



Kingston Arts Council  
Plan for Administration of Arts Funding for the Corporation  
of the City of Kingston Arts Fund in 2011

**Final Version**  
**Approved by the Board of**  
**The Kingston Arts Council**  
December 9, 2010 and  
January 14, 2011

**Approval by**  
**City of Kingston:**

**Arts, Recreation and Community Policies Committee**  
Date: January 27<sup>th</sup>, 2011

**City Council**  
Date: February 15, 2011

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# Kingston Arts Council Plan for Administration of Arts Funding in 2011

## A. Introduction and Overview

On March 20<sup>th</sup> 2007 City Council approved the budget increase of \$400,000, coupled with transferring \$100,000 from the Healthy Community Fund Grant Program, to create the Corporation of the City of Kingston Arts Fund (hereafter referred to as the CKAF). City Council asked the Kingston Arts Council (hereafter referred to as the KAC) to submit a Business Plan for administration of the CKAF which was subsequently approved. The approved plan includes a requirement to review the plan annually with a view to improving it in light of experience gained. This document is the proposed plan revised and re-titled for 2011. Please find enclosed the following:

- The KAC Plan for the Administration of Arts Funding for the Corporation of the CKAF in 2011;
- Appendix A: Policy Statement Regarding Non-Profit Eligibility (Operating);
- Appendix B: Policy Statement Regarding Non-Profit Eligibility (Project);
- Appendix C: Glossary of Terms (Note – Terms that appear in *italics* in this document are defined in the Glossary).

It is the understanding of the KAC that the total funding available under the CKAF Program will be a minimum of \$500,000 per annum, subject to annual Council approval. For the first four years of this Program, the Operating Grant Program awarded approximately \$300,000 and the Project Grant Program awarded approximately \$130,000. These public funds are transferred to the KAC by the Corporation of the City of Kingston to administer on its behalf. The arts funding substantially advances the capacity of Kingston's vibrant non-profit arts community to create and produce artistic work of importance. It enhances the community's cultural life and cultural economy, and helps promote financial stability and sustainability, but as noted above, CKAF Program funding for each year is contingent on City Council budget decisions.

The KAC also understands that the Fee for Service for administration of the fund will be a minimum of \$50,000. This Fee for Service addresses in part, the need for the KAC to build sufficient capacity to administer the CKAF. As Kingston's umbrella arts organization, the KAC has the necessary arts expertise, understanding of, and contacts within the arts community to carry out the administration successfully. It is able to draw on the arts community to provide jurors for the *peer assessment* required. The model described in this Administration Plan is consistent with models in other municipalities. It has been developed and revised after extensive consultation and discussion with other granting agencies, City of Kingston staff and consideration of input from artists, arts organizations and the jurors involved in the decision making for this program over the past four years.

The added administrative capacity of the KAC and increased interaction with *non-profit arts organizations* and other *non-profit organizations* who apply for grants will contribute greatly to the development of Kingston's vibrant arts scene and cultural life, by bringing arts organizations together via potential partnerships and sharing information and resources.

Applications are reviewed and administered, in a City-wide context, by *peer assessment* through the Jury component (hereafter referred to as the Jury) of the KAC Grants Committee (hereafter referred to as the Grants Committee) The jury members will be representative of the arts, arts professionals, practitioners and/or persons who are knowledgeable in the arts with high standing within the arts community, knowledgeable about the City of Kingston context and the broader arts environment and, where possible, reflective of the gender, demographic and cultural diversity of the City of Kingston. Conflict of interest rules have been established for all members of the Grants Committee and other KAC volunteers and staff associated with administration of the CKAF). These rules, committee membership and responsibilities are described in detail later in this document.

Funding provided by the City under this program, as administered by the KAC, must be used to further the applicant's non-profit activities and may not be used to further a profit venture or *for-profit partner*. It must also not be intended or used for major capital purposes including but not restricted to the purchase of land, equipment, fixtures or physical facilities. To avoid conflict of interest, the KAC will not be eligible to apply for funding from the CKAF. It will, however, receive an Operating Grant. In the first 4 years of CKAF this has been \$20,000.

The KAC will provide the City of Kingston Cultural Services Department with a quarterly financial report on the state of the CKAF Account and an annual report of the allocation of funds pursuant to the CKAF.

Successful applicants will acknowledge the City of Kingston and the KAC in a manner acceptable to the City's Corporate Communications, Legal Services and Cultural Services Departments, and to the legal advisors of the KAC. Acknowledgement protocols will be specified by the KAC at the time of application.

The KAC reviews the guidelines and effectiveness of the administrative procedure of the CKAF program annually. If there are substantive amendments recommended they will be referred to the KAC Board of Directors and thence to the Kingston City Council for approval.

## **B. The City of Kingston Arts Fund**

### **B1. Objectives**

The objectives of CKAF are to nurture the capacity and quality of the arts in Kingston while fostering artistic excellence, stimulating economic development related to the arts, enhancing Kingston's quality of life for its citizens and attractiveness as a community, and aligning Kingston's arts funding with that of comparable cities.

By providing financial assistance to *non-profit arts organizations* and collectives within the Kingston arts community, the CKAF will:

- B.1.a.** support excellence across a spectrum of artistic disciplines;
- B.1.b.** encourage public awareness, understanding and appreciation of the arts in the City of Kingston and beyond;
- B.1.c.** increase access to quality local arts programming;
- B.1.d.** encourage community engagement with the arts;
- B.1.e.** encourage diversity;
- B.1.f.** encourage innovation;
- B.1.g.** cultivate a range of artistic endeavours and resources for the enhancement of the arts sector and for the benefit of the City as a whole.
- B.1.h.** bring provincial, national and international recognition to Kingston as a centre for the arts.

