



# Master Class: Dissecting the Grant Agreement

January 24, 2020

Norah L. Jones, Quarles & Brady LLP, Chicago, IL

Kristy Bernard Tsadick, The Hewlett Foundation,  
Menlo Park, CA



## Grant Agreement Types

- Public charity
  - Public charity equivalent with an equivalency determination
  - Fiscal sponsors
  - Most supporting organizations
  - Some government agencies/instrumentalities



# Grant Agreement Types

---

- Expenditure responsibility
  - Private foundations
  - Non-profits (including 501(c)(4), (c)(5), and (c)(6) organizations)
  - Foreign NGOs
- Individuals

# Public Charity Grant Agreement

---

- Written grant agreement not required by law, but  
**strongly recommended**

# Public Charity Grant Agreement

- “Good to have” provisions
  - Tax status
  - Use of funds/prohibited use of funds
  - Payment (schedule and contingencies)
  - Reporting
  - Lobbying Activity permitted/prohibited
  - Intellectual property

# Public Charity Grant Agreement

- “Good to have” provisions
  - Anti-terrorism/sanctions
  - Confirmation of discretion and control
    - No earmarking
    - Special language for fiscal sponsors
  - Public recognition/promotion
  - Compliance with all laws/clawback
  - Notification
  - Venue, governing law

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Mater Class: Dissecting the Grant Agreement

Also available as part of the eCourse

["Master Class" for Nonprofit Organizations: Dissecting the Grant Agreement](#)

First appeared as part of the conference materials for the  
37<sup>th</sup> Annual Nonprofit Organizations Institute session  
"Dissecting the Grant Agreement"