

## CONFLICT OF INTEREST POLICY

### 1. Preamble

1.1 The purpose of this policy is to describe how individuals associated with Judo NB will conduct themselves in matters relating to conflicts of interest, and to clarify how Judo NB will make decisions in situations where conflicts of interest, whether actual or perceived, may exist.

1.2 It is understood that situations of conflict of interest are common within voluntary sport organizations. While the traditional approach for dealing with conflict of interest has been to take measures to avoid it altogether (which usually involved removing a person from a position), a more modern approach is to accept that such situations will always exist and to take realistic measures to manage the conflict. This policy describes such measures.

### 2. Definition of Conflict of Interest

2.1 Conflicts of interest include both 'pecuniary' and 'non-pecuniary' interests. A pecuniary interest is 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. A non-pecuniary interest may include coach-athlete, player-club or family relationships; friendships; volunteer positions in other associations; or other interests that do not necessarily involve the potential for financial gain or loss. Non-pecuniary interests are far more common in the sport context than pecuniary interests.

2.2 Conflicts of interests also include both 'actual' and 'perceived' conflicts. An actual conflict exists when a person does, in fact, favour one side over in another in their decision-making. A perceived conflict of interest has to do with appearances and perceptions, and does not depend on whether a person would, in fact, be conflicted and thus unable to make a decision fairly. The standard is whether a reasonable outsider looking at the situation would believe that there existed a conflict. Perceived conflict of interests are more common in the sport context than actual conflict of interests.

### 3. Application

3.1 This policy applies to directors, officers, employees, committee members, volunteers, individuals named by the Board to represent or speak on behalf of behalf of Judo NB, and participants and athletes as defined in Articles 6.2, 6.3, 6.5 and 6.6 of the Bylaws. For the purposes of this policy, these persons are referred to as 'Representatives' of Judo NB.

### 4. Statutory Obligations

4.1 Judo NB is incorporated under the *New Brunswick Companies Act* and is governed by the *Act* in matters involving an actual or perceived conflict between the personal interests of a director (or other individual involved in decision-making or decision-influencing roles) and the broader interests of the members of the association.

## 5. Additional Obligations

5.1 In addition to fulfilling all requirements of the *Act*, Judo NB and its Representatives will also fulfill the additional requirements of this policy. Representatives of Judo NB will not:

5.1.1 Engage in any business or transaction, or have a financial or other personal interest that is in conflict with their official duties with Judo NB, unless such business, transaction or other interest is properly disclosed in accordance with this policy;

5.1.2 Knowingly place themselves in a position where they are under obligation to any person who might benefit from special consideration, or who might seek, in any way, preferential treatment;

5.1.3 In the performance of their official duties, accord preferential treatment to players, coaches, judo professionals, family members, friends or colleagues, or to organizations or clubs in which any of the above-described persons have an interest, financial or otherwise;

5.1.4 Derive personal benefit from information that they have acquired during the course of fulfilling their official duties with Judo NB, where such information is confidential or is not generally available to the public;

5.1.5 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 Judo NB, or in which they have an