



## FUNDRAISING POLICY

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## 1. Introduction

The Strathroy Middlesex General Hospital Foundation (the “Foundation or SMGHF”) is committed to raising funds ethically, responsibly, and transparently to support the mission and objectives of the organization. This Fundraising Policy outlines the principles and guidelines governing the Foundation’s fundraising efforts, ensuring compliance with applicable laws, safeguarding donor trust, and maximizing the impact of donor contributions.

## 2. Purpose and Application

### 2.1. Purpose

This Policy aims to guide the Foundation’s staff and volunteers in their execution of fundraising programs and activities. This Policy will additionally guarantee that the Foundation’s fundraising initiatives and operations are carried out with utmost integrity, adhering to the guidelines set forth under the Donor Bill of Rights, The Foundation’s Ethical Code and Accreditation Standards Program, the SMGHF Code of Conduct and Ethics<sup>1</sup> and other relevant legislative mandates.

### 2.2. Application

This Policy is applicable to the Board of Directors, Board’s Committee members, officers, employees/contract staff, and volunteers of the Foundation. The Policy shall be implemented through the Governance Committee and in accordance with the SMGHF Code of Conduct and Ethics.

## 3. Guiding Principles

The Board of Directors, Officers, staff, volunteer or third-party work for, or are contracted by the Foundation and collect or accept funds on its behalf are required to:

- a. act with equity, honesty, and in compliance with all relevant legislation;
- b. cease any solicitation of a potential donor who expresses disinterest, harassment, or undue influence or who explicitly declines to be contacted;
- c. Immediately notify the Foundation of any tangible or perceived conflicts of interest<sup>2</sup> or loyalty;
- d. Refrain from accepting donations for objectives that are contrary to the organization’s objective.

## 4. Fundraising Practices

### 4.1. Donor Privacy and Confidentiality

The Foundation recognizes the importance of donor privacy and will handle all donor information with the utmost confidentiality. Personal information will only be used for the purposes for which it was provided, and consent will be obtained as required by law. Donors will have the opportunity to opt out of any future communications. SMGHF does not engage in the sale, rent, exchange, or dissemination of its donor lists.

The Foundation acknowledges and respects the preferences of donors and potential donors, including:

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<sup>1</sup> Refer SMGHF Code of Conduct and Ethics

<sup>2</sup> Refer SMGHF Conflict of Interest Policy

- Restricting the frequency of solicitations as requested.
- Refraining from soliciting via telephone or other technologies upon request.
- Providing printed materials about the Foundation upon request.
- Ceasing solicitations if they are deemed unwanted or intrusive.

Furthermore, The Foundation upholds the privacy of donors, ensuring that donor records are kept confidential to the fullest extent feasible. Donors retain the right to review their own donor records and to contest any inaccuracies therein.

#### 4.2. Honest and Transparent Communication

The Foundation will provide donors and potential donors with accurate and truthful information about its mission, programs, and the impact of their contributions. Upon request, provide information regarding the status of the individual or entity soliciting donations, specifically whether they are a volunteer, employee, or contracted third party. Any written solicitations by or on behalf of the Foundation shall include its address and other contact information.

#### 4.3. Avoidance of Misrepresentation

The Foundation will refrain from making false or misleading statements, either orally or in writing, about its programs, services, or the benefits received by donors.

#### 4.4. Respect for Donor Intent

Donor contributions will be utilized for the intended purposes specified by the donor. When restrictions cannot be honoured, the Foundation will seek approval from the donor or provide alternative suggestions for the use of funds.

#### 4.5. Professional Conduct

Foundation staff, volunteers, and representatives will conduct themselves in a professional, respectful, and courteous manner when engaging with donors, ensuring donor satisfaction and positive relationships.

#### 4.6. Diverse and Non-Discriminatory Fundraising

The Foundation is committed to fostering a culture of inclusivity and will ensure that its fundraising efforts are non-discriminatory and respectful of all individuals, regardless of their race, religion, ethnicity, gender, sexual orientation, or disability.

#### 4.7. Gift Acceptance and Acknowledgement

The Foundation will acknowledge all donations, providing a receipt and expressing gratitude for the donor's support. Donors will be informed of any tax implications associated with their contributions and provided with appropriate documentation needed for tax purposes.

#### 4.8. Independent Advice

The Foundation advises donors to obtain independent advice in the event that the intended donation is a planned gift and/or if there is any indication that the donation could have a substantial impact on the donor's financial status, taxable income, or relationships with other family members.

#### 4.9. Fundraising Costs and Transparency

The Foundation will strive to maintain reasonable fundraising costs while ensuring effective fundraising practices. The Foundation will provide transparent disclosure of its fundraising and administrative expenses, enabling donors to make informed decisions regarding their support.

In order to exhibit accountability and transparency, SMGHF makes a range of organizational information available on its website. Our audited financial statements, annual reports, charity information filed with CRA, list of board of directors, complaints policy, privacy policy, and other relevant policies are available on our website.

#### 4.10. Compliance with Laws and Regulations

The Foundation will adhere to all relevant federal, provincial, and local laws and regulations governing fundraising activities. This includes but is not limited to privacy laws, charitable solicitation guidelines, and regulations related to tax-exempt status.

