

Partnership Ethics and Acceptance of Contributions

Partnerships in NRM
PROSPECT Course

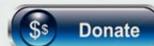


US Army Corps of Engineers
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Objectives

- Understand ethical standards and legal responsibilities
- Be aware of key considerations that help determine whether there is an ethics issue:
 - ▶ Solicitation
 - ▶ Roles and memberships with partner organizations
 - ▶ Working with partners who are fundraising
 - ▶ Acceptance of contributions and donations
 - ▶ Appropriate partner/donor recognition
- Become knowledgeable about the contributions authorities and policies; Contribution, Fundraising and Recognition Guide; types of contributions; reporting



As a Federal Employee ...

...your first responsibility is to represent the interests of the government. This should be reflected in all your actions.



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As a Public Agency Partner ...

... you must understand that the public expects a high level of transparency and accountability.

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Regulations and Policies

A partnership does not allow the Corps to circumvent applicable legal requirements in areas such as:

- Procurement
- Personnel or labor laws
- Printing, publishing or audiovisual production
- Issuance of special use permits
- Real Estate licenses and leases
- Fiscal responsibility
- Environmental regulations



Bottom Line: Regulations and Policies
MUST BE FOLLOWED !



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Why Bother with Ethics and Conduct?

- Administrative action
- Criminal prosecution
- Violation of public trust



When in doubt...

Contact your supervisor or your Ethics Counselor in Office of Counsel!

It is best to involve your Office of Counsel at an early stage in the development of your partnerships.



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Ethics Issues

- Can I be a member (or officer) of a partner organization?
- How do I work with partners who are fundraising for project support?
- Can I accept a gift or donation from a partner? 
- What is the proper way to recognize partners for their contributions?



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Can I be a member (or officer) of a partner organization in an *official* capacity?

Yes, a USACE Employee may serve as:

- ▶ Official Liaisons
- ▶ Technical Advisors
- ▶ Committee Chairpersons
- ▶ General (Simple) Membership



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Serving in an *official* capacity means...

- Are assigned by a supervisor
- Are working on official time
- Should be reimbursed for travel
- Could be using a government vehicle
- Are in official uniform
- May be either on federal premises or invited to participate elsewhere as a result of your official position.



May I attend national meetings in an official capacity?

- Clearly define “official” role through working agreement
- Can attend national meetings when identified on training plan
- Agency may purchase membership to stay informed of activities
- Present partner proposals to appropriate agency officials



As a Corps Employee may I:

- Participate in a fiduciary role as officer, director or trustee unless authorized by statute or waiver?
- Participate in partner operations, e.g. budget, fundraising, membership drives, by-laws, lobbying, or “for profit” activities?
- Endorse products or services?
- Accept compensation for official duties performed with partner?
- Utilize appropriated funds to do work activities through a partner that violates USACE authorization?

NO, to all of the above



Exceptions to the Rule

- **Widely attended gatherings:** When there has been a determination that your attendance is in the interest of the agency, you may accept an unsolicited gift of free attendance at all or appropriate parts of a widely attended gathering.
- Need prior approval to accept travel costs (airfare, lodging, etc)
 - Accept waiver of conference fees or acceptance of meals when you are speaking in your official capacity.
- USACE employees may accept unsolicited gifts valued at \$20 or less (market value), per occasion, from a single prohibited source. **However, gifts from any single prohibited source may not exceed \$50 in any given calendar year. You may not accept cash or other monetary instruments under any circumstances.**



Exceptions to the Rule

(continued)

USACE employees may accept:

- discounts and similar benefits that are offered to the public, other groups that you belong to, or to all government employees,
- gifts based on outside business or employment relationships,
- awards and honorary degrees,
- gifts from a political organization
- gifts based on a personal relationship.

Be Careful! Perception is Reality.



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A Prohibited Source is an entity that...

