

**SOUTHERN WEST VIRGINIA COMMUNITY COLLEGE FOUNDATION, INC.
ANNUAL DISCLOSURE FORM**

NAME: _____

ADDRESS: _____

TITLE: _____

The purpose of this disclosure is to enable the Southern West Virginia Community College Foundation:

- (a) to comply with its annual reporting requirements as a tax-exempt organization under Internal Revenue Code Section 501(a) with the Internal Revenue Service and other state regulatory agencies; and
- (b) to comply with its Conflicts of Interest Policy

It is important to provide complete and accurate information when completing this form as incomplete information could result in penalties being assessed against you or your family members.

For purposes of this annual disclosure form:

Affiliated Entity includes an entity (other than tax-exempt organizations) in which current or former officers or directors were serving at the time of the transaction as an officer, director, trustee, partner or member with a 5% ownership interests, or shareholder with 5% ownership interest.

Business Relationships include those situations in which:

- (1) One person is employed by the other in a sole proprietorship or by an organization with which the other is associated as a trustee, director, officer, or Greater-than-35% Owner.
- (2) One person is transacting business with the other, directly or indirectly, in one or more contracts of sale, lease, license, loan, performance of services, or other transaction involving transfers of cash or property valued in excess of \$10,000 in the aggregate during the organization's tax year. Indirect transactions are transactions with an organization with which the one person is associated as a trustee, director, officer, or Greater-than-35% Owner. Transactions entered into in the ordinary course of either party's business on the same terms as are generally offered to the public are excluded.
- (3) The two persons are each a director, trustee, officer or greater than 10% owner in the same business or investment entity.

Ownership is measured by stock ownership (either voting power or value) of a corporation, profits or capital interest in a partnership or limited liability company, membership interest in a nonprofit organization, or beneficial interest in a trust. Ownership includes indirect ownership (i.e.,

ownership in an entity that has ownership in the entity in question); there may be ownership through multiple tiers of entities.

Note: A business relationship does not include a relationship between: (1) attorney and client; (2) medical professional (including psychologist) and patient; or (3) priest/clergy and penitent/communicant.

Business transactions include, but are not limited to contracts of sale, lease, license and performance of services, whether initiated during the Foundation's current tax year or ongoing from a prior year that:

- (a) exceed \$10,000; or
- (b) total payments for all transactions between the parties during the tax year are greater than \$100,000; or
- (c) the transaction involved the payment of compensation to a Family Member of a current officer, director, or trustee of the Foundation if the Reportable Compensation amount is more than \$10,000.

Business transactions include Joint Ventures, whether new or ongoing, in which either the profits or capital interest of the Foundation and of the interested party exceeds 10%.

Conflict of Interest shall be defined as set forth in the Foundation's Conflicts of Interest Policy, a copy of which is included with this form.

Family Members shall include, as applicable, your spouse or domestic partner, ancestors (i.e., parents, grandparents, etc.), children (natural or adopted), grandchildren, great grand children, brothers, or sisters (whether whole or half blood) and spouses of these individuals.

Former. Defined as a period of five years from the end of their term.

Grants or assistance includes all grants or other assistance (including provision of goods, services or use of facilities), regardless of amount, provided by the Foundation to any Interested Person (Grants) at any time during the Foundation's fiscal year. Examples of grants are scholarships, fellowships, internships, prizes and awards. A grant includes the gift portion of a part-sale, part-gift transaction.

Greater-than-35% Owner shall take into consideration cumulative ownership of voting power or value by you and your Family Members.

Interested Persons (Business Transactions (BT)) for purposes of reporting business transactions include current or former officers, directors, trustees, Family Members of such individuals, 35% owned entities (includes direct or indirect ownership, individual or collectively, by current or former officers, directors, trustees or key employees or their family members); or an Affiliated Entity.

Interested Persons (Grants) for purposes of reporting grants or assistance include current or former officers, directors, trustees or Substantial Contributors or related persons. Related Person for these purposes includes

- a member of the Foundation’s grant selection committee;
- a Family Member (1) of the Foundation’s current or former officers, directors, or trustees; (2) of a substantial contributor; or (3) of a member of the organization’s selection committee; or
- a 35% Controlled Entity (1) of the Foundation’s current or former officers, directors, or trustees (2) of a substantial contributor, or (3) of a member of the organization’s selection committee

Employees (or child of an employee) of a Substantial Contributor or of a 35% Controlled Entity are included, but only if such individual received the grant or assistance at the direction or advice of the Substantial Contributor or 35% Controlled Entity, or pursuant to a program funded by the Substantial Contributor that was intended primarily to benefit such employees (or their children).

Other compensation is compensation other than Reportable Compensation, including deferred compensation not currently reportable on Form W-2, Box 5 or Form 1099-MISC, Box 7, and certain nontaxable benefits. Examples include, but are not limited to: base salary/wages/fees deferred, bonus deferred, incentive compensation deferred, stock options at time of grant, stock awards paid by taxable organizations not vested, stock equivalents paid by taxable organizations not vested, contributions (employer) to qualified retirement plan, qualified or nonqualified retirement plan defined benefit accruals (reasonable estimate of increase in actuarial value), amounts deferred (plus earnings under 457(b) plan (nonvested)), and contributions to nonqualified plans (nonvested).