### 5. Advice from Legal Counsel

SMGHF is dedicated to fulfilling all of its legal and regulatory responsibilities. It also has the authority to independently determine these obligations and take any necessary actions regarding gifts or donations in order to comply with legal or regulatory requirements. SMGHF will consult with legal experts to obtain guidance on accepting gifts when it is deemed necessary. It is advisable to seek the advice of a legal expert in the following situations:

- a. transactions that may involve a conflict of interest.
- b. gifts that impose unusual or exceptional obligations on the Foundation.
- c. any other circumstances where the chairperson or CEO of the Foundation deems it appropriate to consult legal counsel.

### 6. Review and Monitoring

The Foundation will periodically assess its fundraising activities to measure effectiveness and identify areas for improvement. This Fundraising Policy will be regularly reviewed, and any necessary updates or amendments will be made to ensure its alignment with legal requirements, best practices, and the evolving needs of the Foundation.

# Strathroy Middlesex General Hospital Foundation

## Code of Conduct and Ethics

## 1. Introduction

This Code of Conduct and Ethics ("Code") applies to all members of the Board of Directors, officers, employees, and volunteers of the Strathroy Middlesex General Hospital Foundation ("SMGHF or the Foundation"). The term "Director" includes ex-officio Directors, community representatives, and non-board members of board committees if any. This Code is framed to maintain high standards of governance, to induce and recognize the virtues of honesty and accountability, and to serve as a guideline for addressing situations involving ethical issues in all activities of the Foundation.

All the Directors, officers, employees, and volunteers of SMGHF are required to abide by this Code. This Code does not cover every issue that may arise but provides principal guidelines for exercising good judgment and ethical practices. Any questions about the Code of Conduct or the appropriate course of conduct in a particular situation should be directed to the Foundation's Chair, CEO, or Governance Specialist. This Code of Conduct shall form part of other integral policies and procedures and be interpreted in

consonance with other policies, guidelines, and procedures.

## 2. Purpose and Scope

The purpose of this Code is to provide a clear understanding of the standard of conduct expected when performing duties as a Director, officer, employee, and volunteer of SMGHF and to promote ethical behavior and deter wrongdoing. The Board believes that operating according to these standards is critical to protect the interests of SMGHF and its stakeholders. Accordingly, the Board adopts this Code to reflect its commitment to these standards.

## 3. Standard of Conduct

The Foundation expects all Directors, officers, employees, and volunteers to act with the highest standards of honesty, integrity, and loyalty. All Directors of the SMGHF stand in a fiduciary relationship with the SMGHF Foundation. As fiduciaries, Directors must act in good faith and in the best interests of the Foundation. A director shall not put personal interests ahead of the best interests of the Foundation.

#### **4. Compliance with Laws, Rules, and Regulations**

All applicable laws, rules, and regulations shall be complied including Foundation's by-laws, policies, and procedures. Each Director must acquire appropriate knowledge of the legal requirements relating to his or her duties sufficient to enable him or her to recognize potential problems and to know when to seek advice when they become aware of actions that are inconsistent with this Code. Violations of laws, rules, and regulations may subject the violator to individual criminal or civil liability, as well as to discipline in accordance with local law. Any questions as to the applicability of any law, rule, or regulation may be directed to the Foundation's Chair, CEO & Governance Specialist.

#### **5. Managing Conflicts of Interest**

A Conflict of Interest occurs when a person's private interest interferes in any way, or even appears to interfere with the Foundation's best interests as a whole. A conflict situation can arise when a Director, officer, employee, or volunteer takes action or has interests that may make it difficult to perform

their duties objectively and effectively. Conflicts of interest may also occur when aforesaid persons, or a member of their family, receive improper personal benefits as a result of their position with the Foundation.

Director, Officer, Employee, and Volunteer must avoid situations where their personal interests will conflict with their duties to the Foundation. They must also avoid situations where their duties to the Foundation may conflict with duties owed elsewhere. All Directors, officers, employees, and volunteers must respect the confidentiality of information about the Foundation. A Director, officer, employee, and volunteer who becomes aware of a conflict or a potential conflict should report it immediately to the Board as per the policy of Conflict of Interest.

Each Director, officer, employee, and volunteer of SMGHF shall also comply with all provisions of the SMGHF's Policy on Conflict of Interest.

#### **6. Sound Decision Making**

Directors must ensure that all business decisions must be made on



an informed basis, in good faith, and in the honest belief that the action taken is in the best interest of the Foundation. Directors should check and ensure that the decision to be made will satisfy at least the following preconditions:

- It will not violate any applicable law, regulation or internal rule, or policy.
- No personal interest or self-dealing is involved.
- It is made within individual authority levels given by the Foundation.
- It is made with due care following a reasonable effort to become familiar with the relevant and available facts; and
- It is made in good faith based upon a reasonable belief that the best interests of SMGHF are served by the decision.

### **7. Board Solidarity**

Directors acknowledge that all Directors must support properly authorized board actions. The Board speaks with one voice. Those Directors who have abstained or voted against a motion must adhere to and support the decision of a majority of the Directors.

