

CURLMANITOBA (“ASSOCIATION”)

Conflict of Interest Policy

Introduction

1. The Association is committed to providing a sport environment that is characterized by honesty, excellence, fairness, integrity, sincerity, transparency, open communications and mutual respect.
2. The Association believes that these values and ideals should guide all its decisions, actions and communications, as well as the decisions, actions and communications of its members and all other persons who do business or have affiliations with the Association and/or its members.
3. The Association, its members and all persons who can do business or have affiliations with the Association and/or its members have an obligation to avoid any conflicts of interest (CI) whatever the conflict, and must ensure that their activities and interests do not conflict with the Association and/or its members or with their obligations, duties and responsibilities within the Association.

Purpose

4. This policy sets out to provide a standard of conduct to prevent, avoid and end all CI situations.

Scope

5. This policy applies to all the Association’s members including athletes, coaches, officials, volunteers, board of directors (BOD) members, officers, committee members, staff, and appointed representatives of the Association.

Definition

6. A conflict of interest is a situation where a member of the Association, in any capacity at the time of making a decision with direct or indirect affiliation with the Association and/or its members, is influenced or could be influenced by personal, financial, business or other considerations, having no relation with the Association’s and/or its members’ interests, or not in the best interests of the Association and/or its members.

Varieties of Conflicts of Interest

7. In a CI situation, a person can have a pecuniary or non-pecuniary interest. A pecuniary interest is an interest that a person may have in a matter because of the likelihood or expectation of a financial loss or gain for that person or any other individual with whom this individual has direct or indirect affiliations. The non-pecuniary interest may include:
 - a. Coach-athlete, family relationships, friendships and any other interpersonal relationships;
 - b. Volunteer position within other organizations;
 - c. Any other interests that do not necessarily involve a financial loss or gain.
8. In addition, a CI can be real or perceived. A real CI arises when a person, in a decision-making situation, actually accords preferential treatment to a party. A perceived CI is related to appearances and perceptions and do not necessarily depend on the fact that a person might really be in CI and therefore, that this person was really incapable of making an objective decision. To recognize a perceived CI, we must ask if a reasonable and objective person would detect the presence of a perceived CI after having studied the matter in question.
9. Let it be known that perceived CIs are more frequent than real CI. However, perceived CIs are as prohibited and harmful as real CI.

Prohibition

10. CIs are strictly prohibited. Any person who is or thinks she/he is in a position of CI must disclose this situation to the BOD by completing the *Declaration regarding Conflict of Interest* form attached to this policy (Appendix 1).

Covenants

11. All members of the Association commit to avoid at any time placing themselves in a CI situation and shall:

- a. Not engage in any business or transaction or have any interest that conflicts with their duties with the Association, unless such business, transaction or other interest is properly disclosed and managed in accordance with this policy;
- b. Not directly or indirectly place themselves in a position where they are under obligation to any person who might benefit from special favours or considerations, or who might seek, in any way, preferential treatment;
- c. Avoid placing themselves in a position where they could be influenced in a decision by personal, financial, business or other interests;
- d. In the performance of their duties and obligations, not accord preferential treatment to family members or friends, or to organizations in which they or their family or friends have a financial or other interest;
- e. Not derive personal benefits from information that they have acquired during the course of fulfilling their duties with the Association, where this information is confidential or is not generally available to the public;
- f. Not directly or indirectly accord, seek or accept a favour or benefit for themselves or for a third party, in exchange for a decision, an intervention or a service;
- g. Not engage in any employment, activity or business or professional undertaking that conflict or appear to conflict with their official duties with the Association, or in which they have an advantage or appear to have an advantage on the basis of their association with membership to the Association, unless such employment, activity, business or professional undertaking is properly disclosed and managed in accordance with this policy;
- h. Not use or allow the use of the Association's resources, property, equipment, materials, supplies and any other property or services for any reason other than what they are intended for;
- i. Not place themselves in a position where they could, by virtue of being a representative of the Association, influence decisions or contracts from which they could derive any direct or indirect benefit or interest;
- j. Not accept cash donation, gift or favour that could be construed as being given in anticipation of, or in recognition for, any special treatment granted by virtue of being a representative of the Association;
- k. Not disclose confidential or privileged information acquired during the course of fulfilling their duties with the Association;
- l. Not benefit from past duties with the Association or act against the best interests of the Association.

