



**Kingston Arts Council Plan
for Administration of Arts Funding
for the Corporation of the City of Kingston in 2019**

FINAL

Approved by:

**Kingston Arts Council Board of Directors
November 22, 2018**

Approval by the City of Kingston:

**Arts Advisory Committee
November 14, 2018**

**Arts, Recreation and Community Policies Committee
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**Kingston City Council
Date**

**Kingston Arts Council Plan for Administration of Arts Funding
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A. Introduction and Overview - The City of Kingston Arts Fund

The City of Kingston Arts Fund (hereafter known as CKAF) provides grants to local arts organizations and projects to foster creativity at all levels and enrich how Kingston residents experience and engage with the arts. Since its inception in 2007, CKAF has provided a mechanism for the City to invest in the arts and arts organizations with over \$575,000 committed annually to support a combination of both operational and project funding. CKAF is an investment in Kingston's cultural capital that aims to foster cultural vitality, increase the capacity of the arts community to create and produce artistic work, engage residents and enhance our city's cultural economy, promoting financial stability and sustainability.

CKAF is administered by the Kingston Arts Council (hereafter known as the KAC) to ensure that the Fund supports and nurtures the capacity of Kingston's artists and the arts sector. As Kingston's umbrella arts service organization, the KAC has the necessary expertise, understanding of, contacts and connections within the arts community to carry out the administration successfully. Annually, the KAC submits a Plan for Administration (hereafter known as the Plan for Admin), as part of a Service Level Agreement with the City of Kingston, through the Cultural Services Department.

The model described in this Plan for Admin 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 11 years. Each year, a committee consisting of jurors, community members, arts practitioners, the KAC, and City of Kingston staff reviews the Plan for Admin. The Plan for Admin is also shared with the Arts Advisory Committee for feedback and approval.

This document is the revised 2019 Plan for Admin.

All CKAF applicants must strive to offer services that respect the independence, dignity, integration and equal opportunity of individuals of all backgrounds and abilities. While CKAF is administered by the KAC, the applications are reviewed using a peer assessment process that engages stakeholders from across Kingston as jury members.

Jury members are themselves representative of the arts, arts professionals, and practitioners in the City of Kingston and are selected for their knowledge of the arts, high standing within the arts community, awareness of the City of Kingston context and the broader arts environment and, where possible, are reflective of the gender, demographic and cultural diversity of Kingston itself.

Please find the following:

- The KAC Plan for the Administration of Arts Funding for the Corporation of the City of Kingston in 2019;
- Appendix A: Policy Statement Regarding Non-Profit Eligibility (Operating);
- Appendix B: Policy Statement Regarding Non-Profit Eligibility (Project);

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- Appendix C: Glossary of Terms (Note – Terms that appear in *italics* in this document are defined in the Glossary).

B. The City of Kingston Arts Fund

B1. Objectives

The objectives of CKAF are to nurture the capacity of the arts, artists and the arts sector in Kingston while fostering creativity, encouraging social cohesion, enhancing quality of life and stimulating economic development through direct investment.

B.1.a. Objectives: City of Kingston

- (i.) Foster creativity within the Kingston Community at all levels;
- (ii.) Enrich how all Kingston residents experience and engage with the arts to encourage awareness, understanding, appreciation, participation, inclusion, diversity, and access;
- (iii.) Leverage arts and culture to assert Kingston's distinctiveness and to stimulate economic development and tourism;
- (iv.) Ensure that arts funding aligns with that of comparable municipalities; and
- (v.) Bring provincial, national and international recognition to Kingston as a centre for the arts and culture.

B.1.b. Objectives: Arts Sector

- (i.) Leverage municipal investments in the arts sector to increase their profile, capacity, quality, professionalism, impact, relevance, and sustainability;
- (ii.) Foster innovation, collaboration, and excellence among emerging and established professional practices across a spectrum of artistic disciplines and modes of expression;
- (iii.) Seek professional development opportunities that benefit the arts sector and that impact the community at different levels;
- (iv.) Pursue projects, programming and operations that are both creative and well managed and that align with the City of Kingston's strategic objectives;
- (v.) Ensure that projects, programming, and operations foster inclusion, diversity and access within the arts; and
- (vi.) Emphasize partnership building with other sectors and orders of government to encourage diversity in terms of access and funding.

