

FUND FOR THE ARTS POLICY ON INDEPENDENT FUND-RAISING FROM  
BUSINESSES, BUSINESS FOUNDATIONS, AND LOCAL GOVERNMENTS BY  
BENEFICIARY AGENCIES

22 March 1990

SECTION I - DEFINITIONS

As used herein:

1. "Beneficiary Agency" means any organization which receives or is eligible to receive an annual allocation from the Fund for the Arts, and any auxiliary of such organization (such as the West Virginia Symphony League, Friends of Sunrise, women's committees, parents' committees, etc.)

2. "Business" means any corporation, partnership, or other business entity doing business in the Charleston Metropolitan Area.

3. "Business Foundation" means any foundation established by a business for the purpose of making contributions.

4. "Charleston Metropolitan Area" means all of the area within the Counties of Kanawha and Putnam.

5. "Local Government" means the County Commission of Kanawha County, the County Commission of Putnam County, and any municipality situate within Kanawha County or Putnam County.

6. "Solicit" means to request funds, contributions, financial assistance, underwriting grants, merchandise, prizes, or other in-kind contributions from any Business, Business Foundation, or Local Government, including any contribution, grant, or payment for which advertising or promotional credit is expected by the donor or given by such Beneficiary Agency, and "solicitation" or "soliciting" means the act of making any such request; but neither "solicit," "solicitation," nor "soliciting" shall include the selling of advertising space as specified in Paragraph D, Section VI hereof.

SECTION II - INTRODUCTION

Independent fund-raising by any Beneficiary Agency is both necessary and desirable. However, if the Fund for the Arts is to be effective in its annual fund-raising role of serving the arts while maintaining credibility with its donors, some prohibitions, limitations, and coordination are necessary and desirable with regard to the solicitation of any Business, Business Foundation, and/or Local Government.

This policy is to provide a framework within which any Beneficiary Agency may maintain independent fund-raising efforts from any Business, Business Foundation, and Local Government which are not in conflict or competition with fund-raising by the Fund for the Arts.

### SECTION III - IMPLEMENTATION

The Fund for the Arts and each Beneficiary Agency need to maintain a close working relationship in order to maintain consistent communications with each Business, Business Foundation, and Local Government about the fund-raising efforts of the Fund for the Arts as well as the independent fund-raising efforts of each Beneficiary Agency

No written policy can take into account every possible situation. The Fund for the Arts views implementation of this policy as the responsibility of the Beneficiary Agency president. The president may designate a chief staff person to assist in the preparation of materials for fund-raising purposes, but ultimately the Fund for the Arts shall look to the Beneficiary Agency president as the individual responsible for maintaining an agreeable relationship between the Fund for the Arts and the Beneficiary Agency. In any case where a Beneficiary Agency requests clarification, the matter will be referred to the Executive Committee of the Fund for the Arts.

Each July 1st a new copy of this Fund for the Arts Policy on Independent Fund-Raising will be sent to each Beneficiary Agency president. On behalf of the Beneficiary Agency, the president will be asked to certify that the policy has been received and reviewed. Beneficiary Agency presidents are encouraged to distribute copies of the policy to individuals charged with any fund-raising responsibilities on behalf of the Beneficiary Agency.

### SECTION IV - APPLICATION

This policy covers independent fund-raising in the Charleston Metropolitan Area from any Business, Business Foundation, and Local Government by any Beneficiary Agency.

### SECTION V - EXCLUSIONARY PERIOD

No solicitation of any kind shall be made by any Beneficiary Agency during the months of February, March, or April, the period during which the Fund for the Arts shall conduct its major fund-raising effort on behalf of the Beneficiary Agencies.

## SECTION VI - INDEPENDENT FUND-RAISING

### A. General

Except as provided in Paragraph B of this Section VI and in Sections VII and VIII hereof, no Beneficiary Agency may solicit any Business, Business Foundation, or Local Government for a cash contribution. Any cash contribution received by a Beneficiary Agency from any Business, Business Foundation, or Local Government may be retained by such Beneficiary Agency, but must be reported by the Beneficiary Agency to the Fund for the Arts upon receipt. Any such cash contribution will be considered as part of the approved allocation to the Beneficiary Agency from the Fund for the Arts unless it is a contribution described and authorized in Paragraph B of this Section VI and/or in Sections VII and VIII hereof.

