

ANTI-TRUST COMPLIANCE POLICY
OF
PROFESSIONAL FACE-TO-FACE FUNDRAISING ASSOCIATION

September 2023

The Professional Face-to-Face Fundraising Association (PFFA) is the self-regulatory association for non-profit organizations that utilize face-to-face fundraising, professional fundraising agencies that provide face-to-face fundraising services, and other organizations that support them in the United States market. Face-to-face fundraising is a method of fundraising used by non-profit organizations to secure committed financial support to ensure funding for mission-related work in the United States and around the world. Currently, more than thirty non-profit organizations utilize face-to-face fundraising in the United States, resulting in more than 500,000 people committing to an ongoing, or recurring, donation through face-to-face fundraising each year.

Face-to-face fundraising is one of the most personal forms of fundraising. It involves a professional fundraiser approaching a member of the public to seek their financial support for a cause. This type of fundraising could be in any public space - high traffic areas such as parks or high streets, retail stores, door-to-door, large entertainment events, or airports. After engaging the public and providing a compelling case for support, fundraisers ask people to subscribe to an ongoing donation, often monthly, by way of their banking details or from their credit or debit card. These donations are collected for the non-profit by the fundraiser through a web-based application, often in real-time.

The PFFA is the only organization in the United States committed to the regulation and support of sustainable face-to-face fundraising practices. To ensure an approach that always puts the experience of donors and the non-profit brand at front of mind, the PFFA is non-profit led. One of the PFFA's key roles is to support member organizations to achieve or maintain high standards in their fundraising practice. As such, all members commit to upholding the PFFA's Code of Conduct. Fundraising, or professional solicitation, is also regulated by state and municipal government, and all PFFA members must comply with required government regulations. The PFFA Code of Conduct represents an extra layer of self-regulation by our members.

The purpose of the PFFA and the benefits of members are designed to be inclusive of all market actors in support of sustainable, ethical, and effective nonprofit, charitable fundraising. The aim is to support new market entry and industry expansion for all and to do so in a way that protects the nonprofit charity, the community, charitable donors, charitable fundraisers, and all fundraising agencies, large and small. In no way are PFFA practices, principles or codes meant to hinder competition.

General Antitrust Compliance Principles

PFFA will not become involved in the competitive or commercial business decisions of its individual members, nor will it take any action that would tend to restrain commercial or charitable fundraising competition. PFFA is firmly committed to the principle of competition served by antitrust laws, and good business judgment demands that every effort be made to assure compliance with all applicable federal and state antitrust laws and trade regulations.

PFFA members cannot come to understandings, make agreements, or otherwise concur on positions or activities that in any way tend to raise, lower, and stabilize prices or fees, allocate or divide up markets, or encourage or facilitate boycotts. Individual PFFA members must make decisions regarding the amounts they charge for their services and other terms of dealing with clients, donors, and other third parties on their own and without consultation from other members of PFFA.

Discussions of pricing or boycotts as part of PFFA-scheduled programs or at PFFA-sponsored meetings could implicate and involve PFFA in extensive and expensive antitrust challenges and litigation. In addition, the United States Supreme Court has determined that an association can be held liable for statements or actions in antitrust-sensitive areas by volunteer leads who claim to speak for the association, even if they are not authorized to speak in that area. Employees of PFFA and its members must, therefore, make clear whether they are speaking in their official capacity when they address such issues.

To assist the PFFA staff in recognizing situations that may give the appearance of an antitrust concern, PFFA leadership shall provide a copy of this antitrust compliance statement. In addition, this statement shall be referenced at the start of each meeting where PFFA business will be discussed, and this action will be noted in the minutes of the meeting.

Any violation of the antitrust policy will be brought to the attention of the Chief Executive Officer, who will deal with it in a timely and appropriate manner. The CEO shall consult with legal counsel when questions arise as to the manner in which the antitrust laws may apply to the activities of PFFA.

