Texas Woman's University
University Regulation and Procedure

Regulation and Procedure Name:	**Student Organization Fundraising**
Regulation and Procedure Number:	**URP: 06.410**
Policy Owner:	**Student Life**

POLICY STATEMENT

Registered student organizations are a vital part of our Texas Woman's University ("TWU" or "University") community. Student organizations sponsor activities and services which help to improve the quality of student life, provide opportunities for students to meet other students and faculty/staff of the University, and serve as a laboratory for students to practice the skills associated with leadership. The purpose of the Student Organization Fundraising Regulation is to identify the procedures to be followed for fundraising by registered Student Organizations.

APPLICABILITY

This policy is applicable to TWU Students, Faculty, Staff, and Guests.

DEFINITIONS

1. "Academic or administrative unit" means any office or department of the University.

2. "Authorized representative" or "officer" means a student designated to represent or speak for a registered or sponsored student organization in its relations with the University and to receive official notices, directives, or information from the University on behalf of the registered or sponsored student organization.

3. "Center for Student Involvement ("CSI")" promotes student engagement at TWU through various leadership and service opportunities. The CSI is located on the Denton campus; however, the Office of Student Life on the Dallas and Houston campuses each provide their local campus community with similar amenities, services and support.

4. “Day” means an 8:00 a.m. to 5:00 p.m. calendar day, and excludes weekends, University holidays, and days on which regularly scheduled classes are suspended due to emergent situations. “University holiday” and “skeleton crew days” means days identified in the holiday schedule published by the Office of Human Resources. If a deadline defined in this chapter falls on a Saturday, Sunday, or University holiday, that deadline will be moved to the next day.

5. “Faculty” means a person who is employed by TWU as a member of the faculty and whose duties include teaching, research, service, and administration. Professional librarians and graduate assistant titles are excluded from the definition of faculty.

6. “Fundraising” is defined as the collection of money through donations, sales, and/or event programming for the purposes of charitable donation or organizational budget enhancement.

7. “Gambling”: The State of Texas has specific Penal and Occupational Codes which must be adhered to. Refer to their website for additional information. TWU does not allow any gambling activity at on- or off- campus events. The term ‘gambling’ as defined by Texas law may cover many activities including, but not limited to, raffles, bingo, gambling machines, poker games, and individuals or organization paying to increase the chances of winning.

8. “Guest” means any individual not affiliated with TWU.

9. “IRS Tax ID”: Organizations must apply for and receive a tax identification number from the Internal Revenue Service (“IRS”) by completing form SS-4. The IRS can be contacted at 1- 800-829-4933 or online**.** Student organizations are not permitted to use the TWU Tax ID number, unless utilizing university funding through a department or a university purchasing card.

10. “Legislative student organization” is a form of sponsored student organization that qualifies as a student governance association. Legislative student organizations include but are not limited to Student Government Association and Graduate Student Council.

11. “Officially sponsored,” “sponsorship,” or “sponsored student organization” means a student organization whose purpose and activities are in accord with the mission of an academic or administrative unit, for whose actions

and activities the sponsoring unit provides endorsement, support, supervision, and assumption of responsibility, and that has been officially approved by the vice president or their designee.

a. "Endorsement" means that the sponsoring administrative or academic unit gives approval of the sponsored student organization's status as an official extension of the unit and sanctions the mission, goals, and activities of the sponsored student organization.

b. "Support" means to provide for or to maintain by contributing the necessary money, physical space, staff, advising, mentoring, and other resources that the sponsored student organization needs to carry out its mission, goals, and activities.

c. "Supervision" means to monitor, oversee, and advise the sponsored student organization. Supervision includes sanctioning and approving all activities and events of the sponsored student organization; maintaining personal knowledge of the sponsored student organization's structure, operations, and activities; and taking action as necessary to ensure that all affairs of the sponsored student organization are consistent with the mission and culture of the sponsoring administrative or academic unit and the University.

d. "Assumption of responsibility" means to ensure endorsement, support, and supervision of all aspects of the sponsored student organization. Assumption of responsibility includes accepting financial accountability for all funds collected or spent; making sure the sponsored student organization conducts its affairs in accordance with all applicable University rules and regulations and local, state, and federal laws; and providing the necessary physical and personnel resources, including a dedicated sponsored student organization advisor.

