

Conflict of Interest Policy



CONFLICT OF INTEREST POLICY

Introduction

1. The Conflict of Interest policy (hereinafter referred to as 'Policy') of Yachting Association of India (hereinafter referred to as 'YAI') sets out the approach of the YAI with respect to real, perceived and potential Conflict of Interest(s) situations, which may arise during the administration and running of Yachting Association of India also recognised as National Sports Federation for the sport of Sailing and its business.

Objective and basic principles

2. The YAI strives to reduce and eliminate instances of Conflict of Interest(s) at the YAI – by being aware, prudent, and forthcoming about the potential Conflict(s). Towards this end the Policy imposes obligations on an individual, including a mandatory attestation confirming that the individual has read the present Policy, has reviewed his or her personal circumstances in light of those requirements and, as required, has filed or will file a Declaration of Conflict of Interest(s) Form to that effect.

3. The Policy outlines the values and expected behaviours that should guide an individual in all activities related to their professional duties. The Policy ensures that in situations of real, perceived or potential Conflict of Interest(s) decisions are made in a manner that upholds the interests of YAI. The Policy also facilitates ethical decision-making within YAI and by its members and focuses on ethical conduct, a respectful and professional workplace.

Application

4. The Guidelines apply to all individuals and they are expected to comply with the requirements of the Policy. All individuals should ensure that they have read and are in compliance with the Policy and YAI General Rules and Regulations. The individuals should be aware that failure to comply with any of the procedures or measures set out in the present Policy and failure to do so shall make the individuals subject to sanctions as laid out in the Policy.

Definitions

5. The following terms have these meanings in this Policy:

- (a) "YAI" – Yachting Association of India (YAI) is a society registered under the Societies Registration Act, 1961 on 22 Dec 1964 at Calcutta, West Bengal.

(b) “Conflict of Interest(s)” - It is a situation in which a person has an Interest, pecuniary or non-pecuniary, which may influence that person’s decision making against the best interest of YAI or to any other person or body with which YAI has a relationship. It also includes perceived or potential as well as real Conflict of Interest(s) through influence on an individual’s objectivity in person or through a connected person.

(c) “Disclosure” - Sharing the existence, nature and all relevant facts of a Conflict of Interest(s) with YAI

(d) “Connected Person” - Anyone with whom the individual in question has a relationship which is likely to appear to a reasonable person to influence the individual’s objectivity including but not limited to close family member(s), their partner(s) and close personal friend(s).

(e) “Individual(s)” – All categories of membership defined in the YAI’s General Rules and Regulations, as well as all individuals engaged in activities with the YAI including, but not limited to athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and officers of the YAI.

(f) “In writing”- The term would include a letter forwarded to _____
(Address of destination), fax sent to _____ (fax no.) or email sent at
_____ (email address).

(g) “Pecuniary Interest” - A situation where there is the potential for financial gain or loss as a result of an individual holding a position. Individuals do not need to directly experience the financial gain or loss to give rise to pecuniary conflicts of interest. They will remain conflicts of interest if a connected person has the pecuniary interest.

(h) “Non-Pecuniary Interest” - Are interests that do not have a financial component but may arise from:

(i) Personal or connected person involvement in sporting, social or cultural activities.

(ii) Any tendency toward favour or prejudice resulting from a relationship with connected person, animosity or other personal involvement that could bias their judgment or decisions.

(j) Real Conflict of Interest(s) – Where a person is in a position to be influenced by their private interests during performance of their duties.

(k) Perceived Conflict of Interest(s) – Where a person is in a position to appear to be influenced by their private interests during performance of their duties.

(l) Potential Conflict of Interest(s) – Where a person is in a position where he/ she may be influenced by their private interests during performance of their duties.

Background

6. All individuals have an obligation to act in the best interest of YAI. They are expected to act impartially and objectively and to actively take steps to avoid Conflict of Interest(s).

7. Conflict of Interest(s) matter because they affect discussions and decision-making and may result in decisions being reached that are not in the best interests of YAI. They can give the impression – both internally and to the wider public – that improper conduct has occurred even when it has not.

