

Davis School District Policy and Procedures

Subject: 10CR-201 Charitable Solicitation Policy
Index: Community Relations – *Fund Raising and Donations*
Revised: May 16, 2017

1. PURPOSE AND PHILOSOPHY

To allow Davis School District (District) employees the opportunity and convenience of contributing through payroll deduction to well establish and efficient charities which have a local presence. To minimize intrusion into and disruption of the workplace. To specify that the contributions collected are used to provide direct human health and welfare services to obtain a greater benefit for local society.

2. POLICY

2.1. Unified Campaign

In accordance with the definitions and purposes of this policy the superintendent, in consultation with the Board of Education of the Davis School District (Board), will allow once per year, a unified campaign for charitable contributions from District employees through payroll deduction to qualified federations selected as outlined in this policy.

2.2. Qualified Federation Standards

Only qualified federations will be allowed to participate in the charitable solicitation unified campaign. To be qualified, a federation must meet all of the following criteria:

- 2.2.1. Demonstrate by audit or report that they provide direct services to Davis County residents and that they provide direct human health and welfare services.
- 2.2.2. Have a history of at least four (4) years of fund-raising in which administrative and, in each individual year, fund-raising costs combined do not exceed fifteen (15) percent of the funds raised.
- 2.2.3. Comply with generally accepted accounting and auditing principles and the standards of the industry.
- 2.2.4. Provide a copy of the independent certified audit of the most recent fiscal year's financial revenue and expense statements. The audit results must show that such documents present fairly the said financial information regarding the federation and that the federation is financially stable.
- 2.2.5. Provide to the District an annual financial report or IRS form 990.
- 2.2.6. If not exempt under Utah Code Ann. §13-22-8, must be registered with the Division of Consumer Protection and must verify such, as requested by the District.
- 2.2.7. Ensure that only those member charities that comply with all eligibility requirements are included in the unified campaign.

2.3. Member Charities

- 2.3.1. The District considers a member charity to provide direct human health and welfare services if it meets all of the following criteria:
 - [a] The services provided must directly benefit human beings, whether those recipients are children, youth, adults, the aged, the ill and infirm, or the mental or physically disabled.
 - [b] The services provided must consist of care, research, or education in the fields of human health or social adjustment, and rehabilitation relief for victims of a natural disaster and other emergencies; or assistance to those who are impoverished and in need of food, shelter, clothing and other basic human welfare services.

- 2.3.2. The primary focus of a member charity must not be one of, or a combination of the following, which are not considered direct human health and welfare services:
- [a] Litigation activities on behalf of parties other than the agency itself, although personal legal advocacy services for individuals who are elderly or poor are an allowable human service.
 - [b] Lobbying for the passage or defeat of legislation.
 - [c] Activities aimed to promote the adoption of one or more religions or philosophical viewpoints.

This list is illustrative only and not exhaustive of the types of activities which are not direct human health and welfare services.

- 2.4. Annual review
Federations will be subject to a yearly review to assure compliance with this policy. If found out of compliance, a federation may be disqualified for the District's charitable solicitation unified campaign.

3. DAVIS SCHOOL DISTRICT FOUNDATION

This policy does not apply to nor limit activities of the Davis School District Foundation. The status of local school board foundations is specified in the Utah State Code §53E-3-403. Local school boards may establish foundations to assist in the development and implementation of programs to promote educational excellence and to assist in the accomplishment of other education-related objectives.

4. APPLICATION PROCESS

Any charitable organization that desires to be considered for participation in charitable solicitation of District employees must complete a District application process. Specific criteria and or details will be provided in the application.

DEFINITIONS

“**Charitable solicitation**” means any request directly or indirectly, for money, credit, property, financial assistance, or any other thing of value on the plea or representation that it will be used for a charitable purpose.

“**Member charity**” means a private, non-profit, philanthropic, human health and welfare organization.

“**Qualified federation**” or “**qualified federations**” means Utah based 501 (c) (3) organizations who timely apply for permission to participate in the unified campaign to solicit charitable contributions from Davis School District employees. For additional requirements see section 2.2.

“**Unified campaign**” means a single annual campaign for charitable solicitation of Davis School District employees for contributions to qualified federations through payroll deduction; conducted by the campaign coordinator at a specific time of year, as designated and allowed by the superintendent.

REFERENCES

[Utah Code Ann. §13-22-2](#) - Charitable Solicitation Act - Definitions

[Utah Code Ann. §13-22-5](#) - Charitable Solicitation Act - Registration required

[Utah Code Ann. §13-22-15](#) - Charitable Solicitation Act - Financial Reports Required

[Utah Code Ann. §53E-3-403](#) - Establishment of public education foundations

Cornelius v NAACP Legal Defense & Ed. Fund, 473 U.S. 788, 105 S. Ct. 3439

United Black Community Fund v City of St. Louis 613 F. Supp. 739 (D.C. Mo. 1985), aff'd 800 F. 2d 758 (8th Cir. 1986)

Pilsen Neighbors Community Council v Burris 672 F. Supp. 295 (N.D. Ill. 1987)

DOCUMENT HISTORY:

Adopted: November 16, 1999

Revised: September 26, 2001

Revised: September 1, 2009 – No content change, renumbered from 10CR-200 to 10CR-201 with reorganization of Policy Table of Contents.

Revised: May 16, 2017 - Five year review. Non substantive policy organization changes. Removed option for immediate payment (credit card). Removed requirement for federation to apply every three years.

March 8, 2018 - Education code references updated in accordance with 2018 recodification.