



# Gift Acceptance POLICY

- Operational** (Approved by SPL Board)
- Administrative** (Approved by SPL CEO)

Date Effective: 2020-07-09

Date Last Reviewed or Revised: 2020-07-02

Review Cycle: Every five years by Director, Strategy & Communication

## Purpose

Saskatoon Public Library's *Gift Acceptance Policy* ensures that the Library accepts Gifts of money and other property through objective and informed decisions.

The Policy does not apply to sponsorships and Gifts of Service. See the *Sponsorship Policy* for sponsorship requirements. The Policy also does not apply to donations to SPL's Special Collections.

SPL accepts Gifts that align with its vision, mission, values and goals. The Library may refuse a Gift if the Donor places parameters, directions or constraints on it that do not fit with the Library's priorities.

## Policy Statement

The Board has the responsibility and the final authority to accept or decline Gifts.

The Executive Team acts on behalf of the Board.

As authorized by the CEO, Personnel may encourage Donors to make Gifts to the Library and negotiate Gift Agreements with prospective Donors and their professional advisors, in accordance with the Policy and the Guidelines.

Official charitable receipts are issued in accordance with Canada's *Income Tax Act* and Canada Revenue Agency regulations. The Library's charitable registration number is 119415123RR0001.

Ownership of Gifts must be vested in SPL and Gifts must benefit the Library.

All Gifts accepted by SPL must follow charitable giving procedures in compliance with provincial and federal laws and regulations.

Gifts are accepted in alignment with the *Donor Bill of Rights* (Appendix A).

## **Donor Intent**

SPL administers all funds received from a Donor in accordance with their written intent, the Policy and the Guidelines. SPL fulfills specified Donor Intent to the extent that it is legal, ethical and consistent with SPL's vision, mission, values and goals, and that the Library is able to satisfy it. Should SPL become incapable of administering a fund to fulfill a Donor's Intent, the Library will employ its best efforts to use the Gift in such a way that its originally contemplated purpose is maintained as much as is reasonably possible.

## **Gift Documentation**

Donor Intent must be documented in writing. Documentation can be in the form of a/an:

- Donor signed and dated Gift Agreement that includes an indication of Donor Intent.
- Donor signed and dated pledge form that includes an indication of Donor Intent.
- Donor signed and dated correspondence indicating intent, e.g., a memo on a cheque face or a reply to a confirmation letter.
- Electronic communication from a Donor, e.g., an email or online giving that includes an indication of Donor Intent.
- Signed and dated deferred Gift document indicating Donor Intent.
- Proposal or solicitation submitted with a Gift that includes an indication of Donor Intent.

SPL retains original Gift documents in the Donor's electronic and/or hard copy. Historical giving records, including names, dates, amounts and Donor Intent, are maintained in reference databases. These databases include the source of the Donor's Intent, e.g., a pledge form or acknowledgement letter.

## **Approval**

Gifts of cash, publicly traded securities, investment funds, and life insurance received without conditions or restrictions do not require approval unless there are unusual circumstances involved.

Gifts of Real Property and Personal-Use Property require Board approval.

## **Gifts With Restrictions**

Restricted Gifts received for Board-approved projects or initiatives, e.g., capital programs, do not require approval, unless there are conditions or unusual circumstances involved.

Restricted Gifts received for projects or initiatives not previously approved by the Board require the appropriate approval by the Board or CEO.

## **Gifts With Conditions**

Gifts that contain conditions, e.g., for naming or recognition, require Board or CEO approval as described below:

- Gifts with conditions valued at over \$500,000 require Board approval.
- Gifts with conditions valued at \$500,000 and under require CEO approval.

Refer to the *Naming Policy* for gifts involving conditions for naming SPL assets.

## **Gifts Without Restrictions or Conditions, but With Unusual Circumstances**

All unusual circumstances must be referred to the CEO, especially but not limited to Gifts that might:

- Expose SPL to uncertain liability.

- Be precedent setting or involve sensitive issues.
- Be perceived to come from illegal activities.
- Be perceived to come from unethical sources.
- Be from individuals or organizations whose philosophy and values could be considered inconsistent with those of SPL.

## Gift Acceptance

### Gifts That May Be Declined

SPL may choose to decline a Gift that:

- Has features contrary to the charitable purposes and objectives of the Library.
- Contains restrictive clauses that may bring unwarranted pressure or embarrassment to the Library and its Board or Personnel.
- Contains unreasonable conditions, liens or other encumbrances.
- Presents exposure to liability of a type or level unacceptable to the Library.
- Could financially or morally jeopardize the Donor or the Library.
- Has an FMV that cannot be determined or could result in unwarranted or unmanageable expense for the Library.
- Could improperly benefit a Donor.
- Holds a condition that is revocable in any way.
- In its sole discretion, considers inappropriate.

