**AGREEMENT:**

**Between Ada Regional United Way, Inc. And**       **(Name of Agency)**

In keeping with this mission, and to comply with the objectives of our pledging constituents, the following AGREEMENT is accepted and affirmed by the United Way and its AGENCIES:

**I. Affirmation:**

 A. An Agreement between both parties will be entered into by Mayof the calendar year prior to the funding year.

1. The Agreement requires an annual review of the provisions of the Agreement by the United Way Board of Directors as well as the board of each AGENCY. A formal resolution of approval of the provisions of the Agreement is required.
2. Upon request and for special and unusual causes, the United Way Board of Directors may extend the deadline for studying and approving proposed amendments to the AGREEMENT.

 B. Agencies awarded funding are not guaranteed funding for all agency programs. Only that which was approved for funding.

**II. United Way agrees:**

1. To conduct annually a fundraising Campaign, as determined by the United Way Campaign Cabinet, and to provide an efficient and desirable means for the solicitation, collection, and receipt of funds for local, state, national, and worldwide charitable, philanthropic, character-building, and social-welfare agencies and organizations; to solicit, collect, receive and apportion such funds among agencies and organizations; and to do such other things as may be provided in the certificate of incorporation of this corporation. The Campaign shall be conducted among individuals and businesses in the United Way area at the lowest possible cost.
2. To recognize the autonomy of AGENCIES.
3. To use United Way of America’s general accounting and budgeting procedures in its own operation and conduct its own operation in a manner subject to sound budget controls and fiscal procedures.
4. To provide logos and other materials needed by agencies for United Way identification, visibility, and marketing purposes.
5. To make available to the AGENCY a copy of an annual audit of the financial records of the United Way prepared by a Certified Public Accountant.
6. To maintain a Board of Directors that shall meet at least four times annually.
7. To disburse to the AGENCY its annual program allocation of United Way funds according to the guidelines below so long as the AGENCY abides by the provisions of this AGREEMENT and the funded program is in existence (within the year specified by this AGREEMENT).

##### Allocations less than $1,000.00

 January 15th

##### Allocations of $1,001 and greater

 12 monthly installments beginning on or about January 15th that will occur on or about the 15th of each month thereafter.

1. To provide financial support to programs provided by AGENCIES that carefully prepare reasonable budgets and operate within them.
2. To encourage the AGENCY to conduct separate appeals in areas outside of the unified Campaign geographical area in which the AGENCY serves.
3. To provide the AGENCY the right to an appeal discussion regarding its allocation to the United Way Executive Committee. (**See III-N**)
4. Your organization agrees that Ada Regional United Way grant funds will be used in compliance with all applicable anti-terrorist financing and asset control laws, regulations, rules, and executive orders, including but not limited to, the USA Patriot Act of 2001 and Executive Order No. 13224.

