

## **CANADIAN POWERLIFTING UNION (CPU)**

### **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 the CPU, is influenced or could be influenced by personal, family, financial, business, or other private interests
  - 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) “*Representatives*” – Individuals employed by, or engaged in activities on behalf of, the CPU including: coaches, staff members, convenors, employees, contract personnel, volunteers, managers, administrators, committee members, and Directors and Officers of the CPU

#### **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 CPU. 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 CPU. Directors, and other stakeholders, must not put themselves in positions where making a decision on behalf of the CPU is connected to their own personal interests. That would be a conflict of interest situation.
3. This Policy is informed by legal requirements imposed by the *Canada Not-For-Profit Corporations Act* and by the CPU’s Bylaws. In the event of a conflict between this Policy and the Bylaws and/or legal requirements, the legal requirements and/or Bylaws will prevail.

#### **Purpose**

4. The CPU strives to reduce and eliminate nearly all instances of conflict of interest at the CPU – 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.
5. This Policy applies to all Representatives.

#### **Obligations**

6. Any real or perceived conflict of interest, whether pecuniary or non-pecuniary, between a Representative’s personal interest and the interests of the CPU, shall always be resolved in favour of the CPU.
7. 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 the CPU, unless such business, transaction, or other interest is properly disclosed to the CPU and approved by majority vote of unconflicted members of the CPU’s Board of Directors
  - 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 the CPU, 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 the CPU, or in which they have an advantage or appear to have an advantage on the basis of their association with the CPU
- f) Without the permission of the CPU, use the CPU's property, equipment, supplies, or services for activities not associated with the performance of their official duties with the CPU
- g) Place themselves in positions where they could, by virtue of being an CPU 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 CPU Representative

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

8. On an annual basis, all the CPU's Directors and candidates for election to the Board, 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 by the CPU.
9. Representatives shall disclose real or perceived conflicts of interest to the CPU's Board immediately upon becoming aware that a conflict of interest may exist.
10. 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**

11. Decisions or transactions that involve a conflict of interest that has been proactively disclosed by an CPU 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) At the request of one or more individuals attending the meeting, the Representative must leave the room (or disconnect from the call, as the case may be) for the duration of the discussion, debate, and vote on the matter
  - e) The Representative does not count toward quorum
  - f) The decision is confirmed to be in the best interests of the CPU
12. For potential conflicts of interest involving employees, the CPU's Board 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. The CPU 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 the CPU or give rise to a conflict of interest.

### **Conflict of Interest Complaints**

13. 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 CPU's Board who will

decide appropriate measures to eliminate the conflict. The Board 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) 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 real or perceived conflict of interest may submit a complaint, in writing, to the CPU to be addressed under the CPU's *Discipline and Complaints Policy*.
15. Failure to comply with an action as determined by the Board will result in automatic suspension from the CPU until compliance occurs.
16. The Board 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**

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

