

Klamath Community College Foundation
Policy & Practices Manual

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INTRODUCTION

This manual has been compiled to assist in understanding the policies and practices which govern the operation of the Klamath Community College Foundation (KCC Foundation, The Foundation).

The policy-making function of the Foundation Board of Directors is derived from statutory authority. Policies adopted by the Board are considered to be directives for operation of the Foundation. They are designed to give clear guidance to the Executive Director of the Foundation and staff.

Through policy, the Executive Director has been given authority to prescribe operational procedures implementing Foundation policy and to manage and direct all operations of the Foundation. Operational procedures have the force of Foundation policy and are reviewed by the Board as they stipulate or at the discretion of the Executive Director.

In order to differentiate between policies and practices, the following designations have been made:

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| Policy: | Policy is approved by the Board of Directors of the Klamath Community College Foundation. A policy can be changed only with approval from the Board. |
| Practices: | Practices are the operational procedures for accomplishing the work of the Foundation. |

Establishment

The Foundation was established as the Klamath Community College Foundation on May 19, 1997. The Articles of Incorporation under the Foundation name were issued on May 19, 1997 and filed with the Oregon Secretary of State on May 21, 1997.

Copies of Foundation legal documentation may be found in the Appendix.

- By-Laws
- Articles of Incorporation
- IRS 501(c)3

Mission

The KCC Foundation exists to support the objectives of Klamath Community College (KCC or College) as established by the KCC Board of Education.

The Mission of the Foundation is to raise private funds for student's financial aid, faculty development, special projects, facilities, and equipment needs that will lead to enhanced learning and benefit the community.

The funds raised by the Foundation are to support those areas needing financial assistance which would not be funded through traditional sources.

College Support and Recognition of the Foundation

The College may provide office space and equipment, utilities, postage, janitorial services and some personnel costs. A formal contract between the College and the Foundation shall define the relationship.

The Executive Director may hold a position within the College. When this condition exists, the time allocation and reporting responsibility must be agreed upon by the College and the Foundation. A formal contract between the College and the Foundation relative to such an arrangement is required.

Philosophy

The philosophy of the Foundation is to be responsive to its mission statement by increasing public awareness of the College and student financial need; by communicating the strong relationships between the College and the business community and by working to finance educational areas that enhance the growth of the Klamath Basin economy.

Image

The image of the Foundation reflects an active, professional fund raising board, committed to raising donations for scholarships, academic programs, and campus development, all for the betterment of the community.

IRS Code

The Foundation is a 501(c) (3) organization. Contributions to the College through the Foundation are fully tax-deductible according to the schedules established under tax and estate tax regulation.

The Foundation will adhere to IRS regulations regarding establishing the tax-deductible portion of admission to Foundation events.

Directors & Executive Director Expectations

Directors are selected based on their position in the community, their willingness to share personal and business resources with the Foundation, and their commitment to attend to Foundation matters.

- A. The Directors expect that the Executive Director will:
1. Serve as chief operations executive for the Foundation.
 2. Serve as the professional advisor to the Board.
 3. Recommend appropriate policies for consideration.
 4. Effectively implement all policies adopted by the Board.
 5. Inform the Board fully and accurately on all matters.
 6. Interpret the needs of the Foundation and present professional recommendations on all problems and issues considered by the Board.
 7. Develop an operating budget with the Treasurer, and/or the finance committee.
 8. Assist the Board in developing and conducting community awareness programs.

- B. The Executive Director expects the Directors to counsel and advise, giving the benefit of its judgment, expertise, and familiarity with the Foundation.
1. To consult with the Executive Director on all matters, which the Board is considering.
 2. To delegate responsibility for all executive functions.
 3. To refrain from handling administrative details.
 4. To share all communications with the Executive Director.
 5. To support the Executive Director in all decision and actions consistent with policies and standards of the Foundation and the Board.
 6. To hold the Executive Director accountable for the supervision of the Foundation.
 7. To evaluate the work of the Executive Director.

