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## ALBERTA LAW FOUNDATION Funding Policies

### 1. What ALF will not fund

As a rule, the Foundation will not provide funding for the following purposes:

- a) Individuals;
- b) Commercial entities;
- c) International projects, except in exceptional circumstances;
- d) Donations;
- e) Endowment grants;
- f) Fellowships or sabbatical leaves;
- g) Political lobbies;
- h) Programs of government departments;
- i) Activities that have as the primary object the provision of social services;
- j) Professional development activities for third parties, except training for social service providers related to the legal issues faced by vulnerable individuals, e.g. about how to identify a legal issue and make good referrals to legal services. Professional development for grantee staff and board members will be considered for funding as long as related to delivery of a legal program or project funded by ALF.
- k) Cost of an application for funding to a third party.
- l) Deficit budgets or retroactive deficits.
- m) Working capital or contributions to reserves (directly or indirectly). The Board has acknowledged that grantees may need to establish reserves from other revenue sources, in the area of three months of costs where there is a regular revenue stream and six month's worth where revenue is irregular.
- n) Capital equipment purchases if leasing is feasible and more economical – organizations are advised to develop a policy with respect to financing the acquisition and/or replacement of capital equipment.
- o) Purchase of buildings.
- p) Purchase or lease of vehicles, unless integral to the delivery of a program or project funded by the Foundation.
- q) Meals, beverages, hospitality expenses, unless required to meet program objectives, e.g. community engagement related to a funded program or project.
- r) Costs of commercial air time.
- s) Overhead allocated to a project if the Foundation already funds the operating budget of the organization.
- t) Direct legal services (other than Legal Aid and legal clinic staff lawyers, or other direct legal services provided for no fee to vulnerable individuals).
- u) Professional and academic journals.
- v) Printing and distribution costs of journals and major publications.

- w) Program or course development costs at colleges, universities and school boards, which should be the normal duty of the professor or instructor.
- x) Honoraria for lawyers presenting public legal education workshops; except of a nominal amount.
- y) Cost of sending delegates to conferences, including travel to attend conferences outside Alberta, unless for the professional development of staff or volunteers involved in the delivery of programs for projects funded by the Foundation.
- z) Costs of resource persons presenting at or attending a conference, unless they are addressing public legal education or legal research topics.

## **2. General Requirements/Expectations for Grants**

- a) Grant applications will be considered by the Board only at regularly scheduled Board meetings, unless the Board decides otherwise. Where feasible, new project applications should be presented at the same meeting as an annual operating renewal application.
- b) Applicants for funding must generally be incorporated as a non-profit entity or be a First Nation or Band Council. In exceptional cases, an applicant may be a subdivision of an incorporated entity, or operate as an unincorporated association with a board of directors or equivalent supervisory body. The applicant must provide to the Foundation copies of applicable constating documents and information about the board's operation such as a list of the members, dates of appointment and roles and responsibilities of the board. Normally, an employee will not be a voting member of a board.
- c) Applicants are required to use the most current version of the Grant Application forms provided on the Foundation grant portal, without alteration.
- d) To be funded, the proposed program or project must fall within the Alberta Law Foundation objects as interpreted by the Foundation's Board of Directors.
- e) All grants are made subject to the availability of funds.
- f) As a condition of funding, organizations may be required to provide audited financial statements for the organization applying for a grant.
- g) Applicants must demonstrate that the proposed project or program is not an unnecessary duplication of existing services in the community.
- h) Grant applications must include a specific budget for the project or program for which funding is requested, as well as a global budget showing the allocation of the Foundation funding and other funding of the organization. There must be a supportable rationale for the manner in which administration and overhead costs are allocated to programs to be funded by the Foundation, e.g., is the overhead cost incremental or would the budgeted amount form part of an existing cost already covered elsewhere in the organization's budget.
- i) Applications must include an evaluation plan describing the process to be used to measure progress toward achieving the intended outcomes of the program or project.
- j) The Foundation reserves the right to review such other information about the program, project or the applicant or funded organization deemed relevant to the assessment or management of the program or grant.
- k) Applicants accepting a grant from the Foundation may be required to acknowledge their agreement to specific terms and conditions of the grant prior to receiving funding.