**III. The AGENCY agrees:**

1. To obtain and maintain a charter as a non-profit charitable organization holding an exemption from federal income tax under the Internal Revenue Code: 501(C) 3 and an IRS Determination Letter. – OR – Present information to the Ada Regional United Way that shows that your program fits within the ARUW mission scope and funding priorities.
2. To obtain an annual Renewal Certificate of Registration from the State of Oklahoma.
3. The Board of Directors of Ada Regional United Way has voted to use $250,000 as the limit of the annual budget requirement for annual audit. This is only a requirement of ARUW, it may be a requirement of other funding sources to continue to require $100,000 as the requirement of an audit; i.e. Combined Federal Campaign, State of Oklahoma Charitable Campaign.
4. To meet non-discrimination standards while raising funds from Federal, State and local employees.
5. To abide by the United Way’s policies concerning donor designation, supplemental fundraising, and non-coercion. (See enclosed policies: Donor Designation, Supplemental Fundraising, and the Policy Against Coercion)
6. To actually provide the services and programs in the manner in which they are presented to the United Way.
7. To participate as an active AGENCY of the United Way by assuring that their Executive Director or assigned AGENCY representative will:
	1. Attend three of four regularly scheduled AGENCY director meetings for agencies receiving more than $1,000 annually from ARUW.
	2. Attend at least one of the Kick-Off Events for the Annual Campaign and the Annual Meeting.
	3. To submit bi-annual or annual reports on funded programs/projects by the stated date of no later than the **30th day** of the month following the end of the bi-annual or annual term. The bi-annual or annual reporting criteria is based on the length of time the agency has been funded by ARUW.
	4. Participate in Campaign presentations if requested by the United Way Executive Director.
	5. Encourage support of the United Way through an annual in-house AGENCY employee Campaign facilitated by United Way staff or volunteers unless the AGENCY does not have local employees or operates solely through the use of volunteers.
	6. Recognize that participation in other United Way special events is optional.
8. To inform the United Way IMMEDIATELY, in writing, when it is learned that United Way funded programs cease to function.
9. To ensure good communications and cooperative planning, the AGENCY agrees to keep United Way informed of any changes in programs and services, regardless of funding responsibilities.
10. To have the financial records of the AGENCY reviewed annually, and the following financial information submitted to the United Way with this AGREEMENT: (1) For agencies with annual budgets in excess of $250,000, the prior year’s audit is completed by an independent public accountant. (2) For agencies with budgets of less than $250,000, a financial statement and the prior year’s income tax return. A copy of the most current Form 990 or the document required by the IRS for the agency/organization must also be submitted annually.
11. To keep the public informed as to its services and objectives, and to make known in every practicable manner that it is a recipient of United Way support.
12. To display the insignia of the Ada Regional United Way prominently in its related offices, centers of operation and camps. AGENCY correspondence, news releases, and public presentations relating to the Ada Regional United Way’s currently funded programs are to include the United Way insignia or a statement in the text recognizing the Ada Regional United Way. In the event that this requirement is impractical for a specific reason, the AGENCY is expected to request an exception from the Ada Regional United Way Board of Directors. Provide, if necessary, a list of exception requests.
13. To cooperate with other agencies, both public and private, and with the United Way in order to prevent duplication of effort and promote effective efficient service.
14. To refrain from modifying any United Way currently funded program without prior approval of the United Way Board of Directors.
15. To accept the allocation made by the United Way Board of Directors of the funds raised in the annual fundraising campaign, subject to the right of discussion and appeal. The three main grounds for discussion and appeal are:
	1. The AGENCY made an error in its presentation.
	2. The Allocation Committee clearly misunderstood the AGENCY presentation.
	3. There has been a significant change in the AGENCY’S circumstances. In which you will need to:
16. Provide a list of benefits, capital fund drives, or other supplementary fundraising activities, which is projected for the calendar year of this agreement, including the name, type of activity, estimated net amount of funds to be raised, and the date(s) of the activity. The United Way Board will respond to this list if a conflict of interest is found.
17. Provide the United Way a list of all benefits, capital fund drives, or other supplemental fundraising activities which occur in addition to those submitted with the original Agreement. The United Way Board will respond to this list if a conflict of interest is found. (See III-O)
18. To cooperate with the Executive Director, the Board of Directors and all committees and task forces of the United Way, particularly the Campaign Committee during all phases of the annual fundraising Campaign.
19. To provide a written statement of its mission and functions, particularly those relating to the benefits to be received by the residents served by the Ada Regional United Way.
20. To have a responsible and active Board of Directors comprised entirely of unpaid volunteers, which meets at least quarterly, and establishes and enforces policy. The Board should be representative of the entire community that the AGENCY serves. It should have a specified plan for rotation and other arrangements that provide for new members. An annual detailed listing of Board of Directors is required (attachment A).
21. To have a non-discriminatory employment policy in accordance with the laws of the state of Oklahoma, and the United States of America.
22. To have been in operation for at least one year at the time of making Application for membership with the United Way. In the event that the AGENCY does not meet the time requirement but does offer a new and creative service or one for which there is documented or shows an urgent need, special consideration may be given.
23. To have the capacity to provide its services competently and efficiently, at reasonable costs comparable to those expended by organizations rendering similar services. To this end, it is expected that the staff delivering the service shall have adequate professional education and/or demonstrable experience in fields in which services are rendered.
24. To show a willingness to secure payment for services rendered which are reasonable in amount and are in accordance with a client’s ability to pay.

