



Albuquerque Community Foundation Code of Conduct

Confidentiality

At all times during and after his or her term of service every trustee, committee member and employee (“Representatives”) of the Albuquerque Community Foundation (“Foundation”) shall hold confidential, and shall not copy, distribute or reveal, any information, application or list of which he or she has knowledge, or to which he or she has access by reason of his or her position as a trustee, committee member or employee, unless specifically authorized by the President & CEO and the Chair of the Board of Trustees.

Ethical Principles

All Foundation Representatives will:

- Conduct themselves in an honest and ethical manner
- Be knowledgeable of and comply with all applicable laws
- Be knowledgeable of emerging issues
- Not use the Foundation’s name to endorse or gain support for a cause
- Create and maintain records that satisfy operational and legal requirements
- Be respectful of the needs and interests of our donors
- Value inclusiveness and diversity

Political Activities

The Foundation is a tax-exempt charity prohibited from participating or funding political candidates. Directors, officers and employees, volunteers, advisors and independent contractors must not use their position with the Foundation to create an appearance that they are speaking in support or in opposition to a political candidate on behalf of the Foundation.

Conflict of Interest Policy

Representatives of the Foundation have fiduciary duties to the Foundation. This means that they must be careful stewards of the Foundation’s assets and must put the Foundation’s interests first. Decisions must be made in the best interests of the Foundation and/or its mission, be fair and reasonable to the Foundation, and not be influenced by the financial or personal interests of the individual Foundation Representatives. On occasion however, a Representative’s other involvements – business interests, family relationships or political or other charitable activities – may make it impossible for him or her to provide disinterested advice to the Foundation. Especially when the matter affects the financial interest of the ‘Representatives’, this duality of loyalties may become a conflict of interest.

A conflict of interest is considered an activity or interest that may cause bias for or against a particular activity or individual. Conflicts of interest also extend to possible charges of undue influence or favoritism and to situations where there may be no legal conflict but there may be the “appearance of conflict.” Actions, or decisions not to act, taken by the Foundation should be defensible as having been based upon the best judgment of the individuals involved, without any bias in either direction.

The key to this policy is disclosure. Any possible conflicts or appearance of conflicts shall be disclosed before discussion begins.

Foundation Representatives are prohibited from:

- taking for themselves personal opportunities that are discovered through the use of Foundation property, information or position;
- using Foundation property, information or position for personal gain; and
- competing with the Foundation.

Foundation Representatives owe a duty to the Foundation to advance its legitimate interests when the opportunity to do so arises. They should not accept gifts or favors from any prospective past or current donor, grant applicant, grantee or supplier that could compromise their loyalty. Loans to or guarantees of personal obligations of Foundation Representatives are prohibited.

If a Foundation Representative is uncertain as to whether a conflict of interest exists, he/she will disclose the circumstance to the President & CEO or the Board Chair who may either determine whether a conflict of interest exists or may submit the matter to the Board.

Foundation Representatives will be required to sign a separate conflict of interest statement prior to participating on grant committees to ensure that no Foundation Representative with a relationship to a grant or student aid applicant influences the decision on that application.

Relationships

All trustees must disclose whether they have any family or business relationships with another trustee at any time during the year. “Family and Business Relationships” are defined at the end of the policy.

Usually, after acknowledging the potential conflict, the trustee may briefly address the issue and answer pertinent questions that may be of assistance to the other members of the Board of Trustees (the “Board”). However, depending on what the conflict is, it may be appropriate for the trustee to abstain from voting on or even discussing the matter. The minutes of the Board should note the disclosure and if applicable, the abstention.

Conflict of Interest Scholarship/Grant Awards

a. Foundation Representatives and immediate family members are not eligible to receive student aid awards including scholarship or financial aid awards or any grant/award of a monetary nature. Student aid fund donors and family members are not eligible for assistance from the scholarship fund for which they are the primary donor or for whom the fund is named.

This policy refers to:

- a) Paid staff members of the Foundation during the last five years;
- b) Immediate family members include a trustee or staff member's spouse and children (step, adopted, foster); brother, sister, their spouses and children; and a trustee and staff member's grandchildren; and
- c) Members of the Board of the Foundation during the last five years.

Conflict of Interest Policy – Specific Application to Employees

Each employee shall inform the President & CEO of any known relationship which may be a conflict of interest. Each employee shall also inform the President & CEO of any business or other activity in which the employee or a member of his or her immediate family is engaged which may be a conflict of interest.

The President & CEO shall be responsible for the application and interpretation of the above principles relating to employees. The President & CEO shall inform the Chair of the Finance Committee and applicable committee(s) of any information submitted by any employee in accordance with the preceding paragraph that is a conflict of interest. The President & CEO shall also be bound by the restrictions applicable to other employees and shall in all cases advise the Chair of the Finance Committee of a possible conflict of interest.

Dual Interest Policy

The dual interest policy is intended to preserve the integrity of the grantmaking function and processes of the Foundation. It is recognized that Foundation Representatives will serve in many capacities in the charitable community with agencies, institutions and programs, which are grant applicants. Such roles give rise to a dual interest, which is permissible and often beneficial to both organizations. However, dual roles can be misconstrued and thus sensitivity is necessary to reduce or eliminate perception of favoritism.

Any Foundation Representative who may serve as a trustee, director or officer of, or in any other official capacity with, any organization which has received a grant in the past, or might reasonably be expected to currently apply for or receive a grant through the Foundation's competitive grant program, shall disclose such services to the President & CEO and Board Chair.

