



FAU Foundation Records and Public Request Policy

PURPOSE

The purpose of this stated policy is to inform all persons of the FAU Foundation's policies concerning Foundation records and public requests for such information, and communication protocol for discussion of Foundation business.

FOUNDATION RECORDS

Confidentiality of FAUF Records

The successful partnership between the Florida Atlantic University and the FAU Foundation is based on effective service, trust, and accountability. The Foundation, as a direct support organization of the University, acknowledges the importance of public scrutiny of its financial affairs. The Foundation's ability to assure donors and prospective donors that their personal or financial information will be held in confidence is essential to fulfilling its primary mission of raising private support for the University. The Florida Legislature acknowledges this need for confidentiality in Florida Statutes Section 1004.28 (5). Accordingly, Foundation records are confidential and exempt from Florida public records laws.

Access Policy - Foundation and Donor-Related Information

The FAU Foundation maintains authority for alumni, donor, and prospective donor information, and all financial transactions of the Foundation. This information is strictly for the conduct of Foundation business in support of the University. Any user who is granted the privilege of accessing the Foundation's database or is a recipient of any Foundation information or data is expected to respect the confidentiality and privacy of all individual and organization records stored in the Foundation's databases. Users are required to abide by all applicable policies with respect to access, use or disclosure of Foundation information. Additionally, all users granted privilege to Foundation records must have on file with the Foundation a signed Annual Confidentiality Compliance agreement.

Records Requests

1. Upon receipt of a reasonable and specific request in writing, the Foundation will provide the Foundation's annual audit report, management letter and any other supplemental data which are public records under Section 1004.28 (5), Florida Statutes or federal law. These documents will be furnished in a format reasonably responsive and at a reasonable cost to the requesting party.
2. The Foundation will not release personal or financial information about donors, prospective donors, alumni, volunteers or employees, with the exception to provide alumni contact information on approved affinity agreements. The Foundation must also be able to assure private entities or individuals with whom it has actual or proposed business dealings that their business plans, financial information, and other proprietary or sensitive information will not be disclosed. Accordingly, the Foundation will maintain the confidentiality of this information.
3. The Foundation will provide naming benefactors of a fund the current and or historical financial information as part of the Foundation's stewardship responsibilities. Other reasonable information will be provided to the donor upon donor's request.
4. The Foundation will provide upon request to FAU Business Managers, fund directors and fund approvers current detailed financial information on the expendable funds within their responsibility area. This information will include YTD and MTD reports as well as prior year reports on the expendable portion of the fund. Endowment summary balances will be provided quarterly. All users described in this section must abide by the confidentiality statement listed above in this policy.
5. The Foundation will provide to the Foundation's independent auditors all information requested or necessary to conduct a thorough audit in order to issue an opinion on the Foundation.

6. The Foundation will share general, non-donor information and policies with its industry and peer groups.
7. In order to protect the ability of the Foundation to effectively manage its liability risks and to preserve its assets for its charitable and education purposes, the Foundation will maintain the confidentiality of documents related to actual or potential litigation involving the Foundation.
8. In accordance with Florida Statute, 1004.28 (5) ANNUAL AUDIT, the Foundation shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and by the university board of trustees. The annual audit report shall be submitted, within nine (9) months after the end of the fiscal year, to the Auditor General and the State Board of Education for review. The State Board of Education, the university board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the organization or from its independent auditor any records relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization other than the auditor's report, management letter, and any supplemental data requested by the State Board of Education, the university board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall be confidential and exempt from the provisions of s. 119.07(1).

EXTERNAL COMMUNICATIONS

Communications with the Media

All persons affiliated with the Foundation, including but not limited to, members of the board of directors, staff and any Foundation committee, will refrain from commenting to the media regarding the Foundation, its members, activities or plans except for announcements approved by the Executive Director of the Foundation.

Communications with the Public

All persons affiliated with the Foundation, including members of the board of directors, staff and any committees, should remember that they may be perceived by the public as representing the Foundation. Any of those affiliated with the Foundation should consider any comments about the Foundation in that light and in furtherance of the best interests of the Foundation.

Communications with Governmental Officials or Agencies, Community Groups

In order to present a consistent message from the Foundation and to enhance its ability to successfully express its positions, only an authorized representative may communicate on behalf of the Foundation. The Executive Director or a designee will submit all communications, proposals, and responses to request for proposals, grant requests and government contracts, reports, press releases or other documents on behalf of the Foundation to any governmental and quasi-governmental entities or community groups.

Lobbying

The Foundation is a tax-exempt charitable organization as described in Code Section 501(c)(3). The Foundation or any person or affiliate acting directly or indirectly on behalf of the Foundation will not participate in or intervene in any political campaign on behalf of any candidate for public office, including the publishing or distribution of statements. No substantial part of the activities of the Foundation will consist of carrying on propaganda or otherwise attempting to influence legislation except to the extent permitted by applicable law and regulations for not-for-profit tax-exempt organizations. The Executive Director or assigned designee will direct all activities which may be deemed to fall within this section.