



Summer 2009

Operations and Governance

[Checklists and Assessment Tools for Chapters and Components]

Chapters and components are often the front-line at serving members, developing leaders and advancing a mission. While resources may be limited, every organization should strive for highly effective governance and management. This requires an understanding of operations, governance, risk management and legal requirements.

The following items are designed to help associations and chambers of commerce:

- **Inventory, Assess and Improve** – A tool for an organization to identify, evaluate and improve documents and systems.*
- **Association Essential Documents** - The core documents to maintain. Listed by: 1) IRS public documents; 2) branding-unique positioning documents; 3) governing documents; and 4) operating manuals.
- **Hierarchy of Governing Documents** – A guide to the hierarchy, origin, purposes and application of the seven governing documents for exempt organizations in the USA.
- **Operating Framework of a Nonprofit** – The mandatory, primary and secondary documents and systems common in nonprofit organizations. *

Be sure to rely on the advice of legal, accounting and insurance professionals.

* Updated in 2009 to reflect IRS Form 990 considerations.

STRATEGIC PLANNING • LEADERSHIP DEVELOPMENT • ASSOCIATION EFFICIENCY

335 Beard Street • Tallahassee, FL 32303 • USA
p 850.570.6000 f 850.297.2800
www.nonprofitcenter.com
e bob@rchcae.com

INVENTORY, ASSESS, IMPROVE

6-09

Introduction

There are well over a million non-profit organizations in the USA. Much of the greatness of communities is credited to the work of these organizations.

The management of nonprofits requires an understanding of governance, operations, documents and systems. This is especially true as scrutiny intensifies on the sector by the government, the media, consumers and stakeholders.

Use the organizational check-up *inventory, assess and improve* the organization. For nonprofits with staff, it is a task for a team or the executive director. In volunteer driven organizations, the officers may undertake the inventory.

Format

The left column identifies important documents, manuals and systems. The center column describes their purposes¹. The right column is for grading and noting necessary actions to improve or remedy.

Process

Proceed by locating the documents and systems. Review items to determine if the information is representative of a *model of excellence* --- or does it need improvement? The eight categories include:

- | | |
|--|---|
| <ul style="list-style-type: none">• Governing and Legal Documents• Strategic Direction• Risk Management and Insurance• Board and Committees, Leadership | <ul style="list-style-type: none">• Administration, Staffing and Finances• Membership and Stakeholders• Image, Branding and Public Awareness• Societal Benefit, Outcomes |
|--|---|

¹ Be sure to contact legal, accounting and insurance counsel, and local, state and federal government officials, for assistance.

GRADING SCALE: A – Document exists and is in good condition and use; B – Document found and could use some improvement; C – Document is outdated or in poor condition; needs attention soon; D – Unknown, requires further study, research and action; 0 – Does not apply to our organization, ever.

Grading Scale

Use the scale to note the condition of each document or system. Make notes in the column if actions should be taken.

- ☐ A – Document exists and is in good condition and use.
- ☐ B – Document found and could use some improvement.
- ☐ C – Document is outdated or in poor condition; needs attention soon.
- ☐ D – Unknown, requires further study, research and action.
- ☐ 0 – Does not apply.

Results

As you find omissions or items that can be improved, be sure to keep a list of to-do items. Clearly, the goal is an ‘A’ or ‘B’ grade for every item.

Where items are below par, you may want to seek additional information or assistance from your legal, accounting or insurance counsel. Or you may have a parent organization or subsidiary/chapter you want to be sure they are in compliance or have the resources you need.

Uses

Ideal for the **new employee** to better understand essential documents and internal systems. For the **new executive director**, use the form to inventory the critical documents in the organization’s files. For **staff-cross training**, make it a staff meeting topic to ensure each person understands the documents and operations. For **chapters**, it’s a way to ensure compliance with national. For the start up organization, it’s a checklist of items to carefully consider. For the **association management company**, its an intake checklist. Finally, for the **retiring CEO**, it’s a checklist to be sure that all files are current prior to transition.

