

<b>Section V11</b>	<b>VIASPORT:  CONFLICT OF INTEREST POLICY</b>	
Approved: September 6, 2018	Current Version Approved:	Date of Last review: September 6, 2018

## **PURPOSE**

The purpose of this policy is to provide guidance in identifying and handling potential and actual conflicts of interest involving the BC Sailing Association. In most instances, conflicts of interest can be avoided simply by continuing to exercise good judgment and, indeed, the BCSA relies on the sound judgment of its Board members and employees to prevent many such conflict situations.

BCSA is committed to the highest levels of integrity. Volunteer members and staff of the association are expected to conduct their relationships with each other, the BCSA, and outside organizations with objectivity and honesty. The general rule is that: BCSA Board members and employees are obligated to avoid and disclose ethical, legal, financial, or other conflicts of interest involving the association, and remove themselves from a position of decision-making authority with respect to any conflict situation involving the foundation.

## **1. POLICY STATEMENT**

- 1.1 The aim of this policy is to provide a standard of behaviour that prevents exploitation of conflict of interest situations.
- 1.2 BC Sailing Representatives have the obligation to avoid ethical, legal, financial, or other conflicts of interest and to ensure that their activities and interests do not conflict with their obligations to the BC Sailing Association or its welfare.

## **2. DEFINITIONS**

- 2.1 "Conflict of Interest" – Any situation in which an individual or organization representing the British Columbia Sailing Association, in any capacity is influenced or could be influenced in a decision by personal, family, financial, business or other interests which over-ride BC Sailing Association's best interests.
- 2.2 "BC Sailing Association Representatives" - Any individual employed by, or engaged in activities on behalf of BC Sailing Association including: employees, contractors, volunteers, Directors of the Board, members, committee members, and administrators.

## **3. APPLICATION**

- 3.1 This policy shall apply to BC Sailing Association representatives.

## 4. PRINCIPLES

- 4.1 BC Sailing Association is committed to providing sport environment that is characterized by honesty, excellence, fairness, integrity, open communications and mutual respect.
- 4.2 BC Sailing Association believes that these values and ideals should guide all our communications and actions.

## 5. PROVISIONS

- 5.1 BC Sailing Association representatives shall not:
  - i. Engage in any business or transaction or have a financial or other personal interest which is incompatible with the discharge of their duties and obligations;
  - ii. Knowingly place themselves in a position where they are under obligation to any person who might benefit from special consideration or favour on their part or who might seek, in any way, preferential treatment;
  - iii. Knowingly place themselves in a position where they could be influenced in a decision by personal, family, financial, business or other interests;
  - iv. Accord, in the performance of their duties and obligations, preferential treatment to relatives or friends or to organizations in which they or their relatives or friends have an interest, financial or otherwise;
  - v. Benefit from the use of information acquired during the course of their official duties, which is generally not available to the public;
  - vi. Engage in any outside work, activity, or business undertaking:
    - a. that conflicts or appears to conflict with their duties as a BC Sailing Association;
    - b. in which they have an advantage or appear to have an advantage derived from their association with the BC Sailing Association; or
    - c. in a professional capacity that will or might appear to influence or affect carrying out of their duties as a BC Sailing Association Representative;
  - vii. Use BC Sailing Association property, equipment, supplies, or services of consequence for activities not associated with the discharge of official duties;
  - viii. Place themselves in a position where they could derive any direct or indirect benefit or interest from any contracts, the decisions with respect to which, they could influence; or
  - ix. Accept any gift that could reasonably be construed as being given in anticipation or recognition or of special consideration by the BC Sailing Association.

5.2 Disclosure of conflict of interest shall be made in the following ways:

- i. A formal declaration form (Appendix 1) will be distributed to all BC Sailing Association Representatives as part of their orientation to the organization. Instructions will also be given in their orientation about how and when to complete the formal declaration.
- ii. For those who are nominated for election, they will disclose prior to the election their potential conflict of interest;
- iii. At the first annual meeting of a Committee, each member shall make verbal disclosure of their interests, to be recorded and submitted to the Board of Directors;
- iv. In addition to the foregoing, whenever a BC Sailing Association representative considers that he or she could be, or could potentially be, in a conflict of interest as defined within this policy or otherwise, he or she shall disclose this conflict to either the Committee (if during a committee meeting), or the Board of Directors, or submit a formal declaration form (Appendix 1);
- v. Any BC Sailing Association Representative who feels that another BC Sailing Association Representative is in a conflict of interest can raise the matter with either the Committee (if during a committee meeting) or the Board of Directors or submit a formal declaration form (Appendix 1);
- vi. If a BC Sailing representative is in doubt as to whether or not a conflict of interest situation exists, he or she should provide disclosure to the Executive Director or Board of Directors by submitted a formal declaration form (Appendix 1).

