

Third-Party Policies and Procedures

A presentation and template of suggested
terms of agreement for third-party
fundraising events for nonprofit organizations



Pennsylvania Association of Nonprofit Organizations (PANO)
2040 Linglestown Road, Suite 302, Harrisburg, PA 17110
717-236-8584 • www.pano.org

Third-Party Policies and Procedures

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1. Explanations

Bikini-clad beauties held signs hawking a third-party fundraising car wash event for a women's crisis center. A group threw a casino night with liquor sales to benefit an addictions center. Inappropriate? Then you understand the need for a list of policies and procedures that apply to any individual, business or organization that wants to hold a benefit for your nonprofit organization.

You have the right to detail what is and is not appropriate, what you will and will not accept, what you do and do not expect. You must protect your organization's name, reputation and standing in the community and ensure that third parties abide by all fundraising regulations. Use your third-party fundraising event policy to spell things out as precisely as possible.

For example, a hospice very clearly requests, "We ask that you do not organize a third-party fundraiser that includes lotteries, gambling, fortune telling and raffles/drawings without first discussing it with a member of (our) Fundraising Team." A YWCA states emphatically, "Events should complement the mission and image of YWCA. Companies that conflict with the mission or values of YWCA may not be sponsors. We discourage sponsorship by tobacco and firearms companies or other companies with products that do not support the health and well-being of children."

Nearly every agreement lists these four items:

1. (The organization) may receive funds from other similar promotions. Our acceptance of your application creates no exclusive rights for you.
2. We have made a commitment to our staff and donors that we do not sell or provide others with our donor and staff mailing lists.
3. (The foundation) must review and approve all promotional materials including, but not limited to, advertising, letters, brochures, flyers and press releases prior to production or distribution.
4. (The camp) may direct the organizer to cancel the event if any of the above guidelines are not followed.

You need to maintain absolute control over the use of your logo, service marks, branding statements and slogans. Stipulate that your logo cannot be altered in any way. You may also dictate where it may be placed and how large it should be in relation to other materials on posters, flyers and so on.

Don't forget the financial aspects. Most prevalent points include:

1. (This organization) does not provide financial support to third-party fundraising.
2. If event expenses are greater than the money raised, you are responsible for paying those expenses. (The hospital) will not provide funding or reimbursement of expenses.
3. You may not keep any portion of the proceeds as profit or compensation for organizing the event.
4. You must obtain your own liability insurance to cover the event.
5. Because (the foundation) is not sponsoring your event/campaign, we cannot have event/campaign revenues and expenses flow through our books. Only the net amount (final net proceeds from event and campaign) should be processed by (the foundation).
6. You cannot set up a temporary bank account in (our organization's) name.

You should request a complete accounting of all funds collected and expenses related to the event. State the latest date (usually 30 days after the event) for you to receive the proceeds.

Some of this may seem a bit harsh, but your organization's name, reputation and place in the community are at stake. By all means offer assistance, but make sure your best interests are protected all along the way. And remember: If anything goes against or counter to your agreement, you reserve the right to cancel the event...but only if that's included in the agreement.

Start with a warm thank you for the third-party's interest in supporting your organization. You might offer a brief history of your organization, or how much you depend on the community for financial support. Policies and Procedures are dry and demanding, so a kind expression of gratitude is in order.

In the Policies and Procedures section, be as specific as possible and cover as much as your legal team, your lawyer on retainer or the lawyer on your board thinks is necessary. As far as possible, try to keep it in simple English. "You may not" and "Under no circumstances" go a long way. For most organizations, three or four pages in legible type should be sufficient, although one online "terms and agreements" runs 26 pages.

Conclude by thanking them once again for considering your organization worthy of their time and efforts. As a community benefit organization, some of your budget must come from the community you serve. Several agreements try to soften the demands by using the last paragraph to assure the prospective third-party fundraiser that the agreed-to document serves and protects the fundraiser as much as it does you.

The next several pages of this document contain terms that are general enough that you might consider their use and specific enough that there is no question what is being stated, requested or demanded. There are also additional items you might consider using.

This document concludes with four examples of applications and a post-event form and evaluation.

