task while adhering to the highest professional standards in all our relationships.

- (4) Confidentiality: Directors, officers, employees, and volunteers will, through the normal course of business, be exposed to information about FCEF, its donors, and consumers that is confidential or proprietary. It is imperative the information be safeguarded and not disclosed to any outside party without the written consent of the Chief Executive Officer of FCEF, and only to the extent law and regulation allow. FCEF is committed to obeying all privacy laws and protecting the rights of individuals with regard to their privacy.
- (5) Avoiding Improper Use of Influence/Position: Members of the FCEF team have a wide variety of previous employment and life experiences. Through those experiences, they have potentially established acquaintances or relationships with individuals in positions of influence within organizations that could impact the operation of FCEF. *Foundation personnel will not use outside relationships to inappropriately influence decisions or actions on behalf of themselves or FCEF.* Inappropriate influence occurs when decisions are sought or made counter to logical decision making or are sought or made behind a screen of deceit.
- (6) Corporate Opportunities: Directors, officers, employees, and volunteers are prohibited from taking for themselves opportunities that are discovered through the use of Foundation assets, information, or position without the approval of the Board of Directors. *No member of the team may use Foundation property, information, or position for improper personal gain or to compete with the company directly or indirectly.* On occasion, parties doing, or proposing to do, business with FCEF may offer employees or volunteers personal gifts or gratuities. These may be accepted only if their value is less than \$50. Reasonably priced meals, travel, or entertainment offered during the normal conduct of business are excepted. In all cases, offer or receipt of such gifts shall not have any impact on decisions made by Foundation personnel.
- (7) Equal Opportunity: *FCEF is committed to providing equal opportunity in all aspects of employment and will not tolerate any **unlawful** discrimination or harassment.* (See Policy/Procedure 125, "Equal Employment Opportunity.")
- (8) Administration: All directors, officers, employees, and volunteers shall be required to certify that they have reviewed and understand the Code by completing the "Code of Ethics Signature Page," (Policy 104). The certification shall be maintained in Foundation files. The Code shall be reviewed by all personnel on an annual basis. The only exception to this requirement is volunteers who simply work with the foundation for the day only of a special event (e.g., golf classic). From time to time as necessary, but at least annually, the Board of Directors shall review the Code, update it if appropriate, and approve the Code (such update shall be recorded in the minutes of the meeting). As part of the Board review, the Chief Executive Officer of FCEF shall report on

Code compliance, highlighting deviations from the Code, as well as any other issues of concern regarding regulatory, policy, or procedural guidance.

- (9) Reporting Unethical Behavior: FCEF is committed to providing a safe environment for reporting of unethical behavior. FCEF shall establish and maintain procedures for reporting, recording, and investigating ethics complaints and violations and will communicate said process to all personnel. Directors, officers, employees, and volunteers who suspect or know of violations of this Code, regulatory requirements, established policies and procedures, or other illegal or unethical conduct have an obligation to report their concerns to their supervisor. If the supervisor to whom the information was provided is not responsive, the complainant may report the matter to the Chief Executive Officer of FCEF. If the complainant is still unsatisfied, the matter shall be brought to the attention of any member of the Board of Directors.
- (10) Anonymous Complaints: Although the process for investigating claims of unethical conduct can be facilitated by direct interaction between the complainant and their immediate supervisor, if a member of the FCEF team prefers to submit claims of unethical behavior anonymously, the employee may do so sending the complaint directly to the Chief Executive Officer or any member of the Board of Directors.
- (11) Investigating Complaints: Claims of unethical conduct will be thoroughly investigated under the direction of the Board of Directors. In responding to complaints, supervisors and executives should work closely with the Board of Directors in conducting an investigation so that: the complainant's and other parties' rights are protected; appropriate methods are utilized in conducting the investigation of complaints; all relevant documents and witness statements are preserved and remain confidential unless some action is taken as a result of an investigation; and all complaint files are retained and are readily available to respond to inquiries from regulators, auditors or others. Documentation of the investigation and resulting action shall be maintained on a confidential basis by the Chief Executive Officer of FCEF. Foundation employees and volunteers are expected to fully cooperate in any internal investigation of alleged or suspected misconduct.
- (12) Retribution: FCEF prohibits any retaliation against individuals who report illegal or unethical conduct, including possible violations of this Code. Validated claims of retaliation constitute grounds for dismissal of the individual(s) involved.
- (13) Standards of Professional Practice: FCEF is committed to ensuring all individuals and organizations who receive services from, interact with, or donate to FCEF receive the utmost in professional standards and concern for their welfare. To maintain public trust and accountability, FCEF shall maintain professional obligations as well as a Donor Bill of Rights.
- (14) Professional Obligations: To maintain a professional reputation and accountability to the people served, FCEF shall address policies and procedures across each aspect of their programs. General responsibilities to comply with these professional obligations include the responsibilities to clearly state its mission and purpose, explain how the programs work, and note the public benefits achieved as a result of Foundation programs. The leadership and staff of FCEF