- Seeks official action from USACE
- Conducts or seeks to conduct business with USACE
- Conducts activities regulated by USACE
- Seeks to influence USACE policies or regulations
- Has interests that may be substantially affected by your official duties (performance or non-performance)
- Hopes to use your position as a USACE employee to benefit or further its efforts or mission



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Can I be a member (or officer) of a partner organization in a *personal* capacity?

YES!...Participation in a nonfederal organization in an unofficial, personal capacity must occur on personal time, not on official work time. Informing supervisors is encouraged to ensure that federal policies are being followed.



A Word of Caution !!!

Participating in a personal capacity must not compromise an employee's first responsibility to represent the interest of the Federal government.

Again... when in doubt,
consult your Office of Counsel



How do I work in an official capacity with partners who are fundraising for project support?

- Attending fundraising events in an official capacity is permitted – though restricted to approved and official remarks.
- Participation may not appear to endorse the fundraising effort or the organization; this includes asking for money.



Things Employees “Need to Know” when Attending Partner Fundraising Events:

- Can be named on invitation as speaker but not shown as sponsor
- May wear uniform, but limit remarks to programs, projects or subjects related to the agency’s mission
- Cannot ask for money, support or receive donations on behalf of partner
- May not use title, position or authority to support fundraising efforts
- For example, you may not be co-chair of a fundraising committee or actively participate in the fundraising activities.



Partnerships vs. Fundraising

- Negotiating and documenting a partnership agreement with a partner is not considered fundraising.
- Mutual benefit exists when both the government and the partner benefit in the same qualitative way from the objectives of the partnership agreement.



Fundraising by Your Partner

The implementation of many partnership projects depends upon monetary support and fundraising to obtain the necessary funds. Non-federal organizations support partnership projects by providing in-kind services, contributions and participating in fundraising campaigns.



White Oak Interpretive Trail
US Army Corps of Engineers

This trail is being developed through a partnership between the Association of Partners for Public Lands and the U.S. Army Corps of Engineers.

Fundraising Displays and Materials



- The Corps may allow the non-intrusive display or distribution of materials on its projects to educate visitors about an authorized fundraising partnership or activity.



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Fundraising Website Connections

- The Corps may authorize links from Corps websites to partner websites that provide opportunities to make electronic contributions provided that such linkages conform to Corps information technology management and security policies, including those pertaining to websites, and are authorized by the written agreement between the Corps and partner.



Ethics Issue

- Can I solicit contributions?



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Corps Employees Cannot ...

.... solicit or take any action that gives the appearance that they are soliciting contributions in support of Corps programs or activities.

The term "solicit" means any request made to a non-federal entity, group or individual for contributions to be made directly or indirectly to the Corps.

You Cannot directly ask for contributions.
You CAN provide information!



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Can USACE Accept Contributions and Donations from a Partner ?

YES!

- The Contributions Program allows the acceptance of contributions and donation from groups and individuals.
- Provided that the contribution or donation is NOT from a Prohibited Source!
- And you have a project or District Contributions Plan
- Contributions are the SIMPLEST and MOST utilized partnership type in USACE



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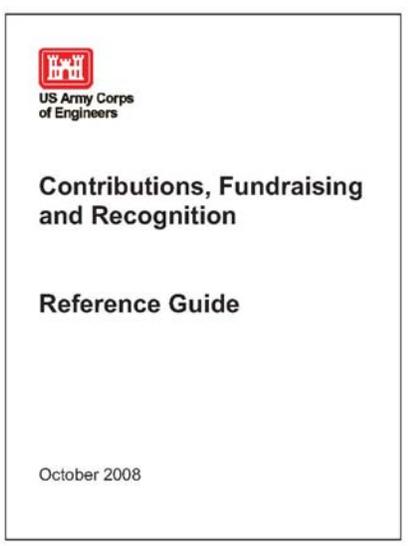
Contribution Authorities

- The contributions program was authorized by 33 USC 2325, Water Resources Development Act, 1992, Sec. 203
- EP/ER 1130-2-500 provides guidance and procedures for us to accept contributions. 33 USC § 2325 and 2328 are the authorities that allow us to accept donations through the challenge partnership and contributions programs.
- The foundation for our Partnership Program tools are based on the concept of Contributions.



