

2019 Memorandum of Agreement (MOA)

Between: **United Way of Central Kentucky** and **Elizabethtown Independent Schools**

United Way of Central Kentucky (UWCK) is committed to supporting a comprehensive network of health and human care services in the community that is responsive to identified needs. United Way of Central Kentucky pledges responsible stewardship of all donated funds and strives to ensure that the highest standards of accountability are maintained.

Agencies must provide programs that are accountable, responsive to identified needs, and able to demonstrate outcomes. With few restrictions, agencies are free to seek additional program and administrative support from other sources. Agencies are expected to be financially stable and plan for future financial obligations.

This agreement clarifies the relationship between United Way of Central Kentucky and funded agencies and establishes the conditions under which an agency receives UWCK support. This agreement is written with the goal of assuring that critical human needs are addressed effectively and efficiently and in the best interests of the community, the Agency and the United Way of Central Kentucky.

Grievance Policy: Agencies have a right to file a written inquiry with United Way of Central Kentucky, Executive Board with the understanding that current year funding decisions are final and will not be changed. Inquiries must be submitted in written form by the Board Chair of the agency. United Way agrees to respond within thirty days to any inquiries. Written inquiries should be submitted to:

Jon Ballard
Board Chair, United Way of Central Kentucky
604 North Main Street
Elizabethtown, KY 42701

Section I. Allocations:

The United Way of Central Kentucky Board of Directors will approve allocations for the period of June 1, 2019 through May 31, 2020.

Should funding be awarded, a letter with the award amount will be mailed to the agency for approval by the Board Chair/CEO. A signed copy of this letter must be returned to UWCK before payments on the award amount will be released. Payments will be mailed via check to address provided on grant applications. Allocations of \$7,500 or less are paid in one lump sum at the beginning of the grant year. Other payments will be issued on a monthly basis.

Section II.

Both Parties Agree:

- I. To keep channels of communication open for discussion of matters of common concern.
- II. Timely, written communication to each other in regards to significant changes throughout the year. These may include, but are not limited to, changes in United Way policies and procedures, changes in Agency leadership, organizational status or financial status, program changes etc.
- III. Recognize the need for full accountability to the donors contributing to United Way of Central Kentucky.

- IV. To participate in a collaborative effort to promote the United Way system.
- V. To promote effective service and efficient administration.
- VI. Operate without discrimination on the basis of race, religion, sex, ethnic origin, age, or disability.

Section III.

United Way agrees:

- I. To recognize and respect the autonomy of the Agency, through its governing board, to determine its own policies and to manage its own programs.
- II. To conduct a community-wide campaign to secure funds annually to support local health and human services.
- III. To maintain responsible stewardship on behalf of United Way donors and member agencies.
- IV. To deploy United Way financial support to maximize the resources available for programs aimed at current needs of the community, including programs not now receiving United Way funding.
- V. To provide a citizen-directed system of reviewing agencies, their programs and funding requests on a regular basis.
- VI. To respect the confidential nature of information provided by the Agency. Contents of an Agency's proposal and financial information will be used for purposes consistent with this agreement.
- VII. To distribute allocation payments to the Agency on the 15th of each month, unless notified otherwise.
- VIII. To distribute donor designated dollars to the Agency.
- IX. To annually implement a community-wide marketing and communications program that promotes United Way agencies and their programs.

Section IV.

The Agency agrees:

- I. To operate programs and deliver services as set forth during the funding review process.
- II. To secure and maintain in good standing all licenses and certifications required to operate the program in compliance with all federal, state, and local regulations.
- III. To immediately notify United Way regarding any legal, financial or organizational matters or program changes which may impact the agency's ability to operate and/or deliver the services.
- IV. To engage all levels of the organization (staff, leadership, program staff and board of directors) in measuring program outcomes and to use the results as the foundation for program planning.
- V. To ensure the agency performs an annual audit OR has the necessary controls in place to ensure funds are properly accounted for and can provide accurate, timely financial information if requested. Agencies that receive a UWCK grant of \$100,000 or more and/or have agency revenue of \$250,000 or more as defined by their IRS Form 990 (Part VIII, Line 12, Column A) will be required to conduct an audit by the end of their grant year, if they do not already have one at the time of application. Agencies meeting these thresholds and that have not yet conducted an audit will be required to do so and submit a copy to UWCK by the end of the 2019-2020 grant cycle should funding be awarded.
- VI. At all times during the term of this Agreement, to protect, defend, indemnify and hold harmless United Way and its agents, officers and employees from all claims and suits including court costs, attorney fees and other expenses, caused by any act or omission of the Agency and/or its subcontractors, agents and employees.
- VII. To support the United Way effort and collaborate throughout the year, including but not limited to the following. All Agencies will:

- Conduct an effective internal United Way campaign annually, including solicitation of agency's Board of Directors. Note that the campaign will run from August 1, 2019 to February 28, 2020. Agencies with no paid staff are still expected to run a campaign with the Board of Directors and/or key volunteers.
- Share information about the funded program's outcomes at UWCK workplace campaign meetings as needed.
- Represent each funded program at a speaker's bureau training provided by UWCK during the course of the funding year at an Agency Advisory Meeting (date to be determined by UWCK staff).
- Provide program-related information as requested within a timely manner to facilitate marketing and communications, planning and research, and community initiatives.
- Arrange a client (i.e. individual, family, volunteer, agency advocate, etc.) who is willing to share their story in UWCK marketing materials such as the annual Campaign Video. The client will be representing your agency, so please make careful consideration of a success story that truly illustrates the benefits of your programs.
- Funded programs expanding to offer services to new communities in UWCK's five county region will notify UWCK in advance to arrange collaborative promotional opportunities and facilitate introductions to key community leaders.
- Submit thorough quarterly reports on time. If UWCK funding is granted, each program will provide via e-mail (to impact@unitedwayck.org) a quarterly report which tracks your progress toward the outcomes outlined in Part C of the grant application. Programs are expected to report even if services were not delivered in a particular quarter (i.e. school or seasonal programs). This report template will be provided to your agency upon receiving funding and will be due to UWCK quarterly on the following schedule:

Months covered in report	Due Date
June, July, August	September 27, 2019
September, October, November	December 20, 2019
December, January, February	March 27, 2020
March, April, May	June 26, 2020

If awarded grant funding, agencies will be asked to provide a social media post (Facebook, Twitter, or Instagram). UWCK strongly encourages including a short video demonstrating program results (may include a client, volunteer, and/or program manager) to be submitted with quarterly reports. Supplemental content should be submitted to impact@unitedwayck.org (all clients pictured or captured on video are required to sign a photo release form). This content may be used in UWCK's marketing and development efforts to demonstrate how United Way donations are put to use in the community.

- Represent each funded program on UWCK's Agency Advisory Committee. This group will meet quarterly (dates, times, locations to be announced). Up to two volunteers from this committee will receive an Ex Officio position on UWCK's Board of Directors.
- Maintain current listings of volunteer needs at centralkyserves.org and include services offered in UWCK's 2-1-1 database – this is MANDATORY and should be updated quarterly as reports are submitted.

- Anti-Terrorism Compliance Measures: In compliance with the USA PATRIOT ACT and other counterterrorism laws, United Way of Central Kentucky requires that each agency certify all United Way funds and donations will be used in compliance with all applicable anti-terrorist financing and asset control laws, statutes and executive orders. Signing this MOA constitutes certification of the agency's compliance.
- Promote the partnership through co-branding standards outlined below:

Co-Branding Requirement

Agencies will promote the partnership with United Way of Central Kentucky through these methods:

- Following United Way Brand Guidelines available at <http://www.unitedwayck.org/branding-guidelines>.
- Include the current United Way of Central Kentucky logo on written correspondence, communication, publications, and signage, including but not limited to webpages, annual reports, newsletters, press releases, mass emails, letterheads, flyers, brochures, etc.
- Display United Way partner logo at any facility impacted by UWCK funding.
- Following United Way Brand Standards provided by UWCK when displaying or using the UWCK logo (see unitedwayck.org for details and digital co-branding toolkit).
- Displaying the United Way logo at community functions/fundraisers.
- For Born Learning Grant Applicants: include "Funded By United Way of Central Kentucky" stickers on items that are distributed to the public and purchased with UWCK grants. Stickers will be provided by the UWCK office and may be mailed to you upon request if your program resides outside of Hardin County.
- Recognizing United Way partnership in public statements (i.e. Interviews with media, PSAs, community presentations, speaking engagements, newspaper interviews, blogs, vlogs, etc.).
- For programs funded through specific Corporate Investments, follow additional naming/co-branding guidelines as provided by UWCK.

VIII. All agencies will abide by the Supplemental Fundraising Policy as detailed below.

Supplemental Fundraising Policy

UWCK supports Funded Partner efforts to secure diversified funding, particularly unrestricted funds. UWCK encourages Funded Partners to seek funds from diverse sources to help ensure financial stability and long-term sustainability. To support the strategic community investments it makes in Funded Partners, UWCK must also ensure a strong and thriving annual fundraising campaign.

UWCK recognizes that many of our corporate and workplace investors give through workplace campaign to avoid multiple asks for donations throughout the year. To uphold all of these objectives, the UWCK Partner Fundraising Policy provides reasonable guidelines for Funded Partners to conduct fundraising activities throughout the year.