are also responsible for mission accomplishments, compliance with all Foundation policies and operating instructions, continued organizational growth, and effective utilization of resources. All Foundation programs, materials, presentations, and scholarships will be marked by excellence, relevancy, and quality measures to maximize effectiveness and efficiency. More specific obligations for individuals who are employed by or volunteer for FCEF include, but are not limited to, the following:

- (A) Shall not engage in activities that harm FCEF, the staff, the people, or the reputation of not-for-profit organizations.
 - (B) Shall not serve or engage in activities that conflict with their ethical and legal obligations to FCEF, individuals served, or partner organizations.
 - (C) Shall not exploit any relationship with a donor, prospect, volunteer, or employee for the benefit of the individual, the individual's family, or any other organization with which the individual may be affiliated.
 - (D) Shall comply with applicable local, state, provincial, federal, civil and criminal laws.
 - (E) Shall take care to ensure that all presentations and materials are accurate and presented effectively.
 - (F) Shall put FCEF's mission above personal gain, and not enter into any activity that could provide personal gain at the expense of FCEF's mission, reputation, or credibility.
 - (G) Shall constantly improve their personal knowledge and skills so their performance and abilities can better serve others.
 - (H) Shall avoid even the perception of criminal offense or unprofessional conduct.
 - (I) Shall support and recognize FCEF volunteers.
 - (J) Shall affirm, through personal giving, a commitment to FCEF or other philanthropic organizations.
 - (K) Shall abide by FCEF's Donor Bill of Rights and Planned Giving Standards.
 - (L) Shall take care to ensure proper stewardship of philanthropic contributions, including timely reports on the use and management of such funds.
 - (M) Shall obtain explicit donor consent before altering the conditions of contributions.
 - (N) Shall not disclose privileged or confidential information to unauthorized parties.
- (15) Donor Bill of Rights: Donors are critical to the continued success and longevity of FCEF programs. *It is critical that FCEF leadership, employees, and volunteers abide by a recognized Donor Bill of Rights that protects and honors the rights of each and every donor.* FCEF has accepted a Donor Bill of Rights developed by numerous organizations and recognized by fundraising professionals. This Bill of Rights outlined in Policy and Procedure 104,

Attachment A, will be accepted, enforced, and, supported by all individuals subject to the FCEF Code.