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The guide was established to provide information to managers about accepting contributions and working with organizations who seek to raise money to benefit the NRM Program.

The Guide sets forth:

- Roles and responsibilities of Corps employees;
- Criteria for determining when contributions may be accepted;
- Permissible activities associated with fundraising;
- Appropriate forms of donor recognition.



Contribution Plan Templates

- HQ suggested non-mandatory templates are available at <http://corpsslakes.usace.army.mil/employees/contribute/template.cfm>



Lake Red Rock on the Des Moines River



Multiple Lake sites are hosting events with support from the community, friends groups and corporations



Perceptions

- Contributions from an entity which would identify the Corps with casinos, pornography, or other questionable products shall be **declined**.
- What about alcohol or tobacco?  
- **Any** contributions or donations that may be perceived as controversial shall be declined.



Augmentation

- The partner's portion of a partnership agreement is not an augmentation of the budget. (Per CECC-G Bulletin No. 02-12, Challenge Partnership Program)
- Funds or other items received as a result of a competitively awarded grant from a foundation or other source are also considered a "contribution," not augmentation of appropriated funds.



Remember...

- All potential contributions MUST be vetted:
 - \$2,500 - \$99,999: Manager (More than \$2.5k)
 - \$100,000 - \$999,999: District NRM and Office of Counsel (More than \$100K)
 - \$1,000,000+ single contribution or series of contributions: HQUSACE Office of Counsel, NRM, DCW
- *(From Contributions, Fundraising and Recognition Guide, Section 5.2)
- Any group or individual may potentially be a prohibited source of gifts or donations if they are seeking official action from USACE



Roles and Responsibilities of Corps Employees

- Each location that collects contributions shall have a contributions plan that describes the work to be accomplished with any potential contributions.
- This document will become part of the OMP and should be reviewed/updated with the OMP every 5 years unless your District has a contribution plan for all projects.
- Commanders may choose to designate a district contributions plan, thus a project specific plan is not required.
- Districts currently without plans: LRE, NAE, POH, POA and SWG



Types of Contributions

Two types of Contributions

Monetary

- ▶ General
- ▶ Earmarked/specific



Non-Monetary

- ▶ Durable Goods
- ▶ Services



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Monetary Contributions

Monetary contributions will be deposited into account 96x8862 of the U.S. Treasury according to the requirements outlined in ER 37-1-30, Chapter 5. Checks should be made out to FAO, USAED, (*Insert District name here*).

- CEFMS – Contributions are handled like a customer order with advance use. A work item is set up in P2 citing the appropriation the funds would be captured under when completing the advance account, allowing the District Resource Management Office (RMO) to fund the transaction in their database.
- The Project Budget Analyst will need to communicate with the District RMO, Budget (RM-B) to determine the correct appropriation intended for use to fund the work.



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General Contributions

- Work projects (general): Revenue collected from a contributor at a project that is not designated by the contributor for a specific work project will be transferred to the District RMO for deposit into the U.S. Treasury and the proper account.
- Once deposited, these funds will become immediately available to the Project and will only be used for the general work activities listed in the Contributions plan.



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Earmarked/Specific Contributions

- The procedures for deposition of such monetary contributions are the same as for the general contributions, except that a separate CEFMS account (funded work item) will be established for such contributions.
- ** Note: A contribution does not give a partner special/exclusive use of *the facility or project* donated.



Contact your Resource Management Office – they can assist you.