12. "Raffle" means the award of one or more prizes by "chance" at a single occasion among a single pool or group of persons who have paid or promised a thing of value for a ticket that represents a chance to win a prize.

13. "Registered student organization" means a student organization holding a valid recognition under this policy. Registered student organizations are considered private entities and are not viewed as extensions of an academic or administrative unit, or of the University. Recognition ensures

privileges as outlined in this policy and allows the registered student organizations to function within the institutional context.

14. “Staff” means each classified, administrative, and professional employee who is appointed to work at least 20 hours each week for a period of four and one-half months, excluding students employed in positions for which student status is required as a condition of employment and those employees holding teaching or research positions classified as faculty.

15. “Student” means a person who is currently enrolled at the University.

16. “Student organization advisor” means a person serving in an advisory capacity to a registered or sponsored student organization to provide guidance to the registered or sponsored student organization and its members. A person serving as an advisor to a registered or sponsored student organization affected by section 51.9361 of the Texas Education Code must be someone who:

    a. Is at least twenty-one years of age;

    b. Is not enrolled as a full-time student at the University; and

    c. Serves as either:

        i. A part-time or full-time employee of the University; or

        ii. A representative of a national organization that is associated with the registered or sponsored student organization.

17. “University” means Texas Woman’s University. For the purposes of this chapter, "University" also includes all activities and programs sponsored by or affiliated with Texas Woman’s University regardless of the actual location where such activities or programs occur.

18. “Vice President” means the Vice President of Student Life at Texas Woman’s University, or his or her designee.

REGULATION AND PROCEDURE

I. Financial Management

    A. Student organizations are advised to consult with their individual advisors or departments for guidance on financial solutions and follow the financial management guidelines as outlined in the TWU URP 06.400: Student

Organizations. The Center for Student Development offers student organizations support, guidance, and assistance in regards to the handling of a group's individual finances.

B. It is the responsibility of each Student Organization to provide, or seek out, financial support. Additional financial accountability guidelines for all student organizations are outlined in the Student Organization Handbook.

II. Guidelines

A. Registered or Sponsored Student Organizations in good standing as defined in the URP 06.400: Student Organizations may only fundraise for purposes consistent with the purpose of the Student Organization and cannot be a source of gain for individuals or for-profit businesses. These purposes must follow the Student Code of Conduct and other applicable policies of Texas Woman's University, as well as legal, tax, or corporate restraints upon the University. These purposes cannot conflict with the University's fundraising policies, regulations, procedures, or goals. Before collecting money, engaging in any fundraising, or soliciting funds, all registered Student Organizations must notify the CSI on the Denton campus or the Office of Student Life on the Dallas or Houston campus. Organizations that fail to follow procedure may be sanctioned according to the Student Code of Conduct.

B. The following guidelines are applicable to all fundraising activities by registered student organizations on Texas Woman's University-owned, -operated, or -controlled property:

1. The sponsor of a fundraising activity must complete a request form and obtain approval of the fundraising activity from the CSI or the Office of Student Life on the Dallas or Houston campus.

2. The fundraising activity is required to offer a benefit to the University community that is consistent with the University's educational mission and may not include any foreign adversary.

3. An accounting of any funds raised must be provided to the CSI within five (5) business days after the event.

4. A currently enrolled student member(s) of the registered or sponsored student organization must be present during the entire time of the event.

5. The event sponsor is responsible for ensuring the collection, reporting, and payment of all applicable Texas State Sales and Use Taxes, which may include a valid Texas Sales Tax Permit. Additional information is available at the Texas Comptroller's website.

    a. Student Organizations cannot claim to be fundraising on behalf of the University.

    b. The Student Organization cannot use the TWU Tax ID number. Each Student Organization is encouraged to apply for an organization Tax ID number with the IRS.

    c. Possible exceptions to the collection, reporting, and payment of Texas State Sales and Use Taxes:

        i. Student organizations that fall under the state policy on tax exemptions for student organizations.

        ii. Students and student groups registered as a 501(c)3 or 501(c)7 nonprofit organization through the IRS.

