

Starting and Building a Nonprofit

7th Edition

Peri H. Pakroo, J.D.

Table of Contents

Introduction – Your Nonprofit Start-Up Companion	1
Who This Book Is For	1
Nonprofit Basics.....	1
Corporations in General.....	2
Personal Liability.....	2
Taxation	2
Nonprofit Corporations.....	2
Tax-Exempt Status of Nonprofits.....	4
Running a Nonprofit.....	4
Importance of the Nonprofit’s Mission	5
Collaborative Management	5
Finding and Keeping Qualified Staff	6
Raising Money.....	6
How to Use This Book	6
Chapter 1 – Naming and Structuring Your Nonprofit.....	9
Learning Objectives	9
Introduction.....	9
Choose a Name for Your Nonprofit.....	9
Avoid Trademark Conflicts	9
Consider Domain Name Availability	11
Name Requirements for Nonprofit Corporations	11
Should You Incorporate?	12
Liability Issues	13
Tax Exemptions.....	17
Financial Accountability.....	18
Other Considerations.....	19
Incorporation Paperwork: Articles of Incorporation and Bylaws.....	20
Do You Want Tax-Exempt Status?.....	21
Tax-Exempt Status in General	22
501(c)(3) Tax-Exempt Status	27
Unrelated Business Income Tax.....	28
State and Other Tax Exemptions	28
How Important Is Tax Exemption to Your Organization?.....	29
Should You Have Voting Members?.....	30
Why You Probably Don’t Want Voting Members	31
Practicalities of Having Voting Members.....	31
Review Questions.....	32
Review Answers	34
Chapter 2 – Developing Your Strategic Plan.....	37
Learning Objectives	37
Introduction.....	37
Strategic Plan Basics	38
Keep It Simple	38
Choose a Time Frame	39
Decide Who Will Participate.....	39
Develop Your Mission Statement	40
What Is a Mission?	40
A Clear Mission Is Critical	41
Defining Your Mission.....	42
Outline Specific Goals, Objectives, and Activities	45
Assess Your Resources.....	46
Develop Strategies	48

Table of Contents

Edit and Finalize Your Plan.....	49
Review Questions.....	50
Review Answers.....	52
Chapter 3 – Developing Your Initial Budget.....	55
Learning Objectives.....	55
Introduction.....	55
Set Up Your Budget.....	56
Distinguishing Program Funds from Administration Funds.....	56
Tracking Restricted Income.....	57
Estimate Income.....	57
Estimate Expenses.....	58
Regular Expenses.....	59
Capital Expenses.....	60
Start-Up Costs.....	60
Assemble Your Budget.....	61
Review Questions.....	65
Review Answers.....	67
Chapter 4 – Your Board of Directors.....	69
Learning Objectives.....	69
Introduction.....	69
What Makes a Good Board.....	70
Passion and Commitment.....	70
Willingness to Help Raise Money.....	71
Connection to Many Communities.....	71
Diverse Viewpoints.....	72
The Board’s Duties and Tasks.....	72
Board Members’ Legal Duties.....	72
Board Roles versus Staff Roles.....	73
Typical Board Activities.....	73
Board Meetings.....	74
Board Officers.....	74
Board Policies and Procedures.....	75
Number of Directors.....	75
Terms and Term Limits.....	76
Board Member Responsibilities.....	76
Performance Practices and Removal Policies.....	77
Creating a Board Guidebook.....	78
Recruiting Board Members.....	78
Evaluate Your Needs.....	79
Make Sure Recruiters Understand Board Members’ Responsibilities.....	79
Educate Prospects and Incoming Board Members.....	81
Elect Officers.....	81
Holding Effective Board Meetings.....	82
Meet Regularly.....	82
Invite Staff and Outsiders When Appropriate.....	83
Give Notice of Meetings.....	83
Draft a Solid Agenda.....	84
Start on Time.....	85
Understand Decision-Making Methods.....	85
Deal With Problem Board Members.....	85
The Role of Committees.....	86
Review Questions.....	88
Review Answers.....	90
Chapter 5 – Your Workforce: Staff and Volunteers.....	93
Learning Objectives.....	93
Introduction.....	93

