



CBA ALBERTA – CONFLICT OF INTEREST POLICY

CBA Alberta (CBA-AB) recognizes the importance of volunteerism within the legal community and that its work would not be done without the dedication of its volunteers. The intent of this policy is not to limit the many capacities in which volunteerism may occur.

PURPOSE

The purpose of this policy is to protect the interests of CBA-AB by:

- 1) preventing situations in which the personal interests or professional duties of Volunteers may interfere, or appear to interfere, with their duties to the CBA-AB; and
- 2) avoiding the improper use, or the appearance of improper use, of CBA-AB information and resources for the financial, professional, personal, or political gain of Volunteers.

This policy does not replace, and is intended to supplement, the Law Society of Alberta's Code of Conduct or any applicable federal or provincial laws regarding conflicts of interest.

DEFINITION

Terms defined by CBA-AB's Bylaws and its policies apply to this policy, unless otherwise expressly stated.

"Committee Member" means all members of CBA-AB committees, sub-committees, task forces and working groups appointed by the Board.

"Duties" means, collectively, the duty of Volunteers owe to CBA-AB which include two significant duties, being the duty of loyalty and the duty of care.

"Duty of Loyalty" means one of the two main fiduciary duties that a Volunteer owes CBA-AB and which is the Volunteer's responsibility to act at all times in the best interests of CBA-AB rather than in their personal interests or in the interests of others.

"Duty of Care" means one of the two main fiduciary duties that a Volunteer owes CBA-AB and which is the Volunteers' responsibility to exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstances.

"Executive Committee" means the collective of members elected or acclaimed to the positions of President, Vice-President, Treasurer, Secretary, and Past President of the CBA-AB Board.

"Section Executive" means, with respect to each CBA-AB Section, the collective of members elected or acclaimed to the positions of Chair/Co-chair, Vice-Chair, Treasurer, Secretary, Member-at-Large, or other

executive position, as reported to the CBA-AB in accordance with the Provincial Sections and Committee Policy, or CBA National's Sections Regulation or as otherwise authorized by the Executive Director.

"Volunteer" means any director, committee member, or section executive.

CONFLICT OF INTEREST

A conflict of interest arises in any situation where a Volunteer's duty to act in the best interest of the CBA-AB and to adhere to the Volunteer's duties to the CBA-AB is compromised or impeded by any other interest, relationship or duty of the Volunteer.

The situations in which potential conflict of interest may arise cannot be exhaustively set out. An example of a conflict of interest can arise when a Volunteer serves on the Board, or sits as a committee member, of another organization, or the Volunteer has an association or relationship with another entity. There may also be a perception of a conflict of interest.

PROCEDURES TO ADDRESS CONFLICTS OF INTEREST

In response to an actual or perceived conflict of interest:

1. The Volunteer has a duty to disclose. The Volunteer is under a duty to disclose to the Executive Director of CBA-AB any actual or perceived conflicts of interest as they arise. The Executive Director will then notify the Executive Committee.
2. The Executive Director of CBA-AB, along with the Executive Committee, will determine whether an investigation is required. If an investigation is required, the Executive Director will collect all pertinent information and the Volunteer will have an opportunity to disclose all material facts. The Executive Director will present the results of the investigation at the next meeting of the Executive Committee for further action.
3. All conflicts of interest will be reviewed on a case-by-case basis. The Executive Committee has the discretion to deem what action is appropriate and necessary for disclosed conflicts of interest.
4. If a Director of the Board reasonably believes a Volunteer failed to disclose an existing or possible conflict of interest, the Director shall inform the Volunteer of the rationale for such belief and give the Volunteer an opportunity to explain the alleged failure to disclose the conflict of interest.
5. After hearing the Volunteer's response and investigating further as warranted by the circumstances, the Executive Committee may take appropriate action including removing the individual from their position in the CBA-AB, in accordance with its Bylaws.
6. If it turns out that a conflict of interest does not exist, the inquiry will be documented, and no further action will be taken.