

# Ethical Code Committee Protocol for Complaints

## Introduction

The Ethical Code Committee (ECC) is mandated by the Board of Directors of Imagine Canada to adjudicate complaints related to the *Ethical Fundraising and Financial Accountability Code* (Ethical Code). The ECC is designed to provide informal advice to Ethical Code Program participants, other charities and donors, as well as to adjudicate complaints that arise under the Code.<sup>1</sup>

The ECC may respond to Complaints by one or more of the following measures:

- (i) dismissing the complaint;
- (ii) prescribing education and a timetable to achieve compliance;
- (iii) issuing a warning and timetable to achieve compliance;
- (iv) removing Imagine Canada's recognition of the organization as an Ethical Code Program participant;
- (v) releasing the organization's name publicly.

## Scope of Complaints Process

The ECC may respond to an allegation of non-compliance with the Ethical Code that comes to its attention from any source. The Ethical Code Program Licence Agreement establishes an internal complaints response process for program participants. Complainants are asked to exhaust this internal complaints process before asking the ECC to deal with the matter. In exceptional circumstances, the ECC may deal with complaints before an internal process is completed, however, this will only be done where the complaint is very serious and a quick response is crucial.

The ECC may decline to consider a complaint if the matter is before the courts, or may suspend its consideration of a complaint if litigation is commenced after the complaint is initiated but before the ECC has issued its ruling.

The ECC may reconsider a complaint, or a response made to a complaint, if it becomes aware of a material omission or misrepresentation of relevant facts as submitted to it. The ECC may also reconsider a complaint, or a response made to a complaint, where it was based on interpretation of a provision of the Code that is modified following its consideration of the complaint.

## How to Lodge a Complaint

Complaints can be submitted by fax, email or mail, to the attention of the Ethical Code Committee of Imagine Canada. Complaints will not be considered if they are submitted anonymously.

Telephone: (416) 597-2293 ext. 228

Fax: (416) 597-2294

E-mail: [kalebon@imaginecanada.ca](mailto:kalebon@imaginecanada.ca)

Address: Suite 600, 2 Carlton Street, Toronto, Ontario, M5B 1J3

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<sup>1</sup> The adjudication of complaints is an administrative service of Imagine Canada. There is no legal requirement for Imagine Canada to address individual complaints. The ECC does, however, monitor all complaints received and considers whether there is sufficient documentation and merit in the allegation to act.

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Complainants should provide the following:

- (i) their name and information on how they/the organization may be contacted;
- (ii) a complete description of the facts and circumstances of the situation to be considered;
- (iii) specific details of the alleged non-compliance including identification of the relevant Code provision(s); and
- (iv) any supporting documents or other materials relevant to the complaint.

Ethical Code Program support staff may assist complainants with lodging their complaints. The circumstances and substance of the complaint will be communicated to the organization against which the allegation has been made. Where there are third parties involved, this information may also be communicated to them.

There is a presumption of innocence about organizations against which allegations are made and they will be given an opportunity to make a full response. Other individuals or organizations concerned with the complaint may also be given an opportunity to submit information if such information is relevant. Information from all parties will be sought in writing so that a comprehensive documentary record is created.

## Complaints Process

In some cases, the ECC may create a sub-committee to oversee documentation of the complaint or deal wholly with the matter.

The ECC will endeavour to deal with complaints expeditiously. However, the ECC recognizes the need for organizations to have the opportunity to respond to complaints, and in some cases decisions may be slowed by the need for extensive communications with the parties involved.

Owing to the adjudicative nature of the complaints process, the ECC will be informed of the identity of the complainant and of the organization against which the complaint has been made. However, it is possible to have queries put to the ECC anonymously. Parties considering lodging a complaint and wishing to protect their anonymity may choose to use this process.

Where an ECC member is in a conflict of interest because of his or her past, present or contemplated future dealings with any party to the complaint, he or she shall withdraw himself or herself from consideration of the matter. Where parties to a complaint know of such dealings, they should bring them to the attention of staff in their written submissions to ensure that ECC is made aware of them.

## Publication of Findings from the Complaints Process

The ECC retains the right to make public Ethical Code-related findings where it is believed that the finding would be of value to the sector. Findings will be published on the Internet and may be distributed by other means, where the ECC considers it appropriate. The ECC will take reasonable steps to preserve the confidentiality of the organizations involved.

ECC responses to complaints are based on and limited to specific circumstances brought to its attention. ECC findings are published to provide information. Practitioners may be guided by them, but should exercise caution. Findings can be relied upon only if the facts are identical to the described circumstances. Similar situations often have different facts. If there is any doubt as to the similarity of the situation, the practitioner should request a separate finding.