



# **CONFLICT OF INTEREST POLICY**

Effective Date: November 2012  
ALBERTA FREESTYLE SKIING ASSOCIATION

## **CONFLICT OF INTEREST POLICY**

### **Definitions**

1. The following terms will have the meanings below in this Policy:
  - a) “FA” – Alberta Freestyle Skiing Association.
  - b) “Responsible Person” – Directors, Officers, Committee Members, and Staff of FA.
  - c) “Board” – Board of Directors for FA.
  - d) “Committee Members” – members of the Executive Committee and non- Board members of any other Committees established by the Board.
  - e) “Immediate Family” – spouse, child or sibling of the Responsible Person.

### **Purpose:**

2. The purpose of this Conflict of Interest Policy is to identify and manage conflict of interest situations in a manner that is fair, consistent, and transparent.
3. FA recognizes that it relies on the trust of its members, donors, volunteers, and other supporters, and that conflict of interest has the potential to damage its reputation and impair its ability to carry out its mission.
4. FA also recognizes that some situations involving conflict will be in the best interests of the organization and, as such, this Conflict of Interest Policy does not prohibit all conflicting interests but provides a formal process for managing conflicts successfully.

### **Application of this Policy:**

5. This policy applies to all Responsible Persons as defined in the Definitions section of this Policy.

### **Matters that Constitute Conflict of Interest:**

6. Throughout this Policy, Conflict of Interest refers to any situation in which:
  - a) a Responsible Person influences any FA decision for personal, financial, or business interests;
  - b) a Responsible Person or the immediate family of a Responsible Person has a personal, financial, or business interest in a proposed contract or transaction; or
  - c) any other circumstance in which a reasonable person would believe that a conflict of interest on the part of a Responsible Person may be present.
  
7. FA recognizes that the majority of its Board and Committee members are parents of athletes competing in the sport of freestyle skiing and that without the participation of these parents, it would not be possible for the organization to function. As such, the mere fact a Responsible Person has a child who participates in the sport of freestyle skiing or competes as a member of a provincial, WinSport Canada, or national team, does not constitute a conflict of interest. A conflict by virtue of being an athlete's parent only arises in matters of individual adjudication pertaining to the Responsible Person's own child, such as decisions around provincial seeding, ranking, team selection, event selection, discipline, or similar matters. In such cases, the Responsible Person is in a conflict of interest and the provisions of this Policy apply.

### **Guiding Principles:**

8. Responsible Persons have a duty to place the interests of FA above their own interests in all dealings with FA, and have a continuing responsibility to comply with this Policy.
  
9. Responsible Persons may not obtain for themselves, their relatives, or their friends a material interest of any kind from their association with FA, except as provided in this Policy. For clarification, "material interest" does not include the services and benefits athletes receive from being FA members or the services and benefits athletes receive by virtue of being on provincial, WinSport Canada, or national teams.
  
10. In order to assure transparency, competitive opportunity, and equal access to inside information, Responsible Persons must not conduct private business between themselves and FA, except as provided in this Policy.
  
11. In order to avoid any potential conflict of interest, Board members may not approve the lending of funds from FA to any Responsible Person or to parties

related to any of them for personal use or benefit not related to FA business or activities. The advancement of funds to Responsible Persons for the purpose of facilitating FA business or activities is expressly allowed.

12. Board members must not use their position to obtain employment with FA for themselves, family members, or close associates. Should a Board member desire employment with FA, he or she must first resign from the Board.

**Process for Managing Conflict of Interest:**

13. The Responsible Person must declare when a conflict of interest exists. A Responsible Person may also identify situations where he or she believes another Responsible Person has a conflict of interest.
14. All conflict of interest situations involving a financial value or benefit to a Responsible Person in excess of \$500.00 must be approved by the Board and all conflict of interest situations involving a financial value or benefit to a Responsible Person below this dollar amount must be approved by the Executive Committee.
15. When the Board discusses and determines a matter involving conflict of interest:
  - a) the conflicted Responsible Person shall not participate in the discussion, either formally at the Board meeting or informally through private contact and communication with Directors, unless such participation has been approved by a minimum of two-thirds (2/3) of the Directors present at the meeting;
  - b) the conflicted Responsible Person shall not be present during the discussion and deliberation of the matter, unless such participation has been approved as set out in paragraph 15 (a) above; and
  - c) the conflicted Responsible Person shall not participate in the vote on the matter or be present when the vote takes place.
16. In determining matters involving conflict of interest, the Board must consider:
  - a) whether adequate tendering has been undertaken to identify appropriate parties and to validate the value of the transaction;
  - b) the business needs of FA in entering into the transaction and whether such needs are best served by the party that has caused the conflict of interest to arise; and
  - c) notwithstanding these principles, whether entering into the transaction could be perceived by a reasonable third party to

represent an unacceptable conflict of interest that could damage the reputation of FA.

17. In order for a transaction involving a conflict of interest to be approved, a minimum of two-thirds (2/3) of the Directors present at the meeting must vote in favour of the matter.
18. All discussions and deliberations pertaining to conflict of interest situations must be clearly documented in the minutes of the Board of Directors meetings.
19. Nothing in this Policy is intended to limit or impair the power of the Executive Committee and Board to enter into, modify, or manage employee contracts, including employee remuneration.

20. Nothing in this Policy is intended to supersede or modify the processes set out in FA's other policies, such as the Discipline and Complaints Policy, Appeal Policy and Dispute Resolution Policy.

**Disclosure by Members of the Board:**

21. Directors must annually disclose their involvement with other organizations, vendors, contractors, or any other parties or organizations that might produce a conflict of interest. Such annual disclosure must be in the prescribed form as set out in Appendix A to this Policy.
22. Directors must disclose any new matters in which a conflict of interest may be present as soon as such conflict becomes evident and prior to any Board or Committee action or decision in respect of such matter.
23. The Board must review all Conflict of Interest declarations on an annual basis to ensure compliance with this Policy.

**Breach of Conflict of Interest Policy:**

24. If it is determined that a Responsible Person has violated FA's Conflict of Interest Policy:
  - a) in the case of a staff member, the matter will be reviewed by the Executive Committee and all employment remedies will be available, including termination;
  - b) in the case of a Director or Committee Member, the matter will be reviewed by the disinterested Directors and if so determined by a unanimous vote of the disinterested Directors, the Responsible Person who has violated this Policy will be asked to resign from the Board or the Committee, as the case may be.
  - c) in any event, the Board may take whatever steps it deems necessary to deal with a breach of this Policy that cannot be properly resolved through the process described in subparagraphs 24 (a) and (b).



## **APPENDIX A**

### **FA BOARD OF DIRECTORS CONFLICT OF INTEREST DECLARATION**

Directors of the Alberta Freestyle Skiing Association (“FA”) are to commit themselves to ethical, business-like and lawful conduct, including the use of authority and appropriate decorum when acting as Board members.

Directors must act honestly and in good faith, placing the interests of FA above their own. This accountability supersedes any conflicting loyalty to personal, financial, or business interests, or to any other group or organization. It also supersedes the personal interests of any Director as a consumer of FA’s services. In exercising their duties, Directors must avoid conflict of interest.

I, \_\_\_\_\_,  
(Name of Director)

acknowledge that I have read the FA Conflict of Interest Policy.

To the best of my knowledge and belief, except as disclosed herein, neither I nor a member of my immediate family is engaged in or intends to engage in, any transaction or activity, or has any relationship that may represent a potential competing or conflicting interest, as defined in this Policy.

- (A) Without exception
- (B) Except as described in the attached statement

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

Signature: \_\_\_\_\_