Specific Rules of Antitrust Compliance

1. PFFA activities shall not be used for the purpose of bringing about, or attempting to bring about, any understanding or agreement, written or oral, formal or informal, express or implied, among competitors with regard to prices or fees, terms or conditions of sale, discounts, exclusionary territory policies, or customers. PFFA does not promote the prevention of competition. All PFFA policies are in place to facilitate robust competitive practices between small and large organizations regardless of their size or market share. To further highlight the PFFA's practices which support inclusive, competitive practices, the PFFA has:
 - a. Designed software that provides all users, members, and nonmembers, with revolving access to the voluntary territory coordination tool.

- b. All territory rules and practices are established through consensus or all market actors and are not supported or prioritized, one over another, by the PFFA.
- c. All members are afforded one vote, regardless of size or membership level, for board elections or other matters which are put to a vote of the membership.
- d. The PFFA has a provision for nonmembers to be able to participate in all market coordination without the requirement of membership.
- e. The PFFA's board of directors is led by members of nonprofit charitable organizations with a 5/4 vote against the for-profit members.
- f. The PFFA recognizes that for-profit members may engage in commercial activities outside of their PFFA engagement but maintains that all PFFA-related benefits, services, and projects are non-commercial. Further, the PFFA does not engage in commercial dealings.

Through coordination, all members and nonmembers have equal access to territories and markets in a way that delivers charitable fundraising results and a meaningful experience for the community in which these efforts take place

2. PFFA does not condone activities and communications that condone discussion or actions, for any purpose or in any fashion, of prices or pricing methods or other limitations on either the timing of services or the allocation of territories or markers or customers in any way. For example, PFFA is not involved in members working together to come to an understanding, make agreements, or otherwise concur on positions or activities that are directed at fixing prices, fees, or reimbursement levels. Likewise, PFFA does not facilitate or condone members collectively making agreements as to whether they will or will not enter into contracts with certain organizations. Even if no formal agreements are reached on such matters, discussions of prices, group boycotts, or market allocations followed by parallel conduct in the marketplace can lead to antitrust scrutiny or challenges. Members may, however, consult with each other and freely discuss general business matters.
3. PFFA shall not actively undertake any activity that involves the exchange or collection and dissemination among competitors of any information regarding pricing, pricing methods, cost of services or labor, or sales or distribution without first obtaining the advice of legal counsel when questions arise as to the proper and lawful methods by which these activities may be pursued. For example, caution should be exercised in collecting data on usual and customary fees, workforce statistics, and job market opportunities. While the mere collection of data on such matters is permissible if certain conditions are met, antitrust concerns may arise if the data becomes the basis for collective action.
4. No activity by PFFA shall be to monopolize trade. It does not condone price discrimination, exclusive dealing and tying arrangements, mergers, acquisitions, and in certain situations, interlocking directorates.
5. Each member of PFFA is required to conduct their activities in accordance with this Policy, the Code of Conduct, and the anti-trust policies of their own organization.

6. PFFA maintains that their non-profit work is non-commercial and centers around fair systems of organizing fundraising for charitable donations.
7. Under no circumstances is PFFA activities designed to please restraints of trade, attempts to monopolize, and exclude competition. All organizations are free to become members of PFFA, and all member organizations shall be treated the same under the activities of the PFFA.

In general, PFFA activities and communications shall not include any discussion or action that may be construed as an attempt to (1) raise, lower, or stabilize prices; (2) allocate markets or territories; (3) prevent any person or business entity from gaining access to any market or to any customer for goods or services; (4) prevent or boycott any person or business entity, including member organizations or other third parties, from obtaining services freely in the market; (5) foster unfair trade practices; (6) assist in monopolization, or attempts to monopolize; or (7) in any way violate applicable federal or state antitrust laws and trade regulations. The actual purpose and intent of PFFA's policies and programs are important in this regard. They cannot be aimed at accomplishing anti-competitive objectives.

This Policy is hereby incorporated into the Code of Conduct, and both members and non-members are prohibited from using their affiliation with PFFA for any anti-competitive activities.

Include attestation to confirm each employee has received and read this new policy.