IV. Failure to Comply

* 1. Failure by any AGENCY to comply with the terms of this AGREEMENT could result in decreased funding, termination of funding, or membership by the United Way.
	2. If the Board of Directors of the Ada Regional United Way determines that an AGENCY is not in compliance with the terms of this AGREEMENT, the AGENCY will be notified via mail outlining the reasons for such a finding, and stating the action being taken by the Board.
	3. The AGENCY has the right to request and receive a hearing with the United Way Board of Directors. The hearing must be requested in writing within thirty days of the written notification to comply.

V. Termination

* 1. Either party may terminate this AGREEMENT without cause upon thirty days written notice to the other party. The notice must be personally delivered or forwarded by certified mail, return receipt requested and forwarded to the Executive Director or Chief Managing Officer of the United Way or Agency at its last known address. Termination without cause will not affect allocations for the current year, as long as the terminated AGENCY abides by the terms of this AGREEMENT for the remaining funding period.
	2. The AGENCY has the right to request and receive a hearing with the United Way Board of Directors in case their contract is terminated by the United Way. The hearing must be requested, in writing, within thirty days of the written notice of termination.

VI. Venue and Jurisdiction

* 1. The venue and jurisdiction of any dispute arising out of this contract resulting in court action shall be the District Court of Pontotoc County, Oklahoma. In the event such case must be filed in or removed to Federal Court, the venue and jurisdiction shall be the United States District Court for the Eastern District of Oklahoma.

### VII. POLICY AGAINST COERCION: \_\_\_\_\_\_\_\_Int

*The Ada Regional United Way knows that fundraising success depends on how much potential donors know and understand about organizations seeking support. United Way organizations across the country have been concerned for years about the use of undue pressure in fundraising and are opposed to any type of coercion. Giving is a personal matter and decision; no form of coercion is acceptable to the Ada Regional United Way.*

1. Fundraising should always be conducted in a voluntary manner. Coercion creates animosity, hinders communication and understanding, and eventually leads to decreased support.
2. Any semblance of pressure – whether real, implied, or perceived – is contradictory to the United Way operating standards. The United Way continually strives to prevent the use of coercion in their Campaigns by encouraging peer solicitation, rather than solicitation of employees by managers. In addition, United Way training programs are conducted for fundraisers that stress information and education and discourage the practice of seeking 100 percent participation in the Campaign, which may inadvertently encourage coercion.
3. To underscore our conviction about this policy, the Ada Regional United Way Board of Directors adopted the following policy statement:

*The Ada Regional United Way Board of Directors believes that the most responsive contributors are those who have the opportunity to become informed and involved. A well-planned Campaign with an effective communications program conducted by committed volunteers will ensure responsive contributors. While we have always been unalterably opposed to coercion, we do recognize a responsibility to state our beliefs formally, as freedom of choice is a basic tenet of our democratic society.*

### VIII. DONOR DESIGNATION POLICY: \_\_\_\_\_\_\_\_Int

*The purpose of the Donor Designation Policy is to define the choices available to a United Way donor for selectively targeting their contributions, and the method by which those funds will be distributed.*

1. Designation Options: Donors who desire to designate their contributions may do so upon request by writing the designation on the donor’s pledge card. United Way encourages donors to make unrestricted contributions to the general allocations fund. Payment of Designations to Member Agencies
2. Member Agencies will be notified of their annual allocations following the annual campaign. The amount will be forwarded as scheduled unless significant shrink occurs.
3. Designations will have the United Way budget’s estimated shrink percentage subtracted as well as the estimated administrative percentage
4. Designated contributions will not be separated from funds available for allocation. The designated contributions will be paid in conjunction with monthly allocations directly to Member Agencies on a monthly basis beginning on January 1.

###### Non-Member Agencies

###### There will be NO designated contributions accepted from any contributor. Non-Member Agencies will NOT receive any funding from Ada Regional United Way, Inc.