## **C. Scope**

### **Categories of Funding**

At this time, the CKAF is comprised of two funding categories, namely Operating Grants and Project Grants.

#### **C.1. Operating Grants**

**The amount allocated to this pool is normally 70% of total available funds.**

### **C.1.a. Purpose of Operating Grants**

The purpose of Operating Grants is to support the stability, flexibility and leveraging capacity for diverse funding opportunities for arts organizations fulfilling a significant role in the Kingston community. Operating Grants will support core expenses and programming costs.

### **C.1.b. Term of Operating Grants**

At this time, Operating Grants are for a one-year term. Organizations that have received an Operating Grant are eligible to reapply for the following year. Access to multi-year Operating Grants may be available in the future. See C.1.h below.

### **C.1.c. Eligibility – (see also Appendix A):**

In order to be eligible to apply for an Operating Grant organizations must meet all of the following criteria. Applicants must:

- (i) be located in the City of Kingston;
- (ii) be a *non-profit arts organization*;
- (iii) have been incorporated for a minimum of two years;
- (iv) exhibit high achievement in arts programming;
- (v) fulfill a significant role in the Kingston community through the arts;
- (vi) demonstrate efficient planning and administrative practices which meet professional standards.

A policy statement concerning arts organizations that have non-profit status through being a division of a larger corporation is contained in Appendix A.

### **C.1.d. Exclusions from Eligibility:**

- (i) Academic units of educational institutions;
- (ii) schools, conservatories and other organizations the primary mission of which is training or education. (The presence of education or training as an ancillary part of an organization's mandate will not result in an exclusion from eligibility.)

### **C.1.e. Eligible Costs:**

- (i) artistic production, presentation and dissemination costs;
- (ii) artists' fees;
- (iii) utilities, staffing, office expenses, rent, minor equipment (i.e. current expenses);

**C.1.f Exclusions from Eligible Costs:**

CKAF funding may not be used:

- (i) for major capital purposes including but not restricted to the purchase of land, equipment, fixtures or physical facilities;
- (ii) to further a profit venture or advantage a *for-profit partner*.

**C.1.g. Grant Size:**

The Jury has discretion with regard to the amounts awarded but normally Operating Grants will have a \$10,000/annum minimum and a \$70,000/annum maximum. The issue of limits to funding is re-examined each year to determine if set criteria should be instituted. Under the present guidelines the Jury is required to balance the following requirements:

- (i) the need to allocate the funding to the maximum number of eligible, high quality applications that would be beneficial to the Kingston community; **and**
- (ii) the awarding of grants that are sufficient to make a substantial improvement in the operations of the receiving organization.

**C.1.h. Grant Stability:**

CKAF endeavours to provide a measure of stability in its Operating Grant Program.

If an organization has maintained its activities as outlined in its Grant Application, the Jury will not recommend a reduction of more than 20% in that organization's Operating Grant. Notwithstanding the above statement, a Grant reduction may be made for one or more of the following reasons:

- (i) a shortfall in available funds,
- (ii) an increase in the number of high quality applicants,
- (iii) evidence of inadequate performance,

Should a reduction be recommended, the Grants Committee will provide an explanation in its notification letter.

This new system takes effect in 2011, based on 2010 Grant levels.

**C.1.i. Reporting Requirements:**

- (i) All organizations receiving Operating Grant funding from the CKAF will be required to submit an Interim Report by the 31<sup>st</sup> December of the year the grant is received.
- (ii) For organizations which receive a CKAF Operating Grant in any year and reapply to the Operating Grant program the following year, the Final Report will be integrated as part of the subsequent application form.
- (iii) Organizations which receive a CKAF Operating Grant in any year and choose not to reapply to the Operating Grant program the following year will

be required to indicate those intentions and submit a Final Report no later than the following year's application deadline.

## **C.2. Project Grants**

**The amount allocated to this pool is normally 30% of total available funds.**

### **C.2.a. Purposes of Project Grants:**

The purposes of Project Grants are to support the creation and presentation of arts projects of merit which strengthen the Kingston community; to foster a dynamic artistic life and support the development of artists and their work in Kingston; to encourage new arts initiatives; to provide artistic experiences for audiences; and to enhance the civic identity, quality of life, economic prosperity and reputation of the City.

### **C.2.b. Term of Project Grants**

Project Grants are awarded for a term of one year.

Applications for projects that recur must be submitted annually and will be adjudicated based on the following:

- (i) success of the project in the previous year;
- (ii) innovation within the project; and
- (iii) availability of funds in the context of the priorities for funding;

### **C.2.c. Eligibility** (see also Appendix B):

In order to apply for an *eligible arts project* (including a *community arts project*) groups must be located in the City of Kingston and be:

- (i) an incorporated *non-profit arts organization*;
- (ii) a *charitable arts organization*;
- (iii) an incorporated *non-profit organization*;
- (iv) an unincorporated *artist collectives* using an *eligible sponsor*; or
- (v) an unincorporated *community collective* using an *eligible sponsor*.

Each organization or collective may apply for support for one project each year.

### **C.2.d. Sponsorship**

In the case of collectives, in order to satisfy the City of Kingston's requirements for proof of insurance and financial statements, any incorporated non-profit or *charitable organization* in Kingston, other than the KAC, may agree to act as a collective's *sponsor*. It is the responsibility of any unincorporated entity that wishes to apply to do so

through an intermediary entity that has the required status. The KAC will look to the partner or *sponsor* for ultimate accountability. The sponsoring organization may apply for its own project in addition to one sponsored project in each grant cycle.