C. Scope - Categories of Funding

CKAF is comprised of two funding categories, Operating Grants and Project Grants.

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C.1. Operating Grants Program

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

C.1.a. Purpose of Operating Grants Program

The Operating Grants Program is intended to foster sustainability among leading arts organizations by providing funding for operations and programming that support CKAF objectives.

C.1.b. Term of Operating Grants

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

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* (see Appendix A);
- (iii.) Have been incorporated for a minimum of two years by the end of the calendar year in which the grant application is made;
- (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, and;
- (vii.) Be in good standing with the municipality both generally and with regard to past CKAF, City of Kingston Heritage Fund and/or Community Investment Fund projects (successful completion of projects and submitted final reports).

First-time applicants to the Operating program must book a consultation with the Grants Coordinator before March 15, 2019 to be eligible. Applicants who do not book a consultation will not be eligible in 2019.

C.1.d. Exclusions from Eligibility

The following organizations will not be eligible for Operating Grants.

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

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- (iii.) Charitable organizations or Foundations, the primary mission of which is fundraising.

Organizations receiving operating, project or other forms of grant funding from the City of Kingston through sources other than CKAF are deemed ineligible to receive funding through CKAF for the duration of the applicable agreement. *In-kind support* is excepted, especially as it may relate to participation in multi-partner initiatives.

In addition, City of Kingston Cultural Services and/or Kingston Arts Council permanent or contract staff may not hold a *primary role* with any organization applying to CKAF.

C.1.e. Eligible Costs

CKAF funding may be used for:

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

Applicants **must** include artist fees as part of their expenses to be eligible for CKAF.

C.1.f Exclusions from Eligible Costs

CKAF funding may not be used for:

- (i.) Major capital purposes including but not restricted to the purchase of land, equipment, fixtures or physical facilities;
- (ii.) Furthering a profit venture or to advantage a *for-profit partner*;
- (iii.) Fundraising;
- (iv.) Recovering the costs of an organizations financial *deficits*;
- (v.) Programs/services that are delivered by an organization aligned with any political party; and
- (vi.) Paying for expenses incurred prior to the ratification of the Report to the Kingston Arts Council Board of Directors on the Adjudication of Applications to the City of Kingston Arts Fund (hereafter known as KAC CKAF Board Report) at a meeting of Kingston City Council.

C.1.g. Grant Size

Operating Grants have a \$10,000 minimum and \$75,000 maximum. The Jury has discretion with regard to the amounts awarded. Under the present guidelines, the Jury is required to balance the following requirements, which are:

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

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C.1.h. Grant Stability

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

Each year a minimum funding increase, based on inflation (CPI Index), can be allocated by the Jury following its assessment of all applications provided that additional funding is allocated by the City of Kingston as part of its annual support of CKAF.

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; or
- (iii.) Evidence of inadequate performance.

The Jury will not recommend a reduction of more than 20% of an organization's previous year Operating Grant. Should a reduction be recommended, the Jury will provide reasoning in the notification letter.

C.1.i. Reporting Requirements

- (i.) All organizations receiving Operating Grant funding from CKAF will be required to submit an Interim Report by 31 December of the year the grant is received
- (ii.) For organizations that 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 that 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. Purpose of the Project Grants Program

The Project Grant Program is intended to fund the creation and presentation of arts projects that support CKAF's objectives.

C.2.b. Term of Project Grants

Project Grants are awarded for a term of one year.

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

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- (i.) Success of the project in the previous year, including a financial report;
- (ii.) Innovation within the project; and
- (iii.) Availability of funds in the context of the priorities for funding.

Any information submitted to the KAC through the CKAF process, including applications, Interim Reports, and Final Reports, may be shared with a jury adjudicating future recurring projects and/or operating grant applications at the discretion of the KAC.

C.2.c. Eligibility

In order to be eligible to apply for a Project Grant, applicants must be located in the City of Kingston and be **one** of the following:

- (i.) An incorporated *non-profit arts organization* (see Appendix B);
- (ii.) A *charitable arts organization*;
- (iii.) An incorporated *non-profit organization*;
- (iv.) An unincorporated *artist collective* using an *eligible sponsor*;
- (v.) An unincorporated *community collective* using an *eligible sponsor*;
- (vi.) An unincorporated *artist collective* agreeing to and meeting all conditions listed in C.2 d; or
- (vii.) An unincorporated *community collective* agreeing to and meeting conditions listed in C.2.d.

