Assessing Your Organization

*A tool for land trusts to conduct a detailed assessment of organizational progress toward implementing the Canadian Land Trust Standards and Practices*

Governance Workbook

# Acknowledgements

This document was revised and modified based on the U.S. Land Trust Alliance document *Assessing Your Organization* (Revised 2017) and the Canadian Land Trust Alliance document *Assessing Your Organization* (2007) with permission from the Land Trust Alliance. The Ontario Land Trust Alliance would like to thank Environment Climate Change Canada for its financial support toward the development of this document.

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# Checklist of Written Materials, Practices or Procedures

Here are some materials that you may find helpful to review and refer to as you work through this workbook. The items in green link to highest priority practices in the AYO workbook.

Code of ethics and/or values statement (1A1)

Whistleblower policy (1A2)

Procedures for recruiting and training board members (3B3)

Expectations for board service (3C1)

Conflict of interest policy (4A1)

Contracts for consultants and contractors, as appropriate (7C1)

Transition process or plan (7D1)

Job descriptions for each staff member (7E1)

Personnel policies if the land trust has staff (7E4)

Records policy (9G1)

# Standard 1: Ethics, Mission and Community Engagement

Land Trusts maintain high ethical standards and have a mission committed to conservation, community service and serving the public interest.

*How well is the land trust meeting this practice?*

*1 = not currently meeting*

*4 = meets or exceeds*

## Ethics

|  |  |
| --- | --- |
| 1. Adopt a written code of ethics and/or values statement and adhere to it in implementing the land trust’s mission, in its governance and in its operations
 | Choose an item. |
| Has the board adopted an ethics statement or a statement of organizational values? | Choose an item. |
| Notes: *E.g. What is the statement? When was it adopted? When was it last reviewed?*Click here. |
| If yes, does the statement address how the land trust will address transparency and uphold the public interest? | Choose an item. |
| Notes: *E.g. Describe how it addresses these items.* Click here. |
| 1. Adopt a written whistleblower policy that protects individuals who come forward with information on illegal practices or unethical behavior
 | Choose an item. |
| Has the board adopted and implemented a written whistleblower policy? | Choose an item. |
| Notes: *E.g. When was the policy adopted? When was it last reviewed?*Click here. |

## Mission, Planning and Evaluation

|  |  |
| --- | --- |
| 1. Adopt a mission that advances conservation and serves the public interest
 | Choose an item. |
| How does the land trust mission advance conservation and address the public interest?Click here. |
| Notes:Click here. |
| 1. Establish strategic goals for implementing the mission, and then review and update them, as needed, at least once every five years
	* 1. Revisit the mission during the strategic review to confirm it is relevant
 | Choose an item. |
| Does the land trust have written strategic goals or a strategic plan, established by the board? | Choose an item. |
| If yes, does the land trust review and update the goals or plan at least every five years? | Choose an item. |
| Notes: *E.g. How does the land trust establish its strategic goals? What is the board’s involvement in setting strategic direction?*Click here. |
| Does the land trust revisit the mission when it reviews its strategic plan or goals? | Choose an item. |
| Notes: *E.g. How frequently does the land trust revisit these items?*Click here. |
| 1. Review programs and activities at least annually to ensure they are advancing the strategic goals and make adjustments, as appropriate
 | Choose an item. |
| Does the land trust evaluate its programs and goals on at least an annual basis? | Choose an item. |
| Notes:Click here. |
| If so, how, and what is the board’s involvement?Click here. |
| Notes:Click here. |
| Does the land trust complete an annual plan with specific goals and objectives that are tied to the strategic plan or goals? | Choose an item. |
| Notes: Click here. |