Additional Resources

For additional information from the author, visit www.nonprofitcenter.com for free nonprofit management and governance templates, tips and best-practices. Organizations are invited to adapt the information for training needs. Bob Harris, CAE, offers training for boards and staff as well as strategic planning. Contact bob@rchcae.com.

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Document	Description	Assessment/Action
Governing and Legal Documents		
Articles of Incorporation	Articles of incorporation are filed with the appropriate <i>state</i> agency to acquire legal standing and are needed to request exempt status from the IRS. Generally, annual renewal is required and many states <i>involuntarily dissolve</i> an organization that fails to renew.	☐ A ☐ B ☐ C ☐ D ☐ 0
Bylaws	Bylaws describe how the organization will operate and its relationship to stakeholders. Amendments to the bylaws generally require approval of the membership. [Note: The IRS requires notice of amendments to governing documents with submission for Form 990.]	☐ A ☐ B ☐ C ☐ D ☐ 0
IRS Documents	<i>Public records</i> include the 1) IRS Letter of Determination, 2) Form 1023 and/or 1024 and 3) Form 990 Information Return for the past three years. Keep copies readily accessible. [Be sure to know if the parent <u>or</u> chapter is filing an annual IRS return or holds a <i>group exemption</i> .]	☐ A ☐ B ☐ C ☐ D ☐ 0
Letter of Determination	The document returned from the IRS indicating that the organization is officially exempt from paying federal income tax. [Use <i>IRS Form 1024</i> to apply for 501(c) status and specifically <i>Form 1023</i> for 501(c)(3) status.]	☐ A ☐ B ☐ C ☐ D ☐ 0
Sales Tax	A sales tax certificate may be required if the organization sells items such as coffee mugs, shirts, directories, books, etc. Or a certificate of sales tax <i>exemption</i> may be required. Check with state's Dept. of Revenue.	☐ A ☐ B ☐ C ☐ D ☐ 0
Annual Business Meeting	Most states' corporate laws require an annual business meeting of the members. Be sure to keep <i>proof</i> of the meeting by retaining agenda, minutes, attendance records, etc.	☐ A ☐ B ☐ C ☐ D ☐ 0
Charitable Solicitation	Nearly 40 states require organizations to register if they are soliciting charitable funds from persons with whom no business relation	☐ A ☐ B ☐ C ☐ D ☐ 0

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Document	Description	Assessment/Action
	exists.	
Occupational License	Check with local municipality officials to determine if an occupational license is needed for a not-for-profit organization.	☐ A ☐ B ☐ C ☐ D ☐ 0
Strategic Direction		
Mission Statement	The mission statement is a well crafted, brief sentence, usually including three elements: identify 1) the organization, 2) its members, and 3) what it does for members. It should complement the IRS required “statement of purpose.” Board and staff should be able to articulate the mission.	☐ A ☐ B ☐ C ☐ D ☐ 0
Vision Statement	The vision statement describes the organization’s aspirations. By contrast to the requisite mission statement, the vision statement is <i>optional</i> .	☐ A ☐ B ☐ C ☐ D ☐ 0
Values Statement	The guiding principles for board and staff. Adopted as more scrutiny is placed on nonprofit governance. [The mission, vision and values statements create the <i>brand platform</i> , or corporate image and unique position of the organization.]	☐ A ☐ B ☐ 2 ☐ D ☐ 0
Strategic Plan • Mission • Goals • Strategies • Tactics • Performance Measures	The strategic plan is developed by the board to set broad goals and supporting strategies to advance the mission and vision. The plan may include performance measures (KPIs). For example, increasing membership may be the <i>goal</i> ; <i>strategies</i> will include membership drives, member incentives for joining, a membership committee; and <i>performance measures</i> may indicate the number of new and renewing members. An annual review of the plan should be undertaken to measure progress.	☐ A ☐ B ☐ C ☐ D ☐ 0
Business or Action Plan	The business plan details the delegation and deadlines necessary to advance the strategic plan. A strategic plan may cover 3 to 5 years; an action plan usually covers 1 year and is closely related to the budget and current year priorities.	☐ A ☐ B ☐ C ☐ D ☐ 0

