



KRESY-SIBERIA[®]

www.KRESY-SIBERIA.org

Dedicated to research, remembrance and recognition of Poland's citizens' struggles for freedom and survival in the Eastern Borderlands and in forced exile during World War II

KRESY-SIBERIA CODE OF CONDUCT



Updated on 30 May 2014

Including

**Kresy-Siberia Charities and Kresy-Siberia Committees
(As at 1 May 2016)**

Statement of Affirmation by Kresy-Siberia Representative

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CODE OF CONDUCT

Updated on 30 May 2014

1 THE KRESY-SIBERIA FOUNDATION

1. The Kresy-Siberia Foundation ("**Foundation**" or in Polish "*Fundacja Kresy-Syberia*") is a statutory corporation founded by Stefan Wisniowski under the Polish Law of Foundations of 6 April 1984, legal bulletin "*Dziennik Ustaw*" of 1991 no. 46, item 203 with further amendments ("**the Law**"), and the provisions of its Statutes. The Foundation operates in Poland and abroad and may create branches, subsidiary units and representative offices inside and outside Poland as well as liaise with other foundations and act as a member of associations.
2. The Foundation's principal objective is to inspire, promote and support the worldwide research, remembrance and recognition of Poland's citizens' struggles under occupation and in exile in connection with the Second World War; and in doing so to:
 - a. Include Polish citizens' lives in Poland before and during the Second World War and their life in exile during and after the war;
 - b. Initially focus on the experiences of Polish citizens affected by the Soviet invasion and occupation of eastern Poland, including their subsequent experiences;
 - c. Preserve the memory of the former Eastern Borderlands of the Second Republic of Poland prior to Soviet occupation and of the Polish citizens of different ethnicities and religions who had lived there for centuries;
 - d. Support the exiled Polish citizens and their descendants to research the fate of their families, to widen their knowledge about their Polish roots and strengthen their connections with the Polish nation;
 - e. Undertake and support cooperation between the Members of Polonia and Poles living abroad with the Polish nation in the areas of education, research, culture, religion and economics;
 - f. Build the knowledge and appreciation of Polish culture in Polonia communities;
 - g. Deepen the knowledge and appreciation inside Poland of Polonia and the Polish emigration;
 - h. Organise various means of promoting the scientific and cultural achievements of Poles and of Polonia.

2 KRESY-SIBERIA CHARITIES & COMMITTEES

1. In accordance with its Statutes and Objects, the Foundation and/or its Representatives have established or recognised incorporated Kresy-Siberia Charities and unincorporated Kresy-Siberia Committees outside Poland to support the Foundation in its mission.
2. Kresy-Siberia Charities and Kresy-Siberia Committees are all permitted to use the Kresy-Siberia name, logo and other identification materials, and present and conduct themselves as fully aligned partners of the Kresy-Siberia Foundation in support of its mission.
3. The Foundation enters into appropriate contractual agreements with the Kresy-Siberia Charities in accordance with local tax laws, to enable financial and other support to flow between the organisations and to enable donors to receive income tax deductible receipts for donations in their jurisdictions.
4. In order to provide coordination and alignment, the Foundation President, or their nominee, is a Director of each Kresy-Siberia Charity board or a corresponding member of each Kresy-Siberia Committee.
5. The Foundation, its Kresy-Siberia Charities and Kresy-Siberia Committees are collectively referred to as "**Kresy-Siberia**".