- (16) Planned Giving Standards: Planned giving is another method by which donors can make a philanthropic gift of estate assets to FCEF. A planned gift will touch the lives of many, while perhaps affording others the opportunity to do the same one day. Just like the Donor Bill of Rights, it is critical that FCEF leadership, employees, and, volunteers abide by recognized and accepted planned giving standards. Planned giving standards recognize that the solicitation, planning, and administration of a charitable gift is a complex process involving philanthropic, personal, financial, and tax considerations. As such, planned giving often involves professionals from various disciplines whose goals should include working together to structure a gift that achieves a fair and proper balance between the interests of the donor and the purposes of the charitable institution. FCEF has adopted the Planned Giving Standards of Practice subscribed to by the National Committee on Planned Giving and the American Council on Gift Annuities. The purpose of these standards is to encourage responsible gift planning by all individuals who work in the charitable gift planning process, gift planning officers, fund raising consultants, attorneys, accountants, financial planners, life insurance agents, and other financial services professionals (collectively referred to hereafter as “Gift Planners”), and by the institutions that these persons represent. This Planned Giving Standards of Practice, outlined in Policy 104, Attachment 2, will be accepted, enforced, and supported by all individuals subject to FCEF Code and others who work as Gift Planners with FCEF.

Attachment 1

DONOR BILL OF RIGHTS*

Philanthropy is based on voluntary action for the common good. It is a tradition of giving and sharing that is primary to the quality of life. To ensure that philanthropy merits the respect and trust of the general public, and that donors and prospective donors can have full confidence in the nonprofit organizations and causes they are asked to support, we declare that all donors have these rights:

- I.** To be informed of the organization's mission, of the way the organization intends to use donated resources, and of its capacity to use donations effectively for their intended purposes.
- II.** To be informed of the identity of those serving on the organization's governing board, and to expect the board to exercise prudent judgment in its stewardship responsibilities.
- III.** To have access to the organization's most recent financial statements.
- IV.** To be assured their gifts will be used for the purposes for which they were given.
- V.** To receive appropriate acknowledgement and recognition.
- VI.** To be assured that information about their donation is handled with respect and with confidentiality to the extent provided by law.
- VII.** To expect that all relationships with individuals representing organizations of interest to the donor will be professional in nature.
- VIII.** To be informed whether those seeking donations are volunteers, employees of the organization or hired solicitors.
- IX.** To have the opportunity for their names to be deleted from mailing lists that an organization may intend to share.
- X.** To feel free to ask questions when making a donation and to receive prompt, truthful and forthright answers.

* *The Donor Bill of Rights was created by the American Association of Fund Raising Counsel (AAFRC), Association for Healthcare Philanthropy (AHP), the Association for Fund Raising Professionals (AFP), and the Council for Advancement and Support of Education (CASE). It has been endorsed by numerous organizations.*

Attachment 2

PLANNED GIVING STANDARDS OF PRACTICE*

I. Primacy of Philanthropic Motivation

The principal basis for making a charitable gift should be a desire on the part of the donor to support the work of charitable institutions.

II. Explanation of Tax Implications

Congress has provided tax incentives for charitable giving, and the emphasis in this statement on philanthropic motivation in no way minimizes the necessity and appropriateness of a full and accurate explanation by the Gift Planner of those incentives and their implications.

III. Full Disclosure

It is essential to the gift planning process that the role and relationships of all parties involved, including how and by whom each is compensated, be fully disclosed to the donor. A Gift Planner shall not act or purport to act as a representative of any charity without the express knowledge and approval of the charity, and shall not, while employed by the charity, act or purport to act as a representative of the donor, without the express consent of both the charity and the donor.

IV. Compensation

Compensation paid to Gift Planners shall be reasonable and proportionate to the services provided. Payment of finder's fees, commissions or other fees by a donee organization to an independent Gift Planner as a condition for the delivery of a gift are never appropriate. Such payments lead to abusive practices and may violate certain state and federal regulations. Likewise, commission-based compensation for Gift Planners who are employed by a charitable institution is never appropriate.

V. Competence and Professionalism

The Gift Planner should strive to achieve and maintain a high degree of competence in his or her chosen area, and shall advise donors only in areas in which he or she is professionally qualified. It is a hallmark of professionalism for Gift Planners that they realize when they have reached the limits of their knowledge and expertise, and as a result, should include other professionals in the process. Such relationships should be characterized by courtesy, tact, and mutual respect.