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Document	Description	Assessment/Action
Risk Management and Insurance		
Insurance Coverages • D & O • General Liability • Fidelity Bond • Meetings • Liquor	Volunteer immunity probably covers the board of directors. An insurance advisor and attorney should determine if general liability, directors and officers' liability, a fidelity bond, host-liquor liability and/or meeting event cancellation insurance should be acquired.	☐ A ☐ B ☐ C ☐ D ☐ 0
Antitrust Avoidance Statement	When similar businesses get together there is some danger of violating antitrust laws; fines can run in the millions. To discourage violations, organizations emphasize antitrust avoidance distributing a precautionary notice or by other means.	☐ A ☐ B ☐ C ☐ D ☐ 0
Disaster Manual	A notebook made up of key documents maintained outside the office or on an external computer server so that if the office were destroyed, all documents are easy to replace; i.e. budget, articles, bylaws, IRS documents.	☐ A ☐ B ☐ C ☐ D ☐ 0
Apparent Authority	A policy and/or orientation should inform volunteers and staff who may officially speak for the organization; and restrictions on use of stationery and logos.	☐ A ☐ B ☐ C ☐ D ☐ 0
Board and Committees, Leadership		
Leadership Manual	Volunteers should receive a leadership manual or board handbook with information on their roles and responsibilities, including appropriate documents such as bylaws, articles, rules of order, budget, etc. Used at the annual leadership orientation.	☐ A ☐ B ☐ C ☐ D ☐ 0
Policy Manual	Policies are motions made by the board to interpret governing documents and to set best practices. As policies are adopted and recorded in the minutes, at least annually they should be transcribed into the organization's official policy manual.	☐ A ☐ B ☐ C ☐ D ☐ 0
IRS Policy Section	IRS Form 990 asks a number of policy	☐ A ☐ B ☐ C ☐ D ☐ 0

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Document	Description	Assessment/Action
• Audit • Compensation Documents • Conflict of Interest • Whistle Blower • Public Records	questions to which the organization must be prepared to answer. Proof of the policies will be recorded as motions of the board in meeting minutes and recorded in the policy manual.	
Board Performance Assessment	Board self-assessment is an annual review to promote excellence in board processes and outcomes.	☐ A ☐ B ☐ C ☐ D ☐ 0
Leadership Development	Continual efforts exist to identify and train volunteer leaders in the organization.	☐ A ☐ B ☐ C ☐ D ☐ 0
Code of Conduct – Board Ethics	Many organizations adopt a code of conduct and conflict of interest statement for board and senior staff. Elements commonly include 1) willingness to uphold governing documents, 2) respect for confidentiality, and 3) disclosure of potential conflicts.	☐ A ☐ B ☐ C ☐ D ☐ 0
Meeting Agendas	A well-crafted agenda guides the meeting and ensures focused discussions on the desired outcomes. [A consent agenda is a means for combining reports to save time.]	☐ A ☐ B ☐ C ☐ D ☐ 0
Meeting Minutes	Minutes of board meetings (and committees) are carefully drafted and approved. These are the official records of actions of the board. [No tape recordings of meetings are kept.]	☐ A ☐ B ☐ C ☐ D ☐ 0
Rules of Order	Board and staff have access to a guide for meeting rules of order.	☐ A ☐ B ☐ C ☐ D ☐ 0
Committee Descriptions	Committees should have a written purpose or mission statement to frame their work efforts.	☐ A ☐ B ☐ C ☐ D ☐ 0
Committee Notebooks	Many organizations maintain working notebooks for each committee to be passed on to new committee chairs each year. A method for keeping committee notes and progress. [IRS Form 990 asks if “committees with authority” maintain minutes.]	☐ A ☐ B ☐ C ☐ D ☐ 0
Administration, Staffing and Finances		
Annual Budget	The annual budget accurately forecasts the income and expense for the fiscal year.	☐ A ☐ B ☐ C ☐ D ☐ 0
Annual Audit	An independent accounting professional conducts an audit of the organization’s	☐ A ☐ B ☐ C ☐ D ☐ 0