3 LEGAL CONSIDERATIONS AND KRESY-SIBERIA REPRESENTATIVES

1. Kresy-Siberia's Founder, Foundation President, Executive Committee Members, Board Directors, Committee members and Staff, whether employed, contracted or voluntary, are collectively referred to as "**Kresy-Siberia Representatives**".
2. Under the Law, the Founder:
 - a. has specified the Foundation's name, location and assets, objectives, policies, forms and scope of activities, composition and organization of the Executive Committee ("**EC**" or in Polish, "*zarząd*"), the method of appointment and the duties and powers of the EC and its members;
 - b. has issued Statutes that also include provisions regarding the conduct of business by the Foundation, the admissibility of its merger with another foundation, changes to the statute, and the creation of other authorities ("*organy*") of the Foundation besides the mandatory EC;
3. Under the Law, the EC:
 - a. is the Foundation's mandatory management organ, consisting of at least 2 persons responsible for managing operations and representing it externally (the Foundation's EC consists of 2-9 Members, including a Chair, each individually appointed by the Foundation President for an indefinite term);
 - b. is responsible for the Foundation's tax payments, with each member personally liable in case the Foundation can't pay For the Foundation, this relates to employee income taxes and VAT tax collected on revenues, such as audiobooks and sponsorships;
 - c. is responsible for declaring insolvency, in the case that the Foundation is unable to pay its obligations relating to any commercial activity that it may undertake, with each EC member personally liable only for the obligations taken on while it is insolvent, and only if such a declaration is not filed within 2 weeks;
 - d. and its individual members, other than in the specific cases above, are not liable for any unpaid debts of the Foundation;
 - e. is responsible for submitting annual financial and operational reports to various government authorities throughout the year, and each individual member is responsible for the submission and accuracy of these reports, subject to financial and jail penalties;
 - f. members must each individually sign the above reports, unless they disagree with them, in which case they must file a signed report explaining why they disagree.
4. Under the Law, supervision ("*nadzór*") of the Foundation:
 - a. must be provided externally by the county governor ("*starosta*") of Warsaw, its headquarters county ("*powiat*"), and by the Minister of Culture and National Heritage as the relevant government minister selected by the Founder;
 - b. and/or audit, optionally may also be provided internally by other authorities ("*organy*") such as a Council ("*Rada*"), Supervisory Board ("*Rada Nadzorcza*"), Audit Committee ("*Komisja Rewizyjna*") or as under the Foundation Statutes, the Foundation President ("*Prezes Fundacji*").
5. As the internal supervisory organ of the Foundation, the Foundation President is responsible for:
 - a. ensuring that the Foundation and its executives act within the Statutes and applicable laws, by attending all EC meetings, approving budgets and work programs, posing questions as appropriate and receiving reports from EC Members.
 - b. confirming the annual financial and operational reports submitted to various government authorities throughout the year;
 - c. the submission and accuracy of the above reports, subject to financial and jail penalties;
 - d. signing the above reports unless they disagree with them, in which case they must file a signed report explaining why they disagree.
6. Several EC Members are also Board Directors of Kresy-Siberia Charities in order to facilitate communication and cohesion of purpose and action between the Foundation and its Kresy-Siberia Charities.
7. Board Directors and Staff of Kresy-Siberia Charities and members of Kresy-Siberia Committees are responsible for complying with local laws regarding their organisation's operations and finances.

4 STANDARDS OF CONDUCT

1. For Kresy-Siberia to command the confidence of all of our key stakeholders, Kresy-Siberia Representatives must adopt and comply with appropriate standards of conduct. Upon appointment and in order to retain their positions, Kresy-Siberia Representatives are required to confirm their commitment to and maintain their compliance with this Code of Conduct.
2. Kresy-Siberia Representatives have a duty to discharge their statutory obligations with honesty, integrity and professionalism, at all times acting in the best interests of the Foundation. Kresy-Siberia Representatives are expected to maintain a commitment to ensuring that the Foundation and its Kresy-Siberia Charities meet their statutory obligations and, in doing so, they should adhere to standards of professional behaviour that promote and maintain community and stakeholder confidence and trust in Kresy-Siberia.
3. This Code of Conduct provides guidelines for Kresy-Siberia Representatives in exercising their functions. Nothing in the Code is intended to add to, modify or detract from, rights and obligations that Kresy-Siberia Representatives have by operation of statute or under the general law.

5 PRINCIPLES OF CONDUCT

1. In performing their duties, Kresy-Siberia Representatives should:
 - a. Respect and uphold the rights and personal or community background of other Kresy-Siberia Representatives and the community.
 - b. Strive at all times to avoid disparaging or offending other Kresy-Siberia Representatives.
 - c. Avoid commenting on current politics that could cause dissension between Kresy-Siberia Representatives, especially those not on the topic of the history and fate of Poland's citizens' struggles for freedom and survival under occupation and in exile in connection with the Second World War.
 - d. Treat other Kresy-Siberia Representatives, donors, partners and suppliers, and members of the Kresy-Siberia Group and the wider community with respect and courtesy in a non-discriminatory manner. Prejudicial behaviour of any nature, including religious or racial, will not be tolerated.
2. The Foundation reserves the right to warn, or by joint resolution of the Foundation President and the EC, suspend or remove Kresy-Siberia Representatives who are unable to respect these values.

