

Service Availability

Service Outages, or Service Suspensions, are downtime of the Services (including without limitation Fundraiser Performance Management, FPM Mobile, Volunteer Network Fundraising, VNF Mobile, Guided Fundraising, Blackbaud Fundraiser Performance Management API, and Third Party Products) and of the Customer Data. Service Outages can occur due to:

1. downtime for the Nightly Service Window. "Nightly Service Window" means the period of time each night that Customer Data is being refreshed and loaded related to the Services;
2. planned downtime (which Blackbaud shall schedule to the extent possible during the evening (Central Time) or weekend hours);
3. unavailability caused by force majeure events, including without limitation, acts of God, acts of government, acts of terrorism, civil unrest, embargoes, acts of civil or military authorities, fire, flood, earthquakes, accident, strikes, inability to secure transportation, facilities, fuel, energy, labor or materials, or Internet service provider failures or delays;
4. unavailability caused by circumstances beyond Blackbaud's control, including without limitation as a result of power outages, system failures or other interruptions;
5. unscheduled downtime due to denial of service attack or other attack on the Service or other event that Blackbaud determines, in its sole discretion, may create a risk to the applicable Service, to Customer or any other customer if the Service were not suspended;
6. unscheduled downtime due to Blackbaud determining that any Service is prohibited by law or that it is necessary or prudent to make the Services unavailable for legal or regulatory reasons; or
7. suspension of Customer's access to or use due to Customer's or any Users' uncured breach of the Agreement/EULA.
8. unscheduled downtime due to services provided to Blackbaud by third parties.

To the extent Blackbaud is able, it will endeavor to provide customers with notification via <http://status.reeher.com> of any planned Service Outages in accordance with the notice provisions set forth herein and to post updates on the Status Page regarding resumption of Services following any such outage, but shall have no liability for the manner in which it may do so or if it fails to do so.