

Policy Direction – Acceptance of Gifts

Rationale and Relationship to Mission, Principles and Values

The Multiple Sclerosis Society of Canada (MS Society) welcomes gifts which enable it to fulfill its mission, strategic goals, and priorities.

The *Acceptance of Gifts Policy* ensures that donations made to the MS Society further the mission of the MS Society and include appropriate consideration of donor interests and objectives. It provides clarification of roles, responsibilities, and expectations of both the MS Society and its donors.

The *Acceptance of Gifts Policy* provides decision-making guidance for the MS Society's boards and authorized or designated staff. It ensures that gifts to the MS Society are made in accordance with legal and ethical regulations and guidelines to protect the MS Society from potential liability related to gifts that may have a negative impact on the MS Society.

The MS Society retains the right to decline any type of gift or source of gift from an individual or organization with objectives that do not align with those of the MS Society.

Policy Objective

The *Acceptance of Gifts Policy* assists in determining the acceptability of gifts to the MS Society. The policy will inform, serve, guide or otherwise assist staff and volunteers in stewarding donors who wish to support the activities of the MS Society.

Policy Application

This policy applies to all levels and locations of the MS Society including the national office, divisions, and chapters.

Authorization

This policy was approved by the MS Society's board of directors on May 20, 2015.

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Policy Details

Acceptable Gifts

Listed below are examples of the form of gift deemed eligible for acceptance by the MS Society.

- Cash and negotiable instruments, including cheques, money orders, and bank drafts
- Electronic and bank fund transfers, including credit and debit card transactions, automatic clearing house transactions, and wire transfers
- Whole life insurance policies
- Publicly traded securities
- Bequests (gifts in a will) or through a trust
- Retirement benefits (i.e. RRIFs or RRSPs)
- Selected gifts-in-kind
- Other investments: shares in privately-owned companies, flow-through shares, and other investments not readily negotiable must be approved by the MS Society before being accepted

Other gifts not listed above may be accepted but require review by the MS Society before the gift is accepted. In reviewing these gifts, consideration will be given to the size of the gift, financial liability, and risks to the MS Society. For life insurance policies, the Society may opt to take on the obligation of paying premiums at the request of the donor and with the approval of the vice-president, marketing and development, and the national vice-president, shared services.

Gifts-in-kind may be accepted where the property is of either immediate use or of use in the near future to the Society, or the property can be liquidated quickly by the Society. Gifts-in-kind may include inventory, artwork, furnishings, medical equipment, tickets to events, or other physical and tangible property.

Gifts of services are acceptable, but are not tax-receiptable (see Valuation and Receipting for details).

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If there are doubts whether a gift is acceptable by the MS Society, appropriate MS Society staff should contact the national vice-president, marketing and development, and the national vice-president, shared services, for consultation. For gifts of charitable gift annuities, endowments, or gifts requiring valuation, the national vice-president, marketing and development, and the national vice-president, shared services, must be consulted before the gift may be accepted.

Unacceptable Gifts

The MS Society does not accept term life insurance policies as gifts.

Designation and Conditions of Gifts

All funds received are considered undesignated unless otherwise requested.

In no case can a gift be designated to the benefit of one particular individual or to a project or expenditure where a conflict of interest exists.

The MS Society will strive to meet the designation requirements of all gifts. However, the priorities of the MS Society may shift over time, and it may become impossible, inadvisable or impracticable to apply the original designation of the funds. If the MS Society is of the opinion that a revised designation is appropriate, the MS Society shall exercise its discretion, in consultation with the donor where possible, and apply a designation to the gift that is consistent with the spirit and intent of the gift.

The MS Society may require the terms of the gift be revised, in consultation with the national vice-president, marketing and development, and the national vice-president, shared services, in situations where conditions are placed on a gift that are judged to be:

- Administratively burdensome
- Not in the MS Society's best interest
- In support of programs or activities peripheral to the mission of the MS Society
- A conflict of interest or will compromise the MS Society's public image or commitment to its mission and values

Endowments

Endowed gifts may be accepted after review by the MS Society, and must meet the following conditions:

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- Minimum of \$25,000 in contributions to the endowment in the pledged period
- Funds are held for a specific term (dependent on contribution amount) before the principal is disbursed

Source of Donation

The MS Society accepts gifts where the donor offers the gift to support the spirit and intent of the Society’s mission, vision, and values. The Society reserves the right not to accept gifts from donors who do not embody the values of the Society, or where the acquisition of the property intended as a gift is from questionable, immoral, or illegal sources.

