

# Moveable Assets



You have built an excellent reputation as development officer for a fine arts organization in a small city. You have been able to enlist the support of many new donors and have cultivated numerous major gifts. You have been offered a higher-paying job at the city hospital.

**Q.** Suppose you have been cultivating a wealthy philanthropist, Mrs. X, who has no real interest in the arts. Mrs. X has numerous health concerns. She is likely to respond favorably to a request for support of the hospital primarily because she has high personal regard for you. Would it be a violation of the *AFP Code of Ethical Principles* to ask Mrs. X to make the gift to the hospital instead?

**A.** Yes, it would be a violation of the code. Standard No. 18 states: “Members shall adhere to the principle that all donor and prospect information created by, or on behalf of, an organization or a client is the property of that organization or client and shall not be transferred or utilized except on behalf of that organization or client.”

In accordance with this standard, the prospect information you have gathered about Mrs. X belongs to your old organization and should not be utilized on behalf of any other organization.

If your personal relationship with Mrs. X predated your employment with the arts organization, then it would not be a violation to begin new discussions with her once you have moved to your new organization. However, bear in mind that Standard No. 4 forbids exploiting any relationship with a donor, prospect, volunteer or employee to the benefit of the member’s organization. AFP recom-

The AFP ethics committee is the guardian of the *AFP Code of Ethical Principles and Standards*. To ensure consistency and avoid conflicts, individual chapters play no substantial role in interpretation or enforcement of the code. The ethics committee investigates ethics queries and complaints (or initiates proceedings, including complaints, on its own), provides counseling, holds hearings, makes rulings and imposes sanctions. The primary objective of the ethics committee is education and correction of prohibited behavior. The committee also is empowered to impose sanctions, including publication of the names of violators. Committee meetings occur twice a year, in winter and late summer, and on an as-needed basis throughout the year. To avoid even the appearance of impropriety, the committee never convenes at board meetings. For confidential ethics advice about proposed transactions or other matters related to the AFP code, call AFP’s CEO at 703-519-8440. [Please note that legal counseling cannot be provided.]

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mends in this situation that you declare your previous relationship with the donor to your CEO or supervisor.

**Q.** Suppose you have worked hard to write original text for planned-giving brochures that have been successful for the arts group. Would it be a violation of the code to copy from them when you create the brochures for the hospital?


**A.** It depends on what and how much you “copy.” Standard No. 18 states: “Members shall adhere to the principle that all donor and prospect information created by, or on behalf of, an organization or a client is the property of that organization or client and shall not be transferred or utilized except on behalf of that organization or client.”

It would be a clear violation of the code to copy text, slogans, taglines or

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special terms you created for the old organization. The general tone, approach and technical terms of a planned-giving brochure are more difficult to define and measure, and therefore it may be more difficult to discern whether similar examples of such matters have been copied. The safest course is to steer clear of text and designs you have used before, or to seek approval from your prior organization. (Sometimes, there are agreements as to who owns the text.) In many cases, they probably would not be effective for the new organization.

**Q.** You know that the hospital and the arts group solicit the same type of donors, although for entirely different purposes. Would it be a violation of the code to make a list of donors to the arts organization from memory to add to the prospect list for the hospital?

**A.** Yes. In accordance with Standard No. 18, all donor and prospect information you have gathered for your old organization must be used only for that organization. That principle applies whether you keep the list of donors in your head, in a notebook or in a computer file. 

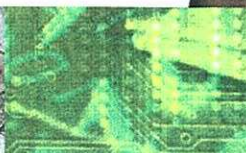
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