



CONFLICT OF INTEREST

APPROVED BY THE COUNCIL ON 6th May, 2024

SECTION A – INTRODUCTION

A conflict of interest occurs when one's decisions and actions may be influenced due to a clash between personal interests and professional duties or responsibilities. Although conflicts of interest are not inherently corrupt, should one fail to properly identify, declare, and manage a conflict of interest, the latter can undermine the trust in decisions and actions, increase exposure to risks and give rise to reputational damage. Thus, conflicts of interest can become problematic when they are concealed, only partially revealed or mismanaged. Consequently, it is imperative that processes to identify and manage risk and prevent corruption are followed to ensure that responsible and objective decisions are made.

When applying the foregoing principles to the current aquatic sports scene in Malta, the Aquatic Sports Association of Malta (the 'ASA') is not in a position to lose talented individuals, administrators, officials, or athletes, due to potential conflict of interests when occupying various roles within the sport. Hence, it is in the ASA's best interest, and in the best interest of the relevant individual and club, that conflicts of interest are reported, monitored, and managed accordingly in order to ensure objectivity in all of the ASA's processes.

In order to achieve this, the ASA is hereby publishing this guidance document in order to serve as a reference point for individuals and clubs, as to how to act in situations where persons are occupying multiple roles within the relevant sport, or should they perceive, there might be a conflict of interest. The below list is non-exhaustive, and the ASA reserves the right to amend this document when it deems it necessary from time to time.

SECTION B - GUIDELINES

COI-01 An individual who may have a conflict of interest due to his/her multiple roles with both a club and any National Team forming part of the ASA is obliged to immediately declare this conflict to the ASA General Secretary on the template duly annexed to this guidance document, and this no later than one week from when the potential conflict arises. Failure to abide by the deadline identified herein may result in the imposition of disciplinary action upon such individual.

If the individual is also a member of staff, official, or athlete of a club, he/she must also inform the club in question at the same time in accordance with the procedures established by such club. This information is to be disclosed by the club to the ASA Council during the subsequent Council meeting.

For the avoidance of doubt, the submission of the aforementioned declaration does not constitute an automatic authorisation and further information may be requested from the individual to clarify his/her position.

COI-02 Technical officials whose family members (sons, daughters, brothers, sisters, nephews, nieces) form part of a club participating in ASA competitions are to immediately declare such a conflict to the ASA General Secretary in the manner prescribed below once they become aware that a family member is competing in any aquatic competition organised by the ASA.

The technical official shall disclose any potential relationships (with athletes or officials), business, employment or otherwise, which, in their opinion, may be seen as potentially conflicting. The General Secretary shall disclose this information to the Council, the ASA Executive or any individual involved in the appointment of such technical officials.

COI-03 If an individual commits or is a victim of an offense in terms of the Disciplinary Code, the role that he/she occupies at the time of the offense shall determine the appropriate disciplinary action. For the sake of clarity, should a person be employed as both a club coach and a national coach alike and this person commits/is a victim of an offence in terms of the disciplinary code, then the appropriate disciplinary action shall be meted out according to his/her designation at the time of the offense.

COI-04 Should an individual who occupies a dual (or multiple) role with the ASA and a club be found guilty by a disciplinary hearing, of using his position within the ASA to give an advantage to his club (such as a National Team coach using his position to entice players to join his local club), he/she is to be subjected to strict disciplinary action, including, but not limited to, the immediate dismissal from his role within the ASA and the appropriate sanction according to the Disciplinary Code. If such an offence is committed while on active ASA duty, the disciplinary action imposed upon the individual shall be double the one stated.

- COI-05 Should a club official, member or athlete use the dual (or multiple) role of another official, member or athlete with the same club as a means of getting an advantage towards his club, such a club official is to be sanctioned according to the Disciplinary Code.
- COI-06 In terms of these guidelines, any individual holding an official position within the ASA must declare any ongoing legal proceedings instituted by, or against, the former by any club forming part of the Association. This obligation shall also apply to any future legal proceedings instituted by, or against, any ASA Official throughout his or her term.