Emeritus Membership

The Board may, in its discretion, grant the title of Director Emeritus to any former member of the Foundation Board. The honoree shall serve at the pleasure of the Board. The title of Director Emeritus shall be granted only to a former member of the Board who, while a member, rendered exemplary and extraordinary service to the Board and thus to Klamath Community College. A proposal for Director Emeritus shall be made by nomination. The majority vote of the Board is required for approval. The nomination of a member for Director Emeritus status will usually occur at the end of his or her term, but may occur at any time during his or her term. Director Emeriti shall be entitled to receive notice of meetings of the Board, and any other committee(s) on which they may be asked to serve as consultants or advisors; to attend and participate in these meetings, which includes voting; to receive copies of minutes, reports and other relevant material routinely delivered to members of the Board or of its committees on which they are asked to serve.

Code of Ethics

The KCC Foundation, its Board of Directors, Executive Director, volunteers and staff accept and abide by the following professional practices:

- We shall conduct activities in accord with accepted professional standards of accuracy, truth, integrity, and good faith.
- We shall practice responsible stewardship to assure that resources are vigorously and ethically sought and that the intent of the donor is honestly fulfilled.
- We shall fully disclose, if requested, to potential donors all relationships which might pose, or appear to pose, possible conflicts of interest.
- We refuse to engage in dubious fund raising tactics, conduct misleading campaigns or events, use high-pressure techniques, or pay for or make use of insincere endorsements.
- The names and addresses of our donors will neither be sold to, nor exchanged with, any other agency or commercial enterprise without the express consent of the donor.
- We affirm, through personal giving, a commitment to the KCC Foundation in its goal to fulfill its mission.

- We intend to commit our time, skill and resources.
- We intend to serve a minimum of three (3) years on the Foundation.

ADMINISTRATIVE POLICIES

Fund Disbursement Policy

The Foundation is responsible for distributing funds as directed by donors, and for managing funds so that the endowment accounts are preserved and increased to a level that retains their purchasing power.

Tax deductible receipts for gifts to the KCC Foundation are issued by the Foundation Office.

An administrative fee is charged for all funds channeled through the Foundation, unless otherwise waived by the Foundation.

All Foundation fund-raising activities are conducted in compliance with 501(c) (3) of the Internal Revenue Code.

To that end, the following guidelines are established by the Foundation Board of Directors, who:

1. Shall have the authority to spend available funds based on the balance available for distribution based on terms of gift instrument or endowment policy.
2. Board approval is required for appropriation of available funds. If appropriated funds remain undistributed at year-end, they are to be returned to their respective endowment / fund.
3. Shall work with the Financial Aid Office and Scholarship Committee to distribute scholarship awards according to guidelines set by individual donors.
4. Shall have the authority to award five percent of the total principal, interest, and other earned income, of endowed scholarship funds each year based on December 31 account figures. In an emergency the Board of Directors can waive this date and choose another date to base the scholarship calculations on. This waiver must be voted on by the Board.
5. For purposes of preservation, distributions from a permanently endowed fund whose market value as of the end of the previous fiscal year, June 30, is less than the historical gift value, will be suspended. Distributions may not resume until such time that the previous year-end market value exceeds the historical gift value.
6. May appropriate (based on ORS 128.322) for expenditure or accumulate so much of an endowment fund as the institution determines is prudent for the uses, benefits, purposes and duration for which the endowment fund is established. Unless stated otherwise in the gift instrument, the assets in an endowment fund are donor-restricted assets until appropriated for expenditure by the institution. In making a determination to appropriate or accumulate, the

institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, and shall consider, if relevant, the following factors:

- (a) The duration and preservation of the endowment fund;
- (b) The purposes of the institution and the endowment fund;
- (c) General economic conditions;
- (d) The possible effect of inflation or deflation;
- (e) The expected total return from income and the appreciation of investments;
- (f) Other resources of the institution; and
- (g) The investment policy of the institution.

Administrative Fees

Administrative - Gift Fee

An administrative Gift Fee of 5% will be assessed on each monetary contribution to any of the scholarship funds at the time the donation is contributed, or at the time a non-monetary donation become monetary, unless otherwise waived by the Foundation. 3% of this contribution fee shall be placed in the Foundation General Fund to apply to 501(c)3 operating costs. The remaining 2% of the contribution fee shall be placed in the Foundation's established KCC Endowment Fund. This fee will not be applied to grants that originate through a capital campaign or the Resource Development department as part of any application that does not allow for such a fee.