### Gifts That Are Declined

The Library does not accept a Gift that:

- Violates provincial or federal laws.
- Could jeopardize SPL's charitable status.

## Definitions

- 1) **"Board"**: Saskatoon Public Library Board.
- 2) **"CEO"**: Saskatoon Public Library CEO.
- 3) **"Donor"**: Any individual, partnership, corporation, foundation or other legal entity that makes a charitable Gift to SPL.
- 4) **"Donor Intent"**: The purpose for which a Donor intends a Gift. A Donor may make restrictions and set terms for their Gift, typically noted in an agreement, e.g., the Donor designates funds for new computers for patrons and the Library agrees to use the Gift for that purpose.
- 5) **"Executive Team"**: SPL's CEO; Director, Public Services; Director, Corporate Services & Facilities; Director, Finance & Administrative Services; Director, Strategy & Communication; and Director, Reconciliation.
- 6) **"Fair Market Value (FMV)"**: The highest price expressed in a dollar amount that a property would bring in an open and unrestricted market between a willing buyer and a willing seller who are knowledgeable, informed and prudent, and who are acting independently of each other.

- 7) **"Gift"**: A voluntary transfer of property without expectation of recognition, acknowledgement or other promotional considerations.
- 8) **"Gift Agreement"**: An agreement between SPL and a Donor that outlines the purpose, amount and recognition requirements of the Gift, and any direction or constraints on the Gift.
- 9) **"Gift of Service"**: The contribution of service, e.g., time, skills or effort.
- 10) **"Guidelines"**: *Gift Acceptance Guidelines*.
- 11) **"Library"**: SPL and its branches, permanent and temporary buildings, grounds and other spaces, including virtual spaces.
- 12) **"Personal-Use Property"**: Items owned primarily for personal use and enjoyment rather than for business purposes, e.g., furniture, art, books, collectible memorabilia, vehicles and jewellery.
- 13) **"Personnel"**: SPL's term, part-time and full-time employees, Circulation Associates, casuals, security guards, contractors, consultants, Board, and volunteers (Friends of the Saskatoon Public Library).
- 14) **"Policy"**: *Gift Acceptance Policy*
- 15) **"Real Property"**: Land and anything permanently attached to land, e.g., houses, buildings, gas, oil and minerals, usually bought for investment purposes or to earn income. It includes owned or leased principal residences, whether they are houses, apartments, trailers or boats.
- 16) **"Restricted Gift"**: A Gift that is received that can only be used for specific purpose. The Donor determines if the Gift is restricted.
- 17) **"Special Collections"**: SPL's Local History, art, special loans, and other special collections.
- 18) **"SPL"**: Saskatoon Public Library.
- 19) **"Sponsor"**: Any individual, partnership, corporation, foundation or other legal entity that contributes funds or in-kind goods or services to SPL in return for recognition, acknowledgement or other promotional considerations.

## Appendices

- Appendix A: Donor Bill of Rights

# Appendix A

## Donor Bill of Rights

Philanthropy is based on voluntary action for the common good. It is a tradition of giving and sharing that is primary to the quality of life. To assure that philanthropy merits the respect and trust of the general public, and that donors and prospective donors can have full confidence in the not-for-profit organizations and causes they are asked to support, we declare that all donors have these rights:

- To be informed of the organization's mission, of the way the organization intends to use donated resources, and of its capacity to use donations effectively for their intended purposes.
- To be informed of the identity of those serving on the organization's governing board, and to expect the board to exercise prudent judgment in its stewardship responsibilities.
- To have access to the organization's most recent financial statements.
- To be assured their gifts will be used for the purposes for which they were given.
- To receive appropriate acknowledgment and recognition.
- To be assured that information about their donations is handled with respect and with confidentiality to the extent provided by law.
- To expect that all relationships with individuals representing organizations of interest to the donor will be professional in nature.
- To be informed whether those seeking donations are volunteers, employees of the organization or hired solicitors.
- To have the opportunity for their names to be deleted from mailing lists that an organization may intend to share.
- To feel free to ask questions when making a donation and to receive prompt, truthful and forthright answers.

*The Donor Bill of Rights was created by the Association of Fundraising Professionals (AFP), the Association for Healthcare Philanthropy (AHP), the Council for Advancement and Support of Education (CASE), and the Giving Institute: Leading Consultants to Non-Profits.*