

Ontario Band Association
CONFLICT OF INTEREST POLICY

Effective: January 12, 2012

Supercedes: All Others

PART 1
PREAMBLE

The Ontario Band Association (OBA) strives to conduct its business in conformity with the highest ethical and moral standards, thereby ensuring that its members and the greater band community in Ontario and Canada has complete confidence in the integrity of the OBA. The OBA expects that all of its members will act in a manner that will enhance the OBA's reputation by showing integrity in all of its dealings.

PART 2
APPLICATION

1. This policy applies to the following individuals:
 - a. any Voting Member and Non-Voting Member sitting on the Board of Directors, as more fully the Constitution;
 - b. OBA employees, including those receiving honourarium for services rendered;
 - c. OBA volunteers;
 - d. at-large members of OBA committees; and,
 - e. agents and representatives of the OBA.

PART 3
CONFLICT OF INTEREST

1. Where it is questionable as to whether a conflict of interest exists, it is incumbent upon the individual to consult with her supervisor or seek legal advice and disclose the particulars.
2. A conflict of interest may present itself in one of three forms:
 - a. an actual conflict of interest: where it can be clearly demonstrated that a conflict of interest exists;
 - b. a potential conflict of interests: where a result could lead to a conflict of interest arising; and,
 - c. a perceived conflict of interest: where an actual or potential conflict of interest may not exist, but an outside perspective into the surrounding circumstances leads or could lead to a perception that a conflict of interest exists.
3. A conflict of interest arises where the private or personal interests of an individual are sufficient to influence or appear to influence the objective exercise of her duties. This would include:
 - a. where the private or personal interests of an individual conflict with the interests of the OBA; or
 - b. where the individual has a financial interest in a third party that is doing or is seeking to do business with the OBA.

4. A conflict of interest arises where an individual has or appears to have an opportunity to use her authority, knowledge, or influence derived from her position to improperly benefit the individual or another person. This would include:
 - a. participating in the hiring, appointment or promotion of a family member, including a spouse, parent, in-law, sibling, child or stepchild;
 - b. having personal financial dealings with an individual or company whose business with the OBA involves the individual's sphere of responsibilities; and,
 - c. participating in the management of a company which is a supplier of materials or services to the OBA.
5. A conflict of interest arises if gifts, gratuities or favours of any kind are exchanged between an individual and any individual or company whose relationship with the OBA involves the individual's sphere of responsibilities.
 - a. cash payments in any amount must not be accepted or given as a gift or favour under any circumstances.
 - b. this policy does not apply to incidental gifts and other benefits that are below a value of thirty dollars (\$30) and that are received as a result of general business practices.
6. A conflict of interest arises if an individual accepts outside employment or engages in outside activities which may interfere with the efficient performance of the individual's duties.

PART 4 PROCEDURE

1. Any investigation into whether a conflict of interests exists should consult with legal council for guidance on process and practice.
2. Any individual who has or may have a conflict of interest, or has doubt as to whether a conflict of interests exists or may exist, must disclose, in writing, the circumstances to the President.
 - a. Where a Voting or Non-Voting Member while sitting on the Board of Directors has or may have a conflict of interest, she must disclose the circumstances to the President.
 - b. Where the President has or may have a conflict of interest, she must disclose the circumstances to the President-elect.
3. Any allegations made about the actual or potential conflict of interest of another individual must be made, in writing, to the President.
 - a. Any allegations that a Voting or Non-Voting Member while sitting on the Board of Directors has or may have a conflict of interest must be made to the President.
 - b. Any allegations that the President has or may have a conflict of interest must be made to the President-elect.
4. The President or other designated individual shall determine whether an actual or potential conflict of interests exists and,
 - a. where a conflict is found to exist, either:

1. provide written direction on the means by which that conflict may be removed or avoided; or
 2. refer the matter to legal council for further investigation and/or recommendation.
5. Avoidance or removal of a conflict of interest may involve, but is not limited to:
 - a. abstaining from discussing the issue with the individual with the conflict;
 - b. requiring the individual to abstain from voting on the issue;
 - c. requiring the individual to excuse herself from any discussions involving the issue; and,
 - d. requiring the individual to withdraw entirely from the situation in which the conflict arises.
6. Where it is discovered that an individual should have disclosed a conflict of interest, regardless of whether the matter is concluded or resolved, the OBA may:
 - a. require the individual to relinquish any benefit obtained to the OBA;
 - b. impose disciplinary action, including termination or removal. Any decision for termination or removal must be commensurate with the circumstances surrounding the conflict of interest; or
 - c. take any other action that is befitting the situation.