CONFLICT AND INTEREST POLICY

1. Purpose

1.1. Manitoba Diving Association (the "Organization") is committed to openness and accountability. The purpose of this Policy is to outline conflict of interest parameters for any individual associated with the Organization.

2. Definitions

2.1. The following terms have these meanings in this Policy:

2.1.1. "Conflict of Interest" – Any situation in which a Representative's decision-making, which should always be in the best interests of the Organization, is influenced or could be influenced by personal, family, financial, business, or other private interests.

2.1.2. "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.

2.1.3. "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.

2.1.4. "Representatives" – Individuals employed by, or engaged in activities on behalf of, the Organization including: coaches, staff members, convenors, contract personnel, volunteers, managers, administrators, committee members, and Directors and Officers of the Organization.

3. Background

3.1. Individuals who act on behalf of an organization have a duty first to that organization and second to any personal stake they have in the operations of the Organization. For example, in not-for-profit organizations, Directors are required, by law, to act as a trustee (in good faith, or in trust) of the Organization. Directors, 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.

4. Purpose

4.1. The Organization strives to reduce and eliminate nearly all instances of conflict of interest at the Organization – by being aware, prudent, and forthcoming about the potential conflicts. This Policy describes how Representatives will conduct themselves in matters relating to conflict of interest and will clarify how Representatives shall make decisions in situations where conflict of interest may exist.

4.2. This Policy applies to all Representatives.

5. Obligations

5.1. Any real or perceived conflict of interest, whether pecuniary or non-pecuniary, between a Representative's personal interest and the interests of the Organization, shall always be resolved in favour of the Organization.

5.2. Representatives will not:

5.2.1. Engage in any business or transaction, or have a financial or other personal interest, that is incompatible with their official duties with the Organization, unless such business, transaction, or other interest is properly disclosed to the Organization and approved by the Organization.

5.2.2. 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.

5.2.3. 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.

5.2.4. Derive personal benefit from information that they have acquired during the course of fulfilling their official duties with the Organization, if such information is confidential or not generally available to the public.

5.2.5. 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 the Organization, or in which they have an advantage or appear to have an advantage on the basis of their association with the Organization.

5.2.6. Without the permission of the Organization, use the Organization's property, equipment, supplies, or services for activities not associated with the performance of their official duties with the Organization.

5.2.7. Place themselves in positions where they could, by virtue of being an Organization Representative, influence decisions or contracts from which they could derive any direct or indirect benefit.

5.2.8. 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 Organization Representative.

6. Disclosure of Conflict of Interest

6.1. On an annual basis, all the Organization's Directors and candidates for election to the Board, Directors, Officers, Employees, and Committee Members will complete a Declaration Form disclosing any real or perceived conflicts that they might have. Declaration Forms shall be retained by the Organization.

6.2. Representatives shall disclose real or perceived conflicts of interest to the Organization's Board immediately upon becoming aware that a conflict of interest may exist.

6.3. Representatives shall also disclose any and all affiliations with any and all other organizations involved with the same sport. These affiliations include any of the following roles: athlete, coach, manager, official, employee, volunteer, or Director.

7. Minimizing Conflicts of Interest in Decision-Making

7.1. Decisions or transactions that involve a conflict of interest that has been proactively disclosed by an Organization Representative will be considered and decided with the following additional provisions:

7.1.1. The nature and extent of the Representative's interest has been fully disclosed to the body that is considering or making the decision, and this disclosure is recorded
7.1.2. The Representative does not participate in discussion on the matter
7.1.3. The Representative abstains from voting on the decision
7.1.4. For board-level decisions, the Representative does not count toward quorum
7.1.5. The decision is confirmed to be in the best interests of the Organization

7.2. For potential conflicts of interest involving employees, the Organization's Board will determine whether there is there a conflict and, if one exists, the employee will resolve the conflict by ceasing the activity giving rise to the conflict. The Organization 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 the Organization or give rise to a conflict of interest.

8. Conflict of Interest Complaints

8.1. Any person who believes that a Representative 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 Organization's Board who will decide appropriate measures to eliminate the conflict. The Board may apply the following actions singly or in combination for real or perceived conflicts of interest if conflict is determined:

8.1.1. Removal or temporary suspension of certain responsibilities or decision-making
authority
8.1.2. Removal or temporary suspension from a designated position
8.1.3. Removal or temporary suspension from certain teams, events and/or activities
8.1.4. Expulsion from the Organization
8.1.5. Other actions as may be considered appropriate for the real or perceived conflict of interest

8.2. Any person who believes that a Representative has made a decision that was influenced by real or perceived conflict of interest may submit a complaint, in writing, to the Organization to be addressed under the Organization's Discipline and Complaints Policy.

8.3. Failure to comply with an action as determined by the Board will result in automatic suspension from the Organization until compliance occurs.

8.4. 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.

9. Enforcement

9.1. Failure to adhere to this Policy may permit discipline in accordance with the Organization's Discipline and Complaints Policy.

Conflict of Interest - Declaration Form

I have read the Organization's Conflict of Interest Policy, I agree to be bound by the obligations contained therein, and I commit to avoid any real or perceived conflict of interest. I also commit to disclosing the existence of any real or perceived conflict of interest to the Board as soon as it is known to me.

I declare the following interests which may represent a potential conflicting interest:

_____

_____

_____

_____
Name

_____
Signature

_____
Date