Two notes:

1. The first paragraph in our Policies and Procedures should be the first paragraph in all policies and procedures. Some organizations have long names. With this explanation of pronouns, you can avoid constantly writing (and then constantly reading) your name.
2. In Part 3, within several items you will see *[…]. This contains information that will vary from one organization to another. *[…] gives you several options. Also, two items are entirely within the starred brackets and are for specific types of organizations. Even if you aren't an arts organization or animal shelter, they will give you an idea of what to ask for. Any use of the pronoun "you" within the starred brackets refers to you, the current reader, not the third-party reader.

The suggestions and examples in this guide are of a general nature and are not intended as legal advice. Please consult a legal professional with specialized expertise in these areas for guidance specific to your organization.

2. Examples of opening paragraphs

Thank you for your interest in planning an event to benefit (ABC Charitable Organization)! Throughout its 130-year history, (ABC Charitable Organization) has played a key role in the capital region. This document provides you with tips and guidelines to ensure your event is carried out appropriately and safely. Each application will be carefully reviewed and evaluated for viability and appropriateness with (ABC Charitable Organization)'s goals and objectives.

Individuals, businesses or groups can sponsor an event to raise funds for (ABC Charitable Organization). This kind of activity is called a "third-party" event. (ABC Charitable Organization) has a set of guidelines that we ask all individuals and organizations to follow when fundraising on our behalf.

Thank you for your interest in hosting an event or promotion to benefit (ABC Charitable Organization). We are deeply grateful for the generous support of our friends in the community who share our commitment to (our mission and goals). We are pleased to be the beneficiary of financial support as a result of Third-Party Special Events or projects by generous individuals, groups and organizations.

Thank you for considering (ABC Charitable Organization) as a beneficiary of your fundraising activities. We appreciate your efforts to help us support the mission of (ABC Charitable Organization) to provide (what you provide to the community).

(ABC Charitable Organization) is fortunate for the great generosity and support of people and organizations throughout our region. Often, people spend their own time, money and effort organizing a fundraiser to benefit (our work). These fundraisers vary in type and size. If you are interested in organizing and hosting your own event to benefit (ABC Charitable Organization), please review our policies and procedures, then check out our tips and downloads to help make your event a success. We'd like to know about it! Please fill out the short form with a detailed description of your fundraising event.

The following was found immediately after the first paragraph on one organization's cover sheet. It's an example of stating what you can do to help the third-party before you state your policies and procedures.

How we can help:

(ABC Charitable Organization)'s ability to offer services for third-party fundraising events is limited by staff size and internal obligations. We *are* able to provide the following:

- A letter of authorization to validate the authenticity of the fundraising event.
- Informational brochures or fact sheets about our programs and services.
- Attendance at the event to receive proceeds by a member of our staff, based on availability.
- Use of our logo and name upon review and approval of event and materials.
- Written tax receipts to donors who make checks payable to (ABC Charitable Organization).

3. Quotations from existing documents

These are direct quotes from existing policies and procedures in agreements with third-party event organizers. *[...] indicates material that needs your attention and/or may not apply to all organizations.

1. For purposes of these Policies and Procedures, “you” means the organization, group or individual sponsoring or holding the event. (ABC), “we,” “us” and “our” mean (ABC Charitable Organization).

--. Events should complement the mission and image of (ABC Charitable Organization). Companies that conflict with our mission or values may not be sponsors. *["We discourage sponsorship by tobacco and firearms companies or other companies with products that do not support the health and well-being of children" is an example of how specific you can be.]

--. You must obtain your own liability insurance to cover the event. (ABC Charitable Organization) will not insure your event and requires that you obtain all insurance, including premises liability and worker's compensation. (ABC Charitable Organization) will not assume any legal or financial liability associated with your event, nor will we indemnify you or any party involved in your event for any damage, expense or other costs arising or in any manner related to your event. (ABC Charitable Organization) and all related entities are not liable for any injuries sustained by event volunteers or participants related to your event and cannot assume any type of liability for your event.

--. You are responsible for obtaining all permits and licenses, especially those for raffles or games of chance. Because state and local governments control all charitable gaming activities, if your event includes a bingo, raffle, 50/50 draw and/or casino type games and activities, you must acquire the proper permit/license from your state or local government office and abide by all rules and regulations pertaining to such gaming activity. (ABC Charitable Organization) will not take out liquor licenses for third-party events. *[If your organization does not wish to use funds generated from games of chance or liquor sales, here is where you stipulate that.]