Applicants must have a component which has an ongoing mandate or mission focusing on artistic endeavor (either creation or presentation) as an objective **or** engage professional artist(s) in a community arts project.

Applicants must also be in good standing with the municipality both generally and with regard to past CKAF, City of Kingston Heritage Fund (CKHF) and/or Community Investment Fund projects (successful completion of projects and submitted final reports).

An organization or collective may apply for only one Project Grant each year.

C.2.d. Collectives and Sponsors

- (i.) All collective types described above are required to satisfy the CKAF requirements including proof of insurance and reports (see Funding Section H.6 for details on proof of insurance and reports)
- (ii.) Collectives applying to CKAF without support of a *sponsor*, are required to:
 - a. Establish or possess a bank account in the name of the collective. Payment of the grant cheque will not be issued to any individual member within the collective.
 - b. Have three members, who must be listed on and sign the application and grant agreement.

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- c. Submit two letters of reference from individuals who can speak to the collective's ability to execute the proposed project as set out in the application.
 - d. Collectives without a sponsor may be required as part of their CKAF agreement to provide additional communication reports to the CKAF staff in order to provide sufficient accountability on the use of funds.
- (iii.) Collectives using an *eligible sponsor*: any incorporated non-profit or charitable organization in Kingston, other than the KAC, may agree to sponsor a collective's application to CKAF. It is the responsibility of the unincorporated collective that wishes to receive CKAF funding through this *sponsor* to complete the application.
- (iv.) The *Sponsor* will also sign the application and include a letter of support for the project that identifies the Sponsor's support and financial agreement if any, with the collective. The KAC may look to the partnering *sponsor* for final reports on the project should the collective not provide them as required.
- a. The *sponsoring* organization may apply for its own project in addition to one *sponsored* project in each grant cycle.
 - b. 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 organization or *for-profit partner*) 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 be part of a Co-Project/Joint Project, but not the lead applicant.

C.2.f. Exclusions from Eligibility

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;

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- a. The presence of education or training as an ancillary part of an organization's mandate will not result in an exclusion from eligibility.)
- (iii.) Charitable organizations or Foundations, the primary mission of which is fundraising.

Organizations and/or collectives receiving operating, project or other forms of grant funding from the City of Kingston through sources other than CKAF are deemed ineligible to receive funding through CKAF for duration of the applicable agreement. *In-kind support* is excepted, especially as it may relate to participation in multi-partner initiatives.

In addition, City of Kingston Cultural Services and/or Kingston Arts Council permanent or contract staff may not hold a *primary role* with any organization or collective applying to CKAF.

C.2.g. Eligible Costs

CKAF funding may be used for:

- (i.) Artistic production, presentation and dissemination costs;
- (ii.) Artists' fees; and
- (iii.) Utilities, staffing, office expenses, rent, minor equipment.

Applicants **must** include artist fees in their expenses to be eligible for CKAF.

C.2.h. Exclusions from Eligible Costs

CKAF Project funding may not be used for:

- (i.) Major capital purposes including but not restricted to the purchase of land, equipment, fixtures or physical facilities;
- (ii.) Furthering a profit venture or to advantage a for-profit partner;
- (iii.) Funding a project that appears on more than one CKAF Project grant application in the same year and/or that identifies one CKAF Project grant as a source of funding for another CKAF Project grant;
- (iv.) Fundraising events and projects;
- (v.) Recovering the costs of a project deficit or an organization's financial deficits;
- (vi.) Programs/services that are delivered by an organization aligned with any political party;
- (vii.) Paying for expenses incurred prior to the ratification of KAC CKAF Board Report;
- (viii.) No more than 20% of the project budget can be for administrative/overhead costs (this includes administrative salaries and fees).

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.

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C.2.i. Individual Artist Grants

There are no Individual Artist Grants available as part of the CKAF Program.

C.2.j. Grant Size

The maximum award for a Project Grant is \$20,000. The Jury has discretion with regard to the amounts awarded. Under the present guidelines the Jury is required to balance two requirements, which are:

- (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 are sufficient to make a substantial improvement in the operations of the receiving organization.