## Community Engagement

|  |  |
| --- | --- |
| 1. Develop an inclusive, welcoming organizational culture that respects diversity
 | Choose an item. |
| How does the land trust create a welcoming culture that respects diversity and strives for equity and inclusion?Click here. |
| Notes:Click here. |
| 1. Seek to engage people who are representative of the community in which the land trust works and foster opportunities to connect them with the land
 | Choose an item. |
| How does the land trust deepen its relationships with current audiences and engage new audiences?Click here. |
| Notes: Click here. |
| 1. Develop an understanding of the land trust’s community, and communicate the land trust’s work, services and impact in a manner that resonates with and engages that community
 | Choose an item. |
| How does the land trust listen to, solicit feedback from and communicate its goals to its community (members, donors, the general public and traditional and non-traditional partners and organizations) within its service area?Click here. |
| Notes:Click here. |
| 1. Build, maintain and enhance relationships with community leaders and other groups interacting with the land trust community
2. When applicable, engage with local Indigenous communities to discuss how traditional knowledge and practices can inform the land trust’s programs and activities
 | Choose an item. |
| How does the land trust build relationships with elected officials and other community leaders and stakeholders?Click here. |
| Notes: Click here. |

# Standard 2: Compliance with Laws

Land trusts fulfill their legal requirements as not-for-profit organizations and comply with all laws and regulations.

*How well is the land trust meeting this practice?*

*1 = not currently meeting*

*4 = meets or exceeds*

## Compliance with Laws

|  |  |
| --- | --- |
| 1. Comply with all applicable federal, provincial and municipal laws and regulations
 | Choose an item. |
| Who is responsible for tracking any changes in laws?Click here. |
| Notes:Click here. |
| How does that individual ensure that they are up to date? Record known tools or other resources.Click here. |
| Notes:Click here. |

## Not-for-profit Incorporation and Bylaws

|  |  |
| --- | --- |
| 1. Incorporate or organize according to the requirements of provincial or federal law and maintain legal status
 | Choose an item. |
| Date of incorporation | Click here. |
| Notes:Click here. |
| If a membership organization, does the incorporating document and/or the bylaws describe the roles, rights and responsibilities of membership? | Choose an item. |
| Notes:Click here. |
| Does the organization follow provincial and/or federal not-for-profit and charity reporting and annual filing requirements? | Choose an item. |
| Notes:Click here. |
| Does the land trust have any related entities, such as a corporation, supporting organization or other affiliated entity (whether for profit or non-profit), legally linked to the organization? | Choose an item. |
| Notes: *E.g. What are they? What is their function?*Click here. |
| 1. Operate in accordance with established bylaws
 | Choose an item. |
| Do the bylaws contain significant operational provisions, consistent with federal and provincial non-profit laws and regulations, to appropriately guide the land trust’s work? | Choose an item. |
| Notes: Click here. |
| Are the land trust’s current practices consistent with its bylaws? | Choose an item. |
| Notes:Click here. |
| 1. Review the bylaws at least once every five years to ensure consistency with current operations, the organizing documents and provincial and/or federal law
 | Choose an item. |
| Are the bylaws reviewed at least once every five years? | Choose an item. |
| Notes: Click here. |
| Describe when and how the bylaws were last reviewed and who was involved in the review below.Click here. |
| Notes:Click here. |

## Tax Status

|  |  |
| --- | --- |
| 1. Maintain status as a non-profit, registered charity or qualified done under the *Income Tax Act* (Canada)
	1. File a complete and accurate annual information return with the Canada Revenue Agency and/or federal/provincial government
 | Choose an item. |
| Has the land trust received a letter from the Canada Revenue Agency granting charitable status? | Choose an item. |
| Notes:Click here. |
| 1. Comply with applicable rules regarding business activity and private or undue benefit
 | Choose an item. |
| Does the land trust understand and comply with: |
| * Prohibitions on undue benefits
 | Choose an item. |
| * Advocacy requirements including registering for advocacy activities where needed
 | Choose an item. |
| Notes:Click here. |
| 1. Where applicable, comply with federal requirements regarding political activities
 | Choose an item. |
| Do the board and staff, if any, understand and comply with prohibitions on political activities? | Choose an item. |
| Notes: *E.g. How does the land trust educate staff and board about prohibitions regarding political activities?*Click here. |

# Standard 3: Board Accountability

Land trust boards act ethically in conducting the affairs of the organization and carry out their legal and financial responsibilities as required by law.

