 

**Accountability Self-Assessment for Staffed Private Foundations**

**PERSONNEL**

This self-assessment tool is designed to help you determine if your staffed private foundation (family, independent or corporate) is complying with key federal laws and regulations and is engaging in generally recommended good practices for being accountable to the public. Addressing issues of accountability is an ongoing process for an organization, and this tool is designed to help organizations with that process.

This Personnel tool is for private foundations with one or more full-time or part-time staff people. If your foundation is not staffed, please use the accountability self-assessment tool for unstaffed private foundations.

Complete directions for how to use this tool are provided in a separate document.

Please note that this self-assessment tool is designed to allow some flexibility in how it is used and interpreted, since not all of the practices listed in the self-assessment tool will be applicable to every foundation, particularly smaller foundations. But the tool provides a solid framework to help foundations assess how well they are achieving their goals to be ethical and accountable organizations.

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| Foundation Name: |  |
| Date(s) of Self-Assessment: |  |
| Name and Title of Person(s) Conducting  Self-Assessment: |  |
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| **Personnel** |

This section focuses on a foundation’s hiring, compensation, management and training of its staff. (Note: Corporate foundations should complete this section with the understanding that they follow the company’s personnel policies, practices and procedures, and thus typically have less control over this area than other types of foundations.)

**Level 1 – Legal Compliance**

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| ***Staff Compensation*** | Yes | No | NA |
| 1. We have taken steps to ensure that any compensation we pay to high-level employees is reasonable and not excessive, including the following: |  |  |  |
| 2. We rely on comparable data prior to making a determination of compensation for high-level employees. |  |  |  |
| 3. Compensation arrangements for high-level employees are approved in advance by the board, exclusive of any individuals who have a conflict of interest with respect to the arrangement. At a minimum, family members recuse themselves from discussions and decisions about their own compensation, and this is noted in meeting minutes. |  |  |  |
| 4. We adequately document the basis for the board’s determination of compensation for high-level employees. |  |  |  |

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| ***Whistle-Blower Protection*** | Yes | No | NA |
| 1. We developed, adopted, disclose and follow a “whistle-blower” protection policy to encourage employees and volunteers to come forward as soon as possible with credible information on suspected illegal financial, auditing or governance practices; violations of adopted policies; or any other unethical or inappropriate conduct of board or staff members. The policy includes a formal, confidential and anonymous process to deal with complaints and prevent retaliation.4 |  |  |  |
| 2. We investigate any and all employee and volunteer complaints of suspected misconduct or malfeasance, and correct any problems or explain why corrections were not necessary. Any action taken to correct or address the complaint is documented and entered into the foundation’s permanent records. |  |  |  |

1. The law does not require a private foundation to have a “whistle-blower” protection policy, but having such a policy is becoming increasingly critical to protect a foundation from legal liability. Although provisions of the Sarbanes-Oxley Act of 2002 apply only to public companies, the Act has made it easier for the government to prosecute cases where individuals and organizations (including charitable institutions and their managers) have obstructed justice by retaliating against whistle blowers. And there are growing calls from federal and state regulators to mandate Sarbanes-Oxley-type reforms for charities.

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| ***Employment Laws & Regulations*** | Yes | No | NA |
| 1. We comply with all applicable federal, state and local laws regarding equal employment opportunities for all persons regardless of disability, race, color, religion, gender, age, national origin, marital status or sexual orientation. |  |  |  |
| 2. We comply with all filing deadlines and laws for making FICA (Social Security and Medicare) payments and for withholding federal, state and local income, employment and other taxes. |  |  |  |

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| 3. We provide worker’s compensation coverage pursuant to state law. |  |  |  |
| 4. We keep an accurate record of time worked by employees in order to calculate pay and benefits. |  |  |  |
| 5. We appropriately classify all employees as exempt or non-exempt, and non-exempt employees receive appropriate overtime compensation as required by federal law. |  |  |  |
| 6. We provide a safe and healthy work environment as required by federal and state law. |  |  |  |
| 7. If we have 50 or more employees, we comply with all provisions of the Family and Medical Leave Act. |  |  |  |

**Level 2 – Good Practices for Accountability**

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| ***Staff Compensation*** | True | Mostly True | Some- times True | Never True | NA |
| 1. Our chief executive’s total compensation is approved by our board. |  |  |  |  |  |
| 2. We have a written policy for setting staff salaries, and we review staff salaries at least annually. |  |  |  |  |  |

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| ***Staff Hiring & Management*** | True | Mostly True | Some- times True | Never True | NA |
| 1. We engage in active recruiting and hiring strategies at each staff hiring opportunity. |  |  |  |  |  |
| 2. We openly advertise all staff vacancies. |  |  |  |  |  |
| 3. We have job descriptions for all staff and volunteer positions that clearly describe responsibilities and reporting relationships. |  |  |  |  |  |
| 4. We employ staff at all levels of the organization who reflect the diversity of the communities and constituents we serve, or who demonstrate the capacity to balance and understand the diverse needs and issues of those communities and constituents. |  |  |  |  |  |
| 5. Our board annually evaluates the performance of the chief executive against goals and objectives agreed to by the chief executive and the board. If this is a responsibility of a designated committee, a summary is provided to the full board. |  |  |  |  |  |
| 6. We have a system in place for regular written evaluation of employees by their supervisors. |  |  |  |  |  |

**Level 3 – Practices of Excellence for Accountability**

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| ***Staff Hiring & Management*** | True | Mostly True | Some- times True | Never True | NA |
| 1. Managers’ job descriptions make clear the extent of their authority to act without explicit authorization of the board. |  |  |  |  |  |
| 2. We develop and nurture a workplace environment that embraces diversity, allowing all involved to feel comfortable and able to do their best. |  |  |  |  |  |
| 3. We have written personnel policies and procedures, approved by the board, to govern the work and actions of all employees: |  |  |  |  |  |
| 4. All new employees and volunteers receive a copy of the personnel policies and procedures, and acknowledge the receipt in writing. |  |  |  |  |  |

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| ***Staff Learning*** | True | Mostly True | Some- times True | Never True | NA |
| 1. New employees and volunteers receive an orientation that includes a review of their roles and responsibilities, personnel policies and procedures, ethics and accountability, and an introduction to grantmaking and the philanthropy field. |  |  |  |  |  |
| 2. We hold regular staff trainings on ethics and accountability. |  |  |  |  |  |
| 3. We plan, adequately fund, and give a high priority to continuous learning and training of staff. |  |  |  |  |  |
| 4. We engage employees in a regular discussion of their training needs. |  |  |  |  |  |
| 5. We encourage employees to participate in regional and/or national grantmaking conferences, programs, associations or support groups for professional development and sharing of information, as appropriate and financially feasible. |  |  |  |  |  |