C.2.k. Reporting Requirements

- (i.) For all organizations/collectives receiving funding from the 2019 CKAF Project Grant Program, a Final Report is required 60 days after project completion. A hold back totaling 10% of total funding awarded will be released upon successful submission of the Final Report;
- (ii.) If project completion date is after 31 December 2019, organizations/collectives are required to provide an Interim Report due no later than 31 December 2019;
- (iii.) If a funded project is not completed by the reporting deadline 31 December 2020, the organization must file a second Interim Report along with a request for an extended Final Report deadline to the KAC;
- (iv.) Any changes to a project must be submitted in writing to the KAC in advance for approval and unapproved changes may result in funds being withheld at the discretion of the KAC;
- (v.) If an organization or collective in receipt of a CKAF grant has overdue Interim or Final reports, it will not be eligible to apply for further CKAF grant funding until such time as those reports are submitted to and accepted by the KAC;
- (vi.) Recurring projects will be required to report on the project as part of their next year's application.

D. Adjudication Criteria

D. 1. Operating Grant Program

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

- (i.) Compatibility of the organization's objectives with those of CKAF;

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- (ii.) The ability and effectiveness of the organization to achieve its own mandate and objectives;
- (iii.) Artistic merit and quality of work and programs;
- (iv.) Effectiveness in administrative and financial procedures, including appropriate compensation and professional practices in the management of artists and staff;
- (v.) Initiative and success in generating revenue outside of the CKAF; and
- (vi.) The ability to measure and report on the success of its activities and programs on an ongoing basis.

D. 2. Project Grant Program

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

- (i.) Compatibility of the project's objectives with those of CKAF;
- (ii.) Clarity of the project objectives and plan;
- (iii.) The capacity to realize the proposed project;
- (iv.) Artistic merit and quality of work and programs;
- (v.) The ability to make efficient use of existing resources;
- (vi.) A commitment to the development of artists and the art form, and
- (vii.) A commitment, where appropriate, to engage *professional artists*

D. 3. Other Adjudication Criteria

As part of CKAF, it is important that applicants ensure that operations, programs and projects foster inclusion, diversity and access within the arts. Please see the definitions for these words as provided; applicants are encouraged to connect these definitions to their work for the benefit of the jurors who will be adjudicating the applications.

Access encompasses the physical, financial, intellectual, and socio-economic accessibility of programming, events, and venues. Diversity addresses the non-material culture of the project or organization, specifically the way in which it welcomes people of varying ability, income, language, incarceration history, cultural background, race, ethnicity, faith, gender, orientation, or education level. Inclusion refers to the removal of material or non-material barriers to participation, through policies in human resources, strategic planning, physical environment, programming, audience, community development, and budget management.

E. Procedures

- E.1.** Each year's grant allocation of 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.

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- E.3.** The KAC will provide a CKAF Board Report to the City of Kingston Cultural Services Department following the distribution of funds. 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 brought forward to City Council as part of the City's annual budget process.
- E.4.** The KAC staff in consultation with the KAC Board of Directors will determine the application form, submission process and dates.

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.) Assessing and confirming the eligibility of applications. Applications may be rejected by the KAC if it appears that they do not fit the eligibility criteria as per CKAF Guidelines;
 - (iii.) Advising and providing an update on decisions made regarding eligibility to the City of Kingston Cultural Services Director; and
 - (iv.) 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:
- (v.) The number of Jury members;
 - (vi.) Representation on and composition of the Jury;
 - (vii.) Rules pertaining to conflict of interest;
 - (viii.) Length of service; and
 - (ix.) Reporting requirements of the Grants Committee to the KAC Board.