### B. Special Events, Projects, etc.

In accordance with the procedure described below, any Beneficiary Agency may, notwithstanding Paragraph A of this Section VI, solicit from a Business, Business Foundation, or Local Government an underwriting grant or other monetary support as the sponsor of a concert, performance, special event, project, exhibit, or work of art for which advertising or promotional benefits are given to the donor and are the reason for such grant or monetary support.

At least 45 days prior to soliciting such an underwriting grant or other monetary support, the Beneficiary Agency shall notify the Fund for the Arts in writing of the expected source or sources of such grant or monetary support and provide information concerning the concert, performance, special event, project, exhibit, or work of art being underwritten or supported, and the amount to be solicited. Within 30 days after receipt of such notification, the Fund for the Arts will determine and advise the Beneficiary Agency in writing whether such grant or monetary support is approved as being consistent with Paragraph A, B, C, or D of this Section VI or will be deducted from the Beneficiary Agency's annual budgetary allocation from the Fund for the Arts.

Any solicitation by a Beneficiary Agency for such a grant or monetary support without the required prior notification to the Fund for the Arts may result in a corresponding deduction from the Beneficiary Agency's annual budgetary allocation from the Fund for the Arts and could result in the loss of membership in and annual funding by the Fund for the Arts.

### C. Merchandise

With 30 days prior notification of the Fund for the Arts, any Beneficiary Agency may solicit from any Business or Business Foundation contributions of merchandise or other items of value to be sold at a fund-raising auction or to serve as prizes, if advertising or promotional considerations are the reason for such contributions.

#### D. Advertising

Any Beneficiary Agency may sell advertising space in the regular publications or programs of such Beneficiary Agency. Agency representatives, in the course of making such sales, must advise any Business so solicited that any such advertising contribution is not to be considered by the Business as a replacement for the Business's contribution to the Fund for the Arts.

### SECTION VII - CAPITAL IMPROVEMENTS AND ENDOWMENT FUND DRIVES

With the prior approval of the Fund for the Arts, any Beneficiary Agency may solicit funds from any Business, Business Foundation, or Local Government for capital improvements or endowment fund purposes.

An application by a Beneficiary Agency for approval by the Fund for the Arts must be submitted at least six months in advance of any such solicitation. The application shall provide information concerning the dates and purpose of the solicitation, the amount to be solicited, and the sources to be solicited. Within 30 days after receipt of such application, the Fund for the Arts will determine and advise the Beneficiary Agency in writing whether the application is approved. If the Fund for the Arts fails to notify the Beneficiary Agency in writing within the 30-day period, the Beneficiary Agency may assume that the application is approved and may proceed with its solicitation, but must advise the Fund for the Arts in writing of its intention so to proceed.

A solicitation by a Beneficiary Agency for capital improvements or endowment fund purposes without prior approval by the Fund for the Arts, or a solicitation by a Beneficiary Agency despite disapproval of its application by the Fund for the Arts, may result in appropriate remedial action such as a reduction of the Beneficiary Agency's annual budgetary allocation or loss of membership in and annual funding by the Fund for the Arts.

### SECTION VIII - NON-CONTRIBUTORS TO FUND FOR THE ARTS

After being advised by the Fund for the Arts that a particular Business, Business Foundation, or Local Government is not a contributor to the Fund for the Arts, any Beneficiary Agency may solicit such Business, Business Foundation, or Local Government for a cash contribution and, if received, may be retained by the Beneficiary Agency but must be reported to the Fund for the Arts.

## SECTION IX - IN-KIND CONTRIBUTIONS

It is recognized that a Business, Business Foundation, or Local Government may make an in-kind contribution of materials, supplies, furniture, equipment, fixtures, or services to a Beneficiary Agency. Any Beneficiary Agency which receives such an in-kind contribution shall submit to the Fund for the Arts a report identifying the donor and the nature of the in-kind contribution, but the value of any such in-kind contribution shall not be considered as part of the approved budgetary allocation to such Beneficiary Agency from the Fund for the Arts.

## SECTION X - RECOGNITION

In all printed materials of a Beneficiary Agency (advertisements, brochures, stationery, programs, etc.) the logo of the Fund for the Arts shall be used and prominently displayed.