--. You agree that you will comply with all state and/or municipal charitable solicitations statutes and/or ordinances which may apply to your event.

--. Events must comply with all federal, state and local laws governing charitable fundraising and gift reporting. All tax-receipting issues must be agreed upon and documented before our approval is given. (ABC Charitable Organization) may issue tax receipts only for checks made out to “(ABC Charitable Organization).” If your donors send their contributions directly to us, you must inform us of the value of any goods or services the donor received in return for the contribution. (ABC Charitable Organization) will issue tax substantiation receipts for in-kind donations or event sponsorship agreements if you provide complete information for all applicable donors.

--. Your organization cannot state or imply that it is an agent, subsidiary or partner, nor that it holds any other business relationship with (ABC Charitable Organization).

--. You agree that you will not use our tax exemption in any manner or as part of the promotion of your event, nor will you represent to the public that you enjoy any tax exempt rights or privileges as a result of your role in the event (unless you have separate tax exempt status), nor will you state that any

portion of the purchase price for any goods or services at the event is tax deductible for charitable purposes.

--. (ABC Charitable Organization) must be notified in writing if there are any significant changes to the event once it has been approved. If circumstances warrant, (ABC Charitable Organization) may at any time direct you to cancel the event. You must agree to cancel the event, if so directed, and further agree to release (ABC Charitable Organization) and its officers, directors, employees and volunteers from any and all liability in connection with any such action.

--. We reserve the right to observe your event.

--. (ABC Charitable Organization) may receive funds from other similar promotions. Our acceptance of your application creates no exclusive rights for you.

--. If (ABC Charitable Organization) is not the sole beneficiary of your event, you must tell us the other recipients and the percentage that will be given to each.

--. In order to provide your donors with important information concerning their contribution, we ask that all promotional materials clearly state the percentage of proceeds (from gross or net proceeds) and/or the portion of the ticket price that will benefit (ABC Charitable Organization).

--. Because (ABC Charitable Organization) is not sponsoring your event, we cannot have event revenues and expenses flow through our organization's books. Only the net amount (final net proceeds from the event) should be processed by (ABC Charitable Organization). Proceeds should be sent to (ABC Charitable Organization) no later than *[your preference...usually 14 to 30 days] following the event and should be mailed to (ABC Charitable Organization's address).

--. You may not set up a temporary bank account in (ABC Charitable Organization)'s name.

--. You may not keep any portion of the proceeds as profit or compensation for organizing the event.

--. You should limit expenses to *[state your preference...30% to 50%] of the total raised by the event. If event expenses are greater than the money raised, you are responsible for paying those expenses. (ABC Charitable Organization) will not provide funding or reimbursement of expenses.

--. (ABC Charitable Organization) should receive a complete accounting of all funds collected and expenses related to the event within *[your preference...usually 2 to 4 weeks] following the event. Because of our responsibility as the recipient of community assets, we reserve the right to inspect all event financial records if a question is raised about the event's proceeds.

--. If any type of promotion person or company is engaged to coordinate the benefit, we must be notified immediately. Compensation to promoters shall not be based on commission or percentage of monies raised. (ABC Charitable Organization) will decline to participate in any fundraising event using paid solicitors to request donations or sell products by phone. Pennsylvania Charitable Solicitation Act requires that any individual or entity (not paid staff) contracted to do fundraising must be registered with the Bureau of Charitable Organizations. *[See <http://www.dos.state.pa.us>, click on "Charities," then "Charitable Solicitation Act" for the definition of "professional fundraising counsel" and "professional fundraising solicitor" to determine registration requirements.]

--. (ABC Charitable Organization) reserves the right to refuse any contribution which is given with any restrictions as to its use or with any accompanying covenants or requirements which bind (ABC Charitable Organization) as to the future use of such gift.

--. In order to better coordinate fundraising activities, we ask that you provide us with a list of targeted sponsors for your event before they are approached. Please remember that many individuals and businesses already support us and may not wish to make additional donations.

