



CONFLICT OF INTEREST POLICY

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Conflict of Interest*” – An incompatibility between one’s private interests and one’s duties as a trustee of the organization
 - b) “*Perceived Conflict of Interest*” – A reasonable perception by an informed person that a conflict of interest situation exists or may exist
 - c) “Person” – Any family member, friend, customer, client, sponsor, colleague, legal person or organization.
 - d) “*Stakeholder*” – Individuals employed by, or engaged in activities on behalf of, Swimming New Brunswick including: coaches, staff members, contract personnel, volunteers, managers, administrators, committee members, other individual who are decision-makers with Swimming New Brunswick and directors and officers of Swimming New Brunswick

Background

2. Individuals who act on behalf of an organization have a duty to that organization. For example, board members are required, by law, to act as a trustee (in good faith, or in trust) of the organization. Board members, and other Stakeholders, must not put themselves in positions where making a decision on behalf of the organization is connected to their own personal interests. That would be a conflict of interest situation.
3. There are two types of interest – pecuniary interest and non-pecuniary interest. Pecuniary interest relates to the reasonable likelihood or expectation of financial gain or loss for the stakeholder or for another person with whom the stakeholder is associated. Non-pecuniary interest involves family relationships, friendships, or other interests that are not related to the potential for financial gain or loss.

Purpose

4. Swimming New Brunswick strives to reduce and eliminate nearly all instances of conflict of interest at Swimming New Brunswick – by being aware, prudent, and forthcoming about the potential conflicts. This Policy describes how Stakeholders will conduct themselves in matters relating to conflict of interest, and will clarify how Stakeholders shall make decisions in situations where conflict of interest may exist.
5. This Policy applies to all Stakeholders.

Obligations

6. Any conflict of interest, whether real, perceived, pecuniary or non-pecuniary, between a Stakeholder’s personal interest and the interests of Swimming New Brunswick, shall always be resolved in favor of. Swimming New Brunswick

7. Stakeholders will not:
- a) Engage in any business or transaction, or have a financial or other personal interest, that is incompatible with their official duties with Swimming New Brunswick, unless such business, transaction, or other interest is properly disclosed to Swimming New Brunswick and approved by Swimming New Brunswick.
 - 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 any Person
 - d) Derive personal benefit from information that they have acquired during the course of fulfilling their official duties with Swimming New Brunswick, if such information is confidential or not generally available to the public
 - e) Without the permission of Swimming New Brunswick, use Swimming New Brunswick property, equipment, supplies, or services for activities not associated with the performance of their official duties with Swimming New Brunswick
 - f) Place themselves in positions where they could, by virtue of being a Swimming New Brunswick Stakeholder, influence decisions or contracts from which they could derive any direct or indirect benefit
 - g) 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 Swimming New Brunswick Stakeholder

Disclosure of Conflict of Interest

8. Stakeholders will complete the Conflict of Disclosure Form upon the discovery of a real or potential conflict of interest.
9. Stakeholders shall disclose conflicts of interest to Swimming New Brunswick immediately upon:
- a) Becoming aware that a conflict of interest exists
 - b) For those who are nominated for election, prior to the elections.

Minimizing Conflicts of Interest in Decision-Making

10. Decisions or transactions that involve a conflict of interest that has been proactively disclosed by a Swimming New Brunswick Stakeholder will be considered and decided with the following additional provisions:
- a) The nature and extent of the Stakeholder'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 Stakeholder does not participate in discussion on the matter
 - c) The Stakeholder abstains from voting on the decision
 - d) For board-level decisions, the Stakeholder does not count toward quorum
 - e) The decision is confirmed to be in the best interests of Swimming New Brunswick

Conflicts Involving Employees

11. Swimming New Brunswick will monitor employees who volunteer with, or are employed by, any Swimming New Brunswick Member (such as in a coaching position at a local club) during the term of their employment. Such association with a Swimming New Brunswick Member must not diminish the employee's ability to perform the work outlined in the employee's employment agreement or contract with Swimming New Brunswick. Judgments on employees' associations with Swimming New Brunswick Members, as well as any conflicts of interest arising from those associations, will be at the discretion of Swimming New Brunswick. If a conflict of interest is

determined to exist, the employee will resolve the conflict by ceasing the activity or association with the Swimming New Brunswick Member.

Conflict of Interest Complaints

12. Any person who believes that a Stakeholder may be in a conflict of interest situation should report the matter, in writing, to Swimming New Brunswick.

Resolving Complaints

13. Upon receipt of a complaint, Swimming New Brunswick will determine whether or not a conflict of interest exists provided the alleged Stakeholder has been given notice of and the opportunity to submit evidence and to be heard at such meeting.

14. After hearing the matter, Swimming New Brunswick will determine whether a conflict of interest exists and if so what appropriate actions will be imposed.

15. Where the Stakeholder accused of being in a conflict of interest acknowledges the facts, he or she may waive the meeting, in which case Swimming New Brunswick will determine the appropriate actions.

16. Swimming New Brunswick 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 Swimming New Brunswick;
- e) Implement further discipline in accordance with Swimming New Brunswick Discipline Policy;
- f) Other actions as may be considered appropriate for the conflict of interest.

17. Failure to comply with an action as determined by Swimming New Brunswick will result in automatic suspension from Swimming New Brunswick until such time as compliance occurs.

18. Swimming New Brunswick may determine that a conflict of interest is of such seriousness as to warrant suspension of designated activities pending a meeting and a decision of Swimming New Brunswick.

Decision Final and Binding

19. Any decision of Swimming New Brunswick in accordance with this Policy may be appealed in accordance with the Swimming New Brunswick Appeal Policy.