Valuation and Receipting

The MS Society will typically value gifts on the date it takes legal possession of the asset being donated.

Where the value of the gift is not readily apparent, including gifts-in-kind, a third-party assessment of the value of the gift may be required and this may occur at the donor’s expense prior to the MS Society taking possession of the gift. The MS Society retains the right to decline any type of gift-in-kind.

Receipts will be generated based on the value of the gift, with evidence supporting the value of the gift and in full compliance of the Canada Revenue Agency’s requirements.

Gifts of services are not eligible for receipting under Canadian tax law as services are not considered property. If a donor of services seeks a tax benefit, they must invoice and be paid for their service. The donor may then donate their fee for service back to the MS Society for a tax receipt of equal value: this practice is often referred to as “cheque exchange.”

Donor Recognition

Donor recognition will be accorded based on the level of the gift and in accordance with the MS Society’s donor recognition guidelines.

The MS Society respects any donor’s wish for anonymity, and will fulfill to the best of its ability. The MS Society may be legally required to disclose the identity of the donor, and therefore retains the right to do so when there is a statutory requirement for disclosure.

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Authority to Sign Gift Agreements

The chief executive officer, national vice-president, marketing and development, and the national vice-president, shared services, are authorized to sign or delegate the signing of gift agreements within the national office. Division presidents are authorized to sign or delegate the signing of gift agreements within their respective divisions, including chapters. See the procedures for more details and a sample standard gift agreement.

Legal and Tax Advice

The MS Society does not provide any legal, accounting, tax or financial advice to donors with respect to gifts to the MS Society. Donors are encouraged to seek independent legal, accounting, tax or financial advice from professionals and are responsible for all costs incurred in relation to obtaining such independent professional advice.

The MS Society cannot suggest or endorse a third party as a source of gift advice. Where necessary, donors may be requested to provide the MS Society with an acknowledgement that independent professional advice has been obtained, or that independent professional advice has been waived although recommended by the MS Society.

Ethics

To ensure the MS Society represents industry best practices in donor policies and public representations, fundraising practices, and financial practice and transparency, MS Society fundraising staff and volunteers abide by the Association of Fundraising Professionals (AFP) *Code of Ethics* and the MS Society adheres to the *AFP Donor Bill of Rights*.

Gifts from Pharmaceutical Companies

For gifts from pharmaceutical companies, please consult *Pharmaceutical Industry Relationships* policy direction.

Executive Champion

The MS Society's national vice-president, marketing and development, is the executive champion for the gift acceptance policy.

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Monitoring and Compliance

The MS Society's national vice-president, marketing and development, is responsible for leading the monitoring of the application and compliance of this policy direction in conjunction with other members of the executive team. The national vice-president, marketing and development, will work with appropriate staff to ensure compliance.

Related Policies, Legislation

This policy direction, along with other fundraising policy directions, forms the umbrella of policies under which fundraising activities, campaigns and events are conducted within the MS Society.

Policy Review

The policy direction is to be reviewed at a minimum every three years following approval.

Definitions:

Designated Gift – Gifts that are earmarked as per the donor's request, for a particular project or portion of the MS Society's mission, e.g., an online donation designated to Research Partners.

Executive Team - The most senior level of staff leadership within the MS Society comprised of the president and chief executive officer, division presidents, national vice-president, shared services, vice-president, talent, national vice-president, marketing and development, national vice-presidents of research, programs and services, and government relations. One person may hold more than one position. The president and chief executive officer may alter the composition of the executive team as required from time-to-time.

Undesignated Gift - Gifts given to the MS Society where the donor has not specified where in the MS Society the support is to be directed.

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