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Custodial (Agency) Fund Agreement Form

Custodial funds are used to account for resources held by the University as custodian or fiscal agent for individual students, faculty staff members, or other organizations.

The University of Georgia agrees to serve as a fiscal agent for _____ whose purpose is related to activities dedicated to the achievement of educational, research, and public service goals. The custodial fund must be in the best interests of the University, and must be appropriate, according to the circumstances and reporting principles involved.

Terms and Conditions

- Business reason for the custodial fund or reason why the organization does not open its own bank account _____

  _____
- Nature of the activity that will be processed through the fund (dues, fundraisers, etc.).

  _____
- Legal/corporate status of the organization (501(c)3, corporation, etc.).

  _____
- Federal tax ID number for the organization (if applicable).

  _____
- Name of any other organization on whose behalf the organization is functioning as an agent or intermediary (if applicable). _____

  _____
- Affiliation with the University of Georgia. _____

  _____
- Person or persons authorization on whose behalf the organization is functioning as an agent or intermediary (if applicable).

  _____
- Term of the agency agreement. Note: The term should not carry forward indefinitely. The agreement should establish a clear and reasonable beginning and ending date.

  _____
- Disposition of any remaining funds at the end of the agreement.

  _____

Acknowledgements

- The University cannot accept responsibility for financial shortfalls for the custodial fund. Disbursements will not be made unless adequate funds are available in the custodial fund.

- Direct costs expended by the University on behalf of the custodial fund must be reimbursed by the custodial fund.

- The University cannot process disbursements that are not handled in accordance with the University's prescribed practices, including applicable State procurement policies and guidelines for allowable expenditures. accept responsibility for financial shortfalls for the custodial fund.

- By establishing a custodial fund, the Owner of the custodial funds is not a unit of the University and does not obtain University privileges, including but not limited to: entitlement to use University services or facilities; inclusion under University income or sales tax exempt status; use of the University Federal Employer Identification Number (FEIN); use of the University payroll system; use of University staffing; use of University name, logos, trademarks; use of University property recordkeeping or tracking systems.

- The custodial fund does not enjoy tax-exempt status under the University's charitable tax status. Donations to the custodial fund or Owner of the custodial fund are not tax deductible unless Owner of the custodial fund obtains its own charitable status under the Internal Revenue Code. The Owner of the custodial fund is responsible for all aspects of compliance with its charitable status, such as issuing written gift acknowledgements to donors.

- The University is not responsible for the Owner of the custodial fund's actions, including but not limited to: appropriateness of disbursements; indebtedness or other liabilities incurred by the Owner of the custodial funds. Owner of the custodial fund agrees to hold the University System of Georgia, including its trustees, employees, and agents, harmless from and to indemnify each of them against all claims, demands, losses and liabilities relating to the University's management of the custodial fund at the Owner of the custodial fund's direction.

- The University has the right to close a custodial fund at its discretion.

- The records of all custodial funds shall be subject to review or audit by appropriate University, State, or external auditors as necessary.

This agreement certifies that custodial activity is related to, but not fundamental, to the University's primary mission and will also ensure the University's relationship with the organization or third party is that of custodian or fiscal agent. Custodial fund treatment should not be awarded to activities that are a normal and continuing part of the University's mission.

By signing below, the organization or third party agrees to ensure activity in custodial fund is in adherence to University policies and procedures.

University Department	Date:
Organization or Third-Party	Date:

March 2021
http://www.busfin.uga.edu/forms/agency_fund_agreement.pdf