

CONFLICT OF INTEREST POLICY- PHAST PORT HAWKESBURY

Definitions

1. The following terms have these meanings in this Policy:
 - a) *"Conflict of Interest"* – A situation where an individual, or the organization representing an individual, has a real, potential or perceived direct or indirect interest competing with PHAST's interests, resulting in a real or seeming incompatibility between one's private interests and one's fiduciary duties to PHAST.
 - b) *"Representatives"* – Individuals employed by, or engaged in activities on behalf of, PHAST including: coaches, staff members, convenors, contract personnel, volunteers, managers, administrators, committee members, and Directors and Officers of PHAST.
 - c) *"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.
 - d) *"Pecuniary Interest"* - An interest that an individual, or an organization represented by an individual may have in a matter because of the reasonable likelihood or expectation of financial gain or loss for that individual or organization, or another person with whom that individual is associated.
 - e) *"Perceived Conflict of Interest"* – A perception by an informed person that a conflict of interest exists or may exist.

Purpose and Application

2. The purpose of this Policy is to describe how Representatives will conduct themselves in matters relating to real or perceived conflicts of interests, and to clarify how SNS will make decisions in situations where conflicts of interest exist or may exist.
3. This Policy applies to all Representatives.

Obligations

4. Representatives will fulfill the requirements of this policy. Representatives **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 PHAST;
 - 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, in any way, preferential treatment;
 - c) In the performance of their official duties, accord preferential treatment to any person in which Members 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 PHAST, where such information is confidential or is 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 PHAST, or in which they have an advantage or appear to have an advantage on the basis of their association with PHAST;
 - f) Use PHAST property, equipment, supplies or services for activities not associated with the performance of official duties with PHAST without the permission of PHAST;
 - g) Place themselves in positions where they could, by virtue of being a Representative, influence decisions or contracts from which they could derive any direct or indirect benefit or interest; or

- 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 being a Representative.

Disclosure of Conflict of Interest

- 5. On an annual basis, all Representatives will complete a written statement disclosing any real or perceived conflicts that they might have to the president immediately following the Annual General Meeting.
- 6. At any time that a Representative becomes aware that there may exist a real or perceived conflict of interest, they will disclose this conflict to the executive immediately.

Reporting a Conflict of Interest

- 7. Any Representative who is of the view that another Representative may be in a position of conflict of interest may report this matter to the President. Such a complaint must be signed and in writing. Anonymous complaints may be accepted upon the sole discretion of the executive.

Resolving Complaints of a Real or Perceived Conflict of Interest

- 8. Upon receipt of a complaint, the executive will determine whether or not a conflict of interest exists provided the Representative alleged to have or be in conflict has been given notice of and the opportunity to submit evidence and to be heard at such meeting.
- 9. After hearing the matter, the executive will determine whether a real or perceived conflict of interest exists and if so what appropriate actions shall be imposed.
- 10. Where the Representative alleged to be in a real or perceived conflict of interest acknowledges the facts, he or she may waive the meeting, in which case the executive will determine the appropriate actions.
- 11. If the Representative accused of being in a real or perceived conflict of interest chooses not to participate in the meeting, the meeting will proceed in any event.
- 12. The executive 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 of the Member;
 - b) Removal or temporary suspension of the Representative from a designated position;
 - c) Removal or temporary suspension from certain PHAST teams, events and/or activities;
 - d) Expulsion of the Representative from PHAST;
 - e) Other actions as may be considered appropriate for the real or perceived conflict of interest.
- 13. Failure to comply with an action as determined by the executive will result in the Representative automatically suspended from membership in PHAST until such time as compliance occurs.
- 14. The President 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 executive.

Resolving Conflicts in Decision-making

15. Decisions or transactions that involve a real or perceived conflict of interest that have been disclosed by a Representative may be considered and decided upon by the executive provided that:
 - a) 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 in the minutes;
 - b) The Member does not participate in discussion on the matter giving rise to the conflict of interest;
 - c) The Member abstains from voting on the proposed decision or transaction;
 - d) The Member is not included in the determination of quorum for the proposed decision or transaction; and
 - e) The decision or transaction is in the best interests of SNS.

Decision-Makers

16. Representatives wishing to obtain a position as a decision-maker (Director, Officer, and Committee Member) within PHAST must declare their professional interests and any potential conflict of interests prior to being declared eligible by the executives for a position as a decision-maker within the executive of PHAST.
17. In the event that a Representative neglects to disclose a professional interest or any potential conflicts of interest, the executive may consider such failure and may determine, in its sole discretion, any sanction pursuant to this Policy.

Decision Final and Binding

18. Any decision of the Board of Directors in accordance with this Policy may be appealed in accordance with the *Appeal Policy*.