



# Alberta Racquetball Association

## CONFLICT OF INTEREST POLICY

Policy Established: November 2, 2017

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### Policy Objectives

The purpose of this policy is to describe how stakeholders of the Alberta Racquetball Association will conduct themselves in matters relating to conflicts of interest, and to clarify how the Alberta Racquetball Association will make decisions in situations where conflicts of interest may exist.

### Definitions

**Conflict of Interest:** An incompatibility between one's private interests and one's duties as a stakeholder of the organization.

**Perceived conflict of Interest:** A reasonable perception by an informed person that a conflict of interest situation exists or may exist.

**Person:** Any family member, friend, customer, client, sponsor, colleague, legal person or organization.

**Stakeholder:** Individuals employed by, or engaged in activities on behalf of the Alberta Racquetball Association (ARA), including: coaches, staff members, contract personnel, volunteers, officials, committee members, or other individuals who are decision-makers within the ARA.

### Background

- Individuals who act on behalf of an organization have a duty to that organization. For example, board members are required by law to act as a trustee (in good faith or in trust) of the organization. Board members and other stakeholders must not put themselves in positions where making a decision on behalf of the organization is connected to their own personal interests. That would be a conflict of interest situation.
- There are two types of interest - pecuniary interest and non-pecuniary interest. Pecuniary interest relates to the reasonable likelihood or expectation of financial gain or loss for the stakeholder or for another person with whom the stakeholder is associated. Non-pecuniary interest involves family relationships, friendships, or other interests that are not related to the potential for financial gain or loss.

### Conflict of Interest Policy

- Any real or perceived conflict between a stakeholder's interest and the interests of the ARA must at all times be resolved in favour of the ARA.
- Stakeholders of the ARA will not:
  - Engage in any business or transaction, or have a financial or other personal interest that is incompatible with their official duties with the ARA, unless such business, transaction or other interest is properly disclosed in accordance with this policy.
  - Knowingly place themselves in a position where they are under obligation to any person who might benefit from special consideration, or who might seek, in any way, preferential treatment.
  - In the performance of their official duties, accord preferential treatment to family members, friends, or colleagues, or to organizations in which their family members, friends or colleagues have an interest, financial or otherwise.
  - Derive personal benefit from information that they have acquired during the course of fulfilling their official duties with the ARA, where such information is confidential or is not generally available to the public.
  - Engage in any outside work, activity or business or professional undertaking that conflicts or appears to conflict with their official duties as a representative of the ARA, or in which they have an advantage or appear to have an advantage on the basis of their association with the ARA.
  - Use ARA property, equipment, supplies or services for activities not associated with the performance of official duties with the ARA.
  - Place themselves in positions where they could, by virtue of being a stakeholder of the ARA, influence decisions or contracts from which they could derive any direct or indirect benefit of interest.
  - Accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, any special consideration granted by virtue of being a stakeholder of the ARA.

## **Disclosure of Conflict of Interest**

- On an annual basis, all directors, officers, employees and committee members will complete a written statement disclosing any real or perceived conflicts that they might have.
- At any time that a stakeholder of the ARA becomes aware that there may exist a real or perceived conflict of interest, they shall disclose this conflict to the Board of Directors immediately.
- Any person who is of the view that a stakeholder of the ARA may be in a position of conflict of interest may report this matter to the Board.

## **Resolving Conflicts in Decision-making**

- Decisions or transactions that involve a real or perceived conflict of interest that has been disclosed by a stakeholder of the ARA may be considered and decided upon by the ARA provided that:

- The nature and extent of the stakeholder's interest has been fully disclosed to the body that is considering or making the decision, and this disclosure is recorded in the minutes.
- The stakeholder does not participate in discussion on the matter giving rise to the conflict of interest, unless the body considering the matter votes to allow such participation.
- The stakeholder abstains from voting on the proposed decision or transaction.
- The stakeholder is not included in the determination of quorum for the proposed decision or transaction.
- The decision or transaction is in the best interests of the Association.

## **Conflicts involving Employees**

- The ARA will not restrict employees from accepting other employment, contracts or volunteer appointments during the term of their employment with the ARA, provided that the employment, contract or volunteer appointment does not diminish the employee's ability to perform the work contemplated in their employment agreement with the ARA. Any determination as to whether there is a conflict of interest will rest solely with the ARA, and where a conflict of interest is deemed to exist; the employee will resolve the conflict by ceasing the activity giving rise to the conflict.

## **Resolving Complaints**

- Any person who believes that a stakeholder may be in a conflict of interest should report the matter, in writing, to the ARA.
- Stakeholders about which a complaint has been received will have the opportunity to provide evidence in their favour and be heard by the Board of Directors.
- The Board will determine whether or not a conflict of interest exists and, if so, what appropriate actions will be imposed. This may or may not include:
  - Removal or temporary suspension of certain responsibility or decision-making authority.
  - Removal or temporary suspension from a designated position.
  - Removal or temporary suspension from certain teams, events, and/or activities.
  - Expulsion from the ARA.
  - Further discipline in accordance with the ARA's Discipline & Complaints Policy.
  - Other actions as may be considered appropriate for the conflict of interest.
- Failure to comply with an action as determined by the ARA will result in automatic suspension from the ARA until such time as compliance occurs.

## **Appeal Process**

- Any decision of the ARA in accordance with this policy may be appealed in accordance with the ARA's Appeal Policy.