Organizations receiving CKAF Operating Funds may *sponsor artist or community collectives* for Project Grants in the same year.

#### **C.2.e. Co-Projects/Joint Projects**

- (i) Applicants that co-produce or otherwise work with a project partner (either non-profit or for-profit) will be required to identify the lead partner, state the terms of the *co-project*, and the manner in which the duties and responsibilities will be shared.
- (ii) Applicants will also be required to identify the division of project costs or budget responsibilities, as well as the distribution of any potential project *surplus* or *deficit*.
- (iii) The jury may require a copy of the partners or co-producers agreement prior to the delivery of the CKAF grant.
- (iv) As a general rule, it is expected that either the non-profit applicant would assume all responsibility for any *surplus* or *deficit* generated by the project, OR the project partners involved would share any *surplus* or *deficit* proportional to their contributions to the project as defined in (i) above.
- (v) Organizations receiving CKAF Operating Funds may not be part of a *Co-Project/Joint Project*.

#### **C.2.f. Individual Artist Grants:**

The KAC may research the feasibility of Project Grants for Individual Artists as a potential part of future CKAF Grant Programs. However, there will be no Individual Artist Grants available as part of the 2011 CKAF Program.

#### **C.2.g. Exclusions from Eligibility:**

Normally, the following organizations will not be eligible for Project Grants.

- (i) academic units of educational institutions;
- (ii) schools, conservatories and other organizations the primary mission of which is training or education. (The presence of education or training as an ancillary part of an organization's mandate will not result in an exclusion from eligibility.)

#### **C.2.h. Exclusions from Eligible Costs:**

CKAF Project funding may not be used:

- (i) for major capital purposes including but not restricted to the purchase of land, equipment, fixtures or physical facilities;
- (ii) to further a profit venture or advantage a *for-profit partner*.

Organizations receiving CKAF Operating Funds in any given year are not eligible for Project Grants in the same year. However, organizations may apply for both.

#### **C.2.i. Grant Size**

The Jury has discretion with regard to the amounts awarded, but normally the maximum award for a Project Grant will be \$20,000.

#### **C.2.j. Reporting Requirements**

- (i)** For all organizations receiving Project Grant funding from the 2011 CKAF program, an Interim Report will be required by 31<sup>st</sup> December 2011.
- (ii)** For organizations which receive a CKAF Project Grant in any year and reapply to the Project Grant Program the following year, a second Interim Report will be integrated as part of the subsequent application form.
- (iii)** A Final Report is required 60 days after project completion or within 16 months of grant announcement, whichever is the earlier.
- (iv)** If a funded project is not completed within 16 months of grant announcement, the organization must file a second Interim Report along with a request for an extension of the Final Report deadline.

### **D. Adjudication Criteria**

#### **D. 1. Operating Grant Program:**

The Jury will consider the degree to which the organization demonstrates:

- (i)** excellence of artistic program;
- (ii)** compatibility of the organization's objectives with those of CKAF;
- (iii)** effectiveness of the organization's strategies in achieving its objectives;
- (iv)** fulfillment of a clear contribution to and role within the Kingston community, including the engagement of the community in governance, and as collaborators, supporters, volunteers or audiences;
- (v)** effectiveness in administrative and financial procedures, including appropriate compensation and professional practices in the management of artists and staff;
- (vi)** initiative and success in generating revenue outside of the CKAF;
- (vii)** the ability to measure the success of its activities and programs on an ongoing basis and the commitment to make the results of these measurements available to interested stakeholders.
- (viii)** the development and pursuit of innovation in its programming and activities.

## **D. 2. Project Grant Program:**

The Jury will consider the degree to which the proposed project demonstrates:

- (i) artistic excellence;
- (ii) innovation
- (iii) compatibility of the project's objectives with those of CKAF;
- (iv) fulfillment of the applicant's mandate and artistic strategies;
- (v) benefit to the community;
- (vi) increased public awareness and appreciation of the arts in Kingston;
- (vii) the capacity to realize the proposed project;
- (viii) the ability to make efficient use of existing resources.
- (ix) a commitment to the development of the artist (or artists) and the art form,  
and,
- (x) a commitment, where appropriate, to engage *professional artists*;

## **E. Procedures**

- E.1.** Each year's grant allocation for the CKAF is subject to approval annually by City Council through its budget process and will be provided for distribution purposes to the KAC on approval of the annual budget.
- E.2.** To be considered for funding, organizations or collectives must submit a grant application to be received at the KAC office by or before the appropriate published deadline.
- E.3.** The KAC will provide an annual report to the City of Kingston Cultural Services Department following the distribution of funds under the CKAF. This report will identify successful applicants, their request for funding, the dollar value of each of the requests received and details of all allocations. The report will also specify the number of unsuccessful applicants and the total amount of funds requested. This report is intended to be brought forward to City Council as part of the City's annual budget process.
- E.4.** The application form, submission process and dates will be determined by the KAC Grants staff in consultation with the KAC Board and Grants Committee Chair.