6. Event sponsors are responsible for ensuring that proposed activities comply with all applicable federal, state, and local laws, rules, and regulations.

7. Spaces in which the fundraising activity is occurring must be identified by a sign indicating the conducting entity's name, goods and/or services being sold, and prices.

8. Neither individuals (regardless of affiliations with Texas Woman's University) nor private, commercial organizations may sell or promote the sale of products or services on Texas Woman's University-owned, -operated, or -controlled property, including University-controlled electronic communication, such as University listservs, except:

    a. Individuals or organizations with whom/which Texas Woman's University has entered into a written contract.

    b. Individuals or organizations authorized in writing by Texas Woman's University to engage in the sales of goods or services for the benefit of a registered student organization.

9. Commercial or corporate sponsorship of programs or events is permissible provided that no products and/or services are sold at the event.

10. Texas Woman's University reserves the right to require third parties participating in or conducting fundraising activities to meet additional requirements, including without limitation requirements that such parties furnish evidence of insurance coverage acceptable to the University and/or agree to indemnify the University and University personnel against liabilities arising from their acts or omissions.

11. Texas Woman's University reserves the right to approve the identity of any proposed sponsor and the content of sponsorship materials associated with a fundraising activity.

III. Fundraising for Non-University Affiliated Charitable Organizations

Fundraising for nonprofit charitable organizations (e.g., The Red Cross, Salvation Army, etc.) having no direct affiliation with Texas Woman's University are permissible provided that the above guidelines are followed, and:

A. The organization submits a statement of support on the organization's letterhead to the CSI acknowledging that the fundraising will occur on its behalf and indicating the expected date of the receipt of the donation.

B. The organization provides proof to the University that it is registered with the State of Texas as a nonprofit, charitable organization, that it has received an Internal Revenue Service exemption letter, and that its proposed use of University-owned, -operated, or -controlled property is in furtherance of its tax-exempt, charitable purpose(s).

C. The registered student organization planning the event is responsible for all costs incurred in connection with the event, other than those borne by the charitable organization.

D. Student organizations hosting box drives or collections of donated goods must contact the Office of the Student Union, Conference Services, or other appropriate department on the Denton campus or the Office of Student Life in Dallas and Houston, prior to the collection activity, to receive approval for the collection and the guidelines that must be followed.

E. Educational information about the agency and the services it provides is made available at the event.

F. Notwithstanding Section II.B.5 above, in the absence of an available exemption, the charitable organization is responsible for the collection and reporting of all applicable Texas State Sales and Use Taxes.

G. The charitable organization is responsible for ensuring that its activities comply with all applicable federal, state, and local laws, rules, and regulations.

IV. Fundraising Examples

Texas Woman's University provides the following as general examples of items that may be used to raise funds. Please note that the University reserves the right to review and approve all items.

A. Items for sale that have been produced by the organization (e.g., baskets, bouquets of flowers)

B. Cash donations

C. Donations of items of value (e.g., clothing, school supplies)

D. Items for sale that are directly related to the student organization's mission or goals (e.g., plants sold by the Horticulture Club)

E. Items that promote school spirit (e.g., buttons, balloons) but do not conflict with University trademark policies

F. Pre-packaged items (e.g., candy, gum)

V. Accepting Donations

Student organizations are permitted to receive donations from non-University sources provided above restrictions are followed. All letters and lists of donors must be submitted to the Office of University Advancement for cross-referencing and approval.

VI. Prohibitions

Texas Woman's University reserves the right to restrict all fundraising activities to reasonable times, places, and manners. The following activities are specifically prohibited:

A. Solicitation by credit card companies, with the exception of those approved by the University Bookstore or an appropriate Vice President. Door-to-door fundraising on or off campus is prohibited.