VI. Consultation with Independent Advisors

A Gift Planner acting on behalf of a charity shall in all cases strongly encourage the donor to discuss the proposed gift with competent independent legal and tax advisors of the donor's choice.

Planned Giving Standards of Practice, (cont'd)

VII. Consultation with Charities

Although Gift Planners frequently and properly counsel donors concerning specific charitable gifts without the prior knowledge or approval of the donee organization, the Gift Planners, in order to insure that the gift will accomplish the donor's objectives, should encourage the donor, early in the gift planning process, to discuss the proposed gift with the charity to whom the gift is to be made. In cases where the donor desires anonymity, the Gift Planners shall endeavor, on behalf of the undisclosed donor, to obtain the charity's input in the gift planning process.

VIII. Description and Representation of Gift

The Gift Planner shall make every effort to assure that the donor receives a full description and an accurate representation of all aspects of any proposed charitable gift plan. The consequences for the charity, the donor and, where applicable, the donor's family, should be apparent, and the assumptions underlying any financial illustrations should be realistic.

IX. Full Compliance

A Gift Planner shall fully comply with and shall encourage other parties in the gift planning process to fully comply with both the letter and spirit of all applicable federal and state laws and regulations.

X. Public Trust

Gift Planners shall, in all dealings with donors, institutions and other professionals, act with fairness, honesty, integrity, and openness. Except for compensation for services, the terms of which have been disclosed to the donor, they shall have no vested interest that could result in personal gain.

* *Adopted and subscribed to by the National Committee on Planned Giving and the American Council on Gift Annuities, May 7, 1991. Revised April 1999.*

Date Approved: April 8, 2020



**CODE OF ETHICS
SIGNATURE PAGE**

I acknowledge and affirm that I have received a copy of the First Command Educational Foundation (FCEF) Code of Ethics Policy dated January 29, 2014. I have read and understand the policy, and I agree to comply with the policy. I also understand that FCEF is a charitable organization and in order to maintain the trust and confidence of the public it serves, FCEF must always maintain the highest ethical standards in every aspect of its mission and professional relationships.

Signature

Printed Name

Position with FCEF

Date

Date Approved: April 8, 2020

CONFLICTS OF INTEREST AND DISCLOSURE OF CERTAIN INTERESTS

Policy:

This Conflict of Interest policy is designed to help Directors, officers, employees and volunteers of the **First Command Educational Foundation** (FCEF) identify situations that present potential conflicts of interest and to provide FCEF with a procedure which, if observed, will allow a transaction to be treated as valid and binding even though a director, officer, employee or volunteer has or may have a Conflict of Interest with respect to the transaction. The policy is intended to comply with the procedure prescribed in Texas Business Organization Code, Chapter 22, Section 22.230, governing conflicts of interest for directors of nonprofit corporations. In the event there is an inconsistency between the requirements and procedures prescribed herein and those in Section 22.230, the statute shall control. All capitalized terms are defined in Paragraph 2 of this policy.

It is the purpose of this policy to protect this tax-exempt organization's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer, director, employee, or volunteer or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing Conflict of Interest applicable to nonprofit and charitable organizations.

Comments:

1. **Conflict of Interest Defined.** For purposes of this policy, the following circumstances shall be deemed to create Conflicts of Interest:

- a. **Outside Interests.**

- i. A Contract or Transaction between FCEF and a Responsible Person or Family Member.
- ii. A Contract or Transaction between FCEF and an entity in which a Responsible Person or Family Member has a Material Financial Interest or of which such person is a director, officer, employee, agent, partner, associate, trustee, personal representative, receiver, guardian, custodian, conservator or other legal representative.