--. Events that compete or conflict with an already established or scheduled event to benefit (ABC Charitable Organization) will not be approved.

--. *[If ABC Charitable Organization is an arts organization and is asked to perform or to set up a display, here is where you stipulate performance or display requirements. For example, a musical organization needs so much space; a dance company must have a specific area; an acting company will supply props and costumes but must have adequate lights and, perhaps, sound amplification provided by the event sponsor; adequate hanging space and lighting must be provided for artwork, etc. You know what it takes to represent your organization well; insist on it in writing.]

--. *[A humane society specifically states, "Due to our exclusive partnership with Purina, we are not able to accept food donations." This is good for a third-party organizer to know.]

--. Applications must be completed and submitted to (ABC Charitable Organization) no less than *[your preferred amount of time...30 days, 60 days, three months] prior to the proposed fundraising event.

--. Approval for the event is specific to dates and times listed on your event application. If you would like to repeat the event, you must submit a new application.

--. You may not use the (ABC Charitable Organization) name or logo or otherwise indicate to the public that an event is being for the benefit of (ABC Charitable Organization) without the prior express written consent of an authorized representative of (ABC Charitable Organization). You may not make public announcements or promote the event until you receive written approval of your third-party fundraiser application from us.

--. You may not use the (ABC Charitable Organization) logo without our written approval. Our official logo should be appropriately used for your event and may not be altered in any way. Any use of the logo must adhere to established graphic standards, which we will provide.

--. Publicity for your event may not imply that the event is sponsored or co-sponsored by (ABC Charitable Organization) or that we are involved as anything but the beneficiary. We may be identified only as (ABC Charitable Organization). For example, you may not call an event "The (ABC Charitable Organization) Walk-a-Thon." Your event should be promoted as "The Walk-a-Thon to benefit (ABC Charitable Organization)."

--. (ABC Charitable Organization) must review and approve in writing all promotional materials including, but not limited to, advertising, letters, brochures, flyers and press releases prior to production or distribution. Proposed materials should be submitted to the *[title of your community events manager] via email at _____@_____ or by mail to (ABC Charitable Organization's address).

--. We have made a commitment to our staff and donors that we do not sell or provide others with our donor and staff mailing lists.

--. (ABC Charitable Organization) is happy to provide brochures, pamphlets and other informational materials promoting and explaining our goals and accomplishments. Please let us know your needs in this area as soon as possible, so we can try to have sufficient quantities for your event.

It is quite possible that you'll need to create a paragraph or two to cover your specific needs, just as it is likely that you won't need to include all of the above. They were taken from several documents from several different community benefit organizations, so feel free to use what you need, invent what is necessary for your purposes and don't use the rest.

4. Third-party event applications

The next pages show four applications and one post-event wrap-up and evaluation sheet.

Event Application, Example 1:

(ABC Charitable Organization) Third-Party Fundraising Event Proposal Form

Office use only Date submitted: _____ Received by: _____ Forwarded to: _____

Part A

Individual/Organization/Company Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Ext.: _____ Fax: _____

Website: _____

Contact Information of the Lead Person (when different from above):

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Ext.: _____ Email: _____

Part B

Briefly describe the event (attach one separate 8½ x 11 sheet). Please include the name of the event, date, location, number of anticipated guests, [ABC Charitable Organization's] specific program to benefit, if applicable), etc.

Part C

Proposed budget. Please list all event costs, even if you expect them to be donated, as well as potential revenue, and the expected net income to be given to (ABC Charitable Organization). (Attach a second 8½ x 11 sheet.)

Part D

Agreement: I acknowledge receipt of (ABC Charitable Organization) Policies and Procedures for Third-Party Fundraisers and agree to comply with all provisions in organizing and holding this fundraising event.