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Accountability for Monetary Contributions

- Monetary contributions will be accounted for in accordance with memo dated 01 October 2015, Subject: Collection of Civil Works Appropriation Refunds
- Reimbursements, USACE Accounting Policy and Procedures for Civil Works
- Collections - The individual project's administrative officer, district NRM Office or Resource Management Office can provide additional guidance



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Accountability of Non-Monetary Contributions

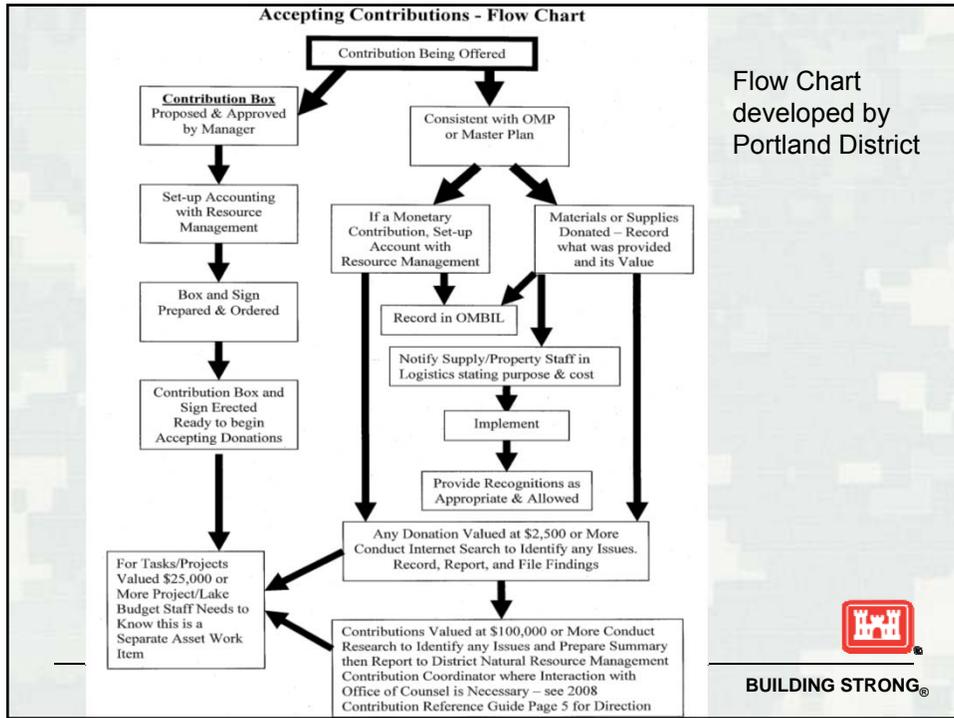
- All non-monetary contributions must be recorded, accounted for and managed in the same way as other Corps property.
- Prior coordination with Logistics Management should occur before contributed personal property is accepted.
- For record-keeping purposes, the value of the donated materials and equipment should be determined using the local market value of comparable items.



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Potential Projects

- General: Contributions will be utilized to accomplish tasks or projects for the protection, improvement, restoration, rehabilitation or interpretation of natural resources, environmental features, recreation areas and facilities or cultural resources at the Project.



Donation of nesting boxes from an Eagle Scout



DRBA River Safety sign placed at launch sites along the Smith River

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Typical Tasks Identified in Project OMPs Acceptable for Contributions

Enhancement of lake aesthetics and recreation facilities	Vegetation plantings in recreation areas Removal of invasive species Repairs/upgrades to facilities Drift and debris removal Signs and marker installation Accessibility improvements
Interpretive and Water Safety Programs	Outreach materials Interpretive signage Life jackets and other safety equipment Advertising/Marketing Special events
Environmental Stewardship	Forest management Wildlife management Level 1 and 2 inventories Habitat studies Trail development Develop/enhance GIS database



Use of Contributions

- Contributions will not be used to begin construction or other projects or programs, unless there are sufficient appropriated and donated funds in hand to ensure completion of the work to a degree that has independent utility.
- Donated funds may, however, be used to advance project design work.
- Research projects, books, mapping, exhibits, films and all other projects funded with contributions must receive the same reviews and approvals as do projects that use only appropriated funds.
- All facilities and work accomplished become the property of the Corps.