### **8. Protection and Proper Use of Foundation Assets**

The Director, officer, employee, and volunteer should protect the Foundation's assets and ensure their efficient use. All Foundation assets should be used for legitimate business purposes. Foundation assets include, but are not limited to:

- financial assets and unpublished financial data and reports;
- physical assets, supplies, and other physical property;
- equipment and facilities;
- brand name and logo;
- intellectual property and confidential/proprietary information, such as ideas, concepts, inventions, trademarks, trade secrets, copyrights, business and marketing plans, fundraising ideas, designs, inventory;
- all computer equipment, communication systems, and technology;

Any unauthorized use or distribution of the Foundation's assets is a violation of this Code.

## 9. Setting Expectations for Attendance

Directors are advised to attend all Board and committee meetings and as many events as possible.

Directors shall prepare for the Board and committee meetings by reviewing the meeting agenda and supporting materials. All Directors must attend at least 75 percent of the meetings in each fiscal year. The Board may take appropriate actions for the Directors who will be unable to meet minimum attendance as deemed fit. The Directors shall also comply with SMGHF's Corporate Governance Policy.

## 10. Fundraising

SMGHF shall respect the privacy concerns of individual donors and shall follow donor intent in making expenditures. SMGHF shall disclose important and relevant information to potential donors and shall comply with its Fundraising Policy in raising funds from the public.

SMGHF recognizes its responsibility to generate philanthropic support ethically. SMGHF is a member of the Association of Fundraising Professionals (AFP) and the Association for Healthcare

Philanthropy (AHP). The Foundation endorses the Code of Ethical Standards of [AFP](#), [AHP](#), [CAGP](#) and Imagine Canada for its fundraising activities and business conduct. SMGHF has also adopted [International Statements of Ethical Principal in Fundraising Practice](#) issued by Certified Fund Raising Executive (CFRE). SMGHF also endorses the [Donor Bill of Rights](#) and adheres to the rights of the donor provided thereunder.

Each Director, officer, employee, and volunteer shall comply with the Code and ethical standards of AFP, AHP, and CFRE, respectively.

## 11. Government Transaction

Directors should understand that special care is required when contracting with any governmental body (including national, provincial, municipal, or other similar governmental divisions in local jurisdictions).

Some key requirements for doing a transaction with the government are as follows:

- Accurately representing which Foundation programs or projects

are covered under government contracts.

- Confirming that all submissions to the government are accurate and complete.
- Not improperly soliciting or obtaining confidential information, such as sealed competitors' bids, from Government Officials prior to the award of a contract.

## **12. Use of Software**

All software used by Director, officer, employee, and volunteer to conduct Foundation's business must be appropriately licensed. Director, officer, employee, and volunteer should never make or use illegal or unauthorized copies of any software, whether in the office or otherwise; doing so may constitute copyright infringement and may expose the Directors and the Foundation to potential civil and criminal liability.

## **13. Business Expenses**

Reimbursement of the business expenses shall be made in accordance with the Foundation's Finance Policy or any other applicable policies in force.

## **14. Use of Electronic Communications**

The Director, officer, employee, and volunteer must use electronic communication devices in a legal, ethical, and appropriate manner. Electronic communications devices include computers, e-mail, connections to the internet, intranet and extranet, and any other public or private networks accessed from Foundation-owned devices or personal devices accessing corporate resources, voice mail, video conferencing, facsimiles, telephones, or any other types of electronic communication. Any Director, officer, employee, or volunteer should not post or discuss confidential information concerning the Foundation program or business on the internet. Due diligence should be followed to protect devices from security breaches, ransomware and/or malware.

## **15. Inclusion and Diversity**

The Foundation promotes and supports diversity on the Board. SMGHF can better achieve its missions by drawing on the skills, talents, and perspectives of a broader and more diverse range of leaders, and the diversity of

viewpoints that come from different life experiences and cultural backgrounds strengthens board deliberations and decision-making.

SMGHF's Board will work to build a culture of trust, candor, and respect. SMGHF's Board shall ensure that all Board members are encouraged to bring their perspectives, identity, and life experience to their board service. The Board shall ensure that all board members are equally engaged and invested, sharing power and responsibility for the organization's mission and the Board's work. Any harassment and discrimination based on gender, religion, age, sex, national origin, and other such characteristics shall be strictly prohibited.

Directors will not always agree with one another on all matters. All debates shall take place in an atmosphere of mutual respect and courtesy. All Directors must respect the authority of the Chair.

#### **16. Best Interests of the Foundation**

All Directors are held to the same duties and standard of care. Directors who are representing

other groups or body corporate must act solely in the best interest of the Foundation, even if this conflicts with the interests of nominating party.

#### **17. Confidentiality**

It is recognized that the role of the Director may include representing the SMGHF in the community. Such representations must be respectful of and consistent with the Director's duty of confidentiality. Unless otherwise designated or delegated, the Board chair is the only official spokesperson for the Board. Each Director of the Foundation shall respect the confidentiality of information about the SMGHF whether that information is received in a meeting of the Board or of a committee or is otherwise provided to or obtained by the Director.

#### **18. External Communications**

The Foundation has established specific policies regarding external communication to the public, the press, the media, and other communities. Only the Chair or designate may speak on behalf of the Board.

