

## **PAN-CANADIAN POLICY**

**SPECIAL OLYMPICS CANADA AND NEWFOUNDLAND AND LABRADOR**

### **CONFLICT OF INTEREST POLICY**

***This Policy has been prepared by Special Olympics Canada and is a Pan-Canadian Policy applicable to Special Olympics Canada and its Chapters. This document cannot be modified by a Chapter without consultation and approval from Special Olympics Canada.***

**EFFECTIVE DATE:** Nov 2018

**LAST REVISED:** SEPT 1, 2020

#### **Definitions**

1. The following terms have these meanings in this Policy:
  - a) *“Chapter”* – means the Provincial or Territorial Special Olympics organization recognized by Special Olympics Canada as a provincial or territorial governing body of Special Olympics.
  - b) *“Organization”* – Special Olympics Canada or the Chapter of jurisdiction
  - c) *“Conflict of Interest”* – Any situation in which a Representative’s decision-making, which should always be in the best interests of Special Olympics Canada and its Chapters, is influenced or could be influenced by personal, family, financial, business, or other private interests.
  - d) *“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.
  - e) *“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.
  - f) *“Representatives”* – Individuals employed by, or engaged in activities on behalf of, Special Olympics Canada and its Chapters including: coaches, staff members, convenors, contract personnel, volunteers, managers, administrators, committee members, and Directors and Officers of Special Olympics Canada and its Chapter.

#### **Background**

2. When acting on behalf of Special Olympics Canada or its Chapters, individuals have a duty first to that organization and second to any personal stake they have in the operations of Special Olympics Canada and its Chapters or other organisation. For example, in not-for-profit organizations, Directors are required, by law, to act as a trustee (in good faith, or in trust) of the organization. Directors, and other stakeholders, must not put themselves in positions where making a decision on behalf of Special Olympics Canada or the applicable Chapter connected to their own personal financial gain or advancement in the organization. That would be a conflict of interest situation.

#### **Purpose**

3. Special Olympics Canada and its Chapters strive to reduce and eliminate nearly all instances of conflict of interest – by being aware, prudent, and forthcoming about the potential conflicts. This Policy describes how Representatives will conduct themselves in matters relating to conflict of interest and will clarify how Representatives shall make decisions in situations where conflict of interest may exist.
4. This Policy applies to all Representatives.

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### **Obligations**

5. Any real or perceived conflict of interest, whether pecuniary or non-pecuniary, between a Representative's personal interest and the interests of Special Olympics Canada or the applicable Chapter, shall always be resolved in favour of Special Olympics Canada or the applicable Chapter.
6. Representatives will not:
  - a) Engage in any business or transaction, or have a financial or other personal interest, that is incompatible with their official duties with Special Olympics Canada or the applicable Chapter, unless such business, transaction, or other interest is properly disclosed to and approved by the organization;
  - b) Knowingly place themselves in a position in connection with SOC or a Chapter where they are under obligation to any person who might benefit from special consideration or who might seek preferential treatment;
  - c) 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;
  - d) Derive personal benefit from information that they have acquired during the course of fulfilling their official duties, if such information is confidential or not generally available to the public;
  - e) 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 Special Olympics Canada or a Chapter, or in which they have an material advantage or appear to have an material advantage on the basis of their association with Special Olympics Canada or the Chapter;
  - f) Without the permission of Special Olympics Canada or the applicable Chapter, use organization property, equipment, supplies, or services for activities not associated with the performance of their official duties with the organization;
  - g) Place themselves in positions where they could, by virtue of being a Representative, influence decisions or contracts from which they could derive any direct or indirect benefit; and
  - h) 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 Representative.

### **Disclosure of Conflict of Interest**

7. On an annual basis, all Directors and candidates for election to the Board will complete a **Declaration Form** disclosing any real or perceived conflicts that they might have. Declaration Forms shall be retained by the organization.
8. Board Members shall disclose real or perceived conflicts of interest to the organization's Board immediately upon becoming aware that a conflict of interest may exist. All other Representatives shall disclose real or perceived conflicts to the CEO.
9. Representatives shall also disclose any and all affiliations with any and all other organizations involved with the same sport. These affiliations include any of the following roles: athlete, coach, manager, official, employee, volunteer, or Director.

### **Minimizing Conflicts of Interest in Decision-Making**

10. Decisions or transactions that involve a conflict of interest that has been proactively disclosed by a Representative will be considered and decided with the following additional provisions:
  - a) The nature and extent of the Representative's interest has been fully disclosed to the body that is considering or making the decision, and this disclosure is recorded or noted;

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- b) The Representative does not participate in discussion on the matter;
  - c) The Representative abstains from voting on the decision;
  - d) For Board-level decisions, the Representative does not count toward quorum and the decision is confirmed to be in the best interests of the organization.
11. For potential conflicts of interest involving employees, the CEO will determine whether there is a conflict and, if one exists, the employee will resolve the conflict by ceasing the activity giving rise to the conflict. Special Olympics Canada and its Chapters will not restrict employees from accepting other employment contracts or volunteer appointments provided these activities do not diminish the employee's ability to perform the work described in the employee's job agreement with Special Olympics Canada or the applicable Chapter or give rise to a conflict of interest.

### **Conflict of Interest Complaints**

12. Any person who believes that a Representative may be in a conflict of interest situation should report the matter, in writing (or verbally if during a meeting of the Board or any committee), to the applicable Board or CEO which will decide appropriate measures to eliminate the conflict. The applicable Board or CEO may apply the following actions 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 Special Olympics Canada or the Chapter
  - e) Other actions as may be considered appropriate for the real or perceived conflict of interest
13. Any person who believes that a Representative has made a decision that was influenced by real or perceived conflict of interest may submit a complaint, in writing, to Special Olympics Canada or the Chapter to be addressed under the *Discipline and Complaints Policy*.
14. The Board or CEO may determine that an alleged real or perceived conflict of interest is of such seriousness as to warrant suspension of designated activities pending a meeting and a decision of the Board.

### **Enforcement**

15. Failure to adhere to this Policy may permit discipline in accordance with the *Discipline and Complaints Policy*.

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**Conflict of Interest - Declaration Form**

I have read the *Conflict of Interest Policy*, I agree to be bound by the obligations contained therein, and I commit to avoid any real or perceived conflict of interest. I also commit to disclosing the existence of any real or perceived conflict of interest to the Board, as soon as it is known to me.

I declare the following interests which may represent a potential conflict of interest:

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**Name**

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**Signature**

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**Date**