

501(c)(3) purpose and mission statement

[DMSbiz] 501(c)(3) purpose and mission statement

Steve Rainwater <srainwater@ncc.com> Wed, Nov 10, 2010 at 4:11 PM
To: dmsbiz@dprg.org

Howdy steering committee folks,

I was talking with Mark and Andrew a few days ago about the next step towards 501(c)(3) status. It's actually two related items: 1) a statement of purpose which needs to go into our articles of incorporation and defines our purpose in a legal sense for the IRS and 2) a formal mission statement which defines our group's purpose for other humans - this part isn't required for the state or federal filings but should probably be done at the same time. (item 2 is mostly for the website or explaining to the public what our mission is)

Andrew indicated he'd like to take a shot at these. Item 1 is the current blocker on the ToDo list so I'm going to include a little detail on what needs to go into it. This is a little different than what we did on DPRG a few years ago due to changes in the law and a new trend toward combined purposes (charitable, educational, and scientific) that hackerspaces are using.

The IRS wants to see two parts, one needs to have this wording:

"This corporation is organized exclusively for charitable, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code."

The other needs to be a more specific definition of our particular group's purpose. Traditionally it should include specific activities that prior litigation has proved to valid for the 501(c)(3) purpose we're going after (in this case charitable, educational, and scientific). The 2010 NOLO press book provides these known valid purposes that seem to apply for us:

Education:

"publishing public interest educational material"
"conducting public discussion groups, forums, panels, lectures, and workshops"

Scientific:

"aid community/region by attracting new industry or encouraging the development or retention of an existing industry"
"aid in the scientific education of university students"

We also need to state that the results of our research will be public (HacDC's articles of incorporation are a great model here)

Charitable:

"advancing education and science"
"promoting and developing the arts"

We can mix in some other purposes as well but as long we include some of the above, we have legal precedent to confirm our non-profit nature.

So, if we put all that together, we get something along these lines:

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Article 6

This corporation is organized exclusively for charitable, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax

code.

Within the limits of such purposes the corporation shall:

1. Provide space for technical and social collaboration
2. Collaborate on and research technology and culture
3. Promote scientific, cultural, and artistic advancement
4. Publish and freely share its research and information
5. Conduct public discussions, lectures, and workshops

The first paragraph is unchangeable but the exact content and number of the following items is up for grabs. Consider the above text a rough draft. I borrowed heavily from HacDC. I was tempted to use the HacDC list as-is; it's better than my list. Take a look (article 3 in DC vs 6 in TX):

http://wiki.hacdc.org/index.php/Articles_of_Incorporation

If you guys want to, we could email them and ask if they mind us using the text exactly. But there's nothing wrong with tweaking it a little if it suits our purpose better. Their list is really well-worded with a good order. Basically it says: make a space, collaborate in the space, do stuff with that collaboration, publish the results, recruit more collaborators.

-Steve

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DMSbiz mailing list
DMSbiz@dprg.org
<http://list.dprg.org/mailman/listinfo/dmsbiz>

From: Andrew LeCody <andrewlecody@gmail.com>
Subject: Re: [DMSbiz] 501(c)(3) purpose and mission statement
Date: December 8, 2010 at 10:28:30 PM CST
To: Steve Rainwater <srainwater@ncc.com>
Cc: dmsbiz@dprg.org

I copied and slightly modified HacDC's mission statement:

This corporation is organized exclusively for charitable, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Within the limits of such purposes the corporation shall:

1. Build and maintain spaces suitable for technical and social collaboration.
2. Collaborate on all forms of technology, culture and craft in new and interesting ways.
3. Apply the results of its work to specific cultural, charitable and scientific causes.
4. Freely share its research and discoveries, using what is learned to teach others.
5. Recruit and develop talented members dedicated to these purposes.
6. Promote scientific, cultural, and artistic advancement

I sent them an e-mail to request a waiver to use it, even though it's under the creative commons license, since I'm not sure we can meet the exact letter of the license when filing with the State or IRS.

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