- b. **Outside Activities.**

- i. A Responsible Person competing with FCEF in the rendering of services or in any other Contract or Transaction with a third party.
- ii. A Responsible Person having a Material Financial Interest in; or serving as a director, officer, employee, agent, partner, associate, trustee, personal representative, receiver, guardian, custodian, conservator or other legal representative of, or consultant to; an entity or individual that competes

with FCEF in the provision of services or in any other Contract or Transaction with a third party.

- c. **Gifts, Gratuities and Entertainment.** A Responsible Person accepting gifts, entertainment or other favors from any individual or entity that:
 - i. does or is seeking to do business with, or is a competitor of FCEF; or
 - ii. has received, is receiving or is seeking to receive a loan or grant, or to secure other financial commitments from FCEF;
 - iii. is a charitable organization operating in the United States of America; or
 - iv. under circumstances where it might be inferred that such action was intended to influence or possibly would influence the Responsible Person in the performance of his or her duties. This does not preclude the acceptance of items of nominal or insignificant value or entertainment of nominal or insignificant value that are not related to any particular transaction or activity of FCEF.

2. Definitions.

- a. A "Conflict of Interest" is any circumstance described in Paragraph 1 of this Policy.
- b. A "Responsible Person" is any person serving as an officer, employee, volunteer, or member of the Board of Directors of FCEF.
- c. A "Family Member" is a spouse, parent, child or spouse of a child, brother, sister, or spouse of a brother or sister, of a Responsible Person.
- d. A "Material Financial Interest" in an entity is a financial interest of any kind, which, in view of all the circumstances, is substantial enough that it would, or reasonably could, affect a Responsible Person's or Family Member's judgment with respect to transactions to which the entity is a party.
- e. A "Contract or Transaction" is any agreement or relationship involving the sale or purchase of goods, services, or rights of any kind, the providing or receipt of a scholarship or grant, the establishment of any other type of pecuniary relationship, or review of a charitable organization by FCEF. The making of a gift to FCEF is not a Contract or Transaction.

3. Procedures.

- a. Prior to board or committee action on a Contract or Transaction involving a Conflict of Interest, a director or committee member having a perceived or actual Conflict of Interest and who is in attendance at the meeting shall disclose all facts material to the Conflict of Interest. Such disclosure shall be reflected in the minutes of the meeting.

- b. A director or committee member who plans not to attend a meeting at which he or she has reason to believe that the board or committee will act on a matter in which the person has a Conflict of Interest shall disclose to the Chair of the meeting all facts material to the Conflict of Interest. The Chair shall report the disclosure at the meeting and the disclosure shall be reflected in the minutes of the meeting.
- c. A person who has a Conflict of Interest (perceived or actual) shall not participate in or be permitted to hear the Board or committee's discussion of the matter except to disclose material facts and to respond to questions. Such person shall not attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting.
- d. A person who has a Conflict of Interest with respect to a Contract or Transaction that will be voted on at a meeting shall not be counted in determining the presence of a quorum for purposes of the vote. The person having a Conflict of Interest may not vote on the Contract or Transaction and shall not be present in the meeting room when the vote is taken, unless the vote is by secret ballot. Such person's ineligibility to vote shall be reflected in the minutes of the meeting. For purposes of this paragraph, a member of the Board of Directors of FCEF has a Conflict of Interest when he or she stands for election as an officer or for re-election as a member of the Board of Directors.
- e. Responsible Persons who are not members of the Board of Directors of FCEF, or who have a Conflict of Interest with respect to a Contract or Transaction that is not the subject of Board or committee action, shall disclose to the Chair or the Chair's designee any Conflict of Interest that such Responsible Person has with respect to a Contract or Transaction. Such disclosure shall be made as soon as the Conflict of Interest is known to the Responsible Person. The Responsible Person shall refrain from any action that may affect FCEF's participation in such Contract or Transaction.
- f. In the event it is not entirely clear that a Conflict of Interest exists, the individual with the potential conflict shall disclose the circumstances to the Chair or the Chair's designee, who shall determine whether there exists a Conflict of Interest that is subject to this policy.
- g. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- h. After exercising due diligence, the governing board or committee shall determine whether FCEF can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a Conflict of Interest. If in the sole and final determination of the governing board or committee, a more advantageous transaction or arrangement is not reasonably

possible under circumstances not producing a Conflict of Interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in FCEF's best interest, whether the transaction is fair and reasonable, and whether FCEF should enter into the transaction or arrangement.

