



Conflict of Interest Policy

DEFINITIONS

1. The following terms have these meanings in this Policy:
 - a) “Conflict of Interest” – Any situation in which an Individual’s decision-making, which should always be in the best interest of Freestyle Yukon, is influenced or could be influenced by competing personal, family, financial, business, or other private interests.
 - b) “Individuals” – All categories of membership defined in Freestyle Yukon’s bylaws, as well as all individuals engaged in activities with Freestyle Yukon including, but not limited to, athletes, coaches, judges, officials, volunteers, managers, administrators, committee members, and directors and officers of Freestyle Yukon.
 - c) “In writing” - A letter, fax or email sent directly to Freestyle Yukon (yukonfreeski@gmail.com)
 - d) “Non-Pecuniary Interest” - An interest that an individual may have in a matter which may involve family relationships, friendships, volunteer positions or other interests that do not involve the potential for financial gain or loss.
 - e) “Pecuniary Interest” - An interest that an individual may have in a matter because of the reasonable likelihood or expectation of financial gain or loss for that individual, or another person with whom that individual is associated.
 - f) “Perceived Conflict of Interest” – A perception by an informed person that a conflict of interest exists or may exist.

BACKGROUND

2. Individuals who act on behalf of Freestyle Yukon have a duty first to Freestyle Yukon and second to any personal stake they have in the operations of Freestyle Yukon. This policy cannot contemplate all situations in which conflicts of interest may arise. Individuals are to use their best judgment to ensure that they deal with actual and potential conflicts of interest appropriately. It is equally important to monitor perceptions of conflict of interest which could damage Freestyle Yukon’s reputation. Further guidance may be requested from the Board of Directors if necessary.

PURPOSE

3. Freestyle Yukon strives to avoid the occurrence of conflicts of interest in Freestyle Yukon’s decision-making processes by providing clear guidance to its members to recognize what a conflict of interest is, how to disclose or report, and how to act accordingly. This policy describes appropriate behaviour expected of individuals entrusted with decision-

making authority within Freestyle Yukon, where facts and circumstances may cause a conflict of interest situation.

4. Freestyle Yukon recognizes that an active coach, athlete and technical official representatives on councils and committees have an inherent non-pecuniary interest given their positions. This does not disqualify them from acting in their capacity as such, as long as their degree of influence is mitigated by the decision-making process.

APPLICATION OF THIS POLICY

5. This policy applies to all individuals who, at any given time, are granted the authority to make decisions on behalf of Freestyle Yukon.

OBLIGATIONS

6. Freestyle Yukon is incorporated under the Yukon Societies Act and is governed by that Act in matters involving a real or perceived conflict between the personal interests of a director or officer (or other individual involved in decision-making or decision-influencing roles) and the broader interests of Freestyle Yukon.
7. Any real or perceived conflict, whether pecuniary or non-pecuniary, between an individual's personal interest and the interests of Freestyle Yukon, shall always be resolved in favour of Freestyle Yukon.
8. Individuals shall not:
 - a) Engage in any business or transaction, or have a financial or other personal interest, that is incompatible with their official duties with Freestyle Yukon, unless such business, transaction, or other interest is properly disclosed to Freestyle Yukon and approved by Freestyle Yukon;
 - b) Knowingly place themselves in a position where they are under obligation to any person who might benefit from special consideration or who might seek preferential treatment from them or Freestyle Yukon;
 - c) Exploit their positions within Freestyle Yukon to derive a personal profit from the activities of Freestyle Yukon;
 - d) Exploit their positions within Freestyle Yukon to lever for themselves a personal profit, advantage, or position of prestige;
 - e) In the performance of their official duties, give preferential treatment to family members, friends, colleagues, or organizations in which their family members, friends, or colleagues have an interest, financial or otherwise;
 - f) Derive personal benefit from information that they have acquired during the course of fulfilling their official duties with Freestyle Yukon, if such information is confidential or not generally available to the public;
 - g) Engage in any outside work, activity, business, or professional undertaking that conflicts or appears to conflict with their official duties as a representative of

Freestyle Yukon, or in which they have an advantage or appear to have an advantage on the basis of their involvement with Freestyle Yukon;

- h) Without the permission of Freestyle Yukon, use Freestyle Yukon's property, equipment, supplies, or services for activities not associated with the performance of their official duties with Freestyle Yukon except as otherwise approved by Freestyle Yukon.
- i) Place themselves in positions where they could, by virtue of being a Freestyle Yukon individual, influence decisions or contracts from which they could derive any direct or indirect benefit; or
- j) 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 Freestyle Yukon Individual.

DECLARATION OF INTERESTS

9. On an annual basis, all Freestyle Yukon's directors and officers will complete a Declaration Form (Appendix A) in order to disclose any and all affiliations with any and all other organizations involved with Freestyle Yukon. These affiliations include, but are not limited to, any of the following roles in the same sport: athlete, parent of an athlete, coach, manager, official, employee, volunteer, officer or director. Individuals shall also disclose on the declaration form any and all affiliations with consultants, suppliers, service providers or other third parties that are or may potentially enter into business relationships with Freestyle Yukon.
10. Declarations of interests in the following circumstances shall be made as follows (if applicable):
- a) Individuals who are nominated for election to a position within Freestyle Yukon shall declare their interests prior to the election.
 - b) Upon taking part for the first time in a meeting of a committee or council of Freestyle Yukon, each member shall make a verbal declaration of their interests, to be recorded in the minutes and shared with the Review Board.
 - c) Immediately upon being appointed to any position within Freestyle Yukon, individuals shall declare their interests.
 - d) Declaration forms shall be retained by Freestyle Yukon as long as the individual remains in such position and for a period of at least one year after the end of the individual's involvement with Freestyle Yukon.