CONFLICT OF INTEREST DECLARATION

Approved on 6th May, 2024

To: *The General Secretary*
Aquatic Sports Association Tal-Qroqq

Date: _____

Name & Surname _____

I.D. Card No. _____

Position with ASA _____

Potential Conflicts *(mark N/A any section below which does not apply to you)*

a) Official positions (DC-13 -01)

With effect from _____, I have occupied/shall be occupying the position
of _____ With _____ club.

b) Relatives with ASA member clubs (DC-13-02)

Mr/Ms _____ my - husband/wife/partner/son/daughter/
brothers/ sisters/nephew/ niece - occupies the position of official/coach/player/other
(please specify) _____ with _____ club.

c) Business or other Interests (DC-13-02)

I have a - business/personal - relationship with Mr/Ms _____
who is an official/coach/player/other (please specify) _____ with
_____ club.

I hereby declare that I am aware of the provisions of DC-D13 of the Disciplinary Code of the
Aquatic Sports Association Malta regarding potential conflicts of interest, and that I shall
strictly abide by these protocols throughout my tenure with the Aquatic Sports Association.

Signature: _____

Note: *This form is to be completed by every official, employee, coach, referee or volunteer within the ASA.*

DC-D13 CONFLICTS OF INTEREST (ASA DISCIPLINARY CODE)

DC-D13-01 An individual who may have a conflict of interest due to his/her multiple roles with both a club and any National Team forming part of the ASA is obliged to immediately declare this conflict to the ASA General Secretary and this no later than one week from when the potential conflict arises.

If the individual is also a member of staff, official, or athlete of a club, he/she must also inform the club in question at the same time in accordance with the procedures established by such club. This information is to be disclosed by the club to the ASA Council during the subsequent Council meeting.

For the avoidance of doubt, the submission of the aforementioned declaration does not constitute an automatic authorisation and further information may be requested from the individual to clarify his/her position.

Individuals found guilty of failure to abide by the provisions of this article shall be fined a sum of not less than €100 and not more €500. A suspension from all ASA activities for a period of not less than 1 month and not more than 3 months may also be imposed.

DC-D13-02 Technical officials whose family members (sons, daughters, brothers, sisters, nephews, nieces) form part of a club participating in ASA competitions are to immediately declare such a conflict to the ASA General Secretary once they become aware that a family member is competing in any aquatic competition organised by the ASA.

*The technical official shall disclose any potential relationships (with athletes or officials), business, employment or otherwise, which, in their opinion, may be seen as potentially conflicting. **The General Secretary** shall disclose this information to the Council, the ASA Executive or any individual involved in the appointment of such technical officials.*

Individuals found guilty of failure to abide by the provisions of this article shall be fined a sum of not less than €50 and not more €250. A suspension from all ASA activities for a period of not less than 2 weeks and not more than 8 weeks may also be imposed.

DC-D13-03 If an individual commits or is a victim of an offense in terms of the disciplinary code, the role that he/she occupies at the time of the offense shall determine the appropriate disciplinary action.

Individuals found guilty of failure to abide by the provisions of this article shall be sanctioned as per DC-B1.

DC-D13-04 Should an individual who occupies a dual (or multiple) role with the ASA and a club be found guilty by a disciplinary hearing, of using his position within the ASA to give an advantage to his club (such as a National Team coach using his position to entice players to join his local club), the offender shall be immediately dismissed from his role within the ASA, and shall be fined a sum of not less than €200 and not more €1000. A suspension from all ASA activities for a period of not less than 6 months and not more than 2 years shall also be imposed. If such an offence is committed while on active ASA duty, these sanctions shall be double the ones stated.

DC-D13-05 Should a club official, member or athlete use the dual (or multiple) role of another official, member or athlete with the same club as a means of getting an advantage towards his club, the offender shall be fined a sum of not less than €200 and not more €1000. A suspension from all ASA activities for a period of not less than 6 months and not more than 2 years shall also be imposed.

DC-D13-06 In terms of these guidelines, any individual holding an official position within the ASA must declare any ongoing legal proceedings instituted by, or against, the former by any club forming part of the Association. This obligation shall also apply to any future legal proceedings instituted by, or against, any ASA Official throughout his or her term.

Individuals found guilty of failure to abide by the provisions of this article shall be fined a sum of not less than €50 and not more €250. A suspension from all ASA activities for a period of not less than 2 weeks and not more than 8 weeks may also be imposed.

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