Scope of This Policy

This policy affects all organizations that accept UWCK Program Investments and compliance with it is a requirement for funding. **This policy applies to all Funded Partner fundraising activities, including those by associated groups.** Any individual, group, or organization that proposes to raise funds in the name of

a Funded Partner is subject to this policy and is responsible for assuring all fundraising activities protect the mutual interests of UWCK.

This policy is only effective in the service area of United Way of Central Kentucky and does not apply to fundraising efforts in counties outside Hardin, Breckinridge, Grayson, LaRue, and Meade. In the case of school districts, the policy applies to the specific program(s) receiving funding rather than all individual schools or district-wide efforts.

Funded Partner/Representative Fundraising Activities Permitted Year-Round

- Solicitation of government funding
- Grants or service contracts
- Special events (including golf tournaments, banquets, etc.)
- Membership campaigns
- Disaster and emergency fundraising campaigns
- Direct-mail campaigns targeting individuals
- Requests for donated products, services or in-kind gifts from individuals
- Product sales and fee for services
- Investment income
- Bequests and endowments
- Public Service Announcements promoting the organization
- Monetary solicitations of individual donors

Funded Partner/Representative Fundraising Activities Not Permitted at Any Time

- Group employee solicitations in the workplace
- Any type of payroll-deduction campaign

Funded Partner/Representative Fundraising Activities Prohibited September 1 – October 30

- Capital campaigns for the purchase, expansion, or major renovation of physical facilities or technology.
- Monetary, sponsorship, or in-kind solicitations targeting businesses or corporations.
- Online fundraising campaigns for direct financial support (eg. crowdsourcing campaigns promoted through social media). Agencies that allow online giving through their websites or social media platforms may continue to offer this option but agree to not make solicitations using these tools during September and October.

Acceptable Fundraising Practices

UWCK Funded Partners are expected to follow open, honest and accepted practices for fundraising and comply with all applicable municipal, state and federal requirements. UWCK encourages organizations to review the [Code of Ethical Standards](#) and the [Donors Bill of Rights](#), as outlined by the Association of Fundraising Professionals for best practice guidelines.

Examples of unacceptable fundraising practices include but are not limited to paying commissions, applying undue pressure, or mailing unordered tickets or merchandise. It is expected that Funded Partners will conduct all fundraising practices with the highest level of professionalism and not engage in any activity that could be perceived as fraudulent, dishonest and/or deceptive.

Questions & Appeals

For questions regarding the interpretation of this policy or in its compliance, Funded Partners should send a written request to impact@unitedwayck.org. Funded partners are encouraged to adhere to the policy as written and not to rely on UWCK staff and volunteers for interpretation of the policy. If an opportunity for special fundraising which is not mentioned in the policy arises, agencies may contact UWCK for a review of the request.

Appeals of UWCK action regarding supplemental fundraising policy violations should be made in writing to the Chair of the UWCK Board of Directors. Appeals will be reviewed by the Executive Committee if it is clear that there was an error or misunderstanding in the evaluation of the fundraising request. The fact that an agency wished to re-emphasize points already presented will not be considered a valid basis for appeal.

Section V.

Changes to, compliance with and termination of this agreement:

- I. If, at any time during the life of this agreement, it becomes necessary to change the terms of this agreement, such changes, after being mutually agreed upon by and between the Agency and United Way, shall be effective when incorporated in written amendments to the Agreement.
- II. United Way reserves the right, at any time during the term of this agreement, to reduce or withhold the Agency's funding, place the Agency on probationary status, or terminate this agreement if any of the following conditions occur:
 - Failure on the part of the Agency to adhere to the standards or policies set forth and covered by this Agreement.
 - Failure on the part of the Agency to deliver agreed upon services.
 - Significant changes in conditions (revenue, facilities, staffing, client base, etc.) that result in the Agency's inability to effectively operate the program(s).
- III. The Agency may terminate this agreement on sixty (60) days written notice. A decision to terminate must be by resolution of the Agency's board of directors. United Way funding will cease on the effective date of termination.
- IV. In the event of unforeseen circumstances related to the availability of funds, United Way reserves the right to adjust allocations upon thirty (30) days written notice to agencies.
- V. United Way of Central Kentucky maintains the right to terminate the contract should the agency default on fulfillment of the initiatives as outlined in the Request for Funding Proposal.
- VI. United Way of Central Kentucky reserves the right to respond publicly to negative publicity against United Way.

If the agency fails to meet the requirements during the course of the allocation year, UWCK may discontinue funding. The decision to terminate funding will be at the advice of the Community Investment Team with the approval of the Board of Directors.

Section VI.

Required Signatures

This signature page must be signed by all parties and returned to the United Way of Central Kentucky office with the proper signatures before payments in the new allocation cycle begin.

Applicant Chief Volunteer/Board Chair

Date _____

Applicant Executive Director

Date _____

United Way Board Chair

Date _____

United Way Community Investment Team Chair

Date _____