All Foundation related communications made on behalf of the Foundation to public audiences, including news, media contacts, responses, and public discussion of the Foundation's affairs, should only be made through the Board's authorized spokespersons.

### **19. Compliance with Code and Accountability**

The Director, officer, employee, and volunteer must become familiar with, and abide by, this Code. They shall report suspected violations of the Code or any applicable law, rule, or regulation by any Director, officer, employee, or volunteer to SMGHF's Board if they believe a violation may have occurred.

In the event of a suspected breach of the Code, the Board, or a Governance Committee, shall investigate and determine appropriate actions to be taken.

Each Director shall consult with Board if there is any doubt as to whether a particular transaction or a course of conduct complies with or is subject to this Code.

### **20. Amendment and Modification**

This Code of Conduct may be amended or modified by the Foundation's Board of Directors. The Board shall review this Code every three (3) years.

### **21. Affirmation Statement**

SMGHF shall provide a copy of this Code to every Director, officer, employee, and volunteer. An Affirmation Statement, attached, shall be signed by each Director, officer, and employee, affirming that such person has received a copy of this Code of Ethics, has read and understands it, and agrees to comply with it. Volunteers are not required to sign and submit such a Statement.

# ANNEXURE



# CODE OF ETHICAL STANDARDS

## ETHICAL STANDARDS (Adopted 1964; amended Oct 2014)

The Association of Fundraising Professionals believes that ethical behavior fosters the development and growth of fundraising professionals and the fundraising profession and enhances philanthropy and volunteerism. AFP Members recognize their responsibility to ethically generate or support ethical generation of philanthropic support. Violation of the standards may subject the member to disciplinary sanctions as provided in the AFP Ethics Enforcement Procedures. AFP members, both individual and business, agree to abide (and ensure, to the best of their ability, that all members of their staff abide) by the AFP standards.

### PUBLIC TRUST, TRANSPARENCY & CONFLICTS OF INTEREST

#### Members shall:

- 1 not engage in activities that harm the members' organizations, clients or profession or knowingly bring the profession into disrepute.
- 2 not engage in activities that conflict with their fiduciary, ethical and legal obligations to their organizations, clients or profession.
- 3 effectively disclose all potential and actual conflicts of interest; such disclosure does not preclude or imply ethical impropriety.
- 4 not exploit any relationship with a donor, prospect, volunteer, client or employee for the benefit of the members or the members' organizations.
- 5 comply with all applicable local, state, provincial and federal civil and criminal laws.
- 6 recognize their individual boundaries of professional competence.
- 7 present and supply products and/or services honestly and without misrepresentation.
- 8 establish the nature and purpose of any contractual relationship at the outset and be responsive and available to parties before, during and after any sale of materials and/or services.
- 9 never knowingly infringe the intellectual property rights of other parties.
- 10 protect the confidentiality of all privileged information relating to the provider/client relationships.
- 11 never disparage competitors untruthfully.

### SOLICITATION & STEWARDSHIP OF PHILANTHROPIC FUNDS

#### Members shall:

- 12 ensure that all solicitation and communication materials are accurate and correctly reflect their organization's mission and use of solicited funds.
- 13 ensure that donors receive informed, accurate and ethical advice about the value and tax implications of contributions.

- 14 ensure that contributions are used in accordance with donors' intentions.
- 15 ensure proper stewardship of all revenue sources, including timely reports on the use and management of such funds.
- 16 obtain explicit consent by donors before altering the conditions of financial transactions.

### TREATMENT OF CONFIDENTIAL & PROPRIETARY INFORMATION

#### Members shall:

- 17 not disclose privileged or confidential information to unauthorized parties.
- 18 adhere to the principle that all donor and prospect information created by, or on behalf of, an organization or a client is the property of that organization or client.
- 19 give donors and clients the opportunity to have their names removed from lists that are sold to, rented to or exchanged with other organizations.
- 20 when stating fundraising results, use accurate and consistent accounting methods that conform to the relevant guidelines adopted by the appropriate authority.

### COMPENSATION, BONUSES & FINDER'S FEES

#### Members shall:

- 21 not accept compensation or enter into a contract that is based on a percentage of contributions; nor shall members accept finder's fees or contingent fees.
- 22 be permitted to accept performance-based compensation, such as bonuses, only if such bonuses are in accord with prevailing practices within the members' own organizations and are not based on a percentage of contributions.
- 23 neither offer nor accept payments or special considerations for the purpose of influencing the selection of products or services.
- 24 not pay finder's fees, commissions or percentage compensation based on contributions.
- 25 meet the legal requirements for the disbursement of funds if they receive funds on behalf of a donor or client.



# CODE OF ETHICS

This Code of Ethics shall apply to all members of CAGP.  
Revised: September 2020

## Objectives

This Code of Ethics expresses CAGP's recognition of the responsibilities of its members to the association, to fellow members, and to others in the gift planning sector, including donors or prospective donors.

All members of CAGP are committed to upholding this Code of Ethics and will declare this in writing on their acceptance as a member and annually upon their membership renewal.