Gift Acceptance

Gifts to the College through the Foundation can be made in several ways. They include cash; marketable, securities (stock, bonds, etc.); real property (through either outright gifts in trust or with a life interest); life insurance (replacement value and future premiums are tax deductible); life income plans/deferred gifts (plans can provide a life income that may be paid periodically, which earn an immediate income tax deduction, avoid capital gains tax, increase annual income and reduce estate taxes); tangible personal property (gifts of equipment, collections, art work, etc., related to the College's purpose provided opportunities for tax deductions for the value of the gifts); will or bequests (may be made through the Foundation for any purpose consistent with the mission of the College); and matching gifts (many corporations have programs which will match employee contributions to the Foundation). Acceptance of all gifts is at the discretion of the Foundation Board.

Purposes:

1. The Unrestricted Gift
 - a. General Donations

This type of gift is the most desirable from the Foundation's point of view, as it can be used for the area of greatest need, from special purchases to enhancing the unrestricted

endowment. All unrestricted gifts, including bequests, will be placed in the General Fund, unless otherwise designated by the Executive Committee.

b. General Scholarships Gifts

The Foundation may receive funds to provide financial assistance for students attending Klamath Community College.

c. General College Endowment Fund (Quasi Endowment)

The purpose of the General College Endowment Fund is to provide a body of invested funds to ensure the long-term growth and financial stability of the Foundation on behalf of the College. Unrestricted outright gifts, bequests or planned gifts may be placed in this fund.

2. The Restricted Gift

This type of gift will be used for purposes stated upon the presentation of the gift by the donor.

a. Scholarship Campaign

The Scholarship Campaign is an annual appeal for funds to help with student educational expenses and for the other needs that cannot be funded through traditional means.

b. Named Annual Scholarship

Gifts of a minimum of an annual full tuition from individuals, businesses and corporations create scholarship awards that may be named in honor of the contributors (or whomever the contributor chooses). These awards may be renewed annually.

Criteria for the awards are determined through mutual agreement of the donor and the Foundation. As with all such awards, the College's Financial Aid Office monitors the academic progress of the recipient.

c. Named Endowment Scholarship

To establish a named endowed scholarship, the donor must contract to contribute an amount established by the Executive Committee during a period not to exceed ten years. The goal is to establish a fund sizable enough to generate at least one full tuition scholarship per year, based on the fund disbursement policy, and build the fund to meet inflation and/or increased tuition costs in the future. The donor may establish scholarship requirements, while giving the Foundation the right to modify those requirements in the future should that be necessary.

As with all such awards, the College's Financial Aid Office monitors the academic progress of the recipient.

d. Gifts for Departments / Funds

The Foundation offers donors the opportunity to make gifts designated for activities, departments or funds.

e. Capital Fund

Contributions to the capital fund provide monies to assist with College construction or special capital equipment needs.

Gifts received prior to the adoption date of this policy are grand fathered and will be administered as per the agreement on record.

Non-Cash Gifts

Gifts of real estate, art, books, equipment, and other non-cash items require special handling. The policy for these items is as follows:

All gifts to the Foundation become the property of the Foundation and will be handled in a consistent manner. As a general rule, employees and volunteers are forbidden from discussing with the donor what will be done with the property without approval from the Executive Director.

The Foundation may not be a party to assigning value to gifts or agreeing to a monetary value by the donor or other party. Assigning a monetary value to the item(s) is solely the responsibility of the donor.

The Foundation may choose to sell the item and place the amount received in the area of greatest need.

Marketable securities are sold as prudent. The cash is then invested while/or until the donor's intent is carried out. In the case of an endowment, proceeds will be invested consistent with Investment Guidelines.

An offer of land is handled as follows:

A member of the Foundation Board of Directors or an outside consultant with real estate expertise shall investigate all aspects of the property (deed, taxes and other liabilities, access, value, environmental issues, etc.). After consultation with the Executive Committee and other appropriate Directors, the Executive Director contacts the donor, conveying the decision of the Board, either accepting the gift or explaining why the gift cannot be accepted.

The technical transfer of documents is facilitated by the Executive Director upon the approval of the Executive Committee.

