The Practical Guide to Managing Nonprofit Assets

William A. Schneider, Robert A. DiMeo, Michael S. Benoit & Associates
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William A. Schneider, Robert A. DiMeo, Michael S. Benoit & Associates
To my wife, Caren, and children: Erik, Laura, Chris, Katie, and Jamie for their love and support.

William A. Schneider

To my wife Adriane and sons Chris and Danny for providing enormous joy in my life and to my partners and associates for being truly great teammates in building a wonderful firm.

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Contents

CHAPTER 1  Introduction
A Crying Need 1
Shocks to the System 2
Finances 3
Contributors 4
The Pension Problem 4
Environment of Mistrust 4
The Good News 5
The Fund-Raising Challenge 6
Gifting Strategies 6
Investment Strategies 6
Expect to Find 7
How to Use this Book 8
Who Should Use this Book? 9

CHAPTER 2  Special Issues
Hospitals—The Retirement Plan Mess 11
Underfunded Pensions 11
403(B) versus 401(K) 12
Annuities 13
Mutual Funds 15
Education and Communication 16
Endowment and Operating Funds 18
Contributions 18
Considerations for Religious Institutions 19
Summary 20

CHAPTER 3  The Total Return Approach
Early History 21
The Modern Era 22
The Legal Challenge 23
The Barker Report 23
UMIFA, ERISA, UPIA, and the Prudent Investor Standard 24
The Case for the Total Return Approach 25
Potential Negatives 26
Summary 26
CHAPTER 4  The Prudent Steward  29
Build a House . . . Build an Investment Program  29
Set Goals: The Blueprint  29
Allocate Assets  30
Manager Selection: Hire the Subcontractors  30
Rebalance  30
Monitor Performance  31

CHAPTER 5  Set Goals  33
Introduction  33
Define the Mission  34
Determine a Spending Policy  34
Establish the Required Return  40
Understand Your Risk Tolerance  41
Designate the Time Horizon  42
Summary  44

CHAPTER 6  Investment Policy  45
Overview  45
Why Is It Important?  45
Content  46
Sample Investment Policy Statement  46
Implementation and Maintenance  48
Specific Investment Guidelines  48
Investment Benchmarks  49
Summary  49

CHAPTER 7  Asset Allocation  51
The Efficient Frontier  51
Capital Market Assumptions: The Building Blocks of Portfolio Construction  53
Developing Expected Return Assumptions  54
Modern Portfolio Theory  60
Shortcoming of Traditional Mean Variance Optimization  62
The Long Run  64
Probabilistic Optimization Models  65
Summary  67

CHAPTER 8  New Asset Classes  69
Real Estate Investment Trusts  69
The Statistical Properties of Historical REIT Returns  71
High-Yield Bonds  73
International Bonds  78
Mutual Fund or Separate Account?  86
Experience Counts!  87
Summary  87
Inflation Indexed Bonds  87
Risk Factors  92
Conclusion  92
## CONTENTS

### CHAPTER 9

**Investment Style**  
Academic Research 93  
Ancillary Uses 97  
The Current State 98  
Summary 98  

### CHAPTER 10

**Manager Selection**  
Overview 100  
Herd Mentality 100  
Avoiding the Star System 101  
Where to Begin 102  
Manager Selection 104  
Passive versus Active Management 111  
Databases 112  
Administrative Compatibility 113  
Trade Execution 113  
Social Investing 113  
The Commonfund 114  
Proxy Voting 115  
Account Types 115  
Negotiate Fees 116  

### CHAPTER 11

**Alternative Investments**  
Hedge Funds (Absolute Return Strategies) 120  
Funds of Funds 121  
Risks 122  
Benefits 124  
Fund-of-Funds Search 125  
Real Estate 126  
Timberland 127  
Private Equity 131  
Structured Equity 134  
Managed Futures 136  
An Investment Strategy 136  
Benefits of Diversification 137  
Risks 137  
Conclusion 139  

### CHAPTER 12

**Portfolio Rebalancing**  
Traditional Rebalancing Methods 141  
A New Approach 143  
Building Your Own Model 147  
Conclusion 150  