4. Violations of the Conflict of Interest Policy.

- a. If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- b. If, after considering the member's response and after making any further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible Conflict of Interest, it shall take appropriate disciplinary and corrective action.

5. Confidentiality.

- a. Each Responsible Person shall exercise care not to disclose confidential information acquired in connection with such status or information the disclosure of which might be adverse to the interests of FCEF. Furthermore, a Responsible Person shall not disclose or use information relating to the business of FCEF for the personal profit or advantage of the Responsible Person or a Family Member.

6. Records of Proceedings.

- a. The minutes of the governing board and all committees with board delegated powers shall contain: The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible Conflict of Interest, the nature of the financial interest, any action taken to determine whether a Conflict of Interest was present, and the governing board's or committee's decision as to whether a Conflict of Interest in fact existed.
- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

7. Compensation.

- a. A voting member of the governing board who receives compensation, directly or indirectly, from FCEF for services is precluded from voting on matters pertaining to that member's compensation.
- b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from FCEF for services is precluded from voting on matters pertaining to that member's

compensation.

- c. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from FCEF, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

8. Annual Statements.

- a. Each director, officer, employee, volunteer, and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:
 - i. Has received a copy of the conflicts of interest policy;
 - ii. Has read and understands the policy;
 - iii. Has agreed to comply with the policy; and
 - iv. Understands FCEF is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.
- b. The only exception to this annual requirement is volunteers who simply work with the foundation for the day only of a special event (e.g., golf classic).

9. Periodic Reviews.

- a. To ensure FCEF operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:
 - i. Whether compensation arrangements and benefits are reasonable, based on competent survey information and the result of arm's length bargaining.
 - ii. Whether partnerships, joint ventures, and arrangements with management organizations conform to the FCEF's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.
- b. When conducting the periodic reviews, FCEF may, but need not, use outside advisors. If outside advisors are used, their use shall not relieve the governing board of its responsibility for ensuring that periodic reviews are conducted.

10. Review of policy.

- a. Each new Responsible Person shall be required to review a copy of this policy and to acknowledge in writing that he or she has done so.
- b. Each Responsible Person shall annually complete a disclosure form identifying any relationships, positions or circumstances in which the Responsible Person is involved that he or she believes could contribute to a Conflict of Interest arising.

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Such relationships, positions or circumstances might include service as a Trustee of or consultant to an Organization, or ownership of a business that might provide goods or services to FCEF.

- c. Any such information regarding business interests of a Responsible Person or a Family Member shall be treated as confidential and shall generally be made available only to the Chair, the President, and any committee appointed to address Conflicts of Interest, except to the extent additional disclosure is necessary in connection with the implementation of this policy.
- d. This policy shall be reviewed annually by each member of the Board of Directors. Any changes to the policy shall be communicated immediately to all Responsible Persons.

Date Approved: April 8, 2020



CONFLICT OF INTEREST INFORMATION ACKNOWLEDGMENT

Name: _____

Please describe below any relationships, positions, or circumstances in which you are involved that you believe could contribute to a Conflict of Interest (as defined in FCEF’s Policy on Conflicts of Interest) arising. If none, please mark “N/A”.

1. _____
2. _____
3. _____

I hereby certify that the information set forth above is true and complete to the best of my knowledge. I have received, read, understand, and agree to abide by the Policy of Conflict of Interest of First Command Educational Foundation that is currently in effect. I further understand FCEF is charitable and in order to maintain its federal tax exemption, it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Signature: _____

Date: _____

Date Approved: April 08, 2020