An example of specific steps to be considered before accepting real estate are listed below:

1. Obtain our own appraisal; seek an accurate market value.
2. Obtain a title report to verify property ownership.
3. Professional inspection of the property to ascertain unrecorded easements, unpermitted improvements, and environmental issues such as dumping on the property or other concerns that would create increased liability.
4. Obtain copies of loan documents, watching for debts and other encumbrances.
5. Obtain documentation on improvements to be sure they have been authorized and/or completed.
6. Obtain copies of insurance certificates/policies.

7. Analyze the risk regarding legal liability and marketability.
8. Obtain gift documents, such as a grant deed, quit claim deed or warranty deed; the life income agreement, if appropriate; and any other documents associated with the transaction. Record the deed.
9. Prepare form 8283, if the donor's tax advisor does not do it.
10. Prepare and file form 8282, if the property is disposed of within two years.

Examples of specific steps to be considered before accepting gifts of tangible personal property, i.e. coin collections, art work, jewelry, artifacts, etc., as follows:

1. For gifts valued at or over \$5,000, a complete appraisal is required by the IRS. If sold within two years, form 8282 must be filed.
2. The "ordinary income reduction rule" under Section 170 of the IRS reduces the value of the charitable deduction to cost basis (usually original cost) for anyone who created the property or acquired it from the creator. This primarily applies to art work.
3. The "partial interest rule" under Section 170 of the IRS denies a charitable contribution deduction for a gift of less than a person's full ownership.
4. The "future interest rule" under Section 170 of the IRS specifies that a person may not transfer a future interest in tangible personal property and receive an income tax deduction.
5. The "related use rule" under Section 170 of the IRS applies to all outright and deferred gifts of tangible personal property. Exception: if the property is put to an unrelated use (including immediate sale at auction or otherwise), then the donor is allowed to deduct only his or her basis in the property.

Life Insurance

The Foundation will accept gifts of Life Insurance, including but not limited to, whole life, variable life, universal life, and term life policies. Each potential gift will be evaluated on a case-by-case basis to determine the acceptability as a gift to the Foundation.

The primary requirements for all gifts will be that they will provide a positive net value to the Foundation with no requirement to provide current or future payment of premiums, interest, or any other charges or fees to any insurance company or any other party.

Planned Giving Policy

The following planned giving guidelines provide the parameters within which the staff and volunteers will function in discussing deferred gift programs with interested prospects. The guidelines also identify procedures and limitations on gifts to the Foundation, and assist the Executive Director and the Board of Directors in determining acceptable programs for their stewardship. These guidelines reflect both state law and federal law. These planned giving guidelines may be modified by the Board of Directors at any time and for particular circumstances of a donor so long as guidelines established and actions of the Board of Directors are otherwise in compliance with State and Federal law.

1. Priority of the Donor's Interest

- a. The interest of the donor will have priority over the interest of the Foundation.

- b. No program, trust agreement, contract, or commitment may be urged upon any donor or prospective donor to benefit the Foundation or the College at the expense of the donor's intent.

2. Uses of Professional Counsel

- a. The Foundation will seek professional counsel in all matters pertaining to its planned giving program and will execute no planned giving agreement without such advice.
- b. All agreements in which the Foundation is the Director will follow the format of the sample agreements approved by legal counsel for the Foundation.
- c. All prospective donors will be advised, both orally and in writing, to seek their own legal counsel in matters relating to their deferred gifts, tax, and estate planning.

3. Authorization for Negotiation

- a. Interested Directors are encouraged to identify prospective donors. However, only persons authorized by the Executive Committee may formalize planned giving plans with prospective donors. Such plans must follow these guidelines and the specific format, unless otherwise approved by the Board.
- b. All agreements which do not meet the requirements of the guidelines must receive prior approval by both legal counsel for the Foundation and the Executive Committee.
- c. When real property is involved, approval by the Finance Committee and the Executive Committee is required before acceptance of such real property. Investigation is to include such aspects as attractive nuisances on the property, the presence of asbestos, toxic materials, or any hazardous waste on the property.

