

## THE ETHICAL CODE

### ETHICAL FUNDRAISING AND FINANCIAL ACCOUNTABILITY CODE

The registered charity undertakes to adhere to the standards set out in the Imagine Canada Ethical Fundraising and Financial Accountability Code in its treatment of donors and the public, its fundraising practices and its financial transparency, and to be accountable through its Board of Directors for doing so.

#### A Donor policies and public representations

1. The charity prepares and issues official Income Tax receipts for monetary gifts and for gifts-in-kind pursuant to any policy established and published on minimum amounts to be receipted and in compliance with all regulatory requirements. The charity will acknowledge in writing contributions not entitled to be officially receipted, subject to any policy established and published on minimum amounts to be acknowledged.
2. All fundraising solicitations by or on behalf of the charity disclose the charity's name and the purpose for which funds are requested. Printed and on-line solicitations (however transmitted) will include its address or other contact information.
3. The charity provides the following information promptly upon request:
  - the charity's most recent annual report and financial statements as approved by the governing board;
  - the charity's registration number (BN) as assigned by the Canada Revenue Agency (CRA);
  - any information contained in the public portion of the charity's most recent Charity Information Return (form T3010A) as submitted to CRA;
  - a copy of the Charity's Investment Policy relating to its investable assets, if applicable (see C8);
  - a list of the names of the members of the charity's governing board; and
  - a copy of this Ethical Fundraising and Financial Accountability Code.
4. The charity or those fundraising on its behalf will disclose, upon request, whether an individual or entity soliciting contributions is a volunteer, an employee or a contracted third party.
5. The charity will encourage donors to seek independent advice if the proposed gift is a Planned Gift and/or the charity has any reason to believe that the proposed gift might significantly affect the donor's financial position, taxable income, or relationship with other family members.

6. The charity will honour donors' requests to remain anonymous in respect to:
  - being publicly identified as a supporter of the organization; and/or
  - having the amount of their contribution publicly disclosed.

*[Guidance: In some circumstances, when the source or size of a donation may be perceived as affecting the independence of the charity, the organization may negotiate the terms of public disclosure.]*

7. The privacy of donors will be respected. Any donor records that are maintained by the charity will be kept confidential to the greatest extent possible. Donors have the right to see their own donor record, and to challenge its accuracy.
8. If the charity exchanges, rents, or otherwise shares its fundraising lists with other organizations, a donor's request to be excluded from the list will be honoured.
9. Solicitations by or on behalf of the charity will treat donors and prospective donors with respect. Every effort will be made to honour their requests to:
  - limit the frequency of solicitations;
  - not be solicited by telephone or other technology;
  - receive printed material concerning the charity;
  - discontinue solicitations where it is indicated they are unwanted or a nuisance.
10. Recognition mechanisms created due to a gift will not be arbitrarily changed or withdrawn. Unless otherwise negotiated at the time of the gift or changed through a joint agreement between the charity and the donor or the donor's family or legal representative, the original form of the recognition mechanism should be maintained. If the mechanism cannot be physically retained, it will be changed to another consistent with the original agreement. If continuation of the recognition creates a reputational risk for the charity, it may be terminated or altered.

*[Guidance: The charity's Donor Recognition/Gift Acceptance Policy may be referred to in a gift agreement and may define recognition time limits and/or establish procedures if maintaining the original form of recognition becomes impractical or undesirable.]*

11. The charity will respond promptly to a complaint by a donor or prospective donor about any matter that is addressed in this *Ethical Fundraising and Financial Accountability Code*.

## **B Fundraising Practices**

1. Fundraising solicitations on behalf of the charity will:
  - be truthful; and
  - accurately describe the charity's activities and the intended use of donated funds.
2. The charity will not make claims that cannot be upheld. It will refrain from using marketing materials or making representations that could be misleading. The charity will not exploit its beneficiaries. It will be sensitive in describing those it serves (whether using graphics, images or text) and fairly represent their needs and how these needs will be addressed.
3. When the charity conducts online solicitations its practices will be consistent with or exceed the provisions of the Canadian Code of Practice for Consumer Protection in Electronic Commerce, which is downloadable at: [http://www.cmcweb.ca/epic/site/cmc-cmc.nsf/vwapj/EcommPrinciples2003\\_e.pdf/\\$FILE/EcommPrinciples2003\\_e.pdf](http://www.cmcweb.ca/epic/site/cmc-cmc.nsf/vwapj/EcommPrinciples2003_e.pdf/$FILE/EcommPrinciples2003_e.pdf)
4. When the charity conducts face-to-face solicitations, including but not limited to door-to-door campaigns or street-side fundraising, its practices shall include measures to:
  - provide verification of the affiliation of the person representing the charity; and,
  - secure and safeguard any confidential information, including credit card information, provided by donors.
5. Volunteers, employees and third party consultants/solicitors who solicit or receive funds on behalf of the charity shall:
  - adhere to the provisions of this Ethical Fundraising and Financial Accountability Code;
  - act with fairness, integrity, and in accordance with all applicable laws;
  - adhere to the provisions of applicable professional codes of ethics, standards of practice, etc.;
  - cease solicitation of a prospective donor who identifies the solicitation as harassment or undue pressure, or who states that he does not wish to be solicited;
  - disclose immediately to the charity any actual or apparent conflict of interest or loyalty; and
  - not accept donations for purposes that are inconsistent with the charity's objects or mission.
6. The charity will provide, upon request, its best available information on the gross revenue, net proceeds and costs of any fundraising activity (including the fundraising costs categorized as education and/or public awareness) it undertakes.