### CHAPTER 13

**Performance Measurement and Evaluation**  
Performance Calculations 152  
Benchmarks 153  
Market Indexes 155  
Style 155
Picking the Right Index 156
Multiple Benchmarks 157
Presenting the Data 157
Universe Comparisons 157
Portfolio Analysis 160
Style Analysis 160
Risk Analysis 162
Recent Developments 164
Performance Reporting 166
Terminating a Manager 166

CHAPTER 14 Socially Responsible Investing 169
History 169
Socially Responsible Investing Strategies 170
Separate Accounts versus Mutual Funds 175
Performance Impact of Socially Responsible Investing 176
Incorporating Socially Responsible Investing into Investment Policy 178

CHAPTER 15 Selecting Other Vendors 179
Step One 179
Step Two 180
Step Three 182
Step Four 184
Record Keepers 186
Narrow the Field 188
Final Steps 190
Defined Benefit Plans 190
Gift Annuities 191
Brokers 194

CHAPTER 16 Hiring an Investment Management Consultant 195
Identifying the Need: A Tale of the Typical Nonprofit Organization 195
The General Contractor—A.K.A. The Investment Consultant 196
Effective Use of a Consultant 204
Summary 205

CHAPTER 17 Behavioral Finance 207
Trying to Break Even 208
Snake Bitten 208
Biased Expectations and Overconfidence 208
Herd Mentality 209
Asset Segregation or Mental Accounting 209
Cognitive Dissonance 210
Anchors 210
Fear of Regret and Seeking Pride 211
Representatives 211
Familiarity 211
Investor Personality Types 211
Introduction

A CRYING NEED

“It was the best of times; it was the worst of times.” That’s how Charles Dickens began *A Tale of Two Cities*, a novel about another turbulent era. Our own is more challenging. Information can travel around the globe at the speed of an electric current, but the ancient scourges of ignorance, disease, poverty, and hatred are far from banished. An optimist can find cause for gratitude: new advances in agriculture allow fewer and fewer farmers to feed the world. Biotechnology has changed the face of medicine. The fall of Communism has already freed millions of workers and is beginning to create more vibrant economies around the globe. But change creates turmoil. Some lives improve, others get worse.

Not-for-profit institutions (charities, hospitals, schools, and religious organizations) face a growing need for their services. Simultaneously, governments in the United States and around the world have been forced to cut back some of their traditional support. The money simply is not there.

Demographics have changed and will continue to change dramatically. Medical science makes it possible to live longer, but at a cost. An aging population taxes the infrastructure. Promised entitlements such as Social Security and Medicare will ultimately be cut back. Who will pick up the slack?

The extended family structure that served mankind for centuries has broken down. Millions of children are now raised by single parents. Even in the “traditional” family, if both parents need to work, the odds are the kids will be shipped off to a day-care center rather than to loving relatives. Many grandparents now live halfway across the country rather than around the corner. Incapacitated
grandparents themselves face the prospect of ending up in a nursing home or assisted-care facility rather than in a spare room at their son’s or daughter’s home.

Increased globalization also creates serious challenges. On the one hand, society profits from free trade. Goods and services become more affordable and ultimately more jobs are created as entrepreneurs find ways to profit from the new economy. Think of all the people employed in importing, distributing, and retailing a portable compact disc player made in China. And since the player is so cheap, almost every teenager has one. The teens, in turn, become voracious consumers of compact discs, thus employing musicians, singers, artists, producers, sales people, and so forth. On the other hand, try explaining all that to an unemployed factory worker whose assembly line job will never return to the United States.

Our educational system has produced uneven output. Although our colleges and universities train the best and the brightest as future doctors and scientists, an alarming percentage of high school students fall through the cracks. Math and reading scores have fallen, and drop-out rates have increased over the past 30 years. In the mid-20th century, those failing students could still join the workforce as unskilled laborers or find a job on an assembly line—boring jobs to be sure. But it’s exactly those boring or repetitious jobs that are being lost to automation or exported to countries with cheap labor.

