



AVA CONFLICT OF INTEREST POLICY

adopted August 26, 2011

It is in the best interest of the American Volkssport Association ("**AVA**") to be aware of and properly manage all conflicts of interest and appearances of a conflict of interest. This conflict of interest policy is designed to help National Officers, Regional Directors, employees and volunteers of the AVA identify situations that present potential conflicts of interest and to provide the AVA with a procedure to appropriately manage conflicts in accordance with legal requirements and the goals of accountability and transparency in its operations.

1. **Definitions.**

a. A "**Conflict of Interest**" includes any of the following circumstances:

i. A National Officer, Regional Director, employee or volunteer (or family member of any of the foregoing) is a party to a contract, or involved in a transaction with the AVA for goods or services.

ii. A National Officer, Regional Director, employee or volunteer (or a family member of any of the foregoing) has a material financial interest in a transaction between the AVA and an entity in which the National Office, Regional Director, employee or volunteer, or a family member of the foregoing, is a director, officer, agent, partner, associate, employee, trustee, personal representative, receiver, guardian, custodian, or other legal representative.

iii. A National Officer, Regional Director, employee or volunteer (or a family member of the foregoing) is engaged in some capacity or has a material financial interest in a business or enterprise that competes with the AVA.

iv. A National Officer, Regional Director, employee or volunteer (or a family member of the foregoing) has any other direct or indirect financial interest or personal interest that conflicts with the interests of the AVA or that results in divided loyalties.

v. Gifts, Gratuities and Entertainment. Accepting gifts, entertainment or other favors from individuals or entities can also result in a conflict or duality of interest when the party providing the gift/entertainment/favor does so under circumstances where it might be inferred that such action was intended to influence or possibly would influence the interested person in the performance of his or her duties. This does not preclude the acceptance of items of nominal or insignificant value or

entertainment of nominal or insignificant value which are not related to any particular transaction or activity of the AVA.

- b. An **"Interested Person"** is any person serving as a National Officer, Regional Director, employee, or volunteer or a major donor to the AVA or anyone else who is in a position of control over the AVA who has a personal interest that is in conflict with the interests of the AVA.
- c. A **"Family Member"** is a spouse, parent, child or spouse of a child, brother, sister, or spouse of a brother or sister, of an Interested Person.
- d. A **"Material Financial Interest"** in an entity is a financial interest of any kind, which, in view of all the circumstances, is substantial enough that it would, or reasonably could, affect an Interested Person's or Family Member's judgment with respect to transactions to which the entity is a party.
- e. A **"Contract or Transaction"** is any agreement or relationship involving the sale or purchase of goods or services, the providing or receipt of a loan or grant, the establishment of any other type of financial relationship, or the exercise of control over another organization. The making of a gift to the AVA is not a Contract or Transaction.

2. **Procedures.**

- a. Prior to National Executive Council or committee action on a Contract or Transaction involving a Conflict of Interest, a person having a Conflict of Interest and who is in attendance at the meeting shall disclose all facts material to the Conflict of Interest. Such disclosure shall be reflected in the minutes of the meeting. If National Executive Council or committee members are aware that staff or other volunteers have a Conflict of Interest, relevant facts should be disclosed by such party or by the Interested Person him/herself if invited to the meeting as a guest for purposes of disclosure.
- b. A National Executive Council or committee member who plans not to attend a meeting at which he or she has reason to believe that the National Executive Council or committee will act on a matter in which the person has a Conflict of Interest shall disclose to the chair of such meeting all facts material to the Conflict of Interest. The chair shall report the disclosure at the meeting and the disclosure shall be reflected in the minutes of the meeting.
- c. A person who has a Conflict of Interest shall not participate in or be permitted to hear the National Executive Councils or committee's discussion of the matter except to disclose material facts and to respond to questions. Such person shall not attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting.

- d. A person who has a Conflict of Interest with respect to a Contract or Transaction that will be voted on at a meeting shall not be counted in determining the presence of a quorum for purposes of the vote.
- e. The person having a Conflict of Interest may not vote on the Contract or Transaction and shall not be present in the meeting room when the vote is taken, unless the vote is by secret ballot. Such person's ineligibility to vote shall be reflected in the minutes of the meeting.
- f. Interested Persons who are not members of the National Executive Council, or who have a Conflict of Interest with respect to a Contract or Transaction that is not the subject of National Executive Council or committee action, shall disclose to their supervisor, or the President, or the President's designee, any Conflict of Interest that such Interested Person has with respect to a Contract or Transaction. Such disclosure shall be made as soon as the Conflict of Interest is known to the Interested Person. The Interested Person shall refrain from any action that may affect the AVA's participation in such Contract or Transaction.

In the event it is not entirely clear that a Conflict of Interest exists, the individual with the potential conflict shall disclose the circumstances to his or her supervisor or the President or the President's designee, who shall determine whether full National Executive Council discussion is warranted or whether there exists a Conflict of Interest that is subject to this policy.

3. Confidentiality.

Each National Officer, Regional Director, employee and volunteer shall exercise care not to disclose confidential information acquired in connection with disclosures of Conflicts of Interest or potential conflicts, which might be adverse to the interests of the AVA. Furthermore, National Officers, Regional Directors, employees and volunteers shall not disclose or use information relating to the business of the AVA for their personal profit or advantage or the personal profit or advantage of their Family Member(s).

4. Review of policy.

- a. Each National Officer, Regional Director, and employee shall be provided with and asked to review a copy of this Policy and to acknowledge in writing that he or she has done so.
- b. A copy of this policy shall be posted on the AVA website.
- c. Annually each National Officer, Regional Director, and employee shall complete a disclosure form identifying any relationships, positions or circumstances in which s/he is involved that he or she believes could contribute to a Conflict of Interest. Such relationships, positions or circumstances might include service as a director of

or consultant to another nonprofit organization, or ownership of a business that might provide goods or services to the AVA. Any such information regarding the business interests of a National Officer, Regional Director, or employee, or a Family Member thereof, shall be treated as confidential and shall generally be made available only to the President, the Executive Director, and any committee appointed to address Conflicts of Interest, except to the extent additional disclosure is necessary in connection with the implementation of this Policy.

- d. This policy shall be reviewed annually by the Audit Committee. Any recommended changes to the policy shall be submitted to the National Executive Council for approval. Any approved changes shall be communicated to all staff and posted on the AVA website.

AVA Basic Conflict of Interest Disclosure Form

Date: _____

Name: _____

Position (National Officer, Regional Director, employee/volunteer/):

Please describe below any relationships, transactions, positions you hold (volunteer or otherwise), or circumstances that you believe could contribute to a conflict of interest between the American Volkssport Association and your personal interests, financial or otherwise:

_____ I have no conflict of interest to report

_____ I have the following conflict of interest to report (please specify other nonprofit and for-profit boards you (and your spouse) sit on, any for-profit businesses for which you or an immediate family member are an officer or director, or a majority shareholder, and the name of your employer and any businesses you or a family member own):

1. _____

2. _____

3. _____

I hereby certify that the information set forth above is true and complete to the best of my knowledge. I have reviewed, and agree to abide by, the Conflict of Interest Policy of the American Volkssport Association.

Signature: _____

Date: _____