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Document	Description	Assessment/Action
	finances. [IRS Form 990 asks if the organization has a policy on audits, reviews or compilations and an oversight audit committee.]	
Financial Reports	Accurate financial reports detail income and expense information for comparison against the annual budget; provided on a consistent basis. Includes assets and liabilities.	☐ A ☐ B ☐ C ☐ D ☐ 0
Procedures Manual	Procedures are the administrative responsibilities of the staff. By documenting the work steps and requirements, and then assembling administrative responsibilities in a procedures manual, it serves to train new staff, and promote customer service. [If the CEO or a senior staff member abruptly departed, the board and remaining staff must rely on a procedures manual to sustain operations.]	☐ A ☐ B ☐ C ☐ D ☐ 0
Record Retention	A record retention or document destruction schedule is used to protect critical documents and information while eliminating unnecessary documents at certain time periods.	☐ A ☐ B ☐ C ☐ D ☐ 0
Software Licenses	Any software installed in the organization's computers must have appropriate licenses.	☐ A ☐ B ☐ C ☐ D ☐ 0
Organization Chart	One or more organizational charts depict the relationship, hierarchy and information flow of the board to staff, consultants, committees and subsidiaries.	☐ A ☐ B ☐ C ☐ D ☐ 0
Job Descriptions - Volunteers - Staff	Written job descriptions detail each staff position. Many organizations also maintain job descriptions for volunteer officers, directors and committee chairs, or rely on the bylaws.	☐ A ☐ B ☐ C ☐ D ☐ 0
Personnel Manual or Employee Handbook	An employee handbook describes expectations, rights and responsibilities for working in the organization. It is a carefully written, legally based manual.	☐ A ☐ B ☐ C ☐ D ☐ 0
Taxpayer Identification	The appropriate taxpayer identification forms are collected and maintained, such as W-4 (Employee ID and Withholding) and W-9 (Request for Taxpayer ID). Many IRS audits occur in organizations claiming to use	☐ A ☐ B ☐ C ☐ D ☐ 0

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Document	Description	Assessment/Action
	independent contractors in place of employees. [Reference IRS Form SS-8, Determination of Worker Status.]	
Performance Reviews • Board • Executive Director • Staff	A performance review is the document used by supervisors to evaluate staff performance; and for the board to evaluate the CEO's performance. [Board does not evaluate staff other than CEO.]	☐ A ☐ B ☐ C ☐ D ☐ 0

Membership and Stakeholders

Membership Application	A membership application facilitates recruitment and describes benefits and services.	☐ A ☐ B ☐ C ☐ D ☐ 0
Renewals	Renewals and the application comply with IRS requirements for notices about 1) lobbying and 2) non-deductibility as a charitable contribution.	
Membership Roster/Directory	Membership lists are protected. Policies exist for confidentiality of member information and responding to requests for member data and lists/labels.	☐ A ☐ B ☐ C ☐ D ☐ 0
Member Communications	Appropriate permissions have been granted and saved or renewed for communications by e-mail and/or fax.	☐ A ☐ B ☐ C ☐ D ☐ 0
Database	Members and prospects are maintained in an effective database.	☐ A ☐ B ☐ C ☐ D ☐ 0
Surveys	Surveys identify members' needs and satisfaction while facilitating two-way communications; indicating to stakeholders, "we care about your opinion."	☐ A ☐ B ☐ C ☐ D ☐ 0

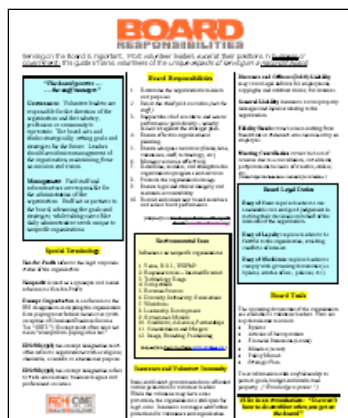
Image, Branding, Public Awareness and Communications

Logo	Logo(s) symbolizing the organization are protected against misuse and theft of intellectual property through appropriate registration®, copyright©, etc.	☐ A ☐ B ☐ C ☐ D ☐ 0
Stationery and Envelopes	Stationery reflects the image of the organization and is safeguarded against misuse. Business cards should complement	☐ A ☐ B ☐ C ☐ D ☐ 0