**SHOCKS TO THE SYSTEM**

Other disturbing trends are afoot around the globe. First and foremost, the spread of AIDS may overwhelm all other forces. Sub-Saharan Africa provides an example. Just as the great plague threw Europe into the Dark Ages, AIDS has already destroyed the fabric of society in certain areas. Tens of thousands of orphans have been left to raise themselves. With no parents to teach them how to farm, even the basics of food production lie in jeopardy.

The world has become more polarized. The rise of Islamic fundamentalism has led to new levels of intolerance and barbarism. We live in a time when some parents and “religious leaders” train their own children to become suicide bombers! Even in the United States, politicians seek to exploit class warfare and partisanship for their own political ends.

Billions of dollars worth of illegal drugs and alcohol are consumed each year. By some estimates, the underground drug trade may be the third or fourth largest sector of the economy. The social challenges are enormous. Government attempts to stamp out the drug trade have been a spectacular failure. We have, however, succeeded in creating the largest prison population of all time.

In short, there is a crying need for all of the services provided by not-for-profit
organizations. It does not matter whether your mission is extremely broad or quite narrow, the challenges are enormous.

**FINANCES**

Although the challenges are abundant, money is not. The 21st century began with a three-year bear market in stocks. This downturn (the worst in 100 years) devastated many nonprofit organizations. Even a strong market recovery in 2003 and 2004 hasn’t restored financial health.

In the 1980s and 1990s, fund fiduciaries became accustomed to equity returns of over 15% per year and double-digit bond returns as well. Nonprofit investment committees debated whether to spend part of the “extra” return they had earned. Sometimes they did. Many universities issued bonds to finance new stadiums or other facilities, counting on return from the portfolio to help pay the debt. By 2003 some of the loan covenants were in jeopardy.

To put the magnitude of the equity decline into perspective, if returns on the Standard & Poor’s (S&P) 500 index average 15% per year from 2004 through 2009, then the average annual return for the entire decade will be just 6.9%! And most experts doubt that the S&P 500 will return anywhere near 15% per year for that period.

There are only three possible components of stock return: dividend yield plus earnings growth plus (or minus) multiple expansion (or contraction). The dividend yield of the S&P 500 is currently under 2%. Assuming that analysts are not wildly optimistic, nominal earnings growth might be in the 5% to 6% range. This produces a 6.7% to 7.8% return—unless you expect multiples to rise.

Earnings multiples (the price-earnings ratio, or P/E) reflect the price investors are willing to pay to acquire a dollar’s worth of earnings. The S&P 500’s current multiple is around 21 times earnings. Unfortunately that number is near the high end of its historic range. The long-term P/E ratio average for the index is 16 times earnings. Bearish investors argue that P/E ratios are more likely to contract than to expand. Non-U.S. stocks seem more reasonably priced, but one can’t build a portfolio of only foreign equities.

Bonds don’t seem to be a compelling bargain either. With interest rates near a 45-year low and the threat of inflation increasing, rates may continue to rise. That is a problem for bond investors. Bond prices, of course, move in the opposite direction from interest rates, like the opposite ends of a teeter-totter. When rates go up, bond prices fall and vice versa.

We’ve heard the argument that “if we hold the bonds until maturity, we’ll get all our money back.” That may be true, but prior to maturity, one would not be
able to sell without realizing a substantial loss. This means the investor would be locked into lower-yielding bonds and unable to replace them with higher yields available in the marketplace. This is still an opportunity cost. Investors who use bond funds rather than directly owning the bonds themselves do not even have this option. Bond funds never mature.

CONTRIBUTIONS

One additional component of this “perfect storm” for nonprofit organizations has been the effect on giving. There used to be a substantial incentive for wealthy donors to gift appreciated stock to charities. Not only did the donors avoid paying capital gains tax on the stock, but they also received a tax deduction for the full amount donated. After the bear market, highly appreciated stock may be in short supply. Additionally, the tax code now provides more favorable capital gains treatment than it did a few years ago. In any case, donations have dropped considerably.