* 1. Member Agency Promotion of Designations: The goal of United Way is to market a single, community-wide Campaign at the workplace to meet the diverse needs of our community. The United Way believes that a positive presentation of a unified community-wide Campaign to all potential donors is the best way to increase charitable giving for all health and human service agencies. The United Way recognizes the fundamental right of donors to choose how their contributions will be used. Agencies are encouraged to promote the merits of the community-wide option for contributing through their presentations, educational materials and marketing efforts.
	2. General Promotion of Donor Designation
1. Member Agencies funded by United Way may not promote or encourage designations to their agency in any manner to anyone at any time or promote their agency in a manner intended to encourage someone to consider designating their United Way contribution to the agency. This restriction applies to any form of written or verbal communication to all audiences, including, but not limited to, volunteers, board members, agency staff, current contributors, service recipients and their families, and potential contributors at agency events or at workplace presentations.
2. Member Agencies will positively promote United Way’s community-wide Campaign with all audiences as the best choice.
3. Member Agencies will promote the United Way’s allocation process of distributing funds based upon community health and human services.
	1. Workplace Promotion of Donor Designation
4. Member Agencies will proactively promote the United Way partnership in companies where the agency has an existing relationship with the company.
5. Member Agencies cannot seek access to the workplace for the purpose of separate and competitive Campaign promotion.
6. During tours and workplace group meetings, associated with United Way’s annual workplace Campaign, Member Agencies are not to include any discussion of donor designation in their presentation and will not solicit designations for any specific agency during such functions. Presentations of donor designation will be the responsibility of the United Way staff or volunteers and/or the company’s staff. When the United Way staff or volunteers and/or the company staff are not present to respond to such inquiries, the Member Agency will respond in accordance with Guidelines for Presenting the Donor Designation Process (section IV E below).
7. Member Agencies cannot provide general distribution of literature at the workplace but can disseminate printed information about their organization during tours and workplace group meetings (including company fairs) and when requested by a donor.
	1. Waiver requests: The United Way Executive Committee will review all requested waivers of any provisions of this policy. If a Member Agency wishes to request a waiver to any item listed herein, the agency should submit a written request to the Executive Committee, including appropriate rationale and documentation for the request.
	2. Enforcement: *These promotional policy and marketing principles are always in effect.*
		1. If a corporation, agency, or individual notifies the United Way that it has been solicited, or made aware of a solicitation, for designations by a United Way Member Agency, then the United Way may investigate the incident and may, at its sole discretion, take such actions as specified below.
8. A Member Agency that appears to have violated the Agency Promotion of Donor Designations Policy will be notified in writing to submit a letter of explanation to the United Way’s Executive Committee. The Executive Committee will convene a meeting with the Member Agency’s Board President and Executive Director to determine if the Member Agency has, in fact, violated the policy. If the Executive Committee determines that the Member Agency has violated the policy, it will recommend to the Board of Directors that appropriate action be taken, including, but not limited to, the following:
	* 1. The first violation will result in a reduction of the Member Agency’s United Way undesignated allocation the following year. Unless there are extenuating circumstances, the reduction will be at least as much as the increase in designations to the Member Agency or 10% of the Member Agency’s total designations, whichever is greater. The United Way Board of Directors will determine the amount of the reduction.
		2. Unless there are extraordinary circumstances, the second violation will result in a reduction of the Member Agency’s next year’s United Way undesignated allocation by an amount equal to 50% of the Member Agency’s total designations. The Executive Committee will determine which action to recommend to the Board of Directors.
		3. Unless there are extraordinary circumstances, the third violation will result in a recommendation from the Executive Committee to the Board of Directors that the Member Agency be defunded. The effective date of the defunding will be a part of the Executive Committee’s recommendation.
		4. United Way Volunteers, Member Agencies and staff will share monitoring responsibilities. Any violation of the policy by an agency or another entity in support of an agency will be addressed by this procedure.
	1. Guidelines for Presenting the Donor Designation Process

*Responses to the following questions have been developed for use at tours, workplace meetings (including company fairs) and when asked by a donor. To assist United Way Member Agencies in presenting the Donor Designation Policy:*

* + - 1. Question:Can I choose how my contribution is allocated?

 Answer: Yes, United Way has three ways to contribute.