7. Paid staff or consultants will be compensated by a salary, retainer or fee, and will not be paid finders' fees, commissions or other payments based on either the number of philanthropic contributions received or the value of funds raised.

*[Guidance: Compensation policies for staff, including fundraisers, providing for performance-based compensation practices (such as salary increases or bonuses) will be consistent with the charity's policies and practices that apply to non-fundraising personnel.]*

*[Guidance: Permissible percentage-based payments:*

- (i) This provision does not apply to commercial fees, such as commissions or percentage payments or similar administrative payments for credit card transactions.*
- (ii) This provision does not apply to administrative fees charged by registered charities subject to regulation by the Canada Revenue Agency who collect money on behalf of other charities (such as Community Foundations and United Ways).*
- (iii) This provision does not apply to cause-related marketing where a percentage of sales are promised to the charity or to lotteries.]*

8. Charities that undertake cause-related marketing in collaboration with a third party should disclose how the charity benefits from the sale of products or services and the minimum or maximum amounts payable under the arrangement. If no minimum amount is specified, the charity should disclose this.
9. The charity will not sell its donor list. If applicable, any rental, exchange or other sharing of the charity's donor list will exclude the names of donors who have so requested (as provided in section A8, above). If a list of the charity's donors is exchanged, rented or otherwise shared with another organization, such sharing will be for a specified period of time and a specified purpose and must be limited to what is allowed under Federal and/or Provincial privacy legislations.
10. The charity's governing board will be informed at least annually of the number, type and disposition of complaints received from donors or prospective donors about matters that are addressed in this *Ethical Fundraising and Financial Accountability Code*.

## **C Financial practice and transparency**

1. The charity's financial affairs will be conducted in a responsible manner, consistent with the ethical obligations of stewardship and all applicable law.
2. All donations will be used to support the charity's objects, as registered with CRA.
3. All restricted or designated donations will be used for the purposes for which they were given unless the charity has obtained legal authorization to use them for other purposes. Alternative uses will be discussed where possible with the donor or the donor's legal designate. If the donor is deceased or legally incompetent and the charity is unable to contact a legal designate, the donation will be used in a manner that is as consistent as possible with the donor's original intent. If necessary, the charity will apply to the courts or the appropriate regulatory body to obtain legal authorization to use the donation for other purposes.

4. Annual financial reports are necessary to achieve transparency and accountability to donors and the public. All charities issuing receipts should produce them and make them easily accessible. They should:
  - be factual and accurate in all material respects;
  - disclose the gross amount of fundraising revenues (received and non-receipted);
  - disclose the total amount of fundraising expenses (including salaries and overhead costs);
  - disclose all donations that are receipted for income tax purposes;
  - disclose the total amount of expenditures on charitable activities (including gifts to other charities);
  - segregate undesignated and designated funds (for aggregate amounts over \$100,000);
  - identify government grants and contributions separately from other donations (for aggregate amounts over \$100,000); and
  - Financial Statements should be prepared in accordance with generally accepted accounting principles and standards established by the Canadian Institute of Chartered Accountants, in all material respects (or disclose a discrepancy between the practice and GAAP).
5. The cost-effectiveness of the charity's fundraising programs will be reviewed regularly by the governing board. No more will be spent on administration and fundraising than is required to ensure effective management and resource development. The charity will disclose its process for evaluating its spending.
6. The charity will, upon request, disclose the revenue and expense assumptions for its fundraising activity as approved by its Board in its annual budget.
7. If the charity has annual revenue in excess of \$250,000, the financial statements are audited by an independent public accountant.
8. If the charity's investable assets surpass \$1,000,000, an Investment Policy will be established setting out asset allocation, procedures for investment decisions, and asset protection issues.
9. If the charity receives, or anticipates receiving, gifts-in-kind of \$100,000 or more in a year and has annual revenue in excess of \$500,000, it will establish a Gift Acceptance Policy (including valuation issues) for the receipt of gifts-in-kind.