### 1. The Integrity of Members

Members shall act with competence, honesty, integrity and fairness in their relations with donors or prospective donors.

### 2. The Role of Members

The primary role of members is to both help donors realize their philanthropic goals and to ensure that their contributions respect the objectives of the charitable organization in question.

### 3. Disclosure of Information

Members have a responsibility to provide donors with accurate and comprehensive information on all aspects of the gift, including the roles of all interested parties.

Members who work on behalf of a charitable organization have a responsibility to inform donors of the mission, the activities of the organization as well as its gift acceptance practices, its processing procedures and fund and endowment management policies.

### 4. Protection of Interested Parties

Members working for or on behalf of a charitable organization shall encourage donors to consult with their personal and professional advisors in the case of significant and complicated gift transactions. Members have a responsibility to cooperate with other professionals who promote their donor's interests as well as those of the organization they represent.

Members shall not act for nor claim to represent a charitable organization without its knowledge or express consent. Members shall not act as donors' representatives without the donors' consent.

### 5. Legal Compliance

Members shall comply with all local, provincial and federal civil and criminal laws.

### 6. Terms and conditions of Gift

Members shall respect the payment schedule and contribution method chosen by donors, insofar as the methods comply with the charitable organization gift acceptance policies or guidelines. The members shall allow donors time for reflection and shall respect their decision-making processes.

In the event that the conditions a gift need to be altered, members shall work in good faith with donors in doing so.

### 7. Confidentiality

Members shall respect the donor's request for anonymity. Donors' files and the personal and financial information therein contained are the charitable organization's property and shall be kept strictly confidential and in accordance with the privacy legislation in force for the particular jurisdiction.

### 8. Conflict of Interest

At all times, members shall avoid conflict of interest situations, potential conflict of interest situations or the appearance of conflict of interest. Members shall notify all interested parties of any situation that may present a potential conflict of interest. Unless circumstances are such that this becomes a requirement, members who work on behalf of a charitable organization shall not agree to act for donors on a personal basis (e.g. as liquidators or executors of wills) so as to avoid any conflict of interest.

### 9. Remuneration

Members who work on behalf of a charitable organization shall not accept commission-based remuneration, nor finder's fees nor shall they derive any monetary benefit from transactions concerning donations or from relationships established with donors as part of their duties.

### 10. Competence

Members shall be responsible for maintaining their professional skills and for upgrading their knowledge on an ongoing basis.

Members shall be obliged to be aware of and adhere to all guidelines and standards of conduct issued by the Association.

### 11. Complaints

Complaints should be addressed in writing to the Board of Directors of CAGP, who will review them in confidence and in accordance with the Code of Ethics Complaints Procedure.



# International Statement of Ethical Principles in Fundraising

All over the globe, fundraisers work to make the world a better place. Our causes are diverse and distinct, but our passion and commitment are universal. The way that we go about raising money is different according to the culture, society, and laws of where we fundraise, but we share a commitment that wherever we fundraise, we do so to a high standard and follow an ethical approach.

This Statement of Ethical Principles in Fundraising sets out the values, beliefs, and principles that govern professional fundraisers across the world. It sets out what unites us in the way that we fundraise, and joins us together as a global fundraising community dedicated to achieving fundraising excellence for our causes, donors, and supporters.

The Statement does not replicate, replace, or supersede any laws or codes of conduct that are in place in any individual country, as it is expected that fundraisers will fully observe the law wherever they work. Instead, the Statement outlines the ethical approach and articulates the values that drive fundraising professionals and provides a framework of how we will work globally. Organisations who voluntarily endorse and support this Statement do so as a demonstration of their commitment to fundraising excellence and as a declaration of their shared interest in a global understanding of these principles.

Where fundraisers are working in areas with a developed code of conduct, this Statement should complement the standards that are set, and for others can form a basis for the development of fundraising practice or regulation. By following these principles, we believe that we will deliver the best experience for our donors and supporters, grow public trust and confidence in fundraising, and be best placed to achieve our mission.

## Our shared principles for fundraising

As fundraisers, these principles set out how we work and define our ethical approach:

**Honesty:** Fundraisers will always be honest and truthful, upholding public trust and never misleading supporters or the public.

**Respect:** Fundraisers will always be respectful of our beneficiaries and donors, following their choices and wishes, wherever possible.

**Integrity:** Fundraisers will always act with integrity, following legislative and regulatory requirements, and will always work for the best interests of our causes and supporters.

**Transparency:** Fundraisers will always be transparent, clear and accurate about the work of our causes, how donations will be managed and spent, and report on costs and impact accurately.

**Responsibility:** Fundraisers will always act responsibly, understanding that we share a common objective to promote fundraising excellence for the benefit of the common good. We value and encourage diversity in our practice and our fundraisers, and continually seek to develop our professional standards.

## **Standards of fundraising practice**

Our standards are presented as being the benchmark for fundraising excellence and set out our shared framework for working to the highest level and in the best interests of our causes, while respecting our donors and being accountable in our work.

### **1. Responsibility to fully comply with relevant legislation and regulatory standards**

- Fundraisers will work according to the national and international legal obligations that apply to their organisation's location, legal form, and activities.
- Fundraisers will follow any agreed upon regulatory systems for fundraising and specific codes of practice for fundraising that are set in their location.
- Fundraisers will not take action that could constitute professional misconduct or create a conflict of interest.