Print your name: _____ Date: _____

Your signature: _____

Event Application, Example 2:

(ABC Charitable Organization) Third-Party Proposal Form

1. Name of Person/Group sponsoring fundraiser: _____

2. Address: _____

City: _____ State: _____ Zip: _____

3. Contact person: _____

4. Phone: Day ____/____/____ Evening ____/____/____ Email: _____

5. Alternate contact person: _____

Phone: Day ____/____/____ Evening ____/____/____ Email: _____

6. Please give a brief description of the event: _____

7. Date and time of event: _____

8. Location of event: _____

9. Describe how the event will be publicized: _____

10. Estimated number of attendees/participants: _____

11. How will the revenue be generated? _____

12. Please attach a proposed budget for your event. Be as specific as possible.

13. Please describe what assistance, if any, you are requesting from (ABC Charitable Organization) staff and/or volunteers: _____

14. What percentage of your estimated net proceeds will be contributed to (ABC Charitable Organization)? ____% If less than 100%, what other organization(s) will share in the net proceeds? ____

Date

Signature of Third-Party Fundraiser

Event Application, Example 2, Page 2:

(ABC Charitable Organization) Use Only

Name of Person/Group sponsoring fundraiser: _____

Date application received: _____

Approved _____ Declined _____ Date _____

Comments:

Signature: _____

Amount received: \$ _____ Date _____

Comments:

Signature: _____

Event Application, Example 3:

(ABC Charitable Organization) Third-Party Event Application

Application Instructions: Please fill out and send the completed form to (ABC Charitable Organization's) mailing address or fax to ___/___/____. Please allow 5-7 business days for a response.

1. Event Organizer Information:

Name of contact: _____ Today's date: _____
Mailing address: _____ City: _____ State: _____ Zip: _____
Telephone: ___/___/____ FAX: ___/___/____ Email: _____
Name of Organization: _____ Website: _____
Is your organization a nonprofit 501(c)(3)? Yes _____ No _____

2. Event Information:

Name of Event: _____ Projected attendance: _____
Is the event: Open to the public _____ By invitation _____ Ticket price (if applicable) \$ _____
Is this, or will this be, an annual event benefitting (ABC Charitable Organization)?
Yes _____ No _____ To be determined _____
Description of event: _____

Location name: _____
Address: _____ City: _____ State: _____ Zip _____
Event Date: _____ Start time: _____ End time: _____
Are there other beneficiaries of this event? Yes _____ No _____
If yes, name of other organizations: _____
Percentage to be given to (ABC Charitable Organization): _____ %
Describe how funds will be raised: _____

Will you have the following at your event?: (Mark all that apply)
Raffle _____ Auction _____ In-kind donations (toys, crafts, books, etc.) _____
Does your event have sponsors? (corporate, media, etc.): _____
Do you plan to solicit donations to purchase in-kind items (toys, crafts, books, etc.) to (ABC Charitable Organization)? Yes _____ No _____
Does the event require a permit?* Yes _____ No _____
Does the event require insurance?* Yes _____ No _____
**If you answered yes to either/both of these, please include a copy of the document(s) two weeks prior to the event.*

Plan for publicity: (All materials must be reviewed and approved by (ABC Charitable Organization))
Press releases to be sent to: _____

Flyers to be distributed to: _____

Event Application, Example 3, Page 2:

Public service announcement to be distributed to: _____

Other: _____

Will you have an event website? Yes _____ No _____ Web address: _____

3. Financial Overview: (see budget section for specifics)

Budget estimate: (Organization/Individual not liable for amounts listed)

Food/Beverage	\$ _____
Venue	\$ _____
Entertainment	\$ _____
Permit/Insurance fees	\$ _____
Printing	\$ _____
Supplies	\$ _____
Other	\$ _____
ANTICIPATED EXPENSES	\$ _____
ANTICIPATED GROSS REVENUE	\$ _____
ANTICIPATED NET REVENUE	\$ _____

(Amount submitted to (ABC Charitable Organization))

I plan to submit the funds by: mail _____ personal delivery _____ other (specify) _____

Please indicate the date the funds can be expected by (ABC Charitable Organization): _____

(Funds must be received with [your decision...usually 14 to 30] days of the event.)

Program you would like your funds to be designated to: _____

4. I specifically agree to all the terms and conditions contained in the Policies and Procedures for Third-Party Event Organizers attached to and made a part of this application. I understand that my event is not considered an approved event until written approval of my application is received from (ABC Charitable Organization). No amendment, modification or waiver of any of the terms and conditions contained in this document and the Policies and Procedures for Third-Party Event Organizers shall be valid unless in writing.