Disclosure of Conflicts of Interest

12. All members shall disclose any conflict of interest situation in the following manner:
 - a. Upon being nominated, elected or recognized, or upon being employed, and on an annual basis thereafter, all the Association directors, officers, employees, officials and committee members will complete a written statement disclosing any real or perceived CI that they might have, according to Appendix 1;
 - b. Also, at any time a person becomes aware that she/he might be in a position of real or perceived CI, she/he will disclose this conflict to the BOD by writing and submitting a statement, according to Appendix 1;
 - c. When a member is in a position of real or perceived CI, she/he must inform the BOD by writing and submitting a statement, according to Appendix 1;
 - d. Any person, who believes that a member of the Association may be in position of a real or perceived CI, may report this matter to the BOD by writing and submitting a statement, according to Appendix 1.

Responsibilities of the BOD

13. The BOD is responsible for the application and compliance of this policy by all the Association members, in the last instance;
14. The BOD may at any time take any fair, reasonable and appropriate measures to protect the rights of the Association and any of its members, in compliance with this policy.

Procedures

15. Following disclosure of any real or perceived CIs which could affect the carrying out of the obligations, duties and responsibilities of a member of the Association, such a person will withdraw from all situations where the CI exists. When in doubt, the BOD will make final determination as to the course of action, in compliance with the Association's and its member's best interests, and with this policy.
16. Following disclosure of any real or perceived CI, regarding a particular decision, situation or matter, the following principles apply:
 - a. The person in a CI may not participate in a discussion of this decision, situation or matter, either formally at the meeting or informally through private contact, communication and discussion, unless such participation is approved by a unanimous vote of the BOD or the Association committee members, when relevant;
 - b. Except where participation in discussion has been properly approved as per Section 16.a., such a person shall not be present at that portion of a meeting when the decision, situation or matter in which she/he has an interest is considered;
 - c. Under no circumstances is the person in CI to take part in any vote or be present during voting on the decision, situation or matter in which she/he has an interest.
17. When a the Association member has failed to disclose a CI to the BOD, the BOD will:
 - a. Request that the member's actions or omissions be justified in writing;
 - b. Discuss the circumstances and the justifications provided by the member at the next Board meeting or, if circumstances necessitate, convene a Board meeting, by any appropriate means, in a timely manner.
 - c. Decide of the course of action in the stated case and apply appropriate disciplinary measures, when relevant, in compliance with the Association's and its member's best interests, and with this policy.

18. Any Association member who violates this policy is liable to sanction by the BOD, ranging from simple reprimand to suspension of the Association's activities.

19. In the event that an inflexible application of this policy would produce an excessive result which would be inconsistent with the Association's and its member's best interests and with this policy, it is provided that the policy will be tempered by appropriate discretion of the BOD.

20. In the event that the BOD confirms the existence of a CI, the BOD will make it public.

Documentation

21. Documentation relating to CI situations will be recorded in the Minutes of the BOD and/or all the Association committees, when relevant.

Interpretation

22. Where needed in this policy, a male gender word includes the female gender and vice versa; and plural nouns include singular nouns and vice versa.

Decision Final and Binding

23. The decision of the BOD will be binding on the parties and on all Association members, subject to the right of any party to seek a review of the decision pursuant to the Association's Appeal Policy.

24. No action or legal proceeding will be commenced against the Association or its members in respect of a dispute, unless the Association has refused or failed to abide by the provisions for appeal as set out in this policy.

Review and Approval

25. This policy was approved by the BOD on MAY 20, 2010 and shall be reviewed every two years by the BOD.