6 PERSONAL AND PROFESSIONAL BEHAVIOUR

1. Kresy-Siberia Representatives should reflect Kresy-Siberia's values and uphold and enhance Kresy-Siberia's reputation as well as their personal reputation, in performing their functions and also in their personal, professional and organisational behaviour, whether in relation to, or incidental to their Kresy-Siberia roles. These Kresy-Siberia's values are:
 - a. Integrity, which includes trustworthiness and loyalty to Kresy-Siberia and its mission;
 - b. Professionalism, which includes putting the interests of Kresy-Siberia and its beneficiaries before one's own;
 - c. Objectivity, which includes the unbiased but fearless presentation of historical facts;
 - d. Excellence, which includes performing to the highest standards of innovation and execution;
 - e. Efficiency, which includes the judicious use of resources; and
 - f. Equity, which includes fairness in the allocation of benefits and responsibilities.
2. Kresy-Siberia Representatives should always behave in a professional and responsible manner, especially, but not only, when representing Kresy-Siberia on business or social occasions.

7 ACCOUNTABILITY

1. Kresy-Siberia Representatives should attend all meetings of the formal committees and sub-committees of which they are a member, as far as possible, provide their reports in advance and take the necessary time to prepare for meetings, including reading other reports in advance of meetings.

2. Kresy-Siberia Representatives should ensure that all decisions, reasons for those decisions and processes of their formal committees or sub-committees are documented and minutes of all official meetings prepared and retained as official records.
3. To foster a climate of ethical awareness and conduct, the following questions may be used as a guide to accountable decision-making:
 - a. Is the decision or conduct lawful and consistent with Kresy-Siberia objectives, Code of Conduct, policies and procedures?
 - b. What is the likely outcome for fellow Kresy-Siberia Representatives, Kresy-Siberia's beneficiaries and other stakeholders?
 - c. Can the decision or conduct be justified in terms of Kresy-Siberia's interest and would it withstand scrutiny by Kresy-Siberia's beneficiaries and other stakeholders?
 - d. Do these outcomes raise a conflict of interest or lead to a private gain at the expense of Kresy-Siberia or its funders?

8 USE OF KRESY-SIBERIA RESOURCES

1. Kresy-Siberia resources include financial, material, brand identity and human resources. All Kresy-Siberia resources are entrusted to the care of Kresy-Siberia Representatives, and should be used scrupulously, economically and effectively.
2. Kresy-Siberia will provide whatever resources are available to ensure that the EC and other committees and sub-committees are able to perform their functions. All such resources should be used only for Kresy-Siberia work and in accordance with any guidelines for their use. Brand identities (logos and names) will be used in accordance with graphics and usage guidelines and standards set by Foundation.
3. If a Kresy-Siberia Representative wishes to use Kresy-Siberia resources for private purposes, he or she should obtain the permission of the President of that organisation, or in the case that such Kresy-Siberia Representative is a President, of the respective EC or Board of Directors.

9 DISCLOSURE OF CONFIDENTIAL INFORMATION

1. As a general rule, a Kresy-Siberia Representative should not disclose to third parties information in their possession which is confidential to one or more Kresy-Siberia organisations.
2. This code recognises that certain Kresy-Siberia Representatives are members of more than one Kresy-Siberia organisation, and in the application of these standards these organisations are together considered as part of one, wider Kresy-Siberia organisation.
3. To enable Kresy-Siberia Representatives to perform their duties effectively, it is appropriate that they should be able, within reason, to seek the views of others involved with their local organisation's stakeholders on matters that are likely to affect their interests. This might necessitate disclosure of information to enable them to:
 - a. Be informed of the views, or likely views, of their organisation's stakeholders; or
 - b. Make any requests to help them to more effectively perform their duties.
4. In disclosing any information to others involved with their organisation, Kresy-Siberia Representatives are to have regard that any such disclosure should be limited to such information as is necessary to obtain views of the stakeholders on the matter under consideration and should not extend to any sensitive information that is not material or necessary for that purpose.

10 RECOGNISING AND MANAGING CONFLICTS OF INTEREST

1. It is important that the personal interests of Kresy-Siberia Representatives, their associations or activities (financial or otherwise), so far as they might conflict with his or her Kresy-Siberia duties, not be permitted to affect the actual and the perceived proper performance of those duties.