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- F.1.e.** Acting as Chair of the Adjudication meetings for the Operating and Project Grant programs. The Executive Director of the KAC will act as Chair, unless they are unable, in which case the Grants Coordinator will act as Chair.
- F.1.f.** Providing administrative support to the Grants Committee by hiring administrative staff.
- F.1.g.** Awarding honoraria to CKAF jurors in recognition of their work on the program.
- F.1.h.** Enforcing the decisions of the jury. The KAC has discretion to decide if changes to an application after the adjudication require a review for potential withdrawal of funds. An application may be reviewed for eligibility according to program eligibility requirements or it may be reviewed to evaluate whether changes are so significant that it is no longer the application endorsed by the jury. In such case, the KAC Board of Directors and a representative of the City of Kingston will approve the KAC's recommendation to withdraw funds.
- F.1.i.** Distributing funding to successful applicants.
- F.1.j** Receiving and assessing Interim and Final Reports to ensure funds are being used for the applicants approved activities.
- F.1.k.** Reviewing CKAF annually and formulating recommendations to improve and develop the program.

F.2. Time Frame for Establishing the Grants Committee

The KAC will establish the Grants Committee, made up of the Jury, City of Kingston Councillors, City of Kingston staff, and KAC staff, annually with reference to the deadlines for receipt of grant applications.

F.3. Governance

- F.3.a.** As Chair, the KAC Executive Director will receive administrative support from the KAC Grants Coordinator.
- F.3.b.** The KAC will facilitate the selection of Jury 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.

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- F.3.d.** The KAC will be responsible for ensuring that all members of the Grants Committee are aware of the terms of the Plan for Admin and adhere to the rules and guidelines for adjudicating applications and allocating funds.
- F.3.e.** The KAC will not be involved with the decision making function of the Jury.
- F.3.f.** The KAC Staff will report to the KAC Board of Directors on an ongoing basis.
- F.3.g.** The KAC Staff will present the proposed distribution of funds, including final rankings for each application, which will be kept strictly confidential, and a Report on the Adjudication of Applications to the CKAF for ratification to the KAC Board of Directors.
- 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. The KAC Staff when requested by the designated contact person for the applicant will provide discretionary feedback concerning Grants Committee comments on applications.
- F.3.j.** It is understood that, in order to respect the decisions of the Jurors, the KAC Board of Directors 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.

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 should be addressed to the Executive Director of the KAC. The KAC will develop and forward a written report with respect to such complaints and concerns to the KAC Board of Directors.
- F.4.b.** In the event that a complaint specifically involves/implicates the Chair, that complaint may be addressed directly to the Chair of the KAC Board of Directors.
- F.4.c.** Any concerns or complaints regarding a potential undeclared conflict of interest of a member of the Grants Committee shall be made in writing to the Executive Director of the KAC.
- F.4.d.** 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

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- F.5.a.** Once approved by Kingston City Council, the KAC CKAF Board Report will be a matter of public record and available through the KAC. Prior to that approval, the KAC CKAF Board Report is confidential.
- F.5.b.** The KAC CKAF Board Report is 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, the KAC will 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. KAC will advise and consult with the Chair of the Grants Committee and the City of Kingston in certain cases.

G. Grants Committee

G.1 General Principles for Fund Allocation

- G.1.a.** As a general principle, all sectors of the arts should be funded through CKAF 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.

- G.1.b.** A Jury may decide, in exceptional circumstances, not to award all the monies available for the Operating or Project Grant Program.
- G.1.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 KAC staff.

G.2. Grants Committee Membership

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There are two categories of membership in the Grants Committee, Jury members and Ex-Officio members.

G.2.a. Jury members

The Jury is responsible for adjudicating the applications and allocating funding in accordance with CKAF guidelines and criteria and includes:

- (i) Five Jurors appointed by the KAC

These members are responsible for becoming familiar with the CKAF grant program and its assessment criteria, reading all the applications, reviewing supplementary materials, and making notes about each application based on the assessment criteria and granting program objectives.

For both the Operating and Project grant programs, the Jury is required to complete an initial round of scoring of each application before the meeting. At the meeting, based on the results of pre-scoring, the Jury will:

- Discuss in detail each application based on its Artistic Contribution, Community Benefit and Quality of Administration and Financial Responsibility;
- Conduct a second round of scoring based on the discussion; and
- Determine and allocate funds.

G.2.b. Ex-Officio members

There are two categories of Ex-Officio members as follows:

- (i) **City of Kingston representative:**
 - a. Two City of Kingston Councillors, and
 - b. The Cultural Director of the City of Kingston and/or his/her delegate.

These members of the Grants Committee bring broader community perspectives, provide information on the City of Kingston objectives for the CKAF program, and are present to ensure transparency and fairness in the process.