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Document	Description	Assessment/Action
	stationery. Policies are set regarding use of the logo as well as business cards, stationery, etc.	
Style Manual	A style manual is a guide or handbook describing the proper use of the logo, key terms, colors, preferred fonts, styles, etc. It strengthens the brand of the organization.	☐ A ☐ B ☐ C ☐ D ☐ 0
Intellectual Property	Be sure to properly protect, register, trade mark and/or copyright the intellectual property, books, manuals, logos, etc. belonging to the organization. Be sure that the ownership of creative works is properly transferred from creators and/or committees.	☐ A ☐ B ☐ C ☐ D ☐ 0
Societal Benefit, Outcomes		
Position Papers, Resolutions	As issues are identified, official positions are adopted by the organization. Position papers are a means to advise stakeholders of the issues and the rationale for their support or opposition.	☐ A ☐ B ☐ C ☐ D ☐ 0
Environmental Scan	The organization continuously anticipates opportunities and threats by conducting environmental scans, research, focus groups and monitoring trends. Also known as a SWOT (strengths, weaknesses, opportunities and threats) or a Futures Task Force.	☐ A ☐ B ☐ C ☐ D ☐ 0
Relevance	Rate (circle) the organization's relevance (or value) to the community, members or stakeholders that it serves: <u>Excellent</u> <u>Good</u> <u>Fair</u> <u>Poor</u>	☐ A ☐ B ☐ C ☐ D ☐ 0

Association Checklist 6-09.doc



2009 Laminated Board Responsibilities guide; \$9 each plus s/h. Order for board by e-mailing quantity and street address to bob@rchcae.com.

Association Essential Documents

The core documents to maintain a nonprofit organization. Listed by: 1) IRS public documents; 2) branding-unique positioning documents; 3) governing documents; and 4) operating manuals. Be sure to rely on legal and accounting professionals for help.

	Document	Maintenance
IRS Documents Public Record	IRS Form 1023 or 1024	The application to determine qualification for exemption from federal income tax. For instance, 501(c)(6) designation. If it is lost, check with the person who originally filed the request with the IRS. A public document.
	IRS Form 990	Filed annually and maintained as a public document. Retain a copy at the headquarters office to respond to public requests.
	Letter of Determination	Issued by the IRS to indicate tax exempt status. A public document. The IRS helpline is 877/829-5500.
Unique Position or Brand Platform	Mission Statement	The purpose of the organization in a short statement with PR and positioning value. If vague or lost, review the most recent IRS Form 990 to determine what was submitted; also the IRS application for exemption (Form 1023 or 1024). Review preamble of the bylaws and articles. Amendments to the mission should occur at the strategic planning retreat.
	Values Statement	The guiding principles of the leadership and staff (not to be confused with a membership code of ethics.) Developed at the strategic planning retreat.
	Vision Statement	The long-term, inspirational, desired outcome for the organization. What will success look like? Reviewed and adopted at the strategic planning retreat.
Governing Documents	Articles of Incorporation	Issued by state government; indicates corporate status, i.e. not-for-profit. May require annual filing or renewal.
	Bylaws	The document describing the relationship between the organization's board of directors and its membership or stakeholders.
	Policies	Interpretation of the bylaws and articles adopted as board policies.
Operating Manuals	Policy Manual	The board adopted policies transcribed from meeting minutes into a policy manual. May be sunset and updated through a committee review. Should be reviewed at least every 5 years to be sure it is current and understood by volunteers.
	Personnel Manual	The employee handbook communicating job details and responsibilities. Created by an HR specialist or labor lawyer. Templates may be available from Soc. of HR Managers; state chamber of commerce or state department of labor.
	Leadership Manual	The documents necessary for volunteer leaders to fully understand and execute their roles and duties. Presented as notebook or virtual manual on-line.
	Procedures Manual	Documentation by staff of the steps and best-practices for every activity, event and process. Developed by each staff member base on their job responsibilities.
	Style Manual	A brief manual indicating the preferred styles, official logo and colors, typeface preferences, etc. to brand the organization.
	Emergency Manual	The key documents protected away from the office, as well a communications and business continuity plan. Local and state emergency management officials may provide templates and resources for creation.

