



Policy title:	Conflict of Interest Policy
Adopted:	2007 (revised and included in Conduct Policy: August 2018, December 2018, December 2019, January 2020, May 2020; December 22, 2021)
Current version approved by Board of Directors:	December 19, 2022
<b>This Policy has been prepared by Canada Artistic Swimming (CAS) and is applicable to CAS, its PTSOs, Affiliated Organizations and Registrants. This document cannot be modified without consultation with and approval by CAS. Should a PTSO or Affiliated Organization decides to use this template, it shall be customized to its needs where required by provincial legislation.</b>	

*This Policy should be read together with the CAS Safe and Welcoming Sport Policy Suite Overview, including the definitions that are set out in the Overview.*

## 1. Introduction

- 1.1. CAS and all of its PTSOs and Affiliated Organizations are committed to the highest levels of integrity. Individuals are expected to conduct their relationships with each other, the Organization, and outside organizations with objectivity and honesty and must ensure that their interests, or those of people close to them, do not conflict with the impartial performance of their duties.
- 1.2. Individuals acting or making decisions on behalf of the Organization, including Board and committee members, Employees and Volunteers, are obligated to act in the best interests of the Organization and to avoid Conflicts of Interest. Individuals must avoid situations where their personal interests or the personal interests of their Related Parties could interfere or may conflict, directly or indirectly, with their obligations to the Organization.
- 1.3. Even if the Individual does not have an actual Conflict of Interest, other people may reasonably perceive the Individual to have a Conflict of Interest that may prevent them from acting objectively or impartially. It is important to avoid an actual or perceived Conflict of Interest. A reasonable perception of Conflict of Interest can damage the reputation of both the Individual and their Organization.
- 1.4. For clarity, Conflicts of Interests may be actual or perceived as described in this Policy.

## **2. Purpose of Policy**

- 2.1. The purpose of this Conflict-of-Interest Policy is to provide guidance in identifying, avoiding, and managing actual or perceived Conflicts of Interest involving the Organization.
- 2.2. CAS is incorporated and governed by the *Canada Not-for-profit Corporations Act* and PTSOs and Affiliated Organizations are incorporated and governed by their own provincial governing legislation. In addition to the provisions of this Policy, the applicable provisions of the Organization's governing legislation apply to any matters involving an actual or perceived conflict between the personal interests of a Director or officer (or other Individuals involved in a decision-making or decision influencing roles) and the broader interests of the Organization, including requirements for disclosure of a personal interest in any material contract or transaction of the Organization.

## **3. Application**

- 3.1. This Policy applies to CAS, its PTSOs and Affiliated Organizations, and all Individuals acting or making decisions on behalf of the Organization, including:
  - a) Directors, officers, committee members, and Volunteers of the Organization;
  - b) Employees and anyone under contract with the Organization;
  - c) Coaches and Officials; and
  - d) All Persons in Leadership including decision makers of the Organization and any persons holding an official role or authority within the Organization.

## **4. Conflicts of Interest Described**

- 4.1. Conflicts of Interest may arise in situations where:
  - 4.1.1. An Individual or a Related Party has an interest, either actual or reasonably perceived, in a decision to be made by or on behalf of the Organization, including where:
    - a) The Individual or Related Party may derive a pecuniary or financial interest from the outcome of the decision;
    - b) The decision may result in preferential treatment for the Individual or a Related Party;  
or
    - c) Personal advantage of any kind may be derived from the decision;
  - 4.1.2. An Individual or a Related Party is a Board member, officer, or employee of an outside organization with an interest in a decision to be made by or on behalf of the Organization, or holds a financial interest or another position with governing responsibility in such an outside organization; or
  - 4.1.3. An Individual or Related Party has any other personal or private interest or outside duties that have, or may reasonably be perceived to have, the potential to compromise the Individual's ability to act or make a decision impartially, objectively, and in best interests of the Organization.

Examples of situations where a Conflict of Interest may arise can be found in Appendix A.