Table of Contents

Developing a Management Strategy	93
More Activities Require More Staff and Structure	94
Provide Clear Direction	95
Issues with Founders	96
Hiring an Executive Director.....	98
Are You Ready for an Executive Director?.....	98
The Executive Director's Role	99
Hiring Criteria.....	99
Developing a Review Procedure	100
Hiring and Managing Staff and Volunteers	101
Determine What Tasks Need to Be Done	102
Create Positions and Job Descriptions	103
Develop Staff Hierarchies	104
Create Review Procedures	104
Create a Staff/Volunteer Handbook.....	104
Orient New Workers.....	105
Employees and Independent Contractors.....	106
Laws and Taxes.....	106
IRS Criteria.....	106
Required Paperwork, Filings, and Taxes	108
Rules for Employers.....	108
Rules When Hiring ICs.....	109
Review Questions.....	111
Review Answers	113
Chapter 6 – Fundraising.....	115
Learning Objectives	115
Introduction.....	115
The Golden Rules of Successful Fundraising	115
Relationships Are Everything	115
Target the Best Potential Donors	116
Build a Compelling and Detailed Case	116
Put Your Board of Directors to Work	117
Focus on the Big Picture.....	117
Your Fundraising Plan	117
Define Your Fundraising Targets and Budget.....	118
Fundraising Targets.....	119
Fundraising Budget.....	119
Find Prospective Donors.....	121
Start With Your Closest Contacts	121
Use Networking Techniques	122
Keep Your Lists Organized and Updated.....	123
Define Your Fundraising Campaign.....	123
Membership Drives.....	124
Fund Drives.....	126
Capital Campaigns	126
Planned Giving	127
Fundraising Tools	127
Asking for a Gift by Phone or in Person.....	127
In-Person Appeals	128
Telephone Solicitations.....	129
Door-to-Door Canvassing	130
Email Appeals.....	130
Crowdfunding and Social Media.....	131
Direct Mail	133
Special Events.....	135
Sell Products or Services	136

Table of Contents

Funding From Grants.....	138
Researching Available Grants.....	138
Writing Grant Proposals.....	139
Corporate Sponsorships.....	140
The Law of Fundraising.....	141
Disclosures to Donors.....	141
Charitable Solicitation Registration and Reporting.....	143
Working with Professional Fundraisers.....	144
Review Questions.....	146
Review Answers.....	148
Chapter 7 – Risk Management and Insurance.....	151
Learning Objectives.....	151
Introduction.....	151
Common Legal Problems.....	152
Contract Disputes.....	152
Employment Claims.....	152
Personal Injury Lawsuits.....	154
Who Is at Risk?.....	155
Liability for the Nonprofit.....	155
Liability for Board Members.....	156
Liability for Employees.....	158
Liability for Volunteers.....	158
Managing Your Nonprofit’s Risks.....	160
Anticipate What Can Go Wrong.....	160
Focus on Prevention.....	161
Obtain Appropriate Insurance.....	162
General Liability Insurance.....	163
Product Liability Insurance.....	163
Property Insurance.....	163
Auto Insurance.....	165
Directors and Officers Insurance.....	165
Professional Liability Insurance.....	166
Investigating and Purchasing a Policy.....	166
How to Deal with Problems Effectively and Minimize Risks.....	166
Review Questions.....	168
Review Answers.....	170
Chapter 8 –Understanding Contracts and Agreements.....	173
Learning Objectives.....	173
Introduction.....	173
Contract Law Basics.....	173
Agreement between Parties.....	174
Exchange of Promises or Things of Value.....	175
Oral versus Written Contracts.....	176
Using Contracts in the Real World.....	178
Using Standard Contracts.....	178
Using the Other Party’s Contract.....	179
Signing a Contract.....	180
Modifying a Signed Contract.....	180
Typical Contract Terms.....	180
Contract Title.....	180
Names and Addresses of Parties.....	180
Brief Background Description.....	181
Description of the Services or Products.....	181
Schedule and Deadlines.....	182
Price.....	182