5.3. Following disclosure of conflict of interest which could affect the carrying out of the duties, or where the personal interest is sufficient to appear to influence the objective exercise of his or her official duties such individual will withdraw from all situations where the conflict exists. When in doubt, the Board of Directors will make the final determination as to the course of action.

5.4 Following disclosure of a conflict of interest with respect to a particular decision, the following principles shall apply:

- i. The individual in conflict of interest may not participate in discussion of this decision as an advocate on his or her own behalf, either formally at the meeting or informally through private contact, communication, and discussion, unless such participation is approved by a unanimous vote of the Directors;
- ii. Except where participation in discussion has been properly approved as per Section 6.1, BC Sailing representative shall not be present at that portion of a meeting when matters in which they have an interest are considered; and

- iii. The individual in a conflict of interest shall not participate in any vote on the matter.
- 5.5. Where a BC Sailing Association Representative has failed to disclose a conflict of interest, the Executive Director will take the following actions:
- i. Request that the BC Sailing Association representative's actions be justified in writing;
  - ii. Discuss the circumstances at the next Board meeting (or if circumstances necessitate convene a Board meeting by conference call).

Based on the decision of the Board, the BC Sailing Association Representative may be requested to cease those actions that brought about the conflict of interest or withdraw from those BC Sailing Association activities that cause a conflict of interest. Should the BC Sailing Association representative continue those actions or activities that have been deemed to be in conflict with the interests of BC Sailing Association, the BC Sailing Association Representative will be removed from his or her position.

- 5.6 Documentation relating to conflict of interest situations shall be recorded in the Minutes of the Board of Directors and all Committees of the BC Sailing Association.
- 5.7 In situations where an inflexible application of a policy would produce an excessive result, it is expected the policy will be tempered by appropriate discretion by the Board.
- 5.8 When the Board of Directors determines that exploitation of a conflict of interest has occurred, the Board of Directors will make it public.

## **Appeals**

- 6.1 If the BC Sailing Association Representative is removed from his/her position and the BC Sailing Association Representative wishes to appeal the decision, a written request for Appeal stating grounds, must be submitted in accordance with the BC Sailing Association Appeal Policy.



## APPENDIX 1

### Declaration of Conflict of Interest

Part A – Declaration of Interest

To: Executive Director and/or Board of Directors

#### Declaration of Interest (check appropriate declaration)

- I understand that if I have any direct or indirect personal interest which is sufficient to appear to influence the objective exercise of my official duties that I must withdraw from all situations where the conflict exists.
- OR
- I am aware of a situation which I believe to be a conflict of interest, and I feel that it needs to be brought forward. (Please include name of the individual who you are referencing to be in a conflict of interest)

As such, I would like to declare the following existing/potential\* conflict of interest situation:

(a) Briefly describe the situation:


(b) Brief description of my duties which are tied to the existing/potential\* conflict of interest:


Position and Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

(\*Circle or delete as appropriate)

## Part B – Record of Resolution of the Executive Director or Board of Directors

### Step 1 – Executive Director Action

1. Executive Director agrees that this situation is a conflict of interest. Yes OR No
2. Executive Director needs to elevate this to a Board of Directors Resolution. Yes OR No (if Yes, proceed to Step 2, if No continue this checklist)
3. Individual in conflict can abstain from decisions/roles that perpetuate the conflict. Yes OR No (if Yes, then place this document in their personnel file and a copy goes to the Finance & Audit Committee as part of the Risk Register. If No, proceed to Step 2)

List any other actions taken, including specific discussions with the individual(s)


### Step 2 – Board of Directors Action

With respect to the above declaration, the Board of Directors passed the following resolution:

- (*name of the person making the declaration*) should refrain from performing or getting involved in performing the work/duty, as described in Part A, which may give rise to a conflict.
- (*name of the person making the declaration*) may continue to handle the work/duty as described in Part A, provided that there is no change in the information declared above.
- Others (please specify)