2. As a guide, a conflict between a personal interest and duty could occur where a Kresy-Siberia Representative might be perceived as influenced in their judgement in the course of their duties because they, or an associated person or organisation, have a personal interest in the decision by:
 - a. Standing to potentially benefit personally from a Kresy-Siberia decision that the Kresy-Siberia Representative is involved in; or
 - b. Having a relationship with associated people or associated organisations that Kresy-Siberia has, or is proposed to enter into, contractual or financial dealings with.
3. An associated person is defined as one related to the Kresy-Siberia Representative by family, residential, financial or contractual ties. An associated organisation is one related to the Kresy-Siberia Representative by beneficial ownership, membership, employment or other financial or contractual ties, with the exception of another Kresy-Siberia organisation.
4. A Kresy-Siberia Representative has a duty to declare a personal interest that might reasonably be thought to be material to any Kresy-Siberia decision that they are involved in making.
5. In case of a potential conflict of interest, the Kresy-Siberia Representative should, as soon as practicable, disclose full details of the interest to their Kresy-Siberia EC or Board of Directors, as applicable, along with a proposal of how to manage the potential conflict in accordance with the above principles. That group should then determine the appropriate course of action, which could include excluding the Kresy-Siberia Representative from the discussion of the specific matter or having their decisions subsequently reviewed and confirmed as being appropriate.

11 PUBLIC COMMENT

1. Unless specifically authorized by the Foundation President or the EC to do so, only the Foundation President and Members of the EC should issue public communications in the name of Kresy-Siberia.
2. When representing Kresy-Siberia, for instance at speaking engagements or at meetings, Kresy-Siberia Representatives should make themselves current with their knowledge of Kresy-Siberia policies and developments. Matters raised outside a Kresy-Siberia Representative's area of expertise should be referred to the appropriate person.

Attachments

1. Kresy-Siberia Charities and Kresy-Siberia Committees
2. Statement of Affirmation by Kresy-Siberia Representative

Kresy-Siberia Charities and Kresy-Siberia Committees

As at 1 May 2016

This section provides supplementary information and does not form part of the Code of Conduct.

1. The Foundation has incorporated two Kresy-Siberia Charities and legally controls them as the Sole Member appointing the Board of Directors:
 - a. Kresy-Siberia (Australia) Ltd, incorporated on 15 April 2009 as a public company limited by guarantee (ABN 63 136 599 776) and registered as a Deductible Gift Recipient under Australian tax legislation;
 - b. Kresy-Siberia (UK) was incorporated on 27 June 2009 as a public company limited by guarantee (Company No. 6946138) and registered as a charity (Registered Charity 1137210) under UK tax legislation.

2. The Foundation, through its Executive Committee members, incorporated two Kresy-Siberia Charities which are legally independent, due to local tax laws. It entered legal agreements, to comply with local tax laws, with these two Charities to raise funds for the Kresy-Siberia Virtual Museum:
 - a. Kresy-Siberia Foundation (USA), incorporated on 17 November 2009 as a Corporation For Non-Profit (Charter / Registration Number 1896342) in the State of Ohio, USA and registered as a 501(c)3 tax deductible charity (EIN 27-1372055); the Kresy-Siberia Virtual Museum Funding Agreement with the Foundation covered the years 2011, 2012 and 2013; the USA Charity does not currently fundraise for the Kresy-Siberia Virtual Museum;;
 - b. Kresy-Siberia (Canada) Inc., incorporated on 24 November 2010 as a company under Canadian federal letters patent (Company Number 7675747) and a tax deductible charity (833416407RR0001) under Canadian tax legislation; the Kresy-Siberia Virtual Museum Joint Venture Agreement with the Foundation covered the years 2012, 2013 and 2014; the Canadian Charity does not currently fundraise for the Kresy-Siberia Virtual Museum.

3. The Foundation also has official representation in New Zealand and South Africa:
 - a. Kresy-Siberia (NZ) operates under the corporate umbrella of Kresy-Siberia (Australia), and issues tax deductible donation receipts under an agreement with the Polish Association of New Zealand;
 - b. Kresy-Siberia (SA) does not yet have any corporate or tax deductible donation arrangements in place.

CODE OF CONDUCT

Statement of Affirmation by Kresy-Siberia Representative

This section should be signed and filed with the Foundation and does not form part of the Code of Conduct.

To: Kresy-Siberia Foundation

I have received and read a copy of the Kresy-Siberia Code of Conduct ("Code of Conduct"), dated 30 May 2014, and have had the opportunity to clarify any issues that I might have had with it.

I agree to abide by the provisions of the Code of Conduct.

Kresy-Siberia Representative's name	
Position <i>(cross out any that do not apply)</i>	
<ul style="list-style-type: none">• Founder• Foundation President• Executive Committee Member• Board Director/Trustee• Employee• Contractor• Consultant• Intern• Volunteer	
Kresy-Siberia organisation(s) <i>(please specify)</i>	
Signature	Date