Contributions/Donations to Avoid

- May not be accepted: Real Estate (land)
- Contributions from an entity which holds or is seeking a concessions contract or which would identify the Corps with alcohol or tobacco products shall be declined.
- No lobbying – USACE personnel shall not seek appropriations from Congress to support any ongoing or proposed partner activity or project.
- Anti-Deficiency Act - The Corps can not expend funds in advance of the funds being donated. In other words, the Corps cannot spend money it does not have.
- Contributions may not be used to fund permanent employee positions, but may be used to complete design work and reviews by permanent employees.



Corps Contribution Boxes



- A contribution or donation box may be set up at field offices, visitor centers and other appropriate locations.
- The contribution box should be locked and have a sign stating the use of the contributions. It should be clear to the visitor that any money collected is a voluntary contribution and is not required for touring the visitor center, receiving brochures or pamphlets or any other services.
- Funds are accounted for like all other donations or collected funds.



Example Outline to Deposit Contribution Funds

1. Create debtor/sponsor in CEFMS (RM-F)
2. Set up advance account and cost share (RM-F)
3. Work item from P2 for each AMSCO Project Code (OP-SR)
4. Collections to advance account (Authorized Recreation Fee Collector)
5. Confirmed deposit (UFC)
6. Email to Budget staff who creates register and fund account for cost share work item.
7. Money available to expend.

May vary in each MSC, contact your Resource Management Office.

Deposits must occur once the fund exceeds \$5,000.00

Funds received from Corps donation boxes must be accounted for in the same manner as any other donation.



Partner Contribution Boxes

- The Corps may allow the placement of an authorized fundraising partner's donation box within the Corps project facility through a written agreement. Such donation boxes may recognize the role of a Corps partner in maintaining the box under its agreement with the Corps.
- Any examples at your projects?



What is the proper way to recognize partners for their contributions?

Recognizing partners for their contributions visibly demonstrates the agency's appreciation and underscores the value of partner's contributions toward stewardship of the nation's lands and natural resources.



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Principles For Partner Recognition

- Letters/certificates of appreciation, news releases, public events, mementos, signs, displays, plaques, can be used to recognize accomplishments
- Recognition should be within the context or program benefiting from the partnership



- Recognition will avoid any suggestion of commercialization, advertising or endorsement of a product, service or organization
- Monetary or cash award cannot be offered



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US Army Corps
of Engineers
Portland District

Season's Greetings Volunteers, Partners, and Donors:

As this exciting year ends, our Park Ranger staff here at The Dalles Dam would like to tell you about the programs we were able to do this year thanks to your participation and generosity.

In 2012 your involvement allowed us to:

- Host a Take A Warrior Fishing event that let several local veterans get out on the Columbia River and enjoy the day relaxing by fishing with their families. This was a great way to show our appreciation to these honorable soldiers.
- Host a Family Fishing Clinic at Spearfish Lake that coincided with National Get Outdoors Day. Your donations aided us by supplying staff support, fish, bait, poles and prizes!
- Host our second annual The Dalles Dam Eagle Watch. Thanks to your efforts in providing staff support and programming, it was a success.
- Conduct our third annual 6th grade Water Safety Poster Contest. Your donations and support continue to keep our youth active in learning how to be safe around water.
- Restore native vegetation and remove invasive species at Spearfish Lake and other public areas.
- Promote public safety and beautify our public lands by removing litter and debris and through trimming trees.
- Promote public safety through the donation and installation of several new Life Jacket Loaner kiosks in our parks.
- Promote public education of Corps missions through donations of interpretive materials.
- Participate in The City of The Dalles Children's Fair teaching water safety techniques to families.
- Makeover the Historic Seufert Rose Garden through removal of weeds, laying new landscape fabric, pruning and mulching.

Thank you for assisting us by offering your support and contributions. Looking ahead in 2013, our resolution is to continue promoting health and wellness through recreational opportunities, water safety education and to encouraging environmental stewardship through public outreach events. We hope you will join us again in 2013 to make that happen! It has been a great year. Thank you and happy holidays!

