



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, Swim Alberta including: coaches, staff members, contract personnel, volunteers, managers, administrators, committee members, other individual who are decision-makers with Swim Alberta and directors and officers of Swim Alberta

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. Swim Alberta strives to reduce and eliminate nearly all instances of conflict of interest at Swim Alberta – 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 Swim Alberta, shall always be resolved in favor of Swim Alberta.
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 Swim Alberta, unless such business, transaction, or other interest is properly disclosed to Swim Alberta and approved by Swim Alberta

- 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 Swim Alberta, if such information is confidential or not generally available to the public
- e) Without the permission of Swim Alberta, use Swim Alberta property, equipment, supplies, or services for activities not associated with the performance of their official duties with Swim Alberta
- f) Place themselves in positions where they could, by virtue of being a Swim Alberta 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 Swim Alberta Stakeholder

Disclosure of Conflict of Interest

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

Minimizing Conflicts of Interest in Decision-Making

- 10. Decisions or transactions that involve a conflict of interest that has been proactively disclosed by a Swim Alberta 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 Swim Alberta

Conflicts Involving Employees

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

Resolving Complaints

13. Upon receipt of a complaint, Swim Alberta 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, Swim Alberta 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 Swim Alberta will determine the appropriate actions.
16. Swim Alberta 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 Swim Alberta;
 - e) Implement further discipline in accordance with Swim Alberta's Discipline and Complaints Policy;
 - f) Other actions as may be considered appropriate for the conflict of interest.
17. Failure to comply with an action as determined by Swim Alberta will result in automatic suspension from Swim Alberta until such time as compliance occurs.
18. Swim Alberta 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 Swim Alberta.

Decision Final and Binding

19. Any decision of Swim Alberta in accordance with this Policy may be appealed in accordance with the Swim Alberta's Appeal Policy.

