



## CONFLICT OF INTEREST POLICY

### Definitions

1. The following terms have these meanings in this Policy:
  - a) *“Conflict of Interest”* – Any situation in which a Representative’s decision-making, which should always be in the best interests of Surf Canada, is influenced or could be influenced by personal, family, financial, business, or other private interests
  - b) *“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
  - c) *“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
  - d) *“Perceived Conflict of Interest”* – A perception by an informed person that a conflict of interest exists or may exist.
  - e) *“Representatives”* – Individuals employed by, or engaged in activities on behalf of, Surf Canada including: coaches, staff members, Members, event organizers, contract personnel, volunteers, managers, administrators, committee members, and Directors and officers of Surf Canada

### Background

2. Individuals who act on behalf of an organization have a duty first to that organization and second to any personal stake they have in the operations of the organization. For example, in not-for-profit organizations, 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.

### Purpose

3. Surf Canada strives to reduce and eliminate nearly all instances of conflict of interest at Surf Canada – 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.

### Policy

5. Any real or perceived conflict of interest, whether pecuniary or non-pecuniary, between a Representative’s personal interest and the interests of Surf Canada, shall always be resolved in favour of Surf Canada.
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 Surf Canada, unless such business, transaction, or other interest is properly disclosed to Surf Canada and approved by Surf Canada
- 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
- 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 with Surf Canada, 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 Surf Canada, or in which they have an advantage or appear to have an advantage on the basis of their association with Surf Canada
- f) Without the permission of Surf Canada, use Surf Canada property, equipment, supplies, or services for activities not associated with the performance of their official duties with Surf Canada
- g) Place themselves in positions where they could, by virtue of being a Surf Canada Representative, influence decisions or contracts from which they could derive any direct or indirect benefit
- 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 an Surf Canada Representative

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

7. On an annual basis, all Surf Canada Board Members and candidates for election to the Board, Directors, Officers, Employees, and Committee Members will complete a **Declaration Form** disclosing any real or perceived conflicts that they might have. Declaration Forms shall be retained at the Surf Canada office.
8. Representatives shall disclose real or perceived conflicts of interest to Surf Canada Board of Directors immediately upon becoming aware that a conflict of interest may exist.
9. Representatives shall also disclose any and all affiliations with any and all other Surf organizations.

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

10. Decisions or transactions that involve a conflict of interest that has been proactively disclosed by a Surf Canada 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
  - 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
  - e) The decision is confirmed to be in the best interests of Surf Canada



11. For potential conflicts of interest involving employees, the Surf Canada Board of Directors will determine whether there is there a conflict and, if one exists, the employee will resolve the conflict by ceasing the activity giving rise to the conflict. Surf Canada 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 Surf Canada 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 of Directors or any Surf Canada committee), to Surf Canada Board of Directors who will decide appropriate measures to eliminate the conflict.
13. The Board of Directors 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 Surf Canada teams, events and/or activities
  - d) Expulsion from Surf Canada
  - e) Other actions as may be considered appropriate for the real or perceived conflict of interest
14. Any person who believes that a Representative has made a decision that was influenced by a real or perceived conflict of interest may submit a complaint, in writing, to Surf Canada to be addressed under Surf Canada's *Discipline and Complaints Policy*.
15. Failure to comply with an action as determined by the Board of Directors will result in automatic suspension from Surf Canada until compliance occurs.
16. 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 meeting and a decision of the Board of Directors.

### **Enforcement**

17. Failure to adhere to this Policy may permit discipline in accordance with Surf Canada's *Discipline and Complaints Policy*.

### **Review**

18. This Policy is subject to review at least once every three years

*The publication of Surf Canada policies will be in the English and French languages. In the case of conflicting interpretations, the English version will prevail.*