## **F. Responsibilities of the Kingston Arts Council**

### **F.1. General Principles**

The KAC will be responsible for the overall administration of the CKAF, subject to the approval of the City of Kingston. This will include the following tasks:

- F.1.a.** ensuring that the administration and adjudication of applications are consistent with the CKAF's objectives;
- F.1.b.** developing the application submission process, application forms, dates and administrative criteria including, but not limited to:
  - (i)** determining and confirming terms of eligibility for the CKAF;
  - (ii)** establishing a complaints review process;
- F.1.c.** appointing the *peer assessment* Jury for the purpose of adjudicating applications and allocating the CKAF;
- F.1.d.** enacting and overseeing compliance with the terms of reference for the KAC Grants Committee including, but not limited to:
  - (i)** the number of Jury members,
  - (ii)** representation on and composition of the Jury including the appointment of a chair,
  - (iii)** rules pertaining to conflict of interest,
  - (iv)** length of service,
  - (v)** reporting requirements of the Grants Committee to the KAC Board;
- F.1.e.** providing administrative support to the Grants Committee by hiring administrative staff;
- F.1.f.** awarding honoraria to CKAF jurors in recognition of their work on the program;
- F.1.g.** distributing funding to successful applicants;
- F.1.h.** Reviewing the CKAF Program and formulating recommendations for future funding.

### **F.2. Time Frame for Establishing the Grants Committee**

The KAC will establish the Grants Committee annually with reference to the deadlines for receipt of grant applications.

### **F.3. Governance**

- F.3.a.** The Chair of the Grants Committee will be assisted by the KAC Grants Administrator(s) at all meetings of the Grants Committee.
- F.3.b.** The KAC will facilitate the selection of members for the Grants Committee in accordance with the outline for membership contained in section G.
- F.3.c.** The KAC will be responsible for implementing the guidelines and terms for the allocation of funds pursuant to the CKAF.
- F.3.d.** The KAC, through the Chair of the Grants Committee, will be responsible for ensuring that all members of the Grants Committee are aware of the terms of this document, and adhere to the rules and guidelines for adjudicating applications and allocating funds.
- F.3.e.** The KAC Board of Directors will not be involved with the decision making function of the Jury.
- F.3.f.** The Chair of the Grants Committee and the Grants Administrator(s) will report to the KAC Board on an ongoing basis,
- F.3.g.** The proposed distribution of funds and a report will be presented for ratification to the KAC Board by the Chair of the Grants Committee.
- F.3.h.** Application forms and guidelines are established by the KAC in accordance with the principles described in this document.
- F.3.i.** Decisions of the Jury are final. Discretionary feedback concerning Grants Committee comments on applications will be provided by the KAC Grants Administrator(s), when requested by the designated contact person for the applicant.
- F.3.j.** It is understood that, in order to respect the decisions of the Jurors, the KAC Board will support decisions made by the Jurors so long as they comply with the current KAC Plan for Administration of Arts Funding for the Corporation of the City of Kingston Arts Fund.

### **F.4. Dispute Resolution**

- F.4.a.** All complaints and concerns relating to the adjudication, guidelines and criteria for the allocation of funds pursuant to the CKAF will be forwarded to the Chair of the Grants Committee by the complainant. The Chair will then forward a written report with respect to such complaints and concerns to the President of the KAC.

- F.4.b.** The City of Kingston will be notified by the KAC of all concerns and complaints received.

## **F.5. Monitoring and Reporting Requirements of the KAC**

- F.5.a.** Once approved by Kingston City Council the Report of the Chair of the Grants Committee will be a matter of public record and available through the KAC office. Prior to that approval, the Grants Committee Report is confidential.
- F.5.b.** The Report of the Grants Committee to the KAC Board are subject to the provisions of the applicable Municipal Freedom of Information and Protection of Privacy legislation. Any application pursuant to the applicable Municipal Freedom of Information and Protection of Privacy legislation will be restricted to information pertaining to the specific applicant.

## **F.6. Application Periods and Receipt of Applications**

There will be two application deadlines; one for Operating Grants and one for Project Grants. All applications will be date stamped and numbered when received. Applicants will receive a notification that their application has been received and will be forwarded to the jury. A file copy of this notification will also be retained in the KAC Grants Department files.

## **F.7. Incomplete or Inaccurate Applications**

After review of the applications by the KAC Grants Administrator(s) together with the Chair of the Grants Committee, the Chair will instruct the Grants Administrator(s) to contact applicants to ask for any required missing information or to seek clarification of items in the application. There will be strict time limits set for the receipt of responses to these requests.

## **F.8. General Principle for Fund Allocation**

- F.8.a.** As a general principle all sectors of the arts should be funded to ensure that the grants portfolio is balanced at the end of each year. However there will not be any specific allocation percentage made to each sector of the arts, as the quality and range of the applications received will also influence this element of the Jury's decision-making process.
- F.8.b.** A Jury may decide, in exceptional circumstances, not to award all the monies available for the Operating or Project Grant Program.

**F.8.c.** Any unawarded grant funds or grant funds returned to the KAC will be allocated to the following year's grants programs at the discretion of the Grants Administrator(s) in consultation with the Chair of the Grants Committee.

## **G. Kingston Arts Council Grants Committee**

### **G.1. Grants Committee Membership**

There are two categories of membership in the Grants Committee, voting members and non-voting members.

#### **G.1.a. Voting Members - the Jury**

The voting members are the Jurors who are responsible for adjudicating the applications and allocating funding in accordance with CKAF guidelines and criteria. Voting members include:

- (i) the Chair of the Grants Committee (who may vote only to break a tie vote);
- (ii) five Jurors appointed according to the process described below.

#### **G.1.b. Ex-Officio Non-voting Members**

There are two categories of ex-officio non-voting members as follows:

##### **(i) City of Kingston representatives:**

two City of Kingston Councillors, and the Cultural Director of the City of Kingston and/or his/her delegate.

