



Definitions

The following terms have these meanings in this Policy:

- a) “*Association*” - Swimming New Brunswick
- b) “*Conflict of Interest*” - Any situation in which an *Individual's* decision-making, which should always be in the best interest of the *Association*, is influenced or could be influenced by competing personal, family, financial, business, or other private interests.
- c) “*Individuals*” - All categories of membership defined in the *Association's* bylaws, as well as all individuals engaged in activities with the *Association* including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the *Association*.
- d) “*In writing*” - A letter, fax or email sent directly to the *Association*.
- e) “*Non-Pecuniary Interest*” - An interest that an *individual* may have in a matter which may involve family relationships, friendships, volunteer positions or other interests that do not involve the potential for financial gain or loss.
- f) “*Review Board*” - Risk Management Committee
- g) “*Pecuniary Interest*” - An interest that an *individual* may have in a matter because of the reasonable likelihood or expectation of financial gain or loss for that *individual*, or another person with whom that *individual* is associated.
- h) “*Perceived Conflict of Interest*” - A perception by an informed person that a *conflict of interest* exists or may exist.

Background

Individuals who act on behalf of the *Association* have a duty first to the *Association* and second to any personal stake they have in the operations of the *Association*. This policy cannot contemplate all situations in which *conflicts of interest* may arise. *Individuals* are to use their best judgment to ensure that they deal with actual and potential *conflicts of interest* appropriately. It is equally important to monitor perceptions of *conflict of interest* which could damage the *Association's* reputation. Further guidance may be requested from the *Review Board* if necessary.

Purpose

The *Association* strives to avoid the occurrence of *conflicts of interest* in the *Association's* decision-making processes by providing clear guidance to its members to recognize what a *conflict of interest* is, how to disclose or report, and how to act accordingly. This policy describes appropriate behavior expected of *individuals* entrusted with decision-making authority within the *Association*, where facts and circumstances may cause a *conflict of interest* situation.

The *Association* recognizes that active coach, athlete and technical official representatives on councils and committees have an inherent *non-pecuniary interest* given their positions. This does not disqualify them from acting in their capacity as such, as long as their degree of influence is mitigated by the decision-making process.

Application of this Policy

This policy applies to all *individuals* who, at any given time, are granted the authority to make decisions on behalf of the *Association*.

Obligations

1. The *Association* is incorporated under the Canadian Not-for-Profit Corporations Act and is governed by that Act in matters involving a real or *perceived* conflict between the personal interests of a director or officer (or other *individual involved* in decision-making or decision-influencing roles) and the broader interests of the *Association*.
2. Any real or *perceived* conflict, whether *pecuniary* or *non-pecuniary*, between an *individual's* personal interest and the interests of the *Association*, shall always be resolved in favour of the *Association*.
3. *Individuals* shall not:
 - a) Engage in any business or transaction, or have a financial or other personal interest, that is incompatible with their official duties with the *Association*, unless such business, transaction, or other interest is properly disclosed to the *Association* and approved by the *Association*;
 - 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 from them or the *Association*;
 - c) Exploit their positions within the *Association* to derive a personal profit from the activities of the *Association*;
 - d) Exploit their positions within the *Association* to lever for themselves a personal profit, advantage, or position of prestige;
 - e) In the performance of their official duties, give preferential treatment to family members, friends, colleagues, or organizations in which their family members, friends, or colleagues have an interest, financial or otherwise;
 - f) Derive personal benefit from information that they have acquired during the course of fulfilling their official duties with the *Association*, if such information is confidential or not generally available to the public;
 - g) Engage in any outside work, activity, business, or professional undertaking that conflicts or appears to conflict with their official duties as a representative of the *Association*, or in which they have an advantage or appear to have an advantage on the basis of their involvement with the *Association*;
 - h) Without the permission of the *Association*, use the *Association's* property, equipment, supplies, or services for activities not associated with the performance of their official duties with the *Association*;
 - i) Place themselves in positions where they could, by virtue of being an *Association individual*, influence decisions or contracts from which they could derive any direct or indirect benefit; or
 - j) 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 an *Association Individual*.

Declaration of Interests

1. On an annual basis, all the *Association's* directors, officers, employees, and committee members will complete a Declaration Form (Appendix A) in order to disclose any and all affiliations with any and all other organizations involved with the *Association*. These affiliations include, but are not limited to, any of the following roles in the same sport: athlete, coach, manager, official, employee, volunteer, officer or director. *Individuals* shall also disclose on the Declaration Form any and all affiliations with consultants, suppliers, service providers or other third parties that are or may potentially enter into business relationships with the *Association*.
2. Declarations of interests in the following circumstances shall be made as follows (if applicable):

- a. *Individuals* who are nominated for election to a position within the *Association* shall declare their interests prior to the election.
- b. Upon taking part for the first time in a meeting of a committee or council of the *Association*, each member shall make a verbal declaration of their interests, to be recorded in the minutes and shared with the *Review Board*.
- c. Immediately upon being appointed to any position within the *Association*, *individuals* shall declare their interests.
3. Declaration Forms shall be retained by the *Association* as long as the *individual* remains in such position and for a period of at least one year after the end of the *individual's* involvement with the *Association*.

