

| | |
|--------------------------|-----------------------------------|
| Policy Title: | Donations and Sponsorships |
| Policy Type: | Administration |
| Policy #: | ADM 06 |
| Policy Authority: | Board |
| Effective Date: | June 2023 |

PURPOSE

The Clarington Library, Museums & Archives (CLMA) welcomes and encourages gifts, sponsorships, and contributions from individuals, groups, organizations, and the business community to enhance its services, resources, and programs for the residents of the Municipality of Clarington.

In addition, this policy provides guidelines for the acquisition and de-accessioning of original works of art, purchased or donated for CLMA public spaces, and provides guidance on the naming of all new CLMA buildings, and of all existing CLMA buildings undergoing significant renovation and expansion.

DEFINITIONS

Sponsorship: A mutually beneficial exchange between the CLMA and an external organization whereby the sponsor receives a benefit of reciprocal value, such as recognition, acknowledgement, or other promotional considerations, in return for providing monies and/or products and services in-kind to the CLMA. A sponsorship is designed to benefit both parties; it is not a philanthropic gift.

Philanthropic Gift or Donation: An arrangement where a donor contributes monies and/or in-kind goods or services to the CLMA without expectation or requirement of a reciprocal benefit. While most donors expect some form of recognition as a result of their gift, the recognition is marginal in value relative to the value of the gift, as defined by the Canada Revenue Agency.

GUIDING PRINCIPLES

In the development or acceptance of any donations or sponsorships, the CLMA will:

1. Not undermine the integrity of the non-commercial public space that the CLMA provides.
2. Not compromise the public service objectives and practices of the CLMA.

3. Protect its principles of intellectual freedom and equity of access to its programs, services, and collections.
4. Protect personal information by not selling or providing access to CLMA records.
5. Not permit any undue impact on the policies and practices of the organization, or the information provided by the CLMA, or to influence or alter the basic goals and objectives of the organizations programs.
6. Not seek or accept sponsorships for programs, events, services, or activities involving or targeted to children from companies whose products cannot legally be sold or distributed to children or from companies whose products are inappropriate for use by children.
7. Not accept direct marketing of products to children, except where relevant educational material is promoted in conjunction with programs.
8. Not enter into an alliance or partnership with any corporation or organization where the association with the prospective partner would jeopardize the financial, legal or moral integrity of the CLMA or adversely impact upon the CLMA's standing and reputation in the community.
9. Not entertain opportunities with companies or organizations whose products or activities are detrimental to human health or that discriminate discredit or demean any group or groups of people.
10. Where a sponsorship or donation agreement limits the CLMA's ability to enter into other sponsorships, ensure that such an agreement shall clearly define the nature and extent of the exclusivity, and the time frame over which the exclusivity is to be granted.

SPONSORSHIPS

1. The solicitation of sponsorships by CLMA staff must receive prior approval of the CEO or designate as delegated.
2. Charitable tax receipts cannot be issued for funds, products, or in-kind services given to the CLMA as part of a sponsorship agreement.
3. The Board endorses the Canadian Library Association's Position Statement on Corporate Sponsorship Agreement in Libraries (1997), which can be found in the appendix of this policy.
4. Sponsorship does not imply endorsement of products or services by the CLMA.
5. Sponsorships cannot be made conditional on CLMA performance outcomes.

6. Sponsors will be provided with a level of recognition commensurate with their contribution, as determined by the CLMA. Recognition shall be in conjunction with, but not limited to, the programs or services that are supported by the sponsor.
7. Any public use of the name and/or logo connected to the CLMA must be approved by the CEO.
8. Sponsors have marketing rights to promote their involvement with the CLMA subject to these provisions.
9. Sponsor corporate names and/or logo will not have prominence over the Clarington Library, Museums & Archives name and/or logo.
10. Sponsorship does not cover:
 - a. Philanthropic gifts or donations;
 - b. Grants or funds obtained from other levels of government;
 - c. Arrangements where the CLMA sponsors or contributes to external projects or other organizations.
11. The CLMA reserves the right to refuse any sponsorship opportunity which is deemed to be inappropriate or unsuitable to the advancement of the mission and objectives of the organization.
12. The CLMA reserves the right to terminate an existing sponsorship should conditions arise during the life of the sponsorship that result in it conflicting with this policy, or if that sponsorship no longer supports the best interests of the organization.
13. All sponsorships in excess of Ten Thousand (\$10,000) Dollars will be embodied in a formal written agreement between the CLMA and the sponsorship partner.