- l) Grant recipients are expected to acknowledge funding from the Foundation on all printed material created with grant funding and at other reasonable opportunities such as on the organization's web site.
- m) Grant recipients are required to provide the Foundation at least every six months a narrative report and a financial reconciliation of funds expended compared to the approved budget for the program or project report, unless otherwise directed by the Executive Director.
- n) Grant recipients are required to provide the Foundation audited financial statements of the grantee organization for each fiscal period falling within a grant period. If financial statements are not audited, internally prepared or review level engagement reports require the signature of two directors, one preferably being the Chair, or officers of the organization that are familiar with that program or project. Grant funds and related program or project expenditures should be segregated in the accounts of the grantee. Financial statements are expected to provide transparency with respect to the actual costs incurred in respect of any significant budget categories and the use of ALF monies to fund such costs.
- o) Failure to provide timely narrative and financial reports may affect a grant recipient's continued or future funding opportunities and may result in suspension of grant installment payments.
- p) Grant funds surplus to needs for an approved project or program must be returned to the Foundation at the end of the grant period unless otherwise authorized by the Board or the Executive Director. The amount of the surplus to be returned may be pro-rated where the Foundation is not the sole funder of the program or project. Where the use of surplus is authorized by the Foundation, the organization must account for the expenditure of that amount and provide reports in the same way as if it were a new grant.
- q) Program or project changes and potential budget adjustment requests must be made in writing prior to implementation and a written response will be received from the Foundation.
- r) Grant recipients must advise the Foundation on a timely basis of the absence of any key employee, for any reason. In the absence of alternative arrangements approved by the Foundation, the Foundation would expect to adjust funding downward accordingly. The Foundation is effectively contracting for the delivery of specified activities with outcomes that are expected to meet our legislated objectives, and not funding a particular position or employee. The absence of a key employee is presumed to impact negatively on the level of activities and outcomes, and reduced capacity should require less Foundation funding. To the extent that a grant recipient can make immediate alternate arrangements for the delivery of those activities and outcomes, then the revised plan must be reviewed with Foundation staff as soon as possible and approved by the Foundation.
- s) The Foundation reserves the right to have a grant recipient's books and records audited in whole or in part by an independent auditor to verify expenditures of Foundation grant funds claimed by the grant recipient to have been made in accordance with a program or project grant budget approved by the Foundation.

### **3. Specific Requirements for Specific Types of Grantees or Activities**

- a) *Universities/Colleges/School Boards*
  - (i) Members of any university faculty and organizations associated with a university faculty must submit their projects through the faculty Dean.
  - (ii) The Foundation does not contribute to core program costs or course development, which should be the normal duty of the professor or instructor.
  - (iii) Honoraria for lawyers presenting public legal education workshops are not normally funded by the Foundation.

- (iv) Rural public legal education workshops must be coordinated through a centrally funded agency such as a college or Adult Learning Council to avoid a proliferation of applications for small amounts of funding.
- b) *Law Student Legal Assistance Programs* must:
  - (i) Have a Board of Directors or be under the responsibility of the Dean of the Faculty of Law. No student or non-student employees other than the student Executive Director will sit on the board.
  - (ii) Have a qualified supervising lawyer or lawyers.
  - (iii) Give legal information and assistance only and not legal advice (pursuant to the rules of the Law Society of Alberta and the Courts).
- c) *Conferences*
  - (i) A conference that is deemed to be a professional development activity for a particular group of professionals will not be funded by the Foundation.
  - (ii) All funded conferences must be open to the general public.
  - (iii) The Foundation does not normally fund the costs of delegates to conferences. This includes travel costs for individuals to attend conferences in other provinces or countries.
  - (iv) The Foundation funds expenses for resource persons at a conference only if they are addressing public legal education or legal research topics. It is preferred in such cases that they be lawyers or justice system personnel.
  - (v) Meals, beverages, and other hospitality expenses at conferences must be covered by the registration fees or other sources of funding besides the Foundation.
- d) *National or International Activities*
  - (i) International projects are not normally funded, especially if administered from outside Alberta.
  - (ii) National programs or projects administered outside of Alberta must demonstrate a clear direct benefit to Albertans and have a commitment of funding from their own law foundation, or at least their strong written support.
  - (iii) National programs or projects administered from within Alberta must demonstrate a benefit to Albertans and are expected to seek out funding from other sources in proportion to the national scope of their activities and impact.
- e) *Materials to be made available to the public*

Materials created with funding from the Foundation must be made available to the public free of charge or may be sold on a nominal or cost recovery basis only.
- f) Canadian Bar Association Alberta applications must be submitted through the provincial office.
- g) Audio, video and film productions must have a well-defined target audience and a committed distribution system.
- h) Some areas of activity will be subject to the "user pay" rule which means that, although the program or project may not be totally self-sustaining, any potential revenue will be maximized. Where little or no revenue is projected, the applicant must convince the Board that this segment of the market is unable to pay for the service. The user pay rule will be applied in the following situations:
  - (i) Public legal education workshops and seminars directed towards an audience with the ability to pay will charge appropriately higher registration fees consistent with the ability to pay.
  - (ii) Journals and major publications (other than newsletters) should be self-supporting. This means that publications revenue should cover the cost of printing and distribution but not necessarily the cost of research, writing and organizational overhead.
  - (iii) The Foundation does not normally fund professional and academic journals which should be self-supporting.