- (ii) **KAC Staff**

The KAC Staff including the Executive Director and Grants Coordinator are present to Chair the meetings, facilitate discussion, and ensure that each applicant is treated equitably and without prejudice. KAC Staff are also responsible for ensuring that there are no direct conflicts of interest, that indirect conflicts of interest are declared, and appropriate procedures are followed.

Additional responsibilities of the KAC are to remind the Jury of program priorities and the budget context, ensure that the Jury shares a common understanding of the

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assessment criteria, serve as resource persons and provide information and historical context in the CKAF programs, as well as overseeing and recording the rating/ranking process.

G.3. Grants Committee Meetings

There will be two separate Grants Committee meetings, one for Operating Grant applications and one for Project Grant applications. The Jurors will be different for each meeting. Each Grants Committee meeting will take place over a single full day.

G.3.a. Quorum

A quorum shall consist of a majority of the Jury members. 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.3.b. Confidentiality and Conflicts of Interest

Each member of the Grants Committee 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; and
- (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 KAC will require members of the Grants Committee to conform to the Conflict of Interest Rules and Procedures as described in sections G.7. below.

G.3.c. Decisions

The Jury is required to assess applications in accordance with CKAF objectives, the application guidelines and assessment forms provided. After discussion within the Grants Committee, the Jury will decide on the allocation of grant funding. Thus the decisions are at arms-length from the KAC and the City and are adjudicated by independent *peer assessment*.

Decisions of the Jury 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.4. Selection of Grants Committee Members

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- G.4.a.** All members of the Grants Committee will:
- (i.) Have an understanding, interest and appreciation of the arts and their diversity;
 - (ii.) Bring vision, open-mindedness and generosity of spirit to the deliberations;
 - (iii.) Declare conflicts of interest; and
 - (iv.) Provide fair and objective opinions in their assessment of applications in accordance with the CKAF Objectives.
- G.4.b.** City Council appoints Ex-Officio members representing the City.
- G.4.b.** Jurors are chosen and appointed from a list of potential jurors by KAC staff.
- G.4.c.** 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 KAC staff which will review these to ensure that those selected meet the juror eligibility requirements.

G.5. Criteria for eligibility to be appointed as a Jury member

Jury members must be:

- G.5.a.** Arts practitioners, professionals, 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.5.b.** Knowledgeable about the City of Kingston context and the broader arts environment beyond their area of expertise;
- G.5.c.** Able to articulate their opinions, and work in a group decision-making environment; good communicators;
- G.5.d.** As much as possible, be reflective of Kingston's gender, demographic and cultural diversity.

G.6. Terms of Appointment of Grants Committee Members

- G.6.a.** Terms of appointments of the City of Kingston representatives are at the discretion of City Council;
- G.6.b.** Appointment of a Jury member 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.

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G.7. Conflict of Interest Rules for Members of the Grants Committee

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.7.a. Jury Conflict of Interest Rules

- (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.
- (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 KAC staff may answer any questions, facilitate a discussion on the juror's impartiality and decides how the situation will be managed.
- (v.) To prevent conflicts of interest and ensure the arms length character of the peer jury, members of the Board of Directors and staff of the Kingston Arts Council and those employed by or under contract with the City of Kingston will not serve on the Jury.
- (vi.) Immediate family members of Kingston Arts Council and City of Kingston staff (spouse or equivalent, son or daughter, parent, sibling or member of the immediate household) serving as Jurors must declare an indirect conflict of interest.

G.7.b. Ex-Officio Conflict of Interest Rules

City of Kingston members 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.2.b.i. above).

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KAC Staff are subject to the same conflict of interest rules as the jury members. They are not permitted to take part in adjudication discussions and in addition they have in their employment contracts the following clause(s):

- (i.) That you will not take any action to either favour or prejudice any applications submitted to the CKAF (see Note 1 below);
- (ii.) That you will not participate in the writing of any application to the CKAF for another party (see Note 2 below);
 - a. That you will not hold a *primary role* with any organization applying to CKAF;
 - b. That you will not profit financially in any way from a successful CKAF application, Operation or Project Funding;
 - c. That you will bring to the attention of the KAC Board of Directors any potential conflicts of interest arising from activities of the Kingston Arts Council.