No Foundation Representative who is involved with a grantee organization as described in the preceding paragraph shall play any role with respect to either (i) the making of a grant to such grantee organization or (ii) the review and consideration by the Foundation of a grant application by such grantee organization. These restrictions shall further apply with respect to any request from a grantee organization with which an immediate family member of the Foundation Representative is substantively involved. Any exceptions that are approved by the President & CEO and Board Chair will be documented in writing and noticed to the Board.

_____Initial

Foundation Representatives shall disclose any official or significant position(s) held with other nonprofit organizations as they arise.

No Foundation Representative shall receive any individual monetary benefit, direct or indirect, from any grant to or other transaction with any grantee organization.

As to grant applications, no grantee organization with which any Foundation Representative is involved, shall receive any special consideration whatsoever for its application.

Reporting Violations of this Code

Any Foundation Representative with knowledge or a reasonable cause to believe that there has been a possible violation of this Code of Conduct, or suspected illegal activity pertaining to the Foundation, shall report it to the President and the Chair of the Finance Committee ("Chair"). If such possible violation or suspected illegal activity involves the President or the Chair, the report shall be made to any other member of the Finance Committee. Any employee with knowledge or a reasonable cause to believe that there has been a possible violation of this Code of Conduct, or suspected illegal activity pertaining to the Foundation, shall report it to the President & CEO. If such possible violation or suspected illegal activity involves the President & CEO, the report shall be made to the President and Chair. Retaliation against any Foundation Representative who in good faith reported the violation or activity, including but not limited to firing, demotion, suspension, harassment, failure to consider the employee for promotion, or any other kind of discrimination, is strictly prohibited.

Attestation

I have read, understand, and agree to be bound by the "Albuquerque Community Foundation Code of Conduct".

Name

Title

Date

_____Initial

Statement of Potential Conflict

Name: _____

Employer: _____

ACF Affiliation: _____

Please list any organization with which you, or any member of your immediate family, have been involved, which receive or might apply for grant funding from the Foundation. If none, please state none.

Organization	Position/Involvement	Date from	Date to	Person Involved

Please list any involvement that you, or any member of your immediate family, have with any entity that serves as a current vendor, or that could be a potential vendor, to the Foundation. If none, please state none.

Business	Position/Involvement	Person Involved

Please list any other organization, involvement, relationship, conditions or circumstances which place you, or may place you, in a conflict, or potential conflict with the Foundation. If none, please state none.

Organization or Circumstance	Conflict or Potential Conflict

_____Initial

Family and Business Relationships:

Identify any family or business relationships (as defined below) that you had with any of the individuals or their businesses listed on Exhibit A.

1) Family Relationships include:

- a) Your legal spouse
- b) Your ancestors (do not include step-parents/grandparents)
- c) Your children (biological or adopted) and their legal spouses
- d) Your grandchildren and great-grandchildren and their legal spouses
- e) Your siblings (whole or half -blood) and their legal spouses

2) Business Relationships Include:

- a) Employment relationships (either employed by a sole proprietorship owned by someone on Exhibit A or employed by an organization in which someone on Exhibit A is a director/trustee, officer, key employee (key employee is an individual who has significant responsibilities within the organization and whose total reportable compensation is in excess of \$150,000) or greater-than-35% owner))
- b) Contractual/transactional relationships involving cash or property valued in excess of \$10,000 in aggregate during the year (excluding transactions that are in the “ordinary course of business” when same is undertaken on the same terms as are generally offered to the public, also excluding privileged relationships such as attorney-client, medical professional-client, priest-clergy)
- c) Serving as a director/trustee, officer or having a greater-than 10% ownership interest in a business or investment entity at the same time another person from Exhibit A also serves in such a position or has such an ownership position.
- d) Common ownership of a business with others listed on Exhibit A when the aggregate interests of all such individuals’ interests (along with family members’) as measured by voting power, profits interests, or trust beneficial interest, in greater than 35%.

Please indicate if you have any Family or Business Relationships with anyone listed on Exhibit
If so, explain the relationship; if none, please state none.

Person/Business the relationship is with	Type of relationship (family/business)	Description

_____Initial

EXHIBIT A

The following is a listing of individuals who are anticipated to be reported upon the Form 990 as having been a current or former trustee, officer or key employee of the Albuquerque Community Foundation.

Abinash Achrekar	MD MPH UNMH
Emily Allen	Dekker Perich Sabatini Ltd.
Thomas "Tom" E. Antram	French Family of Companies
Beverly R. Bendicksen	Sandia Financial Consulting, LLC
Bob Bowman	Bowmania Productions
Arellana D. Cordero	Community Member
C. Thomas Daulton	Private Equity Professional
Michelle Dearholt	Nusenda Credit Union
Paul DiPaola	U.S. Bank
Sanjay Engineer	FBT Architects
Debbie Harms	NAI SunVista
Rebecca Harrington	Community Member
Pam Hurd-Knief	Philanthropic Advisor
Kenneth C. Leach	Kenneth C. Leach & Assoc, P.C.
Steve Maestas	Maestas Development Group
Marcus J. Mims	CliftonLarsonAllen LLP
Linda H. Parker	Parker Center for Family Business
Anne Sapon NM	Health Connections
Charlotte Coulombe Schoenmann	Community Member
Walter E. Stern	Modrall Sperling
Becky Teague	PNM Resources
Sara Traub	Pregenzer, Baysinger, Wideman & Sale, PC
Esther Villas-Wingfield	Junior League of Albuquerque
José Viramontes	MediaDesk
Lori Waldon	KOAT TV

Signed

Date

Exhibit A updated 01/13/2022