THE PENSION PROBLEM

Some not-for-profit organizations face an additional challenge. Organizations that offer a defined benefit (DB) pension plan to employees may find their resources squeezed even further. Because of the way pension liabilities are calculated, DB plans face a double whammy. The lower interest rates act as a multiplier for pension obligations while lower asset values mean that there is less money to pay for those liabilities. This has forced some institutions to make required pension contributions instead of funding important programs.

ENVIRONMENT OF MISTRUST

Fund fiduciaries are also uneasy about their financial vendors. Corporate America is sporting a black eye. It now seems that a number of companies were cooking the books so that insiders could reap huge profits in the form of rising prices on their stock options. In some cases, auditors who were supposed to safeguard the public were in on the scam. Andersen, one of the oldest and most respected accounting firms, was driven out of business for its role in the Enron scandal.

Wall Street analysts in many cases were shown to be nothing more than shills for the investment bankers. E-mails revealed that certain analysts privately labeled
stocks “dogs” that they publicly touted as strong buys. Several of the largest brokerage firms were forced to pay huge fines.

Even mutual funds, long considered to be the champion of the small investor, were tainted by the probes. A significant number of fund companies allowed certain hedge funds to trade in ways that harmed the rest of their investors. “Late trading” and “market timing” abuses led to hundreds of millions of dollars in fines. Some fund CEO’s lost their jobs, and in one case the founder of the fund company was forced to resign.

In this environment, board members of not-for-profit organizations feel the added pressure of scrutiny themselves. The Senate Finance Committee has been reviewing the financial practices of public charities. Not-for-profit funds are categorically different from most other investment pools. (In most cases, there are no “beneficiaries” who have a claim on the funds—hence less chance of litigation.) However, in some cases dissatisfied donors have demanded refunds. Maybe board members are just feeling less confident then they did in the late 1990s. In any case, there is a clear increase in fiduciaries’ desire for prudence. See Chapters 18 and 19 for more information on regulatory requirements.

THE GOOD NEWS

The bleeding stopped, at least temporarily, in 2003 and 2004. Virtually all of the capital markets performed well. Stocks and bonds, both domestic and international, turned in solid years. Furthermore, even the substyles (large-cap, mid-cap, and small-cap—both growth and value) did well. In addition, Congress has provided some legislative relief on pension funding requirements.

Perhaps the most important developments have come in the form of advances in investment theory. These should lead to improved risk-adjusted (and absolute) return. These advances will be presented later in the book. To take profit from these new techniques, fund fiduciaries will need greater knowledge and analytical capabilities. But the payoff from new investment strategies and asset classes will be substantial.

One outgrowth of the Wall Street scandal is that investment organizations are much more concerned with compliance. The treatment of investors should become much more even-handed. Mutual funds, in particular, will be working hard to avoid any hint of future scandal. Nothing focuses attention on governance issues more than a few highly public firings.

Finally, costs are coming down. Some of the mutual fund settlements have involved fee reductions. Also, the Securities and Exchange Commission (SEC) and other regulators are focusing on expenses. 12b-1 fees and trading costs will likely
shrink dramatically. The use of “soft dollar” payments is coming to a screeching halt. *Soft dollars* are commissions (usually above market rate) awarded to compensate broker/dealers for other services, such as research and marketing.

**THE FUND-RAISING CHALLENGE**

Entire books are written on the subject of fund-raising, and it has become an industry unto itself. Here, rather than present fund-raising ideas, we wish to briefly address the important role that investment strategy and structure has in aiding the fund-raising effort for nonprofit organizations.

All fund-raising—whether a significant capital campaign or a single request for an individual gift—will have a better chance of success if you can articulate well-conceived gifting strategies and investment policies. Sure, potential donors want to know “what their donation will buy”; however, they also need to understand:

1. What gifting options or strategies are available to them; and,
2. How the money will be managed (investment policy).

**GIFTING STRATEGIES**

Nonprofit organizations that expand the ways in which donors can make gifts receive more contributions. Successful institutions move beyond year-end checkbook campaigns to offer donors true value-added gifting strategies.