DISCLOSURE OF CONFLICTS OF INTERESTS

11. Individuals shall, at any given time, disclose real or perceived conflicts of interest to the Board of Directors immediately upon becoming aware that a conflict of interest may exist. Any determination as to whether there is a conflict of interest will rest solely with the

board of directors. Such obligation to disclose is continuing and shall not end if the conflict of interest is discovered after the tainted decision-making process is completed.

12. Any person who believes that an individual entrusted with making a decision or has made a decision that may or was influenced by real or perceived conflict of interest may submit a complaint, in writing, to the Executive Director pursuant to section 9 herein. The complaint shall be addressed by the Board of Directors. The identity of the person filing the complaint shall be held confidential by the Executive Director.

MINIMIZING CONFLICT OF INTEREST IN DECISION-MAKING

13. Decisions or transactions that involve a conflict of interest that has been proactively disclosed by an individual will be considered and decided by applying the following additional provisions:

- a) The nature and extent of the individual's interest has been fully disclosed to the body that is considering or making the decision, and this disclosure is recorded or noted.
- b) The individual does not participate in discussions on the matter giving rise to the conflict of interest, unless the body considering the matter votes to allow such participation.
- c) The individual abstains from voting on the decision.
- d) For board-level decisions, the individual does not count towards quorum.
- e) The decision can be proven to be in the best interests of Freestyle Yukon.

14. Freestyle Yukon will not restrict employees from accepting other employment, contracts or volunteer appointments during the term of their employment with Freestyle Yukon, provided that the employment, contract or volunteer appointments do not diminish the employee's ability to perform the work contemplated in their employment agreement with Freestyle Yukon. Any determination as to whether there is a conflict of interest will rest solely with the Board of Directors, and where a conflict of interest is deemed to exist, the employee shall be required to resolve the conflict by either ceasing the activity giving rise to the conflict or resigning from employment with Freestyle Yukon.

15. Examples of conflicts of interest at Freestyle Yukon could include, but are not limited to:
- a) A director, officer or staff member who is also a member of a board of directors of an affiliate or partner of Freestyle Yukon;
 - b) A director, officer or staff member who also provides coaching or other services to Freestyle Yukon's programs;
 - c) A director, officer or staff member who has a member of their immediate family named to any Yukon Freestyle program;
 - d) A director, officer or staff member who is also a benefactor of Freestyle Yukon; and
 - e) A director, officer or staff member who is also an owner or director of a member facility, club or camp.

CONFLICT OF INTEREST COMPLAINT

16. The decision of the Board of Directors as to whether or not a conflict of interest exists will be governed by the following procedures:

- a) Copies of any written documents to be considered by the Board of Directors will be provided to the individual who may be in a conflict of interest situation.
- b) The individual who may be in a conflict of interest situation will be provided an opportunity to address the Board of Directors orally or, if granted such right by the Board of Directors in writing.
- c) The decision will be made by a majority vote of the Board of Directors.

17. If the individual acknowledges the conflict of interest, the individual may waive the right to be heard, in which case the Board of Directors will determine the appropriate sanction.

DECISION

18. After hearing and/or reviewing the matter, the Board of Directors will determine whether a conflict of interest exists and, if so, the sanction(s) to be imposed.

SANCTIONS

19. The Board of Directors may apply the following actions, including but not limited to, singly or in combination, for real or perceived conflicts of interest:

- a) Removal or temporary suspension of certain responsibilities or decision-making authority;
- b) Removal or temporary suspension from a designated position;
- c) Removal or temporary suspension from certain teams, events and/or activities;
- d) Expulsion from Freestyle Yukon;
- e) Other actions as may be considered appropriate for the real or perceived conflict of interest.

20. Failure to comply with an action as determined by the board of directors will result in automatic suspension from Freestyle Yukon until compliance occurs.

21. The Board of Directors may determine that an alleged real or perceived conflict of interest is of such seriousness as to warrant suspension of designated activities pending a hearing and a final decision of the board of directors.

ENFORCEMENT

22. Failure by an individual to adhere to this policy may give rise to additional disciplinary measures as determined by the Board of Directors.

APPEAL

23. The sanctions imposed by the Board of Directors may be appealed pursuant to Freestyle Yukon.



APPENDIX A - DECLARATION FORM

As a volunteer, employee and/or consultant, you are required to act in the best interests of the Association. However, inevitably, all volunteers, employees and consultants have a wide range of interests in private, public and professional life and these interests might, on occasions, conflict.

Facts or circumstances which have the potential to create a conflict between the Association's and your personal interests, financial or otherwise, may include but are not limited to:

- a) Being a member, employee, contractor, administrator or owner/shareholder of an organization that is a member, partner, supplier, service provider or client of the Association;
- b) Having a close relative who is a member, employee, contractor, administrator or owner/shareholder of an organization that is a member, partner, supplier, service provider or client of the Association.

Please describe below any such relationships, transactions, positions you hold (volunteer or otherwise), or other similar circumstances:

- I have no conflicts of interest or facts or circumstances to report.
- I have the following conflict(s) of interest or facts or circumstances to report:

I hereby:

- a) confirm that I have read the Association's Conflict of Interest Policy and I agree to be bound by the obligations contained therein;
- b) certify that the information set forth above is true and complete to the best of my knowledge;
- c) commit to inform the Review Board immediately of any change to my declaration above;
- d) commit to declare, at any relevant times in the exercise of my duties as volunteer, employee and/or consultant of the Association, every situation that may arise which would make it inappropriate for me to continue to act in that capacity due to a conflict of interest.

Name

Signature

Position Title

Date

Witness

Signature