*How well is the land trust meeting this practice?*

*1 = not currently meeting*

*4 = meets or exceeds*

## Board Responsibility

|  |  |
| --- | --- |
| 1. Individual board members are informed of and understand their role and their responsibilities as not-for-profit board members, including their legal and fiduciary duties.
 | Choose an item. |
| Does the board understand its legal and fiduciary duties of Care, Loyalty and Obedience? | Choose an item. |
| Notes: *E.g. How does the land trust educate its board about their fiduciary duties?*Click here. |
| 1. The board hires, oversees and evaluates, at least annually, the performance of any executive director (or chief staff person)
 | Choose an item. |
| If the land trust has staff, describe who, how and when the board evaluates the executive director or chief staff person:Click here. |
| Notes:Click here. |
| 1. The board may delegate decision-making and management functions to committees, provided that committees have clearly defined roles and report to the board or staff
 | Choose an item. |
| Do all the land trust’s standing and current ad hoc committees have clearly defined roles?  | Choose an item. |
| Notes:Click here. |
| Is there an annual work plan for each committee that details its roles and responsibilities? | Choose an item. |
| Notes:Click here. |
| Do all committees to which the board has delegated decision-making and/or management functions report to the board or staff? | Choose an item. |
| Notes:Click here. |

## Board Composition and Structure

|  |  |
| --- | --- |
| 1. Have a board of sufficient size, skills, backgrounds and experiences to conduct its work effectively
 | Choose an item. |
| Number of board seats authorized in the bylaws: | Click here. |
| Number of board seats currently filled: | Click here. |
| How does the board determine the skills, background and expertise needed on the board?Click here. |
| Notes:Click here. |
| 1. Have a board substantially composed of independent members to reduce risk arising from conflicts of interest
 | Choose an item. |
| Number of independent board members: | Click here. |
| Notes:Click here. |
| 1. Have a board development process that includes procedures for recruiting and training board members
 | Choose an item. |
| How does the board recruit and train board members?Click here. |
| Notes:Click here. |
| Are there relevant policies and practices in place? | Choose an item. |
| Notes: E.g. *Name the policies and practices. When were they adopted? When were they last reviewed?*Click here. |
| Are these implemented for recruitment and training? | Choose an item. |
| Notes:Click here. |
| Are training documents regularly updated? | Choose an item. |
| Notes: E.g. *How regularly are documents updated?* Click here. |
| 1. Ensure the board’s presiding officer and treasurer are not the same individual
 | Choose an item. |
| Are the offices of the board president/chair and treasurer currently held by the same individual? | Choose an item. |
| Notes:Click here. |
| 1. If, in rare circumstances, a staff member serves on the board, clearly define the staff role and ensure that any exercise of decision-making authority complies with rules regarding conflicts of interest
 | Choose an item. |
| Does a staff member currently serve on the board? | Choose an item. |
| If yes, in what capacity?Click here. |
| If yes, how does the land trust mitigate the potential for undue influence?Click here. |
| Notes:Click here. |

