

## **Policy Direction – Acceptance of Gifts**

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### **Rationale and Relationship to Mission, Vision, and Values**

MS Canada welcomes gifts which enable it to fulfill its mission, strategic goals, and priorities.

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

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

MS Canada 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 MS Canada.

### **Policy Objective**

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

### **Policy Application**

This policy applies to all levels and locations of MS Canada .

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<i>Applies to:</i>	All volunteers and staff at all levels
<i>Frequency of review:</i>	Three years or less
<i>First approved:</i>	May 20, 2015 by Board of Directors
<i>Last reviewed:</i>	September 6, 2018
<i>Next scheduled review:</i>	September 2021

## Authorization

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

## Policy Details

### Acceptable Gifts

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

- 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 MS Canada before being accepted

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

Gifts-in-kind may be accepted where the property is of either immediate use or of use in the near future to MS Canada, or the property can be liquidated quickly by MS Canada. 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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MS Canada 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 MS Canada.

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

### **Unacceptable Gifts**

MS Canada 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.

MS Canada will strive to meet the designation requirements of all gifts. However, the priorities of MS Canada may shift over time, and it may become impossible, inadvisable or impracticable to apply the original designation of the funds. If MS Canada is of the opinion that a revised designation is appropriate, MS Canada 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.

MS Canada may require the terms of the gift be revised, in consultation with the vice-president, philanthropy, and the vice-president, corporate services, in situations where conditions are placed on a gift that are judged to be:

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

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## ***Endowments***

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

- 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**

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

## **Valuation and Receipting**

MS Canada 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 MS Canada taking possession of the gift. MS Canada 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 MS Canada for a tax receipt of equal value: this practice is often referred to as "cheque exchange."

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## **Donor Recognition**

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

MS Canada respects any donor’s wish for anonymity, and will fulfill to the best of its ability. MS Canada 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.

## **Authority to Sign Gift Agreements**

The president and chief executive officer, vice-president, philanthropy, and the vice-president, corporate services, are authorized to sign or delegate the signing of gift agreements. See the procedures for more details and a sample standard gift agreement.

## **Legal and Tax Advice**

MS Canada does not provide any legal, accounting, tax or financial advice to donors with respect to gifts to MS Canada. 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.

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

## **Ethics**

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

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## **Gifts from Pharmaceutical Companies**

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

### **Executive Champion**

MS Canada's vice-president, philanthropy, is the executive champion for the gift acceptance policy.

### **Monitoring and Compliance**

MS Canada's vice-president, philanthropy, 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 vice-president, philanthropy, 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 MS Canada.

### **Policy Review**

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

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### **Definitions:**

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

**Executive Team** - The most senior level of staff leadership within MS Canada comprised of the president and chief executive officer; division presidents; senior vice-president(s) and vice-president(s). One person may hold more than one

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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 MS Canada where the donor has not specified where in MS Canada the support is to be directed.

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