These members bring broader community perspectives to the discussions and are present also to ensure transparency and fairness in the process. They participate in discussions about applications but are not permitted to vote.

##### **(ii) KAC Grants Administrator(s)**

The KAC Grants Administrator(s) are present to act as Executive Secretaries and resource persons. At the discretion of the Chair, they may be asked for information concerning factual details. They are not permitted to participate in discussion unless requested to do so by the Chair, and only within the conflict of interest parameters specified in their contract(s), as set out elsewhere in this document. They are not permitted to vote.

## **G.2. KAC Grants Committee Meetings**

Normally, there will be two separate Grants Committee meetings, one for Operating Grant applications and one for Project Grant applications. The Chair and the non-voting members may be the same for both meetings but the Jurors will be different for each meeting.

### **G.2.a. Quorum**

A quorum shall consist of a majority of the voting members (The Chair is considered a voting member for the purposes of establishing a quorum). A schedule of meetings will be established for the Grants Committees at the beginning of the adjudication process. There must be at least a 48-hour notice of changes of meeting dates to all members of the Grants Committee.

### **G.2.b. Confidentiality and Conflicts of Interest**

Each member of the Grants Committee (Voting and Ex-Officio) is required to fill out and sign:

- (i) A Confidentiality Form, acknowledging that they have read, understand, and agree to the rules of Confidentiality as described later in this document;
- (ii) A Conflict of Interest Declaration Form, in which they disclose the applications with which they have any direct or indirect conflict of interest. This form is the basis upon which the Chair will require members of the Grants Committee to conform to the Conflict of Interest Rules and Procedures as described in sections 6.a. and 6.c. below.

### **G.2.c. Decisions**

Jurors are required to assess applications in accordance with CKAF objectives, the application guidelines and assessment forms provided.

After discussion within the Grants Committee the Jurors will decide on the allocation of grant funding. Decisions will usually result from consensus but, should a vote be required, only the Jurors may vote. In the event of a tie the Chair will vote to arrive at a decision. Thus the decisions are at arms length from the KAC and the City, and are adjudicated by independent *peer assessment*.

Decisions of the Jurors, together with a report of the meetings, will be brought forward to the KAC Board of Directors for ratification. Thereafter a report listing successful applications and details of amounts awarded will be forwarded to city staff, to be ratified by Kingston City Council.

### **G.3. Selection of Grants Committee Members**

**G.3.a. All members of the Grants Committee will:**

- (i) be committed to artistic excellence;
- (ii) be committed to fiscal responsibility;
- (iii) be committed to community development;
- (iv) have an understanding, interest and appreciation of the arts and their diversity;
- (v) bring vision, open-mindedness and generosity of spirit to the deliberations;
- (vi) declare conflicts of interest;
- (vii) provide fair and objective opinions.

**G.3.b. Ex-officio members representing the City** are appointed by City Council.

**G.3.c. The Chair** is appointed by the Executive Committee of the Board of Directors of the KAC.

**G.3.d. Jurors** are chosen and appointed from a list of potential jurors by the CKAF Jury Selection Committee composed of the Chair of the Grants Committee, Grants Administrator(s) and the Executive Committee of the KAC, or their designates.

**G.3.e. Potential Jurors:** To be included on the list of potential jurors all interested parties will be asked to submit an Expression of Interest Form and a CV to the CKAF Jury Selection Committee which will review these to ensure that those selected meet the juror eligibility requirements.

### **G.4. Criteria for eligibility to be appointed as a Jury member**

Jury members must be:

- G.4.a.** arts professionals, practitioners and/or persons who are knowledgeable in the arts with high standing within the arts community; representative of a wide range of artistic disciplines; knowledgeable and experienced in the arts, arts organizations and related issues;
- G.4.b.** knowledgeable about the City of Kingston context and the broader arts environment beyond their area of expertise;
- G.4.c.** able to articulate their opinions, and work in a group decision-making environment; good communicators;
- G.4.d.** reflective of Kingston's gender, demographic and cultural diversity as much as possible.

## **G.5. Terms of Appointment of Grants Committee Members**

- G.5.a.** Terms of appointments of the City of Kingston representatives are at the discretion of City Council.
- G.5.b.** Appointment of the Chair is normally for a term of 2 years. The Chair may not serve more than 3 consecutive terms.
- G.5.c.** Appointment to a Jury component of the Grants Committee is for a term of 1 or 2 years. Each successive Jury should have at least two new members (i.e. jurors who have not served on the previous Jury) in order to ensure that diverse perspectives are brought into play over time. To provide continuity, ideally, at least two and not more than three members should continue on a Jury for a second year.
- G.5.d.** A voting member of a Jury may not serve more than 4 consecutive years.

## **G.6. Conflict of Interest Rules for Members of the Grants Committee**

The KAC is particularly concerned with potential conflicts of interest. There are two types of conflict of interest – **direct** and **indirect**. There are also two kinds of direct conflict of interest – **financial** and **private**.

### **G.6.a. Jurors' Conflicts of interest**

- (i)** A juror is in a **direct** conflict of interest with a particular application if he or she, or a member of the Juror's immediate family (spouse or equivalent, son or daughter, parent, sibling or member of the immediate household) has a **financial** interest in the success or failure of the application.
- (ii)** A juror is also in a **direct** conflict of interest with a particular application if he or she has a **private** interest in the success or failure of the application. Staff or board members of the organization applying for funds, or members of their immediate families (spouse or equivalent, son or daughter, parent, sibling or member of the immediate household) would be in direct conflict. For such applications a private interest also includes affiliations or activities that compromise or unduly influence decision-making.
- (iii)** Any reason that makes it difficult for a juror to evaluate an application objectively may create an **indirect** conflict of interest. For example an indirect conflict of interest may arise when a juror's record includes previous participation with an applicant. The KAC will request potential Grants Committee members to identify present and past membership or participation in Kingston arts organizations over the previous 2 years.