## Board Governance

|  |  |
| --- | --- |
| 1. Provide board members with written expectations for their services on the board
 | Choose an item. |
| Are board members provided with written information (such as job descriptions, board expectations or a board contract) to help them understand their responsibilities and fulfill their roles as board members? | Choose an item. |
| Notes:Click here. |
| Does the land trust have an up-to-date board policy manual? | Choose an item. |
| Notes: *E.g. When was it last updated? How frequently is it reviewed?*Click here. |
| 1. The board meets a minimum of three times per year and maintains adopted minutes of each meeting
 | Choose an item. |
| Does the board meet regularly and often enough to conduct its business effectively? | Choose an item. |
| Total number of board meetings in the last 12 months: | Click here. |
| Notes: *E.g. How often does the board meet annually?*Click here. |
| Does the board maintain and adopt minutes of each board meeting? | Choose an item. |
| If yes, do the board meeting minutes sufficiently document board discussion and action? | Choose an item. |
| Notes:Click here. |
| 1. Provide board members with sufficient and timely informational materials prior to each meeting to make informed decisions
 | Choose an item. |
| Are the board meeting materials sent at least three days before each meeting? | Choose an item. |
| If yes, meeting materials include (check all that apply):[ ]  An agenda[ ]  Minutes of the previous meeting[ ]  Informational materials on most discussion and decision items on the agenda, such as information about proposed conservation transactions or financial reports |
| Notes:Click here. |
| 1. Board members evaluate their performance annually as a group and as individuals at least once every three years
 | Choose an item. |
| How often does the board evaluate its performance as a whole? | Click here. |
| Notes:Click here. |
| How often does the board evaluate individual board members? | Click here. |
| Notes:Click here. |
| How does the board evaluate its performance?Click here. |
| Notes:Click here. |
| How are individual board members evaluated?Click here. |
| Notes:Click here. |
| 1. Adopt procedures for removing board members who are not fulfilling their responsibilities
 | Choose an item. |
| Does every board member attend meetings regularly, stay informed, participate in the land trust’s business and its oversight and serve as ambassadors for the organization? | Choose an item. |
| Notes:Click here. |
| Does the board have procedures for removing inactive or ineffective board members? | Choose an item. |
| Notes: *E.g. Describe the procedure, when it was adopted and when it was last reviewed.*Click here. |
| Does the land trust have a policy limiting the number of terms a board member may serve? | Choose an item. |
| Notes: *E.g. What is the policy? When was the policy adopted? When was it last reviewed?*Click here. |
| 1. Have governing documents that contain policies and procedures (such as provisions for a quorum and adequate meeting notices) to encourage broad participation and to prevent a minority of board members from acting for the land trust without proper delegation of authority
 | Choose an item. |
| Do the land trust’s bylaws contain provisions for a quorum and notice of meetings? | Choose an item. |
| Notes: *E.g. What are the provisions for a quorum and notice of meetings?*Click here. |
| Does the full board review and approve every land and conservation agreement transaction before the transaction is complete? | Choose an item. |
| Notes:Click here. |
| If there are substantial changes to a project following board approval, is the board notified of those changes prior to closing? | Choose an item. |
| Notes:Click here. |
| Transaction approval authority may be delegated to a committee or staff only after the board has adopted a written delegation of transaction approval policy or has such bylaws provision. Has the land trust adopted such a policy or have such bylaws provision? | Choose an item. |
| If yes, the policy or bylaws provision includes (check all that apply):[ ]  The limits given to the delegated entity (such as requiring full board approval if a conflict party is involved or requiring a committee to review before a final decision is made, etc.)[ ]  Criteria for transactions[ ]  Requirements that if the project changes significantly after approval (such as change in size, restrictions, number/type of reserved rights, then the land trust provides the board or delegated entity with notice of change before closing)[ ]  Requirements for timely notification of completed transactions to board (preferably by or at the next meeting)[ ]  Requirements for periodic evaluation of the policy |
| Notes: *E.g. When was the policy adopted? When was it last reviewed?*Click here. |
| Why has the land trust chosen to delegate transaction approval to an individual or group other than the full board?Click here. |
| Notes: *E.g. What approvals have been delegated and to whom? Why?*Click here. |

# Standard 4: Conflicts of Interest

Land trusts have policies and procedures to avoid or manage real or perceived conflicts of interest.