In addition, City of Kingston members and KAC Staff may not be associated with any organization applying to or receiving funds from CKAF as board members, committee members, or in a paid consultancy role. However, other associations, such as being a member or volunteer, may be allowed.

Note 1: 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.7.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 potential disclosures of conflicts of interest must be submitted in writing to the KAC and will be retained as part of CKAF records.
- (iii.) Individuals who are in direct conflict of interest with any of the applications being assessed cannot serve on the Grants Committee. If a direct conflict of interest becomes apparent at any time before or during the assessment process, the jury member will be immediately released from their duties.
- (iv.) Individuals who have an indirect conflict of interest with any of the applications are managed based on their ability to remain objective in assessing the application. Individuals who declare an indirect conflict of interest that makes it difficult for them to evaluate an application objectively will be asked to leave the room.
- (v.) If any conflict of interest becomes apparent during the discussion of the relevant application, the Chair 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

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- 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 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 Chair of the KAC Board of Directors.

G.8. Confidentiality

- G.8.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.8.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.8.c.** Communication of Jury results and relevant Jury comments will be made the KAC Office.
- G.8.d.** Prior to the ratification by Kingston City Council, results are confidential.
- G.8.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 Kingston City Council ratifies the decisions regarding the allocation of funds.

H. Funding

- H.1.** The KAC Board of Directors anticipates that the amount allocated by the City of Kingston pursuant to the CKAF will increase to \$5.00 per capita as recommended in the Kingston Culture Plan, and pending council approval.
- H.2.** The Fee for Service for administration of the fund is accounted for as part of the Service Level Agreement between the City and the KAC. Based on the recommendations contained in the Kingston Cultural Plan it is anticipated that the Fee for Service will increase by 2% per year over five years, pending Council approval on an annual basis.
- 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

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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 KAC CKAF Board Report will be forwarded to City Council for ratification of the distribution of CKAF funds. Unallocated funds from the current year will be added to the fund for the next CKAF year.
- H.5.** Upon City Council ratification of the KAC CKAF Board Report, the KAC will draw up an agreement with each recipient organization/collective of the 2018 CKAF as decided by the Grants Committee.
- H.6.** An officer of each organization/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, reporting requirements and conditions. Evidence of \$5 million liability insurance coverage per occurrence naming the Kingston Arts Council and the City of Kingston as additional insured's will be required from the organization/collective before the funds are released.
- H. 7.** The signed grant agreement and evidence of \$5 million liability insurance must be received by the KAC in advance of the project dates as listed in the application.
- H.8.** After the agreements have been signed by both KAC and the recipient organization/collective, conditions are met and evidence of adequate insurance is received, the KAC will issue a cheque for the organization's/collective's grant. For organizations receiving a CKAF Operating Grant the KAC will issue a cheque for 100% of their grant.

For organizations/collectives receiving a CKAF Project Grant the KAC will issue a cheque for 90% of their grant and a 10% hold back will be released upon successful submission of the Final Report.
- H.9.** Applicants will not be eligible to receive further CKAF funding until all required reports have been submitted to and accepted by the KAC.
- H.10.** A grant recipient in default of its grant agreement may be required to return funds to the KAC and may be judged to be ineligible for future grants.

I. Financial Plan of the KAC for CKAF administration

- I.1.** Responsibility for the financial arrangements rests with the elected Treasurer of the KAC.

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- I.2.** A separate bank account shall be set up at Scotiabank in the name of the Kingston Arts Council and be 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 Chair of the KAC Board of Directors, the Treasurer, the Executive Director and one other director of the KAC Board of Directors. 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 under the terms of their Service Level Agreement, shall be deposited in the KAC 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 KAC Executive Director, 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 along with the Executive Director of the KAC 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.** KAC will submit quarterly reports, including Financial Reports to Cultural Services, City of Kingston.
- I.9.** Applicants will not be eligible to apply for further funding until all required reports have been submitted to and accepted by the KAC.
- I.10.** Bank fees for the maintenance of the CKAF Account shall be paid from the KAC Operating Account.
- I.11.** Interest accumulated on the CKAF Account shall be paid to the City of Kingston, who will issue a cheque reimbursing KAC for this amount annually.
- I.11.** The bookkeeper will submit invoices for services to the CKAF Program, which will be paid from the KAC Operating Account.
- I.12.** 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.13.** Auditor's fees will be paid from the KAC Operating account.