8. Conflict of Interest(s) come in a number of different forms. It is primarily the responsibility of each individual to identify if there is a Conflict of Interest(s) or potential Conflict of Interest(s) that may affect them or Connected Person(s).

9. This Policy is not intended to adversely affect normal decision making within YAI. It is intended to make it more transparent, and to allow the management of Conflict of Interest(s) that will inevitably arise. It is important that management of a Conflict of Interest(s) is proportionate to the risk that it poses to the best interests of YAI.

Obligations

10. Any real/ perceived/ potential Conflict of Interest(s), whether pecuniary or non-pecuniary, between an Individual's personal interest and the interest of the YAI, shall always be resolved in favour of the YAI.

11. Individuals will not:-

(a) Engage in any business or transaction, or have a pecuniary or non-pecuniary interest, that is incompatible with their duties with the YAI, unless such business, transaction, or other interest is properly disclosed to the YAI and approved by the YAI.

(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 organisations 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 YAI, 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 creates a Conflict of Interest(s) or appears to create an impression of the same with their official duties as a representative of the YAI, or in which they have an advantage or appear to have an advantage on the basis of their association with the YAI.
- (f) Without the permission of the YAI, use the YAI's property, equipment, supplies, or services for activities not associated with the performance of their official duties with the YAI.
- (g) Place themselves in positions where they could, by virtue of being a YAI Individual, influence decisions or contracts from which they could derive any direct or indirect benefit.
- (h) Withhold disclosure of receipt of pecuniary or non-pecuniary interest as a result of the individual's position at YAI as the same is considered to have a potential Conflict of Interest(s).
- (j) Withhold reporting of an existing pecuniary or non-pecuniary interest which impairs or might appear to impair the individual's judgment in carrying out their responsibilities to YAI.
- (k) 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 a YAI Individual.

Evaluation of Conflict of Interest

12. Declarations of interest by individual(s) are to be evaluated by YAI Council. Where a question arises as to whether or not an interest declared by an individual is a real/ perceived/ potential interest, the decision of YAI Council shall be final as regards whether the interest represents a Conflict of Interest(s) in line with this Policy.

Disclosure of Conflict of Interest

13. All the YAI's Council Members, Officers, Employees, and Committee Members will complete a Declaration Form disclosing any real/ perceived/ potential Conflict of Interest(s) upon conclusion of every council election. Declaration of Conflict of Interest(s) Forms shall be retained by the YAI.

14. Individuals shall disclose real/ perceived/ potential Conflict of Interest(s) to the YAI immediately upon becoming aware that a Conflict of Interest(s) may exist.

15. Individual(s) shall also disclose any and all affiliations with any and all other organisations involved with the sport of sailing. These affiliations include any of the following roles: athlete, coach, manager, official, employee, volunteer, officer etc.

Minimising Conflicts of Interest in Decision-Making

16. Decisions or transactions that involve a Conflict of Interest(s) that has been proactively disclosed by an Individual will be considered and decided with the following additional provisions: -

- (a) The nature and extent of the Individual'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 Individual does not participate in discussion on the matter.
- (c) The Individual abstains from voting on the decision.
- (d) For Council level decisions, the Individual does not count toward quorum.
- (e) The decision is confirmed to be in the best interests of the YAI.

Conflict of Interest Complaints

17. Any person who believes that an Individual may be in a Conflict of Interest(s) situation should report the matter, in writing (or verbally if during a meeting of the Council or any committee), to the YAI who will as quickly as possible decide appropriate measures to eliminate the conflict.

18. The YAI's decision as to whether or not a Conflict of Interest(s) exists will be governed by the following procedures: -

- (a) Copies of any written documents to be considered by the YAI will be provided to the Individual who may be in a Conflict of Interest(s) situation
- (b) The Individual who may be in a Conflict of Interest(s) situation will be provided an opportunity to address the issue to the YAI verbally or in writing.
- (c) The decision will be by a majority vote of the YAI Council.

19. If the Individual acknowledges the Conflict of Interest, the Individual may waive the right to be heard, in which case the YAI Council will determine the appropriate sanction.

Decision

20. After hearing and/ or reviewing the matter, the YAI Council will determine whether a Conflict of Interest(s) exists and, if so, the sanctions to be imposed.