To increase your raise, be flexible in how you’ll accept gifts. Create mechanisms that allow you to accommodate and even encourage nontraditional gifting.

*Noncash Gifts.* Make it simple for individuals to donate appreciated securities, real estate, or other assets. It is important to have policies in place regarding the disposition of such assets. Also, and this is critical, be sure that appropriate acknowledgement and appreciation procedures are in place. There is perhaps nothing that will harm your fund-raising efforts more than not thanking donors on a timely basis. Too many nonprofit organizations tolerate sloppy procedures. Weeks or even months pass between the day a donor ships securities to the broker of record and when the charity is notified of the gift (Exhibit 1.1). Obviously the lack of a prompt “thank you” discourages future gifts.

**INVESTMENT STRATEGY**

The more that donors and potential donors know about your investment program, the better. Donors gain confidence when they see a well-conceived strategy that is clearly articulated. As a result, they are likely to give more.
Consider the University of Notre Dame Endowment. At over $3 billion, it is among the 20 largest educational funds in the United States. A visit to the investment office link at www.nd.edu reveals a nonprofit organization that is serious about communicating investment strategy.

The site is flush with general information on the purpose of the fund, but, for those interested, they provide specific details on topics including:

- **Basic Objectives of the Fund**: Specific rate-of-return targets.
- **Investment Policy**: Long-term asset allocation targets by asset class.
- **Investment Management Strategy**: Selection criteria for hiring and evaluating managers.
- **Performance Results**: Historical results compared to key benchmarks.
- **Spending Policies and Trends**.

In attempting to raise money, nonprofit organizations must use every available resource. This book can help an institution create an outstanding investment structure. The key is to be sure to communicate this structure to donors and potential donors.

**EXHIBIT 1.1 KEYS TO WORLD-CLASS DONOR SERVICE**

- Be committed
- Be properly resourced
- Be consistent
- Be quick
- Be personal
- Be known
- Be meticulous
- Be there
- Be honest

Source: CharityVillage.com/Ken Burnett, author of *Relationship Fund Raising-Based Approach to the Business of Raising Money.*

In this book the authors will:

- Examine fund-raising challenges.
- Explore special issues facing hospitals, colleges, and religious orders.
• Examine spending policy and its impact on the health of the organization.
• Explore investment theory, including some of the new insights of behavioral finance.
• Discuss fiduciary issues, including the evolving state of the various uniform investment acts, as well as the impact of the Employee Retirement Income Security Act (ERISA).
• Provide a framework for evaluating and selecting consultants, brokers, vendors, record keepers, and other resources for the fund.

Most importantly, we will outline a systematic approach for the prudent steward. The coming chapters explore, in depth, each of these important steps:

• Goal setting
• Asset allocation
• Developing a written investment policy statement
• Selecting managers
• Portfolio rebalancing
• Performance evaluation
• Cost control

HOW TO USE THIS BOOK

Of course one could read the book from beginning to end. But the book is designed to be modular. That is, each section is self-contained. So if, for example, your immediate concern is manager selection, you could turn to that section. One important note: to create the optimal systematic approach, you need to follow all the steps listed above. If you skip any of them, you will do your fund and yourself a great disservice.

We have attempted to make this resource as user friendly as possible. Wherever possible, we have included checklists, forms, sample documents, and worksheets. We also list sources for information, software, and services. These lists, while not exhaustive, should provide helpful direction.

We examine the roles and responsibilities of various providers and vendors to the fund. Fiduciaries are often confused about the function of consultants versus money managers versus brokers versus custodians. We explain what you should and should not expect from each. We also provide a framework to help you select providers in each area.
WHO SHOULD USE THIS BOOK?

This book is written, first and foremost, as a practical guide for fiduciaries of non-profit funds—board members and internal business managers. We hope to convey the best practices of the marketplace as well as current academic research. We try to keep this as readable as possible so that it can be a pragmatic guide. Wherever possible, we attempt to tell you “what time it is” rather than “how the watch is made.” Some technical explanations are necessary from time to time, but we will stick to plain English as much as possible.