B. Telemarketing activities.

C. “Door-to-door” fundraising on Texas Woman’s University-owned, -operated, or -controlled property. This includes University-controlled electronic communication, such as University listservs.

D. Fundraising for any candidate for political office.

E. Sale or distribution of items that violate University trademark rights or existing contracts.

F. Receipt by individuals who organize a fundraising activity of proceeds from the activity.

G. TWU does not allow any activity by individuals or Student Organizations which involves the selling or auctioning of services by individuals or Student Organizations. The selling of services (e.g., massages, making of meals, cleaning, babysitting, etc.) or of personhood (e.g., bachelor auction) is strictly prohibited by the University. The possibility does exist with well-defined guidelines to orchestrate an auction of donated tangible items (even a silent auction).

H. Any food items sold by student organizations must be in compliance with the University Food Safety Program outlined by the TWU Risk Management Office. In addition, products sold in the TWU Campus Store and Dining Services cannot be sold in the Student Union, without express approval from the University on-site vendor in advance.

I. No student organization may accept a gift from, fundraise for, or enter into a contract or agreement under which the student organization receives financial support with a foreign adversary or an agent of a foreign adversary.

VII. Space

A registered or sponsored student organization may request space to conduct their fundraising activity through the Conference Services Office.

VIII. Additional Restrictions and Requirements

Texas Woman's University acknowledges that a policy of this nature may not anticipate every possible issue that may arise with respect to fundraising activities. As a result, the University reserves the right to impose reasonable restrictions and/or requirements with respect to the time, place, and manner of fundraising activities. These restrictions may be in addition to, or in lieu of, those set forth in the policy.

IX. Enforcement

A. The items for sale must be sold by a member of the Student Organization, and all members must be currently enrolled in TWU.

B. Collection of membership dues is not considered fundraising.

C. Students and student groups (unless listed as a nonprofit) cannot issue receipts for people to claim donations on their taxes.

D. Student Organizations cannot claim to be fundraising on behalf of TWU.

E. Failure to obtain permission to engage in or sponsor sales or fundraising, or failure to adhere to University policy regarding activities for which permission has been granted, will result in the curtailment and/or cancellation of the event by the Center for Student Development or other appropriate University official.

F. The Student Accountability and Growth Education ("SAGE") Center has jurisdiction over complaints against any student or registered student organization(s) alleged to have violated this policy.

X. Sanctions

Sanctions for violation of this policy by students and/or registered student organizations include, but are not limited to:

A. Fines and/or restitution;

B. Loss of the right to use University property or facilities for activities;

C. Loss of recognition for registered student organizations;

D. Other disciplinary sanctions; and

E. Other educational sanctions appropriate to the circumstances.

XI. Drawings/Raffles and Gambling

A. Raffles

1. Most student organizations at Texas Woman's University are not qualified to conduct raffles in the State of Texas.

2. According to Texas State law [Charitable Raffle Enabling Act (effective January 1, 1990), Occupations Code, Chapter 2002, Texas Codes Annotated], in order for Student Organizations to conduct legal raffles on the property of TWU, they must be considered a "qualified organization."

B. Gambling

Unlike raffles and bingo, there is NO exception to the gambling law in Texas for nonprofits to hold poker or casino night fundraising events. The gambling law, Chapter 47 of the Penal Code, applies to nonprofits and for-profit organizations equally. *See* Tex. Pen. Code Ann. §47 (Version 2003).

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

State of Texas Gambling Information

IRS Website

Student Organization Handbook

Comptroller of Texas Tax Permit

State of Texas Charitable Raffle Enabling Act (effective January 1, 1990), Occupations Code, Chapter 2002, Texas Codes Annotated

Tex. Pen. Code Ann. §47 (Version 2003)

URP 01.295: Foreign Adversary Countries

URP 06.200: Student Code of Conduct

URP 06.400: Student Organizations

FORMS AND TOOLS

None

Publication Date: **07/02/2021**

Revised: **08/26/2021; 09/27/2022; 05/19/2023; 07/28/2026**