The Governing Documents

Guide to the hierarchy, origin, purpose and application of the seven governing documents for exempt organizations in the USA. Listed in order of hierarchy. *Be sure to rely on authorities for counsel, including the IRS, the state Division of Corporations, legal, accounting and insurance professionals.*

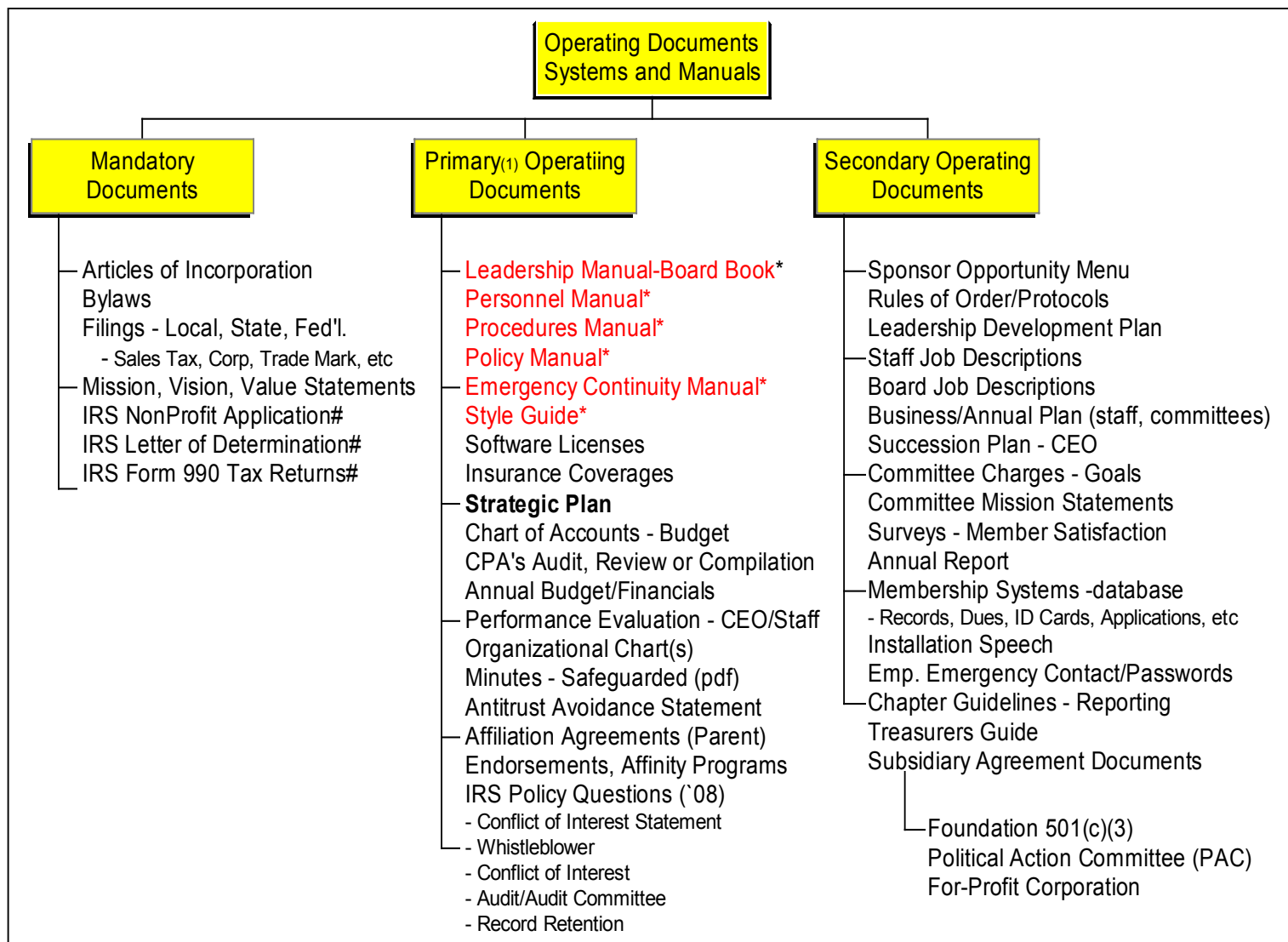
Document	Linkage	Source and Purpose
1. Mission Statement	Federal Government	A brief statement of the purpose of an organization. The mission statement guides the actions of the organization, spells out its overall purpose, provides a sense of direction and guides decision making. Mission statements often answer three questions. (1) Who are we, (2) whom do we serve, (3) what do we offer? The IRS requires submission of the statement of purpose for all exempt organizations on Form 1023 or 1024 . Thereafter, it is submitted annually on IRS Form 990 . If the mission is vague or lost, review Form 990 to determine what was submitted or find the original application for exemption. The preamble to the bylaws and articles of incorporation may identify the mission. Enhancements to the mission may occur at the strategic planning retreat. [Activities outside the mission statement may cause unrelated business income tax (UBIT) .]
2. Articles of Incorp.	State Government	A legal document filed with state government setting forth the purposes and regulations of the organization. At the time of founding, most exempt organizations register as a not-for-profit corporation . States have varied regulations. Many states post the articles or supporting information on their official government website. Annual filing is usually required.
3. Bylaws	Board and Members	The rules adopted to govern and regulate internal affairs. Bylaws generally include, for instance, procedures for meetings, committees, elections, amendments, board duties and member categories. Most organizations require amendments to be ratified by the membership. The bylaws should remain broad in scope with more detailed information adopted as policies .
4. Policies	Board and Staff	Policies express the wisdom of the board of directors for current and future leaders to follow the preferred methods for achieving the mission and decision making. They must be consistent with the bylaws and articles. All policies are adopted or amended as motions and recorded in board minutes. At least annually, policies should be transcribed from the board minutes into a policy manual. Policies should distinct from the staff 's day-to-day operating procedures .