This letter of agreement should be signed by representatives of the sponsoring organization and authorized representative of the CLMA. The letter of agreement will define the terms of the sponsorship (benefits, roles and responsibilities, fees, insurance, duration, promotion, and advertising, etc.) and the recognition to be provided to the sponsor.
14. Sponsorships valued at Thirty Thousand (\$30,000) Dollars or less may be approved by the CEO and reported to the Board at its next meeting.
15. Sponsorships with values in excess of Thirty Thousand (\$30,000) Dollars shall be submitted to the Board for approval.

CLMA DONATIONS

1. Books and other formats are accepted for CLMA collections under the principles and standards of selection outlined in the Collections and Materials Selection Policy.
2. A gift, once accepted, is the exclusive property of the CLMA; as such it is subject to the rules, regulations, and processes of the CLMA. Once an item is added to the collection, the CLMA does not guarantee that it will be kept permanently.
3. The CLMA does not issue tax receipts for donations of books, magazines, AV materials.
4. Individuals or groups wishing to donate new or used material for the CLMA collection shall be referred to the Manager, Collections, if necessary.
5. A letter of thanks may be sent by the CEO to the donor on behalf of the Board once a donation is accepted.
6. Unsolicited used materials dropped off at the CLMA may be added to the CLMA collection, made available for resale to the public; redistributed to other agencies; recycled or discarded.
7. Non-book donations include gifts of money, manuscripts and other printed materials, art and photographic works, equipment, toys and other in-kind gifts or services.
8. The CLMA reserves the right to use the donation in the best interest of the organization and shall make decisions regarding the investment, disposition and/or eventual disposal of all donations.
9. Canada Revenue Agency (CRA) defines a gift as "a voluntary transfer of property without valuable consideration". Under the *Income Tax Act*, the CLMA can issue official donation receipts for income tax purposes for donations that legally qualify as gifts. The CLMA does not issue tax receipts for donations of books, magazines, AV materials. In accordance with CRA policy, tax receipts are issued where the value of the donation exceeds twenty-five (\$25.00) dollars. For in-kind donations, official receipts will be issued where the fair-market value of the donation exceeds twenty-five (\$25) dollars. The CLMA follows the regulations set out by the CRA governing the valuation of gifts-in-kind.

MUSEUM DONATIONS

1. Museum collections donations and acquisitions are subject to the principles outlined in the Collections Management Policy.

NAMING OF CLMA SPACES

1. The naming of all new CLMA buildings and of all existing buildings undergoing significant renovation and/or expansion is the responsibility of the Board.
2. The CEO is responsible for determining the way in which the name is recognized.
3. Naming of new facilities or existing facilities undergoing significant renovations and/or expansion shall be considered:
 - a. with a preference for geographic or functional designation; or
 - b. when the Board chooses to accept the gift of a donor (or donors) who requests naming rights and who contributes a minimum of 51% of the total project costs, including construction, equipment, furnishings, and collections for the building.
 - c. The term for the naming of the new facility shall be twenty-five (25) years, after which the building could be renamed, based on the above criteria.
4. Other naming opportunities will be available within a new building or existing buildings undergoing significant renovation and expansion. These opportunities identified by the CLMA could include such areas as meeting rooms, auditoriums, reading lounges, special use areas, collections, equipment, gardens or other interior and exterior spaces.
5. Naming opportunities are available for individuals, families, foundations, and corporations making a significant contribution to the project, as determined by the square footage costs of the specific area of interest, plus the cost of new equipment or collections for that area.
6. A list of the interior naming opportunities and costs for each facility under construction will be submitted by the CEO to the Board for approval.
7. No naming opportunities will be considered for religious or political entities.

