



Title: Conflict of Interest Policy

Section: Swim BC Governance Policies
Approved by: Board of Directors

Date of Approval: April 23, 2019
Next Review: April 23, 2021

Policy Statement

Individuals who act on behalf of Swim BC, must not prioritize any personal stake they have in the operations of Swim BC, and are required by law to act in the best interests of Swim BC. Directors and other stakeholders must not put themselves in positions where making a decision on behalf of Swim BC is connected to their own personal interests.

Definitions

1. The following terms have these meanings in this Policy:
 - a) *“Board”* – the Board of Directors of the Society;
 - b) *“Conflict of Interest”* – Any situation in which an Individual’s decision-making, which should always be in the best interests of the Society, is influenced or could be influenced by personal, family, financial, business, or other private interests;
 - c) *“Individuals”* – All categories of membership defined in the Swim BC’s Bylaws, as well as all individuals employed by, or engaged in activities with, the Society including, but not limited to, athletes, coaches, officials, volunteers, managers, administrators, committee members, and directors and officers of the Society;
 - d) *“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;
 - 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) *Society* – Swim BC

Purpose and Application

2. Swim BC strives to reduce and eliminate all instances of conflict of interest by being aware, prudent, and forthcoming about the potential conflicts. This Policy describes how Individuals will conduct themselves in matters relating to conflict of interest and will clarify how Individuals shall make decisions in situations where conflict of interest may exist.
3. This Policy applies to all Individuals when they are acting in a role where they are accountable to the Society.

Obligations

4. Individuals 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 Swim BC, unless such business, transaction, or other interest is properly disclosed to and approved by Swim BC;
 - 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 organizations 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 Swim BC, 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 conflicts or appears to conflict with their official duties as a representative of Swim BC, or in which they have an advantage or appear to have an advantage on the basis of their society with Swim BC;
- f) Without the permission of Swim BC, use Swim BC's property, equipment, supplies, or services for activities not associated with the performance of their official duties with Swim BC;
- g) Place themselves in positions where they could, by virtue of their role in Swim BC, influence decisions or contracts from which they could derive any direct or indirect benefit;
- h) 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 their role in the Swim BC.

Disclosure of Conflict of Interest

- 5. At the beginning of their term (or in the case of employees, the beginning of their employment), all of Swim BC's directors and candidates for election to the Board, officers, employees, and committee members must complete a **Declaration Form** (Appendix A) disclosing any real or perceived conflicts that they might have. Declaration Forms must be updated immediately in the case of any material change. Declaration Forms shall be retained by Swim BC.
- 6. Individuals shall disclose real or perceived conflicts of interest to Swim BC's Board immediately upon becoming aware that a conflict of interest may exist.

Minimizing Conflicts of Interest in Decision-Making

- 7. Decisions or transactions that involve a conflict of interest 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 board-level decisions, the Individual does not count toward quorum;
 - e) The decision is confirmed to be in the best interests of Swim BC.
- 8. For potential conflicts of interest involving employees, Swim BC's Board will determine whether there is a conflict and, if one exists, the employee will resolve the conflict by ceasing the activity giving rise to the conflict. Swim BC will not restrict employees from accepting other employment contracts or volunteer appointments provided these activities do not diminish the employee's ability to perform the work described in the employee's job agreement with Swim BC or give rise to a conflict of interest.

Conflict of Interest Complaints

- 9. Any person who believes that an Individual may be in a conflict of interest situation should report the matter in writing (or verbally if during a meeting of the Board or any committee) to the Swim BC Board, who will decide appropriate measures to eliminate the conflict. The Board may apply one or more of the following actions for real or perceived conflicts of interest:
 - a) Voluntary recusal, removal or temporary suspension of certain responsibilities or decision-making authority;
 - b) Voluntary recusal, removal or temporary suspension from a designated position;
 - c) Voluntary recusal, removal or temporary suspension from certain teams, events and/or activities;
 - d) Expulsion from the Society;
 - e) Other actions as may be considered appropriate for the real or perceived conflict of interest.
- 10. Any person who believes that an Individual has made a decision that was influenced by real or perceived conflict of interest may submit a complaint in writing to Swim BC, to be addressed under the Swim BC *Discipline and Complaints Policy*.



11. Failure to comply with an action as determined by the Board may result in suspension from Swim BC until compliance occurs.
12. The 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 meeting and a decision of the Board.

Enforcement

13. Failure to adhere to this Policy may permit discipline in accordance with the Society's *Discipline and Complaints Policy*.