*How well is the land trust meeting this practice?*

*1 = not currently meeting*

*4 = meets or exceeds*

## Dealing with Conflicts of Interest

|  |  |
| --- | --- |
| 1. Adopt a written conflict of interest policy that addresses, for all insiders, how conflicts are identified and avoided or managed
 | Choose an item. |
| Does the land trust have a dated, written conflict of interest policy? | Choose an item. |
| If yes, the policy (check all that apply):[ ]  Describes who is an insider, including:* + - Board and staff
		- Substantial contributors
		- Parties related to the above
		- Those who have the ability to influence decisions of the land trust
		- Those with access to information not available to the general public

[ ]  Addresses how the land trust identifies actual, potential and perceived conflicts, including how and when conflicts should be disclosed[ ]  Addresses how the land trust avoids or manages conflicts |
| Notes: *E.g. When was it adopted? When was it last reviewed?*Click here. |
| 1. Document the disclosure and management of actual and potential conflicts
 | Choose an item. |
| Do meeting minutes or other records sufficiently document that the conflicted party was absent for any board discussion of the actual, potential or perceived conflict, except when requested to provide factual information? | Choose an item. |
| Notes:Click here. |
| 1. When engaging in any transaction with an insider,
	1. Follow the conflict of interest policy
	2. Contemporaneously document that there is no private or undue benefit
 | Choose an item. |
| Within the past five years, has the land trust:[ ]  Acquired (through purchase, donation or other means) land or conservation agreement from an insider[ ]  Sold land to an insider[ ]  Engaged in any other land or conservation agreement transactions with an insider (such as amendments or transfers)[ ]  Engaged in financial transactions other than land or easement transactions (such as contracts for legal or bookkeeping services, rental payments, purchases of goods or services, loans and so on) with an insider? |
| Notes:Click here. |
| If yes, for each transaction, did the land trust: |
| Follow its conflict of interest policy? | Choose an item. |
| Follow all other applicable policies and procedures? | Choose an item. |
| Document that it appropriately managed the transaction? | Choose an item. |
| Document the absence of private inurement, including obtaining legal counsel to confirm, if necessary? | Choose an item. |
| Notes:Click here. |

# Standard 7: Human Resources

Land trusts have sufficient skilled personnel to carry out their programs, whether volunteers (including board members), staff and/or consultants/contractors.

*How well is the land trust meeting this practice?*

*1 = not currently meeting*

*4 = meets or exceeds*

## Capacity

|  |  |
| --- | --- |
| 1. Regularly evaluate whether the land trust has sufficient volunteers, staff and/or consultants/contractors to achieve its strategic goals and carry out its programs, and then add capacity as needed
 | Choose an item. |
| Number of Full-time Staff: Click here.Number of Part-time Staff: Click here. Number of Consultants/Contractors: Click here. |
| Notes: Click here. |
| Describe how and when the land trust evaluates its programs, activities and long-term responsibilities to determine if it has sufficient personnel capacity to carry out its plan of work and who is involved in this evaluation:Click here. |
| Notes:Click here. |
| Do volunteers and/or staff members have a manageable workload, and does the land trust take measurements to avoid volunteer/staff burnout? | Choose an item. |
| Notes: *E.g. How does the land trust assess workload and avoid burnout?*Click here. |
| Does the land trust have any plans to add staff or otherwise increase its personnel capacity within the next five years? | Choose an item. |
| Notes:Click here. |

## Volunteers

|  |  |
| --- | --- |
| 1. Provide volunteers with training, supervision and recognition
 | Choose an item. |
| Approximate number of active volunteers (including board members) | Click here. |
| Briefly describe how the land trust recruits, trains, supervises and recognizes its volunteers:Click here. |
| Notes:Click here. |

## Consultants or Contractors

|  |  |
| --- | --- |
| 1. Clearly define relationships with consultants or contractors, ensure they are consistent with provincial and federal law and document them in a written contract, as appropriate.
 | Choose an item. |
| Does the land trust appropriately classify workers as independent contractors versus employees? | Choose an item. |
| Notes:Click here. |
| Does the land trust have standard procedures for soliciting bids and entering into contracts? | Choose an item. |
| Notes: *E.g. Name the procedure. When was it adopted? When was it last reviewed?*Click here. |