DONATIONS OF ORIGINAL WORKS OF ART FOR PUBLIC SPACES

1. The CLMA does not actively develop a collection of original works of art for public spaces.
2. The Board shall authorize the acceptance/de-accessioning of all original works of art for public spaces. In both cases, the Board may consult external expertise.

3. The Board reserves the right to accept/refuse/dispose of, at its discretion, any unsolicited donation.
4. All donations of works of art shall constitute a complete transfer of ownership of the work, without restrictions from the donor to the CLMA. The donor shall be required to sign a donor standard waiver or deed of gift that among other things describes the property accurately and verifies the ability of the owner to transfer title freely, as well as stating provenance. The CLMA accepts only works that are offered unrestricted, with no conditions attached to them.
5. The CLMA shall seek an objective and fair market appraisal of the work to be donated from any expertise deemed necessary, such as members of the Art Dealers' Association of Canada who subscribe to a code of ethics and issue standard appraisal certificates acceptable to Revenue Canada. Such certified appraisals must be provided by the donor and upon acceptance of the gift by the Board, a receipt for income tax purposes will be issued.
6. A gift, once accepted, is the exclusive property of the CLMA; as such it is subject to the rules, regulations, and processes of the CLMA. Once an item is accepted the CLMA does not guarantee that it will be kept permanently.
7. In the acquisition of original works of art, priority is given to local and other Canadian artists.
8. If the CLMA is in possession of a work of art that has been inadvertently acquired in the consequence of spoliation, illicit transactions, or the like, the CLMA will consider appropriate action regarding the return or repatriation of the work in question.
9. De-accessioning may include but be limited to the following criteria: work of poor quality, redundancy or duplication, lack of significance or relevance; lack of space, inability to adequately maintain/restore condition.
10. If a work of art is to be de-accessioned, the CLMA will make an effort to inform the donor or donor's family of the decision.
11. This policy does not apply to partnership art displays or exhibitions, at CLMA facilities.

APPENDIX A

Canadian Library Association Statement on Corporate Sponsorship Agreement in Libraries

Approved by Executive Council ~ June 21, 1997

Libraries enrich lives, provide information needed for work and daily living, and foster informed communities which are essential to a democratic society. In recognition of this important function, communities support libraries through public funding. The library's first priority is to ensure the continuation and growth of this primary relationship -- public funding for the public good.

The Canadian Library Association (CLA) encourages and supports advocacy to maintain and develop public funding as the principal source of support for public, school, academic and government libraries.

Publicly funded libraries can and do explore other sources of funding, such as grants, gifts, donations, partnerships and sponsorships, to ensure that they provide the best possible services to their communities. Corporate sponsorships are one source of additional support that allows libraries to enhance the level, extend the range, or improve the quality of library service.

To ensure that partnerships enhance the library's image and add value to library services, libraries need to develop policies and sponsorship agreements that outline the conditions and the benefits of the sponsorship arrangement.

CLA believes that the following principles are important in developing sponsorship policies and agreements. Libraries have a responsibility to:

1. Demonstrate that sponsors further the library's mission, goals, objectives and priorities, but do not drive the library's agenda or priorities;
2. Safeguard equity of access to library services and not allow sponsorship agreements to give unfair advantage to, or cause discrimination against, sectors of the community;
3. Protect the principle of intellectual freedom and not permit sponsors to influence the selection of collections, or staff advice and recommendations about library materials, nor require endorsement of products or services;
4. Ensure the confidentiality of user records by not selling or providing access to library records;
5. Be sensitive to the local political and social climate and select partners who will enhance the library's image in the community.