A second group that may find this book useful are the various advisers to non-profit organizations. This group includes accountants, attorneys, and even consultants. Hopefully, this book will enable professionals and their client (the not-for-profit organization) to better communicate. It should also provide tools that can help add even more value for your client. In some cases, it may provide ammunition to persuade your client to take needed action.

Money managers, brokers, custodians, and other vendors will find this book useful. It may give you an enhanced sense of how your service fits into the client’s world-view. It may even be a sales tool to help clients understand how your services benefit them.

Finally, anyone who is interested in the oversight of nonprofit funds should gain new insight. This group includes legislators, teachers, students, community activists, reporters, and others.
Special Issues

**HOSPITALS—THE RETIREMENT PLAN MESS**

Regardless of how large or small a hospital might be, retirement plans are a big issue. Pension plans cover a growing number of retirees, and defined contribution plans have almost become a requirement for attracting and retaining quality employees. In this chapter, we discuss several topics, including underfunded pension plans, 403(b), 401(k) plans, and capital campaigns.

**UNDERFUNDED PENSIONS**

During much of the 1980s and 1990s, pension funding was an afterthought. Consistent double-digit returns from the equity markets kept the coffers full for most plans. Plan sponsors were not as interested in true asset allocation strategies as they were in just being “in the market.” As we’ve noted, the bear market of the early 2000s changed all of that. Steep declines in the equity markets coupled with low interest rates helped create the current mess, but ill-conceived investment policies compounded the problems. For the first time in nearly two decades, pension plan committees are looking at hefty funding requirements. Hospital administrators face a serious challenge in dealing with underfunded pension plans.

Because government regulations require pension plan balances to stay within a certain percentage of outstanding liabilities (the amount owed to current and future retirees), organizations must ratchet up contributions to their plans if the ratio slips. Corporations face similar problems, but the cost of pension plan liabilities shows up in lower corporate earnings. When hospitals or other not-for-profit organizations are forced to make extra contributions to pension plans,
important organizational goals may be jeopardized. If budgets are tight, a contri-

bution to a pension plan may take the place of a new piece of much-needed

medical equipment.

The pension quandary forces you to make sure that you have a full and real un-
derstanding of your pension plan. What does the demographic profile of the plan
look like? Has an asset/liability study been done recently? Is there too much risk
embedded in the plan’s asset allocation? Too little? Do you properly monitor the
investment managers? Although these questions are extremely important for
all pension plans, they are crucial for not-for-profit organizations that may rely
on donations or special funding for their success. In addition to pension
problems, not-for-profit organizations face challenges with their other retirement
vehicles.

403(b) versus 401(k)

Since its inception in 1958, the 403(b) has been the primary retirement savings
plan available to not-for-profit organizations. Historically, most 403(b) vendors
have been insurance companies. Some have been top-notch vendors, but many
are secondary or tertiary players. Mutual fund companies have traditionally
avoided this market, even though their record keeping, investment prowess, and
educational materials make them the dominant providers in the 401(k) arena.

401(k) plans had their inception in 1981. They quickly grew to become the
dominant retirement plan type. Competing vendors, mostly mutual fund compa-
nies, engaged in a kind of “arms race” of service offerings seeking to increase
their share of this exploding market. Daily valuation, on-line account access, 24-
hour call centers, robust educational capabilities, and almost complete investment
flexibility became hallmarks of the 401(k) arena. Vendors commit millions of dol-
lars each year for hardware, software, systems, and people to enhance their ability
to service participant-directed plans. Simultaneously, competition has driven
prices down.

Superficially, 401(k) and 403(b) plans look very similar. Both are sponsored by
the participants’ employer. Both allow participants to save their own money on a
tax-deferred basis. Both allow for investment choice. However, there were small
but significant differences in testing, record-keeping, and eligibility requirements.
Maybe, more importantly, assets in 401(k) plans were showing enormous growth
while 403(b) plan assets were not. Part of the problem for 403(b) plans has been
that they have been just different enough that the mutual fund companies aban-
donied the field to the insurers.

With the passage of legislation in 1996, nonprofit organizations (including