Table of Contents

Payment Arrangements	183
Warranties	183
Indemnity.....	183
Duration of Contract.....	184
Terminating the Contract.....	184
Resolving Disputes	185
Applicable Law	185
Signatures and Dates	186
Electronic Contracts.....	186
What Is an Electronic Contract?	186
Taking Traditional Contract Principles Online.....	187
Electronic and Digital Signatures.....	187
Federal Law on Electronic Signatures.....	187
Review Questions.....	189
Review Answers	190
Chapter 9 – Marketing Your Nonprofit.....	193
Learning Objectives	193
Introduction.....	193
Marketing and Branding in a Nutshell.....	194
Common Marketing Terms.....	194
Know Your Audience and Your Field.....	195
Who Is Your Nonprofit’s Audience?.....	195
Learning About Your Field	196
Market Research	197
Clarifying Your Research Objectives	197
Primary Research Tools.....	198
Secondary Research Tools.....	199
Fundamental Marketing Tools.....	200
Networking	200
Media Relations.....	201
Listings or Directories	204
Review Questions.....	206
Review Answers	208
Chapter 10 – Publishing Informational Materials.....	211
Learning Objectives	211
Introduction.....	211
Decide Whether to Publish.....	212
Do You Have Substantive Information to Convey?	212
Do You Have the Necessary Resources?	213
Create a Publishing Plan.....	213
Define Your Editorial Mission and Features	213
Evaluate Your Resources	214
Choose Your Media	215
Putting It All Together	218
Copyright Basics for Nonprofit Publishers.....	219
What Copyright Protects.....	220
Ownership and Works for Hire	220
Sample Contractor Work-for-Hire Agreement.....	222
Sample Volunteer Assignment Agreement.....	222
Review Questions.....	226
Review Answers	228
Chapter 11 – Spreading the Word Online About Your Nonprofit.....	231
Learning Objectives	231
Introduction.....	231

Table of Contents

Planning Your Online Activities	232
Understanding Your Options Online	234
Email Outreach	234
Blogging	235
Social Media: Facebook, Twitter, and More	235
Planning a Website Project	236
Identify Participants	236
Consider Desired Functions	237
Develop Design Direction	238
Learn About Technology Options	238
Set a Realistic Budget	239
Outline a Schedule	240
Draft an Outline of Site Content	240
Choosing and Working with a Web Developer	240
Criteria for Choosing a Web Developer	241
Proposals, Quotes, and Contracts	242
Your Role in Developing Your Site	242
Creating Your Site	243
Define Strategy and Goals	244
Define Content and Information Architecture	244
Develop Graphic Design Elements (Look and Feel)	245
Create Content	246
Build Your Site	247
Test Your Site	247
Train the Site Managers	247
Domain Names and Hosting	247
Register a Domain Name	247
Choosing a Web Host	248
Driving Traffic to Your Site	248
Use Facebook and Social Media	249
Optimize for Search Engines	249
Use Off-Line Methods	250
Intellectual Property: Who Owns What?	251
Review Questions	253
Review Answers	255
Chapter 12 – Managing Your Finances	257
Learning Objectives	257
Introduction	257
Bookkeeping and Accounting Overview	258
Bookkeeping versus Accounting: What’s the Difference?	259
Cash versus Accrual Accounting	259
Tracking Income and Expenses	261
Recording Income	261
Track Sales Tax Separately	263
Recording Expenses	264
Creating Basic Financial Reports	264
Income Statement	264
Cash Flow Projection	265
Audits, Reviews, and Compilations	268
Reporting Requirements	269
Using Technology to Manage Your Money, Donors, Projects, and More	269
Bookkeeping Software	271
Spreadsheet Software	271
Project Management Software	272
Fundraising and Donor Management Software	273
Customized Databases	273

Table of Contents

Review Questions	275
Review Answers	277
Chapter 13 – Hiring Lawyers, Accountants, and Other Professional Help	279
Learning Objectives	279
Introduction.....	279
Relationships Are Critical	279
Working with Lawyers	279
What to Look for in a Lawyer.....	279
How to Find a Lawyer	280
Using a Lawyer as a Coach	281
Dealing with Bills and Payments	282
Working With Accountants and Other Professionals.....	283
Bookkeepers versus Accountants	283
Finding Prospects	284
Review Questions.....	285
Review Answers	286
Appendix: How to Use the Interactive Forms on the Nolo Website	289
Editing RTFs.....	289
List of Forms Available on the Nolo Website	289
Glossary.....	291
Index	295