Disclosure of *Conflicts of Interests*

1. *Individuals* shall, at any given time, disclose real or *perceived conflicts of interest* to the *Review Board* immediately upon becoming aware that a *conflict of interest* may exist. Such obligation to disclose is continuing and shall not end if the *conflict of interest* is discovered after the tainted decision-making process is completed.
2. Any person who believes that an *individual* is entrusted with making a decision or has made a decision that may or was influenced by real or *perceived conflict of interest* shall submit a complaint, *in writing*, to the *Review Board* pursuant to section 9 herein. The complaint shall be addressed under the *Association's* Safe Sport Policy. The identity of the person filing the complaint shall be held confidential by the *Review Board*.

Minimizing *Conflict of Interest* in Decision-Making

1. Decisions or transactions that involve a *conflict of interest* that has been proactively disclosed by an *individual* will be considered and decided by applying 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 discussions on the matter giving rise to the *conflict of interest*, unless the body considering the matter votes to allow such participation.
 - c. The *individual* abstains from voting on the decision.
 - d. For board-level decisions, the *individual* does not count towards quorum.
 - e. The decision can be proven to be in the best interests of the *Association*.
2. The *Association* will not restrict employees from accepting other employment, contracts or volunteer appointments during the term of their employment with the *Association*, provided that the employment, contract or volunteer appointments do not diminish the employee's ability to perform the work contemplated in their employment agreement with the *Association*. Any determination as to whether there is a *conflict of interest* will rest solely with the *Review Board*, and where a *conflict of interest* is deemed to exist, the employee shall be required to resolve the conflict by either ceasing the activity giving rise to the conflict or resigning from employment with the *Association*.
3. Examples of *conflicts of interest* at the *Association* could include, but are not limited to:
 - a. A director, officer or staff member who is also a member of a board of directors of a Club, affiliate or partner of the *Association*;
 - b. A director, officer or staff member who also provides coaching or other services to the *Association's* Clubs or development teams;
 - c. A director, officer or staff member who has a member of their immediate family named to any Club's team;
 - d. A director, officer or staff member who is also a benefactor of the *Association*; and
 - e. A director, officer or staff member who is also an owner or principal of a swimming school, club or camp.

Conflict of Interest Complaints

1. The decision of the *Review Board* as to whether or not a *conflict of interest* exists will be governed by the following procedures:
 - a) Copies of any written documents to be considered by the *Review Board* will be provided to the *individual* who may be in a *conflict-of-interest* situation.
 - b) The *individual* who may be in a *conflict-of-interest* situation will be provided an opportunity to address the *Review Board* orally or, if granted such right by the *Review Board*, *in writing*.
 - c) The decision will be made by a majority vote of the *Review Board*.
2. If the *individual* acknowledges the *conflict of interest*, the *individual* may waive the right to be heard, in which case the *Review Board* will determine the appropriate sanction.

Decision

After hearing and/or reviewing the matter, the *Review Board* will determine whether a *conflict of interest* exists and, if so, the sanction(s) to be imposed.

Sanctions

1. The *Review Board* may apply the following actions, including but not limited to, 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 *Association* or, in the case of employees, dismissal from employment; and
 - e. Other actions as may be considered appropriate for the real or *perceived conflict of interest*.
2. Failure to comply with an action as determined by the *Review Board* will result in automatic suspension from the *Association* until compliance occurs.
3. The *Review Board* may determine that an alleged real or *perceived conflict of interest* is of such seriousness as to warrant suspension of designated activities pending a hearing and a final decision of the *Review Board*.
4. The *Review Board* may not have the authority to overturn, alter or annul the decision made by the *individual* while in *conflict of interest*. The *Review Board* may however order that the decision-making process tainted by *conflict of interest* be reconsidered by the original decision-making body or an alternate *individual*, after all real or *perceived conflicts of interest* have been fully addressed.

Enforcement

Failure by an *individual* to adhere to this policy may give rise to additional disciplinary measures as determined by the Board of Directors

Appeal

1. The sanctions imposed by the *Review Board*, as well as any additional disciplinary measures applied pursuant to section 12.1 herein, shall be final and binding subject only to any right of appeal available to the *individual* sanctioned, pursuant to the Appeals Policy of the *Association*.



APPENDIX A

Conflict of Interest Declaration Form

As a volunteer, employee and/or consultant, you are required to act in the best interests of the *Association*. However, inevitably, all volunteers, employees and consultants have a wide range of interests in private, public and professional life and these interests might, on occasions, conflict.

Facts or circumstances which have the potential to create a conflict between the *Association's* and your personal interests, financial or otherwise, include but are not limited to:

- Being a member, employee, contractor, administrator or owner/shareholder of an organization that is a member, partner, supplier, service provider or client of the *Association*;
- Having a close relative who is a member, employee, contractor, administrator or owner/shareholder of an organization that is a member, partner, supplier, service provider or client of the *Association*.

Please describe below any such relationships, transactions, positions you hold (volunteer or otherwise), or other similar circumstances:

- I have no *conflicts of interest* or facts or circumstances to report.
- I have the following *conflict(s) of interest* or facts or circumstances to report:

I hereby:

- confirm that I have read the Association's *Conflict of Interest Policy* and I agree to be bound by the obligations contained therein;
- certify that the information set forth above is true and complete to the best of my knowledge;
- commit to inform the *Review Board* immediately of any change to my declaration above;
- commit to declare, at any relevant times in the exercise of my duties as volunteer, employee and/or consultant of the *Association*, every situation that may arise which would make it inappropriate for me to continue to act in that capacity due to a *conflict of interest*.

Name: _____

Position Title: _____

Signature: _____

Date: _____

Witness : _____

Signature: _____