4. Avoidance of Pressure Techniques

- a. Representatives of the Foundation will not use any high pressure sales techniques when working with prospective donors.
- b. All personnel employed to administer or promote deferred gifts will be paid a salary or retained on a per diem or annual basis, and will not receive any commission or other compensation constituting or giving the appearance of constituting an interest in any planned gift agreement.
- c. All information concerning donors and prospective donors, including names, names of beneficiaries, amount of gift, the size of an estate, etc., will be kept strictly confidential by the Foundation and its authorized personnel unless permission is granted by the donor to release such information.

5. Governing Charitable Remainder Unitrusts

- a. If the Foundation is to serve as Director, no Charitable Remainder Unitrusts shall be

entered into with the donor for a sum less than the Board established minimum (\$50,000 currently). Donors with gifts under this sum should be encouraged to participate in a Foundation pooled income fund.

- b. Annual pay outs to the donor will be governed by law.
- c. Unless otherwise agreed to, the Foundation, by action of the Finance Committee and the Executive Committee, shall retain an appropriate bank or commercial trust manager to perform its responsibilities as Director. A professional NYSE registered firm will be retained for handling transfers of stocks, bonds, and other securities.

6. Governing Charitable Remainder Annuity Trusts

- a. If the Foundation is to serve as Director, no Charitable Remainder Annuity Trust shall be entered into with a donor for a sum of less than the Board established minimum (\$50,000 currently). Donors with gifts under this sum should be encouraged to participate in a Foundation pooled income fund. These planned giving instruments are only available to persons meeting the minimum age requirements established by the Board (75 years).
- b. The fixed dollar amount to be paid by the Charitable Remainder Annuity Trust to the donor or the donor's designee shall be no less than 5% of the net fair market value of the asset transferred and not more than 50% of the initial fair market value of the trust's assets. The value of the charitable remainder with respect to any transfer to the CRAT must be at least 10 percent of the net fair market value of such property transferred in trust on the date of the contribution to the trust.
- c. Unless otherwise agreed to, the Foundation, by action of the Finance Committee, shall retain an appropriate bank or commercial trust manager to perform its responsibilities as Director.
- d. Appropriate tax reports will be filed at the end of each year – 1041K-1 / 1099.

7. Governing Pooled Life Income Agreements

- a. No Pooled Life Income Agreement shall be entered into with a donor for a sum of less than the Board established minimum (\$50,000 currently). Additional gifts of a minimum amount annually are permitted.
- b. The Pooled Life Income Agreement shall not cover more than two lives, and the beneficiaries shall each be of age minimum established by the Board (75 years).

8. Governing Charitable Income (Lead) Trusts, Revocable Trusts, Deposit Agreements, Life Insurance Gifts, and Life Estate Gifts

- a. The Foundation shall not serve as Director for a Charitable Income (Lead) Trust or a Revocable Trust, but will refer this type of agreement to an independent banking or trust institution for management.
- b. If an individual opens an account in trust for the Foundation, the individual may retain the right to close the account at any time.

- c. The name of the Foundation as a beneficiary of an insurance program shall imply no obligation on the part of the Foundation.
- d. A donor may transfer the title of real property to the Foundation but the donor must retain the responsibility for real estate taxes, insurance, and maintenance expenses until the title to the property and the exclusive right to possession thereof vests in the Foundation.

9. Investment of Funds and Interval Payments

- a. Unless otherwise donor-specified, the management of funds, securities, or property received under trust agreement in which the Foundation is the Director, will be administered by the Finance Committee in separate accounts for each contract and managed to meet the objectives of each individual trust.

10. Final Disposition of Planned Gift Funds

- a. Upon the death of the surviving beneficiary of the planned gift agreement, the agreement shall terminate and the assets and any accruals derived therefrom shall be paid to the Foundation for its general purpose, or if restricted by the donor, for specific use as stated in the applicable agreement.
- b. It shall be the firm policy of the Foundation to direct all gifts received as a result of planned giving, and designated for general purposes to the Foundation's unrestricted endowment fund for allocation of the earnings as determined by the Board of Directors as recommended by the Executive Committee.
- c. It shall be the policy of the Foundation to direct all gifts received as a result of planned giving, and that are donor-restricted, to current restricted funds, land, building and equipment funds, and / or loan and annuity funds, consistent with the donor's restriction.

GENERAL PRACTICES

It is the policy of the Board to define and review periodically the roles and responsibilities of the Directors and the Executive Director.