#### 4. General Evaluation Criteria

In reviewing grant applications, factors that the Board will consider include the following:

- a) Clearly meeting one or more of the Foundation's objectives;
- b) Evidence of need for the program or service/why it is a priority;
- c) Nature and identity of the beneficiary or beneficiaries of the services; size of target group, if applicable;
- d) Capacity/expertise of the applicant to complete the project or deliver the program;
- e) Lack of duplication of existing services;
- f) Well-articulated intended outcomes, Identifiable outputs, deliverables; project logic model if applicable / realistic work plan / evaluation process / impact;
- g) Value/Cost Effectiveness/Efficiency (budget and value for money relative to expected results);
- h) Level of collaboration and community support (strategic partnerships);
- i) Amount, extent and source of co-funding/sustainability plan;
- j) Leverage of volunteer or pro bono lawyer time.

#### 5. Specific Grant Evaluation Criteria and Priorities

- a) *Research and Law Reform*
  - i) Research must be conducted for the purpose of recommending reform of the law, legal policy or the administration of justice in Alberta.
  - ii) How is the need and priority being determined?
  - iii) Does the research address recognized legal service needs?
  - iv) Legal research must be conducted and overseen by appropriately trained and experienced individuals. They do not necessarily have to be legally trained if otherwise qualified to do the work.
- b) *Law Libraries*
  - i) The Foundation funds only law libraries which are accessible by the public.
  - ii) The Foundation will fund collections and limited capital and operating costs but will not fund salaries of library personnel employed by government.
  - iii) The Foundation will generally not fund programs to train librarians about how to assist the public in finding legal information, as this is considered the responsibility of the employer.
- c) *Public Legal Education*
  - i) The Foundation Directors believe it is important to provide PLE to a broad spectrum of Albertans, however, not at all costs.
  - ii) PLE should not include university or professional legal education.
  - iii) PLE should not include professional development sessions for other occupations, except training for social service providers on topics related to the legal issues faced by vulnerable individuals, e.g. about how to identify a legal issue and make good referrals to legal services.
  - iv) The subject of PLE should be the laws of Alberta or the laws applicable in Alberta.
  - v) PLE may include law-related education in schools.
  - vi) Topics should be clearly legal in nature and relate to legal issues faced by vulnerable individuals. This would generally exclude topics such as Canadian finance or taxes, financial

- literacy, internet safety, or business law topics, to the extent that they deal with the social, financial or practical aspects rather than the legal aspects of those issues.
- vii) The development and delivery of PLE by lawyers should generally be on a pro bono basis. Exceptions include staff of grantees engaged primarily in PLE.
  - viii) Prior to publication, all public legal education and information materials produced with funding from the Foundation must be critically reviewed for legal accuracy and completeness by a recognized authority in the relevant field of practice.
  - ix) The user pay principle should apply such that individuals with resources to pay for legal information should be expected to do so; the Foundation will subsidize legal information and education for individuals of limited means and on matters of critical importance.
  - x) Public legal information and education programs should demonstrate reasonable costs of delivery relative to the outcomes expected and achieved.
- d) Native Peoples Programs, Student Legal Aid Programs and Programs of Like Nature
- i) “Native Peoples Legal Programs” may include initiatives in response to the Truth and Reconciliation Commission Calls to Action relevant to the Foundation’s mandate, research to reform the laws and the administration of justice affecting Indigenous people; public legal education and information designed for or directed toward Indigenous audiences; or direct legal advice and support services provided to Indigenous individuals.
  - ii) “Student Legal Aid Programs” include programs whereby legal information and assistance is provided by students from the Faculty of Law at an Alberta University, under the supervision of a licensed Alberta lawyer, that meet the requirements set out in paragraph 8.b) above.
  - iii) “Programs of Like Nature” include, but are not limited to, programs providing legal advice, information and referral offered by Community Legal Clinics; court-based legal information and advice programs coordinated by Pro Bono Law Alberta and provided by volunteer lawyers; court support programs providing one-on-one information and support regarding court processes and procedures, forms completion, administrative claims and processes.