### **2. Responsibility to supporters**

- Fundraisers will always respect the free choice of all individuals to give donations or not.
- Fundraisers will respect the rights of donors and follow their preferences on communications and privacy.
- Fundraisers will be open and transparent with donors on the use of their funds, providing clear information on how donations are spent and the impact of their work.
- Fundraisers will be truthful and honest in all of their fundraising communications, in any medium and by any means, using accurate information about their cause in their materials, communications and activities.
- Where a donor has expressed a view on the specific service or project that they would like their money to be applied, the donor's wishes will be followed wherever possible. In the event that the money cannot be used in line with the donor's wishes, the fundraiser will seek further agreement from the individual or organisation on the use of their donation.

### **3. Responsibility to their cause and beneficiaries**

- Fundraisers will work together with their trustees or relevant governance structure to best achieve the overall goals and objectives of their cause, making decisions and working in accordance with the values of the organisation.
- Fundraisers will always be respectful of their beneficiaries and uphold their dignity and self-respect in the fundraising communications or materials that they use.
- Fundraisers will not accept donations where the acceptance of those gifts would not be in the best interests of the organisation or create a conflict of interest that would be detrimental to the organisation's reputation, mission, and relationship with existing supporters and beneficiaries.

### **4. Management reporting, finance and fundraising costs**

- Fundraisers will be transparent and accurate in presenting fundraising costs, fees and expenses, without expressing or suggesting in communications and materials that fundraising lacks administration and fundraising costs.
- Fundraisers will ensure that all fundraising transactions, accounting, and reporting for which they are responsible are transparent and accurate.
- Fundraisers will work with their organisation to provide accurate reports on their organisation's income and expenditure according to their national regulatory framework and publish clear information on their activities for stakeholders, beneficiaries, donors and the public.

### **5. Pay and compensation**

- Fundraisers will expect fair remuneration for their work and will not use their position to make any unauthorised or disproportionate personal gain.
- Fundraisers will not seek any personal benefits or gratuities in the course of their work. Any benefits or gratuities that are offered to a fundraiser will be declared to their organisation and/or any relevant authority and only accepted if in line with the set policy and with any necessary approval.
- When fundraisers work with suppliers, partners, or third-party agencies, they will take all reasonable steps to ensure that those external parties work to the same standards that they are held to, and that they do not receive unreasonable and disproportionate payment for their work.
- All payment and remuneration for fundraisers will be arranged before work is carried out, with any performance-related payments agreed in advance and set to ensure that payments will not be disproportionate or unreasonable.

***Agreed by representatives of National Fundraising Associations and adopted at the International Fundraising Summit in London on 5 July 2018***

# A DONOR BILL OF RIGHTS

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## DEVELOPED BY:



Association of Fundraising Professionals (AFP)



Association for Healthcare Philanthropy (AHP)



Council for Advancement and Support of Education (CASE)



Giving Institute: Leading Consultants to Non-Profits

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**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:

## I

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.

## II

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.

## III

To have access to the organization's most recent financial statements.

## IV

To be assured their gifts will be used for the purposes for which they were given.

## V

To receive appropriate acknowledgement and recognition.

## VI

To be assured that information about their donations is handled with respect and with confidentiality to the extent provided by law.

## VII

To expect that all relationships with individuals representing organizations of interest to the donor will be professional in nature.

## VIII

To be informed whether those seeking donations are volunteers, employees of the organization or hired solicitors.

## IX

To have the opportunity for their names to be deleted from mailing lists that an organization may intend to share.

## X

To feel free to ask questions when making a donation and to receive prompt, truthful and forthright answers.



## Conflict of Interest Policy

Reference No.	SMGH/COI/2022
Previous Version	-
Version	Version 1.02
Prepared By	A. Kumar
Recommended By	Governance Committee
Approved By	Board of Directors
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## 1. Introduction

Registered charitable foundations must serve a charitable purpose to retain their status under *The Income Tax Act (ITA) R.S.C 1985*. Registered non-profits must, therefore, use caution when handling potential conflicts of interest. A conflict of interest exists when a transaction may result in a private benefit to a director, officer, employee, or volunteer to the detriment of the non-profit organization and its charitable purposes. The conflict of interest may involve financial interests (such as compensation determinations) or non-financial interests (such as personal relationships).

Some conflict-of-interest transactions are not strictly prohibited and may still be in the best interests of The Strathroy Middlesex General Hospital Foundation ("**SMGHF**" or the "**Foundation**"). However, the Foundation should have procedures in place to ensure that the transaction truly is in the Foundation's best interests. This includes adopting and enforcing a conflict of interest policy that provides clear direction to the Foundations' directors, officers, employees, and volunteers to handle and resolve potential, actual or perceived conflicts of interest.

This Policy will form part of the Foundation's integral policies and procedures. It shall complement and be interpreted in coordination with the other policies, By-laws, and the provisions of the Not-for-profit Corporations Act, 2010 (ONCA) and other applicable legislation, including any modification or reenactment thereof for the time being in force (*the "Act"*).