* + - * 1. The first choice is to make an undesignated gift to United Way through the broad base of **General Allocation** needs determined by the United Way’s Community Impact Committees. Representative groups of community volunteers identify the needs and areas of service in our community. They determine the best ways to distribute funds to address those needs.
				2. The second choice is to select **Targeted Care**. This choice allows donors to direct their contributions to one or several areas of service. These areas are: Health, Education and Financial Stability.
				3. The third choice is to select **Designated Care**. This choice allows donors to direct their contribution to one or several individual agencies approved for funding from Ada Regional United Way, which provide health and human services in the United States and can show evidence of meeting the IRS criteria for tax exemption under the section 501(c)3. The donors may also choose to direct their contributions to another United Way.
			1. Question:Is my Designated Care contribution given directly to the agency, or is it considered a part of the United Way’s General Allocation?

Answer:Designated Care contributions go directly to the specified agency and are considered part of the United Way Community Investment to the specific agency.

All other questions regarding the donor designation process should be referred to the company campaign coordinator. Please do not hesitate to refer questions to the United Way office.

**IX. SUPPLEMENTAL FUNDRAISING POLICY: \_\_\_\_\_\_\_\_Int**

*The United Way’s Supplemental Fundraising Policy is designed to encourage all parties to actively promote the community-wide Campaign. This policy covers all fundraising activities conducted by Member Agencies who hold current Agreements with the Ada Regional United Way.*

1. Activities permitted year-round include:
	1. Product sales
		* 1. Direct Requests to public
		1. Any exchange of product for monetary amount and/or advertising sponsorship
	2. Direct & Indirect request to public (no businesses)
	3. Sustaining membership campaigns as long as the donor receives value for their membership
	4. Capital campaigns
	5. Emergency fundraising (with prior United Way Board approval)
	6. One-time annual fundraising activity
		1. **This is the one time that businesses are allowed to be contacted**
		2. Please note that a list of all fundraising activities must be included with the application. Additional activities, which arise during the Campaign year, are also to be submitted. The Ada Regional United Way Board will respond to these lists if a conflict of interest is found. If the Member Agency believes that there is a potential conflict, then the Member Agency is encouraged to obtain prior Board of Directors approval.
	7. Requesting corporate gifts or sponsorship from area businesses
		1. Businesses may be contacted during the one annual fundraising activity of the agency but may not be contacted at any other time unless there is a product exchange.
		2. Businesses supporting Ada Regional United Way annual fund raising have the option of declining any request of a member agency
2. Activities restricted year-round include:
	1. **The Blackout: When Ada Regional United Way holds their campaign**
	2. Employee group solicitation in the workplace
	3. Promotion of self-designations
	4. Requests for contributions from local foundations and service groups
3. Activities allowed year-round include:
4. Sustaining membership campaigns if the donor receives value for their membership
5. Solicitation of taxpayer dollars from government entities
	* 1. Grants
6. **Sanctions:** Agencies will be subject to the following sanctions for violations of the United Ways Supplemental Fundraising Policy. In three consecutive years, the violations are as follows:
	1. **First Violation**
		1. The agency will be required to provide the United Way with complete documentation of the funds raised. Based on the seriousness of the violation, United Way reserves the right to:
		2. Issue a warning or
		3. Deduct an amount from the Agency’s allocation commensurate with the seriousness of the offense. The amount may be deducted from the Agency’s present or future allocation.
		4. Depending on the seriousness of the violation, immediate action may be taken including funding will cease and legal action pursued for the return of misused grant funds. In addition, the termination of its United Way Membership Agency status will occur.
	2. **Second Violation** -
		1. The Agency will be subject to forfeiture of up to one year’s allocation.
	3. **Third Violation** -
		1. The Agency will be subject to termination of its United Way Membership Agency status.
7. **ADMISSIONS, ALLOCATIONS POLICIES and PROCEDURES:** **\_\_\_\_\_\_\_\_Int**

*Ada Regional United Way maintains an open-door policy concerning applications from agencies seeking affiliation and endorses the concept of funding projects within agencies. In the case of new agencies applying for membership in the United Way, the Agency Review and Admissions Committee will meet with the agency to review the application.*