Sincerely,

Amber Tilton, Park Ranger
US Army Corps of Engineers
The Dalles Lock and Dam
Volunteer Partnership Coordinator
Office # (541) 506-7818



Thank you, DRBA, for the Partnership Award!



Together, we'll do great things on Philpott Lake.

To Our Friends in DRBA,
We wanted to say "Thank You" in our own special way for the partnership award you bestowed upon us at your annual meeting. We appreciate our relationship and look forward to completing the projects currently on the table, implementing the Friends of the Parks around the lake, and to all the great opportunities we will have down the road! Everyone wins when we work together to improve the quality of life throughout the Dan River Basin.
For Team Philpott, 'Rocky'

More Principles For Partner Recognition

- All physical forms of onsite recognition should be tasteful and non-obtrusive
- Onsite recognition associated with provision of services should be posted in close proximity
- Commercial slogans and taglines may not appear under any circumstances. (i.e. "Just Do It." "I'm lovin' it" "Eat Mor Chikin!")



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Partners Recognizing USACE Employees

- Partners who recognize agency employees are bound by ethics guidelines set by law
- Employees may accept tokens such as plaques, certificates, trophies and cards
- Non-cash awards valued at \$200 or less from sources not affected by employee or agency are permitted (non-prohibited)
- Employees may receive gifts valued up to \$20 per occasion, up to \$50 in any single year from a prohibited source



Donor Recognition Plan

- The partner should be involved in developing a donor recognition plan to help identify, in advance, what recognition opportunities are available and not available.
- A donor recognition plan sets out the basic philosophy to guide donor recognition activities. It provides a framework for donor recognition at a project, ensuring that recognition is commensurate with the level of the donation.
- The plan also helps fundraising partners understand the means and levels of recognition that the Corps can provide.



Donor Recognition Plan

- Donor recognition plans for projects that receive minimal contributions may simply be a memo stating that the project will send a thank you note in response to any donation over \$XXX (actual amount to be determined by district).
- Donation Recognition Plans should be included in the Project/ District Contribution Plan.



Donor recognition plans should include, at a minimum, the following elements:

- A statement of the basic philosophy of donor recognition opportunities consistent with project mission, purposes and plans;
- Procedures for acknowledging/thanking donors;
- Hierarchy of donor levels and associated recognition;
- The range of allowable forms of in-project recognition, as well as the appropriate locations
- Criteria for donor boards or walls, if any, including the location, minimum thresholds for recognition and length of time the recognition is in place.



The Value of Recognizing Partners

- By associating with your partners and recognizing their contributions you are reinforcing the tie that they have with your organization and mission.
- Certificates of appreciation.
- Public recognition for the work performed by your partners from District Commander or media.



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The Value of Recognizing Partners

- Think of the less tangible awards that your partners receive for working with you, for instance being recognized by the local community as “the group that hosts the beach clean up.” If your partner is a corporation, you can bet they will use this to show how “green” they are.
- Volunteer recognition BBQ or dinner hosted by your friends group.
- Special use of a “premium” area of the park. (wilderness access)



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Incentives for partners

- You can offer the vast natural resources available at your project!



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Incentives for partners

- Free day use
- Free special events
- Free Camping
- Lead a special hike



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Excellence in Partnerships Award

- The Corps has established an annual award intended to recognize outstanding contributions by a partner to the Corps recreation and environmental stewardship programs. This award is co-sponsored by the Corps Foundation
- The Excellence in Partnerships Award is presented to the partner in conjunction with the Spring PAC team meeting.



- Divisions, districts and projects should be constantly on the lookout for outstanding examples to nominate each year.
- Headquarters will solicit nominations during the latter part of each year (Due 15 December)



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Awards from your Cooperating Association

- Not limited to the same restrictions that exist for government recognition.
- Gifts can be given by your 501 (c)
- Awards given by your friends group to other partners can take many forms ranging from small gifts to lavish banquets.