Sanctions

21. The YAI Council 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) Expulsion from the YAI.
- (e) Other actions as may be considered appropriate for the real or perceived Conflict of Interest(s).

22. Any person who believes that an Individual has made a decision that was influenced by real/ perceived/ potential Conflict of Interest(s) may submit a complaint, in writing, to the YAI to be addressed by the YAI's Disciplinary and Ethics Sub-Committee.

23. Failure to comply with an action as determined by the YAI Council will result in automatic suspension from the YAI until compliance occurs.

24. The YAI Council may determine that an alleged real/ perceived/ potential Conflict of Interest(s) is of such seriousness as to warrant suspension of designated activities pending a meeting and a decision of the YAI Council.

Proprietary and Confidentiality of Information

25. All information disclosed in the context of the Conflict of Interest(s), will be kept confidential. The information provided will be processed only to ensure that the best interests of YAI are maintained. The only exceptions are when such disclosure is authorized by such individual, from whom the disclosure has been made, or if required

by a summon or order issued by a court of competent jurisdiction or upon request by a administrative or legislative body authorised in this regard.

Reservation of Rights

26. Where an individual fails to disclose a Conflict of Interest(s) according to this policy or YAI General Rules and Regulations, YAI reserves all rights it may have to deal with the said Conflict of Interest(s) and individual involved.

Appellate Authority

27. In order to mitigate litigations and establish the provision for appeal, the following two Appellate Authorities are established:-

- (a) First Appellate Authority - YAI's Disciplinary and Ethics Sub-Committee.
- (b) Final Appellate Authority – President YAI whose decision will be final and binding.

Responsibility

28. The Hon Secretary General is responsible for advising the YAI President, for maintaining and monitoring the provisions of the policy, however, the revision of the policy; and authorization of exceptions to the policy is to undertaken with the approval of the Council. All individuals are responsible for applying and implementing this policy in each of their respective areas/sphere of work.

Interpretation

29. This policy cannot describe all conflicts of interest situations that may arise involving YAI. Therefore, all individuals must use good judgment to avoid any appearance of impropriety. Appropriate circumstances may also justify exceptions to the application of the present policy. In case of doubt as to the application of this policy, individuals are advised to err on the side of caution and transparency and seek advice from YAI Council prior creation of any transaction.

YAI Declaration of Conflict of Interest Form

Section A

This form is to be completed by all _____ of YAI and returned to the _____ . Where no interests are to be disclosed, please state "Not Applicable".

Full Name: _____

Position Held: _____

This section relates solely to Conflict of Interest(s) of the above named person. For their Connected Person(s), where the Conflict of Interest(s) is deemed to be relevant, please complete Section B below.

Note: Individuals are not expected to quantify the extent of a financial interest, merely the fact that one exists. The presumption is always in favour of declaring an interest.

Memberships

	Name And Address Of Club/ Business	Nature/ Type of Membership/ Employment	Position Held (if any)	Dates
Details of memberships, employment and/or self-employment held which may be significant to, or relevant to, or bear upon the activities of YAI				

Section B - Connected Persons

	Name and address of Club/ Business	Nature/ Type of Membership/ Employment	Position Held (if any)	Dates
Details of memberships, employment and/or self-employment held which				

may be significant to, or relevant to, or bear upon the activities of YAI				
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General Declaration of Interests

Do you, or Connected Person(s) with you have any other interests that you should report .

(In cases of doubt as to whether you have a disclosable interest please make the disclosure).

Yes No

If yes, please give details below:

DECLARATION

I declare that, to the best of my knowledge and belief, the information I have given in this form is truthful, accurate and complete. I undertake to notify the YAI Secretariat in writing of any changes to this information.

I undertake to ensure that, subject to approval of this Declaration, the Conflict of Interest(s) that I have disclosed will not detrimentally affect my ability to carry out my duties as a _____ (Designation of Individual).

In making this declaration I consent to the information contained in it being available for inspection in the Register of Conflict of Interest(s), as required by YAI Conflict of Interest(s) policy and YAI General Rules and Regulations.

Name

Signed