## Transition Planning

|  |  |
| --- | --- |
| 1. Develop a written process or plan to provide for continuity in the leadership and management of the land trust’s functions.
 | Choose an item. |
| Does the land trust have an emergency succession plan for the unexpected absence or departure of an organization’s leader or other key personnel? | Choose an item. |
| Notes: *E.g. Describe the plan. When was it developed? When was it last reviewed?*Click here. |
| Does the land trust have a transition plan for prospective changes in leadership on both the board and executive staff level? | Choose an item. |
| Notes: *E.g. Describe the plan. When was it developed? When was it last reviewed?*Click here. |
| Are job duties or work procedures for key positions documented to help provide continuity? | Choose an item. |
| Notes: *E.g. Describe the procedures. When were they developed? When were they last reviewed?*Click here. |

## Staff

|  |  |
| --- | --- |
| 1. Have a written job description for each staff member and conduct periodic performance reviews
 | Choose an item. |
| Does the land trust have a current written job description and annual goals for each staff member? | Choose an item. |
| Notes:Click here. |
| How and when does the land trust conduct performance reviews for its staff?Click here. |
| Notes:Click here. |
| 1. Document the lines of authority, communication and responsibility between board and staff
 | Choose an item. |
| Are the lines of authority, communication and responsibility between board and staff documented? | Choose an item. |
| Notes: *E.g. How are they documented?*Click here. |
| Does this documentation make clear to board members the difference between their roles as board members and when they have a role as a volunteer assisting staff? | Choose an item. |
| Notes:Click here. |
| Does the board delegate to the chief staff person (usually the executive director) supervisory authority over all other staff? | Choose an item. |
| Notes:Click here. |
| 1. Ensure staff have appropriate training and experiences for their responsibilities and/or opportunities to gain the necessary knowledge and skills
 | Choose an item. |
| Are volunteers and staff provided with the training they need to carry out their responsibilities? | Choose an item. |
| Notes:Click here. |
| How much does the land trust spend each year to train board members/volunteers: Click here.How much does the land trust spend each year to train staff: Click here. |
| Notes:Click here. |
| 1. Adopt written personnel policies that conform to provincial and federal laws
 | Choose an item. |
| Does the land trust have dated, written personnel policies? | Choose an item. |
| Notes: *E.g. Name the policy. When was it adopted? When was it last reviewed?*Click here. |
| Does the land trust adhere to all federal and provincial laws and regulations related to employment practices, including hiring, wage and hour, tax withholding and reporting, and dismissal? | Choose an item. |
| Notes:Click here. |

# Standard 9: Ensuring Sound Transactions

Land trusts work diligently to see that every land and conservation agreement transaction is legally, ethically and technically sound

*How well is the land trust meeting this practice?*

*1 = not currently meeting*

*4 = meets or exceeds*

## Recordkeeping

|  |  |
| --- | --- |
| 1. Adopt a written records policy that governs how and when organization and transaction records are created, collected, retained, stored and destroyed
 | Choose an item. |
| Has the land trust adopted a written records policy? | Choose an item. |
| If yes, the policy (check all that apply):[ ]  Covers organizations (e.g., financial, board, personnel, donor), transaction and stewardship records[ ]  Addresses records management including:* Short and long-term records maintenance and storage
* Who is the custodian of records?
* How records will be protected from loss, fire and other hazards and access by unauthorized persons
* For real property transactions, the definition of what the land trust considers to be documents essential to the defense of each transaction
* Provisions and procedures for duplicate copies of essential records
* Document destruction
 |
| Notes: *E.g. Name the policy. When was it adopted? When was it last reviewed?*Click here. |

# Setting Priorities

Based on what you have learned about your land trust’s implementation of these governance practices, please complete the following list.

Our organization’s governance strengths are:

|  |
| --- |
| 1. Click here.
 |
| 1. Click here.
 |
| 1. Click here.
 |

Our greatest governance challenges are:

|  |
| --- |
| 1. Click here.
 |
| 1. Click here.
 |
| 1. Click here.
 |

Some specific steps we will take over the next one to three years toward overcoming the challenges are:

|  |
| --- |
| 1. Click here.
 |
| 1. Click here.
 |
| 1. Click here.
 |