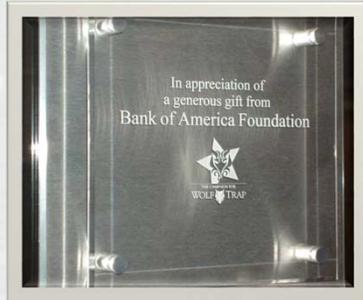


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Donation Plaques

- For contributions valued at \$XX (TBD by manager) or more, a plaque or other appropriate sign may be purchased and placed on the project site to recognize the donation.



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Donor Boards or Walls

- For contributions valued at \$XX (TBD by manager) or above, a donor board or wall located and integrated into the project office, visitor center, or other appropriate visitor facility may be used to recognize the donation.



Donor board at the Tamástslikt Cultural Institute, Pendleton, Oregon



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Donor Boards or Walls Guidelines

- These boards or walls should utilize a format that allows recognition of donors by the placement of name plates or other markers that can be added and removed with relative ease.
- Names of corporate or business donors will appear in the same fashion as all other names.
- Corporate name scripts and logos will not be used on donor boards and walls.
- Donor boards and walls, either electronic or traditional, should be integrated into the design of the facilities.



Partner Logos and the Corps Communication Mark

- The logo of a donor(s) may appear in conjunction with a credit line. The Corps Communication Mark may also appear on jointly produced products or interpretive materials
- The Communication Mark has been registered with the US Patent and Trademark Office. The ® symbol is to be displayed with the Mark only when reproducing printed promotional material that is intended for public usage and can not be used in a manner that appears to imply endorsement of the organization, company or product.
- Advertising and marketing slogans and taglines may not appear in conjunction with a credit line or the Communication Mark.



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The FedEx Dilemma



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Recap Questions

TRUE or FALSE?

Your cooperating association is having a fund raising event and has asked for your assistance in being a co-chair of the planning committee.

It is okay for you to do this.

False

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Recap Questions

TRUE or FALSE?

The Project can set up a monetary contribution box in the Visitor Center or Office.

True, funds received from Corps donation boxes must be accounted for in the same manner as any other donation as defined in USACE Accounting Policy and Procedures for Civil Works.



Recap Questions

What factors must a manager consider before accepting, utilizing or recognizing direct contributions?

- The donation is not, or does not appear to be an attempt to influence any significant Corps decision or action that would affect the donor's interests, or obtain special treatment in dealing with the Corps.
- The donation and any conditions or restrictions on it are consistent with, law, regulation, Corps policy, authorized project purposes or applicable project plans.
- The donation will not be used by the donor to state or imply Corps endorsement of the donor or the donor's product, service or enterprise.



Recap Questions

TRUE or FALSE?

A very wealthy adjacent land owner wants to donate some land to your Project Office to create a wildlife sanctuary to be managed by USACE. This is an acceptable contribution.

False



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Recap Questions

Who must approve a Contribution over \$2,500, but less than \$100,000?

The **park manager** or **operations project manager** must perform a thorough Internet search to determine whether publicly available information exists that raises concerns about the propriety of acceptance.



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Recap Questions

What is the simplest form of partnership?

Contribution



Recap Questions

What document is necessary to accept a large amount of money at your lake for a new playground?

A project or district Contributions Plan



Summary:

Ask yourself, will your actions pass the media test?

- As a federal employee your first responsibility is to represent the interests of the government
- Corps Employees cannot solicit. They can provide information.
- There are limits to what you may do in your official capacity
- There are ways to recognize partners for their help
- Reference “Contribution, Recognition and Fundraising Guide”
- Make sure your project or district has a Contribution plan before accepting donations.



Summary:

▪ Always consider the following factors before accepting contributions:

- Does not appear to influence Corps actions or give special treatment
- Does not come with any conditions or restrictions against laws/policies
- Does not imply endorsement



CONFESSIONS?