## **5. Managing and Declaring Conflicts of Interest**

### **Declaring Conflicts of Interest**

- 5.1. If an Individual identifies that they may have a Conflict of Interest or believes that others may perceive them to be in a position of conflict, the Individual must declare the conflict immediately so that appropriate action can be taken to resolve the situation. This is the best way for Individuals to protect themselves and their reputation for honesty, fairness, and objectivity.
- 5.2. Individuals must take one of these steps to declare a Conflict of Interest:
  - a) Verbally report the Conflict of Interest to the Organization's CEO, Executive Director, or president or to the directors or committee members at a Board of directors or committee meeting. This verbal declaration should be followed-up with a written declaration or documented in the minutes of any Board of directors or committee meeting;
  - b) Disclose the Conflict of Interest in writing by sending a letter to the CEO, Executive Director, or president or other person designated by the Organization;
  - c) In the case of Officials, disclose the Conflict of Interest in writing by sending a letter to the Chair of the National or PTSO Officials' Committee or, if on site, to the Event's referee.

### **Managing Conflicts in Decision-Making**

- 5.3. Decisions or transactions that involve an actual or perceived Conflict of Interest that have been disclosed by the Individual may be considered and decided upon provided that:
  - a) The nature and extent of the Conflict of Interest has been disclosed fully to the Organization's Board or other body that is considering or making the decision, and this disclosure and how it was managed is recorded in the minutes;
  - b) The interested Individual is not included in the determination of quorum for the proposed decision or transaction; and
  - c) The interested Individual removes themselves from discussion on the matter and abstains from voting on the proposed decision or transaction.
- 5.4. A Conflict of Interest will require the interested Individual to temporarily recuse themselves and not to participate in any way in the affected matter. The interested Individual must not attempt to learn about, provide information, or otherwise influence the discussion or voting on a decision or transaction, either formally at a Board or committee meeting or informally through private contact, communication, or discussion, except where the other members of the Organization's Board or other body that is considering or making the decision unanimously request that the interested Individual present information or respond to questions relating to the decision or transaction.
- 5.5. To avoid the appearance that the Organization is giving Individuals an advantage, the Board or body that is considering or making the decision should:
  - a) Ensure that alternate bids or estimates have been obtained;

- b) Determine by a majority vote that the transaction is fair and reasonable, and in the Organization's best interest; and
- c) Ensure that the conflicted individual does not participate in the decision and that the non-participation is documented in writing (ie in minutes).

5.6. In situations where the Individual's objectivity and ability to carry out their duties and responsibilities with the Organization are hindered by ongoing Conflicts of Interest, the Individual has a duty to resign from their position.

### **Recognizing When Others are in Conflict**

- 5.7. Where an Individual believes that another Individual has an actual or perceived Conflict of Interest that has not been declared, they have a responsibility to take one of these steps:
- a) Inform the Organization's CEO, Executive Director, or president or the directors or committee members at a Board of Directors or committee meeting, as appropriate, of the potential Conflict of Interest; or
  - b) In the case of Officials, inform the Chair of the National or PTSO Officials' Committee or the Event's referee.
- 5.8. Pointing out a potential Conflict of Interest is not an accusation; it is merely looking out for fair decision making and in the best interests of the Organization.

### **Benefits, Entertainment and Gifts**

- 5.9. Individuals must not solicit or accept benefits (excluding normal remuneration and benefits afforded to Employees and contractors), entertainment, or gifts (collectively "Gifts") in exchange for or as a condition of the exercise of their duties, or as an inducement for performing an act associated with their duties or responsibilities with the Organization. Similarly, Individuals must not give away Gifts on behalf of the Organization in exchange for, or as a condition of, any benefit for the Organization.
- 5.10. It is the responsibility of the Individual to ensure that a Gift, whether received or to be given, is proper. If in doubt, the Individual should consult with their immediate supervisor or the CEO, Executive Director, or President.

### **Outside Business Activity**

- 5.10. An Employee or person under contract with an Organization may undertake an outside business activity if there is no Conflict of Interest and if the Employee or contractor's satisfactory performance of their job functions is not prejudiced in any way. Such activities include an outside business interest, directorship, or outside employment. In addition, the following rules apply:
- a) The Employee or contractor should not engage in any activity likely to compromise the Organization's reputation;
  - b) The Employee or contractor should not conduct outside business or volunteer work on the Organization's time or use the Organization's information, equipment, or facilities to conduct

- an outside business or volunteer interest. This includes soliciting other Individuals to participate in an outside business or volunteer activity; and
- c) Before taking on or continuing an outside business interest or committing to a job outside the Organization, this should be discussed with the Organization's CEO, Executive Director, or president to be sure these activities do not create an actual or perceived Conflict of Interest.