- (iv) All jurors are asked to sign forms to identify **direct** and/or **indirect** conflicts of interest as a means of documenting the integrity of the process. At the jury meeting, the Chair answers any questions, facilitates a discussion on the juror's impartiality and decides how the situation will be managed.

#### **G.6.b. Non-voting Members' Conflicts of Interest**

##### **(i) City of Kingston members (Ex-officio)**

Only the jurors make decisions about which applications to fund and by what amounts, but because City of Kingston ex-officio members may participate in discussing applications during the adjudication meetings they are subject to the same rules pertaining to conflicts of interest as are jury members.

##### **(ii) KAC Grants Administrator(s) (Ex-officio)**

The KAC Grants Administrator(s) who act as Executive Secretaries and resource people to the Grants Committee are subject to the same conflict of interest rules as the jury members. They are not permitted to take part in adjudication discussions (except as specified in section G.1.b.ii., above), and in addition they have in their employment contracts the following clause(s):

"To avoid conflicts of interest while you are employed as a Grants Director or Administrator by the KAC you will agree to the following:

- that you will not take any action to either favour or prejudice any applications submitted to the CKAF (see Note 1 below);
- that you will not participate in the writing of any application to the CKAF for another party (see Note 2 below);
- that while serving as an Executive Secretary on the Grants Committee you will abide by the Conflict of Interest Rules for that Committee.

Note 1: As part of the grant management process, informing the Chair of the Grants Committee about incomplete or inaccurate applications and, at the direction of the Chair, requesting information and clarification from the applicant, do not constitute favouring or prejudicing applications.

Note 2: As part of the grant management process, providing information or clarification of application guidelines to applicants or potential applicants do not constitute participation in the writing of grant applications."

#### **G.6.c. Procedures with respect to Conflict of Interest Issues**

- (i) All Members of the Grants Committee must abide by the Conflict of Interest Rules set out in this document and as amended from time to time.
- (ii) All disclosures of conflicts of interest must be submitted in writing to the Chair of the Grants Committee, and will be retained as part of CKAF records.
- (iii) The course of action to be taken in a direct or indirect conflict of interest shall

be that the member will be required to leave the meeting and therefore not be party to discussion or voting on the application in question.

- (v) If any conflict of interest becomes apparent during the discussion of the relevant application, the Chair of the Grants Committee will ask the juror to leave the room immediately for the remainder of that discussion.
- (vi) If a member of the Grants Committee failed to make proper prior disclosure of his or her conflict(s) of interest and that omission resulted in a profit or benefit to the member or member's family, the Executive Committee of the KAC shall review the circumstances and if satisfied that the member failed to comply with the applicable Conflict of Interest Rules, then the member may be required to compensate the KAC for the profit or benefit improperly realized.
- (vii) The Chair of the Grants Committee will oversee compliance with conflict of interest rules pertaining to the Grants Committee adjudication meetings.
- (viii) Any concerns or complaints regarding a potential conflict of interest of a member of the Grants Committee shall be made in writing to the President of the KAC.

## **G.7. Confidentiality**

- G.7.a.** No Grants Committee member may divulge to any person or use in any way not directly related to the activities of the KAC the information contained in the applications for funding, unless an applicant has given express written consent to such disclosure.
- G.7.b.** Any information pertaining to the CKAF obtained during a meeting of the Grants Committee, or a meeting of the KAC Board of Directors or Executive Committee, or from reading any minutes of a meeting of the KAC Board of Directors, Executive Committee, or Grants Committee, is considered confidential.
- G.7.c.** Communication of Jury results and relevant Jury comments will be made via the CKAF Administrator's office only.
- G.7.d** Prior to the ratification by Kingston City Council, results are confidential.
- G.7.e** In order to maintain independence in decision-making, Jury members of the Grants Committee shall not disclose that they have been selected until their names are published when the decisions regarding the allocation of funds are ratified by Kingston City Council.

## **H. Funding**

- H.1.** The KAC Board of Directors anticipates that the total amount allocated by the City of Kingston pursuant to the CKAF for 2011 shall be at least \$500,000, based on past precedents.
- H.2.** The Fee for Service for administration of the fund will be at least of \$50,000. In addition the KAC will receive an operating grant of a minimum of \$20,000 in 2011 as it is not be eligible to apply for funding from the CKAF.
- H.3.** The funds received from the City of Kingston for allocation pursuant to the CKAF will be deposited and managed in a separate bank account from which the allocations will be made. Withdrawals from this account must be supported by approved applications for funding and must bear the signatures of two signing officers of the KAC. See below for details regarding financial arrangements.
- H.4.** Allocations of funds are decided by the Grants Committee Juries. After ratification by the KAC, the Report on the Adjudication of Applications to the CKAF will be forwarded to City Council for ratification of the distribution of CKAF funds.
- H.5.** Upon City Council ratification of the 2011 Report on the Adjudication of Applications to the CKAF, KAC will draw up an agreement with each recipient organization of the 2011 CKAF as decided by the Grants Committee Juries.
- H.6.** An officer of each organization and/or collective receiving a CKAF grant will be required to sign an agreement, recognizing the organization's and/or collective's obligations regarding the use of the funds and reporting requirements. Once the agreements have been signed by both KAC and the recipient organization, KAC will issue a cheque for 100% of their 2011 grant. Evidence of \$2 million liability insurance coverage naming the Kingston Arts Council and the City of Kingston as additional insureds will be required from the organization before the funds are released.
- H.7.** Applicants will not be eligible to receive further CKAF funding until all required reports have been submitted to and accepted by the KAC.
- H.8.** A grant recipient in default of its grant agreement may be required to return funds to the KAC.