Related organization is an organization that stands in one or more of the following relationships with the Foundation: parent; subsidiary; brother/sister; or supporting/supported organization.

Reportable compensation is compensation reported on Form W-2, Box 5 (or Box 1 if employee’s compensation is not reported in Box 5), or Form 1099-MISC, Box 7, filed for the calendar year ending with or within the Foundation’s tax year.

Substantial Contributor for these purposes means any person who contributed at least \$5,000 during the Foundation’s current tax year. Note: Substantial Contributor disclosure is only required if the Foundation is required to file a Schedule B with its Form 990/990EZ.

35% Controlled Entity is defined under Code Section 4958(f)(3) to include a corporation in which you or your Family Member owned more than 35% of the total combined voting power; a partnership in which you or your Family Members own more than 35% of the profits interests; or a trust or estate in which you or your Family Members own more than 35% of the beneficial interest.

I. Please fill out completely. If not applicable, indicate “none”.

- Listed below are all corporations, partnerships, or other business entities in which I am a director, officer, member, partner, or manager, or in which I or a Family Member have a substantial financial interest (i.e., owner of 10 percent of the total (combined) voting power or greater), either of which have a substantial likelihood of involving an action or policy of the Foundation:

Entity	Position	Self or Family

b. All not-for-profit institutions (including religious and education institutions) of which I am a trustee, director, or officer, which have a substantial likelihood of involving an action or policy of the Foundation:

Entity	Position

c. All trusts, of which I am a trustee, or which benefit me or a Family Member, which have a substantial likelihood of involving an action or policy of the Foundation:

Entity	Trustee or Beneficiary	Self or Family

d. Listed below are any of the Foundation's other officers and directors that are my Family Members at any time from January 1, 20__ to December 31, 20__:

Individual	Individual's Title	Relationship

e. Listed below are all Business Relationships I had with any of the Foundation's other officers, directors, trustees or Key Employees at any time from January 1, 20__ to December 31, 20__:

Individual	Individual's Title	Business Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

f. Listed below is Reportable Compensation and Other Compensation amounts that either I or a Family Member received from the Foundation or a Related Organizations of the Foundation at any time from January 1, 20__ to December 31, 20__:

Parties Involved (list you or your Family Member's name and the Related Organization)	Reportable Compensation	Other Compensation
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

g. Listed below are Grants or Assistance that I am personally aware of that I, a Family Member or an Interested Person (Grants) received from the Foundation at any time during from January 1, 20__ to December 31, 20__:

Individual	Grant/Assistance Received
_____	_____
_____	_____
_____	_____
_____	_____

h. Listed below are Business Transactions or Loans that I am personally aware of that I, a Family Member or an Interested Person (BT) had with the Foundation, its Related Organizations and Joint Ventures at any time from January 1, 20__ to December 31, 20__:

Parties Involved (list both Interested Person and other party to transaction)	Amount of Transaction	Description of Transaction
_____	_____	_____
_____	_____	_____

II. Are you aware of any other relationship or transaction during fiscal year from January 1, 20__ to December 31, 20__ or future transaction with the Foundation which involves:

- a. Yourself;
yes no
- b. Any Family Member; or
yes no
- c. Any organization in which you or a Family Member are a director, trustee, officer, member, partner, or own more than 10 percent of the total (combined) voting power?
yes no

Note: Volunteer service on the board of another not-for profit corporation need not be disclosed. Charitable contributions to the Foundation also need not be disclosed.

If yes, please list all such relationships or transactions, including specific information concerning the essential financial terms of any contract or transaction (description of services, duration, consideration, or price) and whether approval of the transaction has been obtained from the Board of Directors.

Name	Type of Relationship/Transaction	Approved by Board
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

III. Other Significant Involvement (e.g., membership on foundation boards, consultancies, advisory committees; active political or advocacy role; elected or appointed office):

I have read and understand this annual disclosure form as well as the Foundation's Conflict of Interest Policy. The foregoing information is true and complete to the best of my knowledge. I also understand that, under some circumstances, liability for interested person transactions may arise up to five years after my service to the Foundation has ended.

I understand that the Foundation, Inc. is a tax-exempt organization described in section 501 (c) (3) of the Internal Revenue Code, and that in order to maintain its federal tax exemption, it must engage primarily in activities which accomplish one or more of its tax-exempt purposes. Furthermore, I understand that the Foundation, Inc. will rely on representations I have made herein for purposes of communicating with the Internal Revenue Service or other regulatory authorities, whether by filing returns or otherwise.

In addition, I recognize the need to maintain confidentiality regarding information I might receive as a director, officer or staff member regarding donors, donations, investments and grant making activities of the Foundation.

REMINDER: If at any time there is a matter under consideration, which may constitute a direct or indirect conflict of interest, it is your obligation to disclose the facts to the Board of Directors or the Committee involved, to abstain from voting and to refrain from using your personal influence on the matter.

Dated: _____

Signature: _____