## **Officials**

- 5.11. All Officials are obligated to avoid situations where their or their Family Members' personal interests could conflict with behaviour expectations for Officials, or which could otherwise call their integrity into question.
- 5.12. The following categories of people must disclose a Conflict of Interest at the beginning of the competitive season (or when it arises) to the National or PTSO Officials' Committee in the manner prescribed by CAS or the PTSO, as applicable, and must withdraw from acting as an Official at competitions or other Activities or Events when appropriate:
- a) A Family Member of a competitor;
  - b) A current Coach of a competitor;
  - c) A Club manager of a competitor;
  - d) A Family Member of a Coach of a competitor;
  - e) A Family Member of a Club manager of a competitor;
  - f) A Board member of a competitive Club of a competitor; and
  - g) A Family Member of a Board member of a competitive Club of a competitor.
  - h) In certain circumstances (ie National Championships) a board or staff member of a PTSO

If the interested individual fails to disclose a Conflict of Interest or refuses to withdraw from a competition, Activity or Event in which a conflict exists, the Organization's Board of Directors can take any appropriate actions including removing the Individual from their position.

- 5.13. Lesser Conflicts of Interest that are determined by the National or PTSO Officials' Committee to be isolated or less significant can be managed simply by disclosing them. If the National or PTSO Officials' Committee, as applicable, agrees unanimously that the conflict is minor, the interested Official can be selected for the competition, Activity or Event.
- 5.14. Conflicts of Interest that are determined by the National or PTSO Officials' Committee or the Organization to be more serious will require an interested Official to withdraw from competitions and other Activities or Events as determined by the National or PTSO Officials' Committee.

## **Board and Committee Members**

- 5.15. The Organization's Board and committee members must not allow their loyalty to the Organization to be compromised by their relationship or involvement with another outside organization.
- 5.16. Board and committee members may not be remunerated for their services or obtain loans from the Organization.

5.17. Organization's Board and committee members are also subject to prohibitions set out in the Organization's By-laws.

### **Preferential Treatment**

5.18. Individuals must not act in their official roles with the Organization to assist other organizations or persons in their dealings with the Organization, if this may result in, or could appear to result in, preferential treatment.

### **Violation of Conflict of Interest Requirements**

5.19. Any failure by an Individual to disclose an actual or perceived Conflicts of Interest or otherwise abide by this Policy may result in sanctions under this Policy, the Organization's Discipline and Complaint Policy and Procedure, and other applicable Policies and By-laws.

## **APPENDIX A**

### **EXAMPLES OF CONFLICTS OF INTEREST**

Examples of situations that could give rise to a Conflict of Interest include:

- a) Having a personal interest that could lead to being influenced in the way that the Individual carries out their duties for the Organization, or that could lead a reasonable third party to think that the Individual is carrying out their duties in a way that could be influenced by a personal interest;
- b) A Family Member, relative, friend, associate, or other Related Party close to an Individual having a personal interest that could lead to the Individual being influenced in the way they carry out their duties for the Organization, or that could lead a reasonable third party to think that the Individual is carrying out their duties in a way that could be influenced by a personal interest;
- c) The Board considering whether to award a supplier contract to a relative of a director, which could lead to a perception that favouritism occurred;
- d) Having the responsibility for hiring a consultant, where one of the applicants is a good friend or relative;
- e) Supporting proposals from a Club where the decision-making person is affiliated with or has a family member affiliated with that Club ;
- f) Supporting proposals from groups of people or individuals with whom the decision-making person has regular personal contact, e.g., Family Members;
- g) A Club Coach is named Coach of a team or a member of a CAS or PTSO Athlete selection committee when it is likely their Athlete will be vying for a position on the team;
- h) An Individual sits as a member of an internal decision-making panel that is considering a proposal involving a Family Member or a Family Member's Club;
- i) An Individual sits as a member of an internal appeal panel, having taken part in the decision-making process that gave rise to the appeal;
- j) A person uses their position to pressure a Coach to select their child for a team even though the child doesn't meet the official team selection criteria;
- k) A person has multiple roles where one of them might be compromised by the execution of the other one
- l) An Individual in a position of influence, leadership or decision-making has personal matters or issues that impact their ability to put the interests or reputation of the organization ahead of their personal interests or reputation.