## **I. Financial Plan of the KAC for administrating the CKAF**

- I.1.** Responsibility for the financial arrangements rests with the elected Treasurer of the KAC.
- I.2.** A separate bank account shall be set up at the Kingston Community Credit Union in the name of the Kingston Arts Council, designated as the City of Kingston Arts Fund (CKAF) Account and used solely for receiving and disbursing grant funds.
- I.3.** The signing officers on the CKAF Account shall be the same as for the existing KAC Operating and Bingo accounts, and will normally be the President, the Treasurer and one other director to be chosen by the KAC Executive. Two signatures shall be required on all grants cheques.
- I.4.** The KAC Operating Grant and the Fee for Service, paid by the City of Kingston, shall be deposited in the Operating Account, to be used at the discretion of the KAC Treasurer and Board.
- I.5.** Cheques shall be written on the authority of the Grants Director or Administrator(s), based on the decisions of the Juries and upon approval of the KAC Board and City Council.
- I.6.** The KAC bookkeeper will be the bookkeeper for the CKAF Account, and will keep records and provide reports for the Treasurer.
- I.7.** Cheques on the CKAF Account will be commercially printed and the details written directly from the accounting software.
- I.8.** For each grant approved, a cheque will be written for 100% of the total. Applicants will not be eligible to apply for further funding until all required reports have been submitted to and accepted by the KAC.
- I.9.** Bank fees for the maintenance of the CKAF Account shall be paid from the KAC Operating Account.
- I.10.** The bookkeeper will submit invoices for services to the CKAF Program, which will be paid from the KAC Operating Account.
- I.11.** The KAC will arrange to have its annual financial report audited. The auditor for the Grants Account and related papers shall be the same as the auditor for the KAC accounts.
- I.12.** Auditor's fees will be paid from the KAC Operating account.

- I.13** Any funding unclaimed or returned by grant recipients will be made available to future CKAF granting programs.
  
- I.14.** Upon approval by City Council of the Plan for Administration of the Corporation of Kingston Arts Fund (as amended in December 2011), the City of Kingston will enter in to a contract for services agreement with KAC. Once that contract is signed by both parties, the City will provide three cheques as follows: one for 100% of the KAC basic operating grant; one for 100% of the Fee for Service; one for 100% of the CKAF.

## APPENDIX A

### Policy Regarding Non-Profit Eligibility (Operating)

#### Policy Statement on the Definition of “*Non-profit Arts Organization*” in the CKAF Operating Grant Guidelines

In order to be considered a “*non-profit arts organization*” under the CKAF Operating Grant Guidelines, applicant organizations must meet all the following criteria.

1. The applicant organization mandate or mission must focus on artistic endeavour (either creation or presentation) as the primary objective of the organization.
2. The activities of the applicant organization must be consistent with the artistic focus of the mandate or mission;
3. The applicant organization must be non-profit in orientation.
4. The applicant organization must be either:
  - a. incorporated as a *non-profit arts organization* in and of itself for a period of at least two years; **or**
  - b. a distinct and discrete arts organization, other than an academic unit of a educational institution (see Note 1, below), which has been in operation for at least two years within a parent institution which has been incorporated as a *non-profit organization* for a period of at least two years (see Note 2, below).

Note 1: Normally, academic units of educational institutions will not be eligible.

Note 2: In the case of 4.b. (above), the applicant organization should submit its own discrete audited/reviewed year end financial statements as specified in the guidelines. If the applicant organization is unable to provide these discrete statements in an audited/reviewed form, but the parent organization has audited/reviewed year-end financial statements that include the financial records of the applicant organization, then these will be accepted, provided that the applicant organization also provides a separate schedule detailing its own discrete records as included in the audited statements. (This schedule must consist of financial statements applicable to the revenues and expenses of the applicant organization; or if a multi-purpose organization is involved, the applicant organization must provide a fully segregated and itemized authorized financial statement accompanied by the financial statement of the multi-purpose organization in which the applicant operations are specifically identified.)

## APPENDIX B

### Policy Regarding Non-Profit Eligibility (Project)

#### Policy Statement on the Definition of “*Non-profit Organization*” in the CKAF Project Grant Guidelines

In order to be considered a “*non-profit organization*” under the CKAF Project Grant Guidelines, applicant organizations must meet all the following criteria.

1. The applicant organization must:
  - a. have a component which has an ongoing mandate or mission focussing on artistic endeavour (either creation or presentation) as an objective; **or**
  - b. engage *professional artist(s)* in a *community arts project*.
2. The applicant organization must be non-profit in orientation.
3. The applicant organization must be either:
  - a. incorporated as a *non-profit organization* in and of itself; **or**
  - b. a distinct and discrete arts organization, other than an academic unit of an educational institution (see Note 1, below), within a parent organization which is incorporated as a *non-profit organization* (see Note 2, below).

Note 1: Normally, academic units of educational institutions will not be eligible.