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- I.14. Any funding unclaimed or returned by grant recipients will be made available to future CKAF granting programs.

- I.15. Upon approval by City Council of the Plan for Administration of Arts Funding for the Corporation of Kingston (as amended for 2017), the City of Kingston will enter in to Service Level Agreement with the KAC. Once that contract is signed by both parties, the City will provide a cheque for 100% of funds allocated by the City of Kingston for grants through the CKAF. Other payments by the City to the KAC will be paid out according to the terms of the Service Level Agreement.

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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.

- (i.) The applicant organization’s mandate or mission must focus on artistic endeavour (either creation or presentation) as the primary objective of the organization.
- (ii.) The activities of the applicant organization must be consistent with the artistic focus of the mandate or mission;
- (iii.) The applicant organization must be non-profit in orientation.

In addition, the applicant organization must be either:

- (iv.) Incorporated as a *non-profit arts organization* in and of itself for a period of at least two years; **or**
- (v.) A distinct and discrete arts organization, other than an academic unit of an 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: Academic units of educational institutions will not be eligible.

Note 2: In the case of v. (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.)

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APPENDIX B

Policy Regarding Non-Profit Eligibility (Project)

Policy Statement on the Definition of “*Non-profit Organization*” and “*Artistic or Community Collective*” in the CKAF Project Grant Guidelines

In order to be considered an eligible “*non-profit organization*” under the CKAF Project Grant Guidelines, applicants must meet **all** the following criteria:

- (i.) Must be non-profit in orientation;
- (ii.) Have a component which has an ongoing mandate or mission focusing on artistic endeavour (either creation or presentation) as an objective; **or**
- (iii.) Engage *professional artist(s)* in a *community arts project*.

In addition, the applicant non-profit organization must be either:

- (iv.) Incorporated as a *non-profit organization* in and of itself; **or**
- (v.) 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: Academic units of educational institutions will not be eligible.

Note 2: In the case of v. (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.)

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APPENDIX C

Glossary of Terms

Access: This term encompasses the physical, financial, intellectual, and socio-economic accessibility of programming, events, and venues.

Artist collective: A group of three 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. Collectives may apply to CKAF through an *eligible sponsor* or apply directly for CKAF funding providing they meet the requirements of the program set out in clause **C.2 Project Grants**. 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 three or more individuals who have come together for a specific purpose involving a clearly defined endeavour. Collectives may apply to CKAF through an *eligible sponsor* or apply directly for CKAF funding

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providing they meet the requirements of the program set out in clause **C.2 Project Grants**. See also *artist collective*.

Co-project: see *joint project*

Corporate Sponsorship: An in-kind or cash donation from a for-profit corporation. This may be accompanied by a formal agreement in which the applicant agrees to thank or acknowledge the corporation for their donation.

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

Diversity: This term addresses the non-material culture of the project or organization, specifically the way in which it welcomes people of varying ability, income, language, incarceration history, cultural background, race, ethnicity, faith, gender, orientation, or education level.

Eligible arts project: In order to be an eligible arts project, a project must fulfill the criteria outlined in section C.2. of this document. 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. See also *Sponsor*.

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.

Inclusion: The removal of material or non-material barriers to participation, through policies in human resources, strategic planning, physical environment, programming, audience, community development, and budget management.

In-Kind Support: Support in the form of goods, commodities or services rather than money; including, but not limited to the provisions of space, administrative services, promotional and marketing support, etc.

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

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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 (see Appendix B).

Partnership: An agreement between an applicant and a third party wherein the third party agrees to support the project through in-kind donation, which is formalized in a letter and submitted as part of the application. Partnerships can occur with both non-profit or for-profit entities.

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.

Primary role: Someone who occupies an executive and/or decision-making staff or board position within an organization and/or collective.

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 the agreement between *sponsor* and collective the *Sponsor* will receive and disburse project funds on behalf of the applicant/collective. A *Sponsor* may also assist the applicant by securing insurance coverage and agrees to file a final report on a CKAF Project Grant if the collective involved does not provide reports as required. In this scenario the *Sponsor* shares some responsibility 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

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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.