Accounting Practices

Operating Budget

During the month of March, the Executive Director and the Foundation Treasurer develop the operating budget, which is then submitted to the Finance Committee, the Executive Committee, and the full Board of Directors for review and approval in June.

Purchasing

Purchase orders (consistent with College policy) are required for all expenditures over \$100. These purchases are limited to operating budget line items as established on the annual budget with is approved by the Board of Directors.

Authorized Signatures

Two signatures are required on all documents (checks and purchase orders), or requests to move funds. The KCC Vice president for Administrative Services is required to sign all documents, or requests to move funds. In addition, a second authorized signature is required on all documents (checks and purchase orders), or requests to move funds. The second signature may be from any of the following individuals: Executive Director of the Foundation, the Board Chairman, the Board Treasurer and any other two (2) Directors authorized annually by the Board in June (or as otherwise necessitated).

Receipting and Acknowledgment

Gift acknowledgment and thank you letters are to be generated, and may be signed by the Executive Director, member of the Executive Committee, or KCC Dean for Administrative Services. Letters are to be mailed promptly after receiving a gift. The College President receives a list of donors when appropriate and writes additional thank you notes. Donor names are listed in appropriate Foundation publications unless confidentiality is requested.

Bookkeeping

The bookkeeping for the Foundation is performed in the KCC Business Office by College staff in accordance with standard accounting practices. The KCC Director of Finance reports the status of Foundation finances to the Board on a regular basis.

Annual Audit

A Certified Public Accountant will audit and issue an opinion on the financial records of the Foundation on an annual basis. The audit is made in accordance with generally accepted auditing standards, and accordingly, includes such tests of the accounting records and such other auditing procedures as necessary.

STUDENT FINANCIAL AID PRACTICES

The Budget

The annual Student Financial Aid Budget is developed by the Executive Director, the Foundation Treasurer, the KCC Director of Finance, and the Financial Aid Officer each February prior to the scholarship application process. The budget is presented to the Executive Committee for approval. The budget will be guided by the policy of committing 5% of Foundation endowments to student scholarships and financial aid or institutional advancement, in addition to those financial aid monies collected through other channels.

Administration of Scholarships

The Financial Aid Office administers the Foundation's scholarship program based on donor or Foundation specifications. The Business Office disburses the scholarship grants on a per-term basis after the Financial Aid Office has verified scholarship qualifications have been met.

DONOR RECOGNITION PRACTICES

The Foundation may establish donor recognition levels (i.e. President's Circle).

The giving levels provide names of supporters whom the College can call upon for:

- A Advocacy
- A Support for College programs and services
- A Awareness through dissemination of information
- A Public acknowledgment of their support by listing names and levels in appropriate publication.

The Federal Income Tax Code, Section 170, allows an income tax deduction of the amount of the donor's gift as "a voluntary transfer without consideration." In other words, only the gift from which nothing is received in return is fully deductible. Where the donor receives services, goods, or other property of value, fair market value of the amount furnished reduces the contribution deduction.

CAMPAIGN AND SPECIAL APPEALS PRACTICES

Scholarship Campaign

The scholarship campaign is an annual appeal for funds to help with students educational expenses and for other needs that cannot be funded through traditional sources.

The effort is divided into five solicitation areas:

- KCC Faculty and Staff
- KCC Board of Education
- Foundation Board of Directors
- Business/Corporations/Foundations
- Individuals (the public)

The Directors set a goal and the Executive Director designs and implements the campaign with the assistance of the Foundation Board and Annual Campaign Committee.

Special Events

The purpose of special events is to develop and nurture friends, as well as raise funds.

With the assistance of the Executive Director, a Special Events Committee plans and implements appropriate events.

Capital Campaigns

When a special project is brought to the attention of the Board, they may choose to run a capital campaign. In such case, a subcommittee would plan and implement the campaign.

Application for Grants

Special project grants may be sought by the Foundation to support KCC programs and projects and to expand/enhance existing Foundation fund-raising.

AFFILIATIONS

Oregon Community College Foundations Consortium (OCCFC)

The KCC Foundation Executive Director and Administrative staff will be active members of the OCCFC, and other organizations or associations that support educational philanthropic activities as identified by the Board or staff.