Note 2: In the case of 3b (above), the applicant organization should submit its own discrete audited/reviewed year end financial statements as specified in the guidelines. If the applicant organization is unable to provide these discrete statements in an audited/reviewed form, but the parent organization has audited/reviewed year-end financial statements that include the financial records of the applicant organization, then these will be accepted, provided that the applicant organization also provides a separate schedule detailing its own discrete records as included in the audited statements. (This schedule must consist of financial statements applicable to the revenues and expenses of the applicant organization; or if a multi-purpose organization is involved, the applicant organization must provide a fully segregated and itemized authorized financial statement accompanied by the financial statement of the multi-purpose organization in which the applicant operations are specifically identified.)

## APPENDIX C

### Glossary of Terms

**Artist collective:** A group of two or more artists who have come together for the purposes of artistic creation and presentation in a collective artistic endeavour. Collectives are not normally incorporated and are therefore not eligible to apply directly to the CKAF but they may apply through an **eligible sponsor**. See also **community collective**.

**Charitable arts organization:** A **charitable organization** whose mandate or mission is focused primarily on artistic creation and presentation.

**Charitable organization:** To be considered as charitable an organization's purposes must be exclusively and legally charitable and it must be established for the benefit of the public or a sufficient segment of the public. It must also be registered with the Canada Revenue Agency as having charitable status under The Income Tax Act. Organizations so registered are able to issue tax receipts for charitable donations.

**Community arts project:** Broadly defined, a community arts project involves a collaborative creative process between a professional practicing artist and a community. It is a collective method of art-making, engaging *professional artists* and self-defined communities through collaborative, artistic expression. It is as much about process as it is about the artistic product or outcome. A community arts project provides a unique way for communities to express themselves and enables artists, through financial and other support, to engage in creative activity with communities. This broad definition identifies three elements which separate community arts projects from other methods of art-making:

- the co-creative relationship between artist and community;
- a focus on process as an essential tool for collective, collaborative, mutually-beneficial results;
- the active participation of artists and community members in the creative process.

The source of this definition is Community Arts Ontario. See also **eligible arts project**.

**Community collective:** A group of two or more individuals who have come together for a specific purpose involving a clearly defined endeavour. Collectives are not normally incorporated and are therefore not eligible to apply directly to the CKAF but they may apply through an **eligible sponsor**. See also **artist collective**.

**Co-project:** see **joint project**

**Deficit:** An excess of expenditure over revenue. See also **surplus**.

**Eligible arts project:** In order to be an *eligible arts project*, a project must fulfill the criteria outlined in section C.2.f. of this document, “Specific criteria for adjudication of Project Grants” (page 11). Of particular interest is the paid involvement of *professional artists* in the planning, direction, and execution of the project.

**Eligible sponsor:** Any non-profit or charitable entity located in Kingston, Ontario may act as a *sponsor* to the CKAF Project Grant Program.

**Festival:** An organized and regularly recurring period or program of cultural performances, exhibitions, or competitions (often in one place) involving a number of entities (e.g. performing groups, performers, presenters, exhibitors, competitors) focused on a specific cultural or artistic activity.

**For-profit partner:** A for-profit enterprise collaborating in a project with an eligible non-profit group. See also *surplus* and *deficit*.

**Joint Project:** A project in which the applicant co-produces a project in an administrative, financial, or artistic manner. Typically, a *joint project* involves each partner taking on a substantial amount of responsibility, though one partner may be the lead partner. A *joint project* may involve both non-profit and for-profit entities, but in order to be eligible to apply to the CKAF, the lead partner or one equal partner must be a non-profit or charitable entity.

**Non-profit arts organization:** A *non-profit organization* whose mandate or mission is focused primarily on artistic creation and presentation.

**Non-profit organization:** An organization not conducted or maintained for the purpose of making a profit. Instead, it operates to serve a public good. *Non-profit organizations* are specifically incorporated as such. Any *surplus* generated by a *non-profit organization* is used by the organization for the purposes for which it was established.

**Peer assessment:** CKAF jury members are arts professionals, practitioners and/or persons who are knowledgeable in the arts with high standing within the arts community. These jurors evaluate funding requests and make decisions to CKAF on who gets grants and in what amounts. *Peer assessment* ensures that the arts community has a voice in how funds are distributed, and that applications are evaluated by artists and other experts with knowledge and experience of the specific art forms, art practices and communities involved.

**Professional artist:** Someone who has developed skills through training and/or practice, *and* is recognized as such by artists working in the same artistic tradition, *and* has a history of public presentation or publication, *and* seeks payment for his or her work *and* actively practices his or her art. Short breaks in artistic history are allowed. The source of this definition is the Ontario Arts Council.

**Sponsor:** A *sponsor* is defined as any non-profit or charitable entity located in Kingston, Ontario, other than the KAC, that may agree to support an artist or community collective that wishes to apply for funding through the CKAF Project Grant Program. As part of this agreement a *Sponsor* will assist the applicant by securing insurance coverage and will also receive, disburse and report on a CKAF Project Grant on behalf of the applicant. In this scenario the *Sponsor* is ultimately accountable for the successful management of the CKAF Project Grant and is expected to provide professional advice and mentorship to the applicant as needed. A *Sponsor* is not intended to gain financially from this agreement but may be reimbursed for out of pocket expenses directly related to the management of the CKAF Project Grant. If otherwise qualified, a *Sponsor* may also apply to receive funding through the CKAF Project Grant Program within the same grant cycle.

**Surplus:** The amount of money gained from the execution of a project after payment of all eligible expenses. See also **deficit**. In the case of a **joint project**, as a general rule, we would expect that either:

- the non-profit applicant would assume all responsibility for any *surplus* or *deficit* generated by the project; *or*
- the project partners involved would share any *surplus* or *deficit* proportional to their contributions to the project.