



CANADA BASKETBALL CONFLICT OF INTEREST POLICY

DEFINITIONS

1. These terms will have these meanings in this Policy:
 - a) “*Conflict of Interest*” - Any situation in which an individual or the organization they represent in any capacity is influenced or could be influenced by personal, family, financial, business or other interests which override the best interests of Canada Basketball.
 - b) “*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.
 - c) “*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.
 - d) “*Individual*” - All decision makers within Canada Basketball, including Canada Basketball directors, officers, committee members, and other individuals who are decision makers with Canada Basketball.
 - e) “*Person*” - Any Individual, athletes, staff, parents, family member, friend, customer, client, sponsor, colleague, legal person or organization.

PURPOSE

2. The purpose of this Policy is to provide a standard of behaviour that prevents exploitation of conflict of interest situations.

SCOPE AND APPLICATION

3. This Policy applies to all Members as defined in the Definitions section.

STATUTORY OBLIGATIONS

4. Canada Basketball is incorporated under the *Canada Corporations Act* (“*Act*”) and is governed by the *Act* in matters involving 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 interest of the Corporation.
5. Under the *Act*, any real or perceived conflict, between an Individual’s interest and the interests of Canada Basketball must at all times be resolved in favour of Canada Basketball.

ADDITIONAL OBLIGATIONS

6. In addition to fulfilling all requirements of the *Act*, Individuals will also fulfill the additional requirements of this policy. Individuals will not:

- a) Engage in any business or transaction or have a financial or other personal interest which is incompatible with the discharge of their duties and obligations.
- b) Knowingly place themselves in a position where they are under obligation to any person who might benefit from special consideration or favour on their part or who might seek, in any way, preferential treatment.
- c) Knowingly place themselves in a position where they could be influenced in a decision by a person, friend, family, financial, business or other interests.
- d) Accord, in the performance of their duties and obligations, preferential treatment to any person, relatives or friends or to organizations in which they or their relatives or friends have an interest, financial or otherwise.
- e) Benefit from the use of information acquired during the course of their official duties, which is generally not available to the public.
- f) Engage in any outside work, activity, or business undertaking:
 - i) That conflicts or appears to conflict with their duties as a Board, Committee Member, Staff Person, or representative of Canada Basketball.
 - ii) In which they have an advantage or appear to have an advantage derived from their association with Canada Basketball.
 - iii) In a professional capacity that will or might appear to influence or affect the carrying out of their duties as a Canada Basketball Board, Committee Member, Staff Person, or Representative.
- g) Use Canada Basketball property, equipment, supplies, or services of consequence for activities not associated with the discharge of official duties.
- h) Place themselves in a position where they could derive any direct or indirect benefit or interest from any contracts, the decisions with respect to which, they could influence.
- i) Accept any gift that could reasonably be construed as being given in anticipation or recognition of special consideration by Canada Basketball.

DISCLOSURE OF CONFLICT

7. All Individuals will disclose any conflict of interest situation in the following manner:
 - a) For those who are nominated for election, they will disclose prior to the election their potential conflict of interest.
 - b) At the first annual meeting of any Canada Basketball Committee, each Individual shall make verbal disclosure of their interests, to be recorded and submitted to the Board of Directors.
 - c) In addition to the foregoing, whenever an Individual considers that he or she could be, or could potentially be, in a conflict of interest as defined within this policy or otherwise, he or she shall disclose this conflict to either the Committee (if during a committee meeting) or the Board of Directors.

- d) Any Individual who feels that another Individual is in a conflict of interest can raise the matter with either the Committee (if during a committee meeting) or the Board of Directors.
- e) If an Individual is in doubt as to whether or not a conflict of interest situation exists, he or she should provide disclosure to the Committee or Board of Directors.

RESOLVING CONFLICT IN DESIGNATED POSITIONS

- 8. Following disclosure of conflict of interest which could affect the carrying out of the duties of the Individual, or where the personal interest is sufficient to appear to influence the objective exercise of his or her official duties, such individual will withdraw from all situations where the conflict exists. When in doubt the Board of Directors will make the final determination as to the course of action.

RESOLVING CONFLICT IN DECISION-MAKING

- 9. Following disclosure of a conflict of interest with respect to a particular decision, the following principles shall apply:
 - a) The individual in conflict of interest may not participate in discussion of this decision as an advocate on his or her own behalf, either formally at the meeting or informally through private contact, communication, and discussion, unless such participation is approved by a unanimous vote of the Directors or Committee Members.
 - b) Except where participation in discussion has been properly approved as per Section 6.1, the Canada Basketball Representative shall not be present at that portion of a meeting when matters in which they have an interest are considered.
 - c) The individual in a conflict of interest shall not participate in any vote on the matter.

ENFORCEMENT

- 10. Where a Individual has failed to disclose a conflict of interest the Board of Directors will take the following actions:
 - a) Request that the Individual's actions be justified in writing.
 - b) Discuss the circumstances at the next Board meeting (or if circumstances necessitate convene a Board meeting by conference call). Based on the decision of the Board, the Individual may be requested to cease those actions that brought about the conflict of interest or withdraw from those activities that cause a conflict of interest. Should the Individual continue those actions or activities that have been deemed to be in conflict with the interests of Canada Basketball, the Individual will be removed from his or her position.
- 11. Individuals who fail to meet the standards of behaviour contained within this policy will be subject to disciplinary sanctions as identified within Canada Basketball's Discipline and Complaints Policy.

DOCUMENTATION AND PUBLICATION

12. Documentation relating to conflict of interest situations shall be recorded in the Minutes of the Board of Directors and all Committees of Canada Basketball.
13. When the Board of Directors determines that exploitation of a conflict of interest has occurred, the Board of Directors will make it public.

RIGHT TO APPEAL

14. If the Individual is removed from his/her position and wishes to appeal the decision, a written request for Appeal must be submitted in accordance with Canada Basketball Appeal Policy.

REVIEW AND APPROVAL

This policy was approved by the Canada Basketball Board of Directors on the 25th day of May, 2013.

Declaration regarding Conflict of Interest

I have read the Canada Basketball 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 of Directors, as soon as it is known to me.

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

Name

Signature

Date