## 2. Purpose, Scope and Application

### 2.1. Purpose

The purpose of this Conflict of Interest Policy (the "Policy") is to protect the interests of the Foundation when it is contemplating entering into a transaction or arrangement that might benefit or appear to benefit the private interest of any present or former director, officer, employee or volunteer of the Foundation, indirectly benefit a Related Party, or result in a possible Excess Benefit Transaction. The Foundation is organized to serve the charitable purposes stated in its Articles, and each director, officer, employee and volunteer must act and use good judgment to maintain and further the public's trust and confidence in the Foundation.

### 2.2. Identification and Management of Conflicts

This Policy establishes guidelines, procedures and requirements for:

- a. identifying a Conflict of Interest and situations that may result in an actual, potential or perceived Conflict of Interest; and
- b. appropriately managing a Conflict of Interest in accordance with legal requirements and the goals of accountability and transparency.

### 2.3. Application

This Policy applies to all directors, officers, employees and volunteers of the Foundation. All directors, officers, employees and volunteers must familiarize themselves with, and adhere to, the principles and rules set out in this Policy.

### 3. Definitions

**"Conflict of Interest"** arises in situations where, in the judgment of the Foundation's board of directors:

- a. the outside interests or activities (such as Covered Interests) of a director, officer, employee or volunteer interfere or compete with the Foundation's interests;
- b. the stake of a director, officer, employee or volunteer in a transaction or arrangement is such that it reduces the likelihood that such person's influence can be exercised impartially in the best interests of the Foundation;
- c. a director, officer, employee or volunteer has divided loyalties; or
- d. an Excess Benefit Transaction would occur.

**"Covered Interest"** exists when any director, officer, employee or volunteer has directly, or indirectly through a Related Party:

- a. an ownership or investment interest in any entity with which the Foundation has a transaction or arrangement;
- b. a compensation arrangement with the Foundation or with any entity or individual with which the Foundation has a transaction or arrangement;
- c. a potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Foundation is negotiating a transaction or arrangement; or
- d. a legal commitment or financial interest, including by virtue of a board appointment, employment position or volunteer arrangement, to act in the interests of another entity or individual.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial. A Covered Interest is not necessarily a Conflict of Interest. Under Section 4.2, a person who has a Covered Interest may have a Conflict of Interest only if the board decides that a Conflict of Interest exists.

**"Disqualified Person"** is any person who was in a position to exercise substantial influence over the affairs of the Foundation at any time during a five-year lookback period, ending on the date of the transaction, and includes but is not limited to the Foundation's directors, officers and Related Parties, as defined herein.

**"Excess Benefit Transaction"** is any transaction in which an economic benefit is provided by the Foundation, directly or indirectly, to or for the use of a Disqualified Person and the value of the economic benefit provided by the Foundation exceeds the value of the consideration (including the performance of services) received by the Foundation.

**"Interested Person"** is any director, officer, employee or volunteer who has a direct or indirect Covered Interest.



**"Related Party"** is any one of the following persons or entities:

- a. any director, officer, employee or volunteer of the Foundation or its affiliates;
- b. any Relative of any individual described in paragraph (a);
- c. any entity or trust of which any individual described in paragraphs (a) or (b) serves as a director, trustee, officer, employee or volunteer;
- d. any entity or trust in which any individual described in paragraphs (a) or (b) has a 35% or greater ownership or beneficial interest;
- e. any partnership or professional corporation in which any individual described in paragraph (a) or (b) has a direct or indirect ownership interest of greater than 5%; or
- f. any other entity or trust in which any individual described in paragraphs (a) or (b) has a material financial interest.

**"Relative"** means any one of the following persons:

- a. the spouse or domestic partner of an Interested Person;
- b. the ancestors of an Interested Person;
- c. the siblings or half-siblings, children (whether natural or adopted), grandchildren and great-grandchildren of an Interested Person; and
- d. the spouse (as defined in the Income Tax Act (Canada)) of any person described in (c).

## 4. Procedures

### 4.1. Duty to Disclose

An Interested Person must disclose the existence of any actual, potential or perceived Conflict of Interest as soon as such Interested Person identifies that there may be a Conflict of Interest, and before the Foundation enters into the proposed transaction or arrangement that gives rise to the Conflict of Interest:

- a. the disclosure shall be made to:
  - i. the board of directors/Governance committee if the Interested Person is a director or officer; or
  - ii. the Interested Person's manager if the Interested Person is an employee or volunteer, who shall, in turn, inform the board of directors/governance committee of the disclosed Conflict of Interest; and
- b. the Interested Person shall be given the opportunity to disclose all material facts to the board of directors/governance committee concerning the proposed transaction or arrangement, including the circumstances giving rise to the Conflict of Interest.