At no time will (ABC Charitable Organization), or any representative of (ABC Charitable Organization), be responsible for the cost, planning or staffing of my event, nor will they be liable for personal injuries or damages to property which may occur during my event. I agree to indemnify and hold harmless (ABC Charitable Organization) and their employees, agents and representatives, from any and every claim, demand, suit and payment related to or caused by my event.

Event Organizer's Signature: _____ Date: _____

Return completed application to _____@ _____ or fax to _____/_____/_____

or mail to:

(Person)

(ABC Charitable Organization)

(Street or P. O. Box)

(City, state, zip)

Event Application, Example 4, Electronic:

(ABC Charitable Organization)

Tell us about your event:

*Required fields

*First Name: _____

*Last Name: _____

*Name of Organization, if applicable: _____

*Phone: ____/____/____ *Email: _____

Please add me to the snail mail list: Yes ____ No ____

Please add me to the email list: Yes ____ No ____

*Type of event:

Event Date, if known: ____/____/____

Times for event:

Start: _____AM/PM

End: _____AM/PM

Location(s): _____

*Target audience:

Number of expected participants: _____

*How will the event be promoted?

Event Application, Example 4, Electronic, Page 2:

*Will there be corporate sponsorship? If yes, please name:

*How will (ABC Charitable Organization) benefit from your event?

*How will your group benefit from the event?

Where should we mail brochures and other supplies?

*What are the expectations of (ABC Charitable Organization)'s involvement:

*What is the projected income from this event? \$_____

*What portion of this income would come to (ABC Charitable Organization)? _____%

*Who will handle the income from this event?

*How and when will the portion benefiting (ABC Charitable Organization) be distributed to us?

____/____/____

Is there anything else you would like to share about your proposed event?

SUBMIT

Sample Post-Event Report and Evaluation

Name of Event Organizer: _____ Date: _____

Name of Event: _____ Number of participants: _____

Please indicate all revenues and expenses that apply to your fundraiser

REVENUE

Ticket sale \$ _____

Sponsorship \$ _____

Raffle \$ _____

Auction \$ _____

Direct donation \$ _____

(to (ABC Charitable Organization))

Other \$ _____

Other \$ _____

TOTAL REVENUE \$ _____

EXPENSES:

Advertising/Printing \$ _____

Food/Beverage \$ _____

Entertainment \$ _____

Awards/Prizes \$ _____

Venue \$ _____

Security \$ _____

Other \$ _____

Other \$ _____

TOTAL EXPENSES \$ _____

NET PROCEEDS (total revenue minus total expenses) \$ _____

Other beneficiaries besides (ABC Charitable Organization): _____

Percentage of Net Proceeds to benefit (ABC Charitable Organization): _____%

Final proceeds to (ABC Charitable Organization): \$ _____

Please list the names of all companies who sponsored your fundraiser (use Sponsor Tracking Spreadsheet): _____

(ABC Charitable Organization) Feedback:

1. Was the application/approval process for your event easy to understand? Yes ____ No ____

If no, please explain why: _____

2. Do you feel (ABC Charitable Organization) assisted you with all of the questions you may have had?

Yes ____ No ____

If no, please explain why: _____

3. Did your event meet your expectations? Yes ____ No ____

If no, please explain why: _____

4. Were there any media broadcasts or articles about your event? Yes ____ No ____

If so, where was your event mentioned? _____

If possible, include a copy. We would love to see it!

5. Do you plan to organize this event again? Yes ____ No ____

If no, please explain why: _____

Please include and/or send any pictures that showcase your event.

5. Acknowledgements

Deep appreciation is expressed to the following organizations for permission to quote from their third-party event agreements, policies and procedure statements and event application forms:

Animal Humane Society, Minneapolis – St. Paul, MN
Camp Quality USA, Heartland, Council Bluffs, IA
Children’s Hospital of Pittsburgh Foundation, Pittsburgh, PA
Halifax Health – Hospice of Volusia/Flagler, Palm Coast, FL
Lucile Packard Foundation for Children’s Health, Palo Alto, CA
Ottawa School of Art, Ottawa, ON
Tidewell Hospice, Sarasota, FL
YWCA York, York, PA

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-- David Walker, Project Coordinator
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