5. Strategic Plan	Board, Committees, Staff and Members	A document developed to identify long-term (often 3 to 5 years) goals, strategies and tactics. The plan should align objectives with resources and organizational capacity. A strategic plan generally includes an affirmation of the mission (and supporting statements such as vision and values), a description of long-term goals, fresh strategies or means to achieve the goals, and may include tactics and performance indicators. It is the guide for successive leaders. It should be reviewed for progress at least annually.
6. Annual Budget	Board, Committees and Staff	The statement of estimated income and expenses for the year. It is drafted annual by a budget committee, elected treasurer and staff; and approved and monitored by the board of directors. A chart of accounts is a supporting document explaining the purpose and source of budget line items.
7. Business or Action Plan	Board, Committees and Staff	The break down of the strategic plan to identify current year tactics , assignments, deadlines and interim performance measures . Often aligned with the organization's committees and staff members or departments. Development of a business or action plan is a staff responsibility, often taking the form of a template or spreadsheet to monitor progress.

[Staff should be conversant with all terms in **bold**.] bob@rchcae.com 850/570-6000 www.nonprofitcenter.com [© 2009 Bob Harris, CAE - OK to save, copy, share and post.]

Operating Framework – Business Model

There are more than 1 million nonprofit organizations in the U.S. The greatness of America can be traced to the communities, trades and professions served by associations, chambers and foundations.

A framework promotes efficiency, systems, policies, risk management and development of training manuals. Systems remove uncertainty and discretion – promoting excellence in member service while minimizing risk.



Footnote 1 – Indication of primary and secondary refers to the order in which the documents are likely to be created; it does not mean that secondary documents are less important than primary or mandatory documents. * Indicates recommended operating manuals. # Indicates public record documents; IRS help-line 877 829 5500.

Bob Harris, CAE, is the creator of the **Association Self-Assessment Process Manual®** to improve performance and reduce risk, as well as the laminated **Board Responsibilities Guide** and the guide, **How to Create a Policy Manual** (50 pgs). He offers seminars, strategic planning, board training and association audits. Many of the referenced documents and descriptions herein are available free at www.nonprofitcenter.com. The **Operating Framework** is the foundation of the **Operations Assessment Program**. Contact 850/570-6000 or bob@rchcae.com.