### 4.2. Determining the Conflicts of Interest

After disclosure of the actual, potential or perceived Conflict of Interest, the board upon the recommendation of the governance committee shall determine whether a Conflict of Interest exists by following the procedures described in this Section:

- a. the Interested Person shall disclose all material facts relating to the potential Conflict of Interest to the [board/governance committee];
- b. after any discussion between the [board/ committee] and the Interested Person, the Interested

Person shall leave the [board/committee] meeting while the determination of a Conflict of Interest is discussed and voted upon. [The committee shall then make its recommendation to the board];

- c. the board members, other than the conflicted Interested Person(s), shall decide if a Conflict of Interest exists [based on its review and consideration of the audit committee's recommendation]. If the remaining board determines by majority vote that no conflict exists, no further review of the transaction by the board is required if not ordinarily required in the normal course of business. The discussion and determination of the existence of a Conflict of Interest shall be documented in accordance with the procedures outlined in Clause 5; and
- d. the determination that a Conflict of Interest exists shall not preclude the board (other than the conflicted Interested Person(s)) from approving the matter, but such determination shall require the board to follow the procedures outlined in Clause 4.3.

#### 4.3. Procedures for Addressing the Conflicts of Interest

To address a Conflict of Interest, the board shall follow the procedures described in this Section:

- a. an Interested Person may make a presentation at the board meeting, but after the presentation, the Interested Person shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the Conflict of Interest;
- b. the Interested Person shall not attempt to intervene with or improperly influence the deliberations or voting on the matter giving rise to the Conflict of Interest;
- c. the chairperson of the board shall, if appropriate, appoint a disinterested person or committee to investigate market information and alternatives to the proposed transaction or arrangement, including obtaining comparability data when determining compensation;
- d. after exercising due diligence, the board shall determine whether the Foundation can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a Conflict of Interest;
- e. if a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a Conflict of Interest, the board shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is: (i) in the Foundation's best interests; (ii) for its own benefit; and (iii) fair and reasonable; and
- f. in conformity with the above determinations, the board shall make its decision as to whether to enter into the transaction or arrangement.

#### 4.4. Violations

- a. If the board has reasonable cause to believe that an Interested Person has failed to disclose an actual, potential or perceived Conflict of Interest, it shall inform the Interested Person of the basis for such belief and afford the Interested Person an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the Interested Person's response and after making further investigation as warranted by the circumstances, the board determines the Interested Person has failed to disclose an actual, potential or perceived Conflict of Interest, it shall take appropriate disciplinary and corrective action, up to and including termination of employment or volunteering, or, with the approval of the membership, removal from the board.

- c. Each director, officer, employee and volunteer is responsible for reporting to his or her manager or to the board any suspected failure to disclose by any Interested Person, regardless of position[, in accordance with the Foundation's whistleblower policy].
- d. Conduct that violates this Policy is always considered outside the scope of employment of any employee acting on behalf of the Foundation.

#### 4.5. Confidentiality

The Foundation shall maintain the confidentiality of any disclosures made in connection with this Policy and limit access to the information in accordance with this policy.

Each director, officer, employee and volunteer shall exercise care not to use, publish or disclose confidential information acquired in connection with disclosures of actual, potential or perceived Conflicts of Interest during or subsequent to his or her employment, participation as a volunteer or participation on the board of directors.

### 5. Disclosures, Records Keeping and Review

#### 5.1. Annual Disclosure

Each director and the officer shall annually disclose all Conflicts of Interest and previously unreported Conflicts of Interest in writing on the Foundation's disclosure form in accordance with this Policy and sign a statement (*Appendix-1*) that affirms that such person:

- a. has received a copy of this Policy, read and understood;
- b. has agreed to comply with this Policy;
- c. has no Conflict of Interest to report or is reporting current and any previously unreported Conflicts of Interest; and
- d. understands that the Foundation is charitable and, to maintain its charitable status under the Income Tax Act (Canada), and ONCA and it must engage exclusively in activities that accomplish one or more of its charitable purposes.

#### 5.2. Minutes Recording

The minutes of the meeting(s) of the board and committee shall contain:

- the names of the persons who disclosed or otherwise were found to have an actual, potential or perceived Conflict of Interest; (ii) the nature of the disclosed interest; (iii) any action taken to determine whether a Conflict of Interest was present; (iv) whether the Interested Person was present during the determination; (v) the committee's recommendation to the board; and (vi) the board's decision as to whether a Conflict of Interest in fact existed; and
- the names of the persons who were present for discussions by the board of the proposed transaction or arrangement; (ii) the votes relating to the transaction or arrangement; (iii) the content of the discussion, including any alternatives to the proposed transaction or arrangement; and (iv) a record of any votes taken in connection with the proceedings.

### 5.3. Policy Revision

The Board develops and reviews policies regularly to ensure that this Policy adequately conforms to the prevailing laws, rules, regulations, and best practices.

*Appendix 1*

**General Declaration of Conflict of Interest**

To

Strathroy Middlesex General Hospital Foundation ("the Foundation")

395 Carrie St. Strathroy ON N7G 3J4

I \_\_\_\_\_ [Name], hereby give notice of my material interest or concern in the following corporations, bodies corporate, firms, or other associations of individuals:-

S No.	Names of the Companies /bodies corporate/ firms/ association of individuals	Nature of interest or concern (as Director, partner, Shareholder, CEO, manager, promoter)	Shareholding	Date on which interest or concern arose
1.				
2.				
3.				
4.				
5.				

**Signature:** \_\_\_\_\_

**Full Name :**

**Date:**