1. Structure:The Board of Directors is responsible for making decisions on agency admissions to United Way. The Community Investment committee consists of a group of volunteer community members, board members included, representing various community interests. The Community Investment committee will review the applications and submit their suggestions to the Board of Directors who will then vote on the suggested agencies and funding amounts. Agencies will be notified of their awarded funding through an Award letter.
2. Criteria: To participate in the admissions review process, an agency must meet the following criteria:
3. Must be a non-profit agency as defined by the Internal Revenue Service in Title 501(c)[3] of its code.
4. Must be run by a volunteer Board of Directors, none of whom receives any remuneration from the agency.
5. Must provide services in the Ada area.
6. Must establish that it is performing a needed service to the community not being provided by any other United Way agency.
7. Must execute agency Agreement with Ada Regional United Way.
8. Must have measurable goals and agree to undergo periodic program assessment by United Way or its designee.
9. Must agree to conduct no fundraising activity outside the United Way without the approval of United Way. (See Supplemental Fundraising Policy)
10. Must have a financial support program that demonstrates community acceptance and agency stability.
11. Must agree to lend strength to United Way through the support of its campaign and through publicity of its United Way affiliation.
12. Process:
	1. Agencies seeking admission to Ada Regional United Way must submit an application by the date specified to be considered for funding beginning in January of the following year. United Way will visit with the new applicant to discuss United Way policies and procedures, the review process, the application submitted, and services provided; a tour of the agency’s facility will be scheduled. New agencies must first meet with the Agency Review and Admissions Committee
		1. During the admissions process, the Community Investment Committee will schedule brief meetings with each applicant. Agencies may make formal presentations and respond to questions and are encouraged to have board and staff representation for the presentation.
		2. At the conclusion of agency reviews, the Committee will identify applicants felt to be appropriate for United Way funding. The Committee will make specific individual agency allocation recommendations to the Ada Regional United Way Board of Directors. Those recommendations are based on the total funds available, the specific needs of individual agencies, and the services provided by the agencies in the Ada area. Upon acceptance by the Board, agencies will be notified of their approval for funding as soon as possible. After the fund drive is completed, the Ada Regional United Way Treasurer will recommend the total net funds available for distribution to approved agencies for the following year.
	2. All funding is provided on a one-year basis and will be paid in 12 equal monthly payments. (See Agreement II-G). Application must be made annually by each agency.

###### Summary: The admissions and allocations process is designed to provide optimum accessibility to agencies pursuing United Way affiliation. Paperwork and preparation time for applicants are kept to a minimum. Although the process is a relatively easy one for applicants, the committee’s assessments are critical and represent the first line of accountability for United Way to the community. The responsibility is made more difficult because of its competitive nature. Invariably, worthy agencies apply for more United Way support than available money will permit. Failure to be approved for funding or failure to obtain the requested level of funding through the process should in no way be construed as a criticism or indictment of an agency’s program.

**XI.** **DIVERSITY, EQUITY, and INCLUSION: \_\_\_\_\_\_\_\_Int**

*Ada Regional United Way and you, the applicant, commit to operating its organization in a manner where diversity, equity, and inclusion (DEI) are fully integrated into everything we do for the benefit of our employees, volunteers, and the community we serve.*

1. We work with residents and public and private partners to create solutions that ensure everyone has the resources, supports, opportunities, and networks they need to thrive.
2. We commit to leveraging all of our assets (convening, strategic investments, awareness building, advocacy) to create more equitable communities.
3. We unequivocally denounce racism and ethnic discrimination because it undermines the well-being and vitality of our communities.
4. We welcome the fact that every person brings a unique perspective and experience to advance our mission and progress our fight for the health, education, and financial stability of every person in every community.
5. We acknowledge that our community is composed of people who are from diverse backgrounds, languages, ethnicities, races, cultures, religions, genders and sexual orientations.
6. We strive to provide an equal opportunity for all and to treat each person as a valued member of our community.

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**Signature of Executive Director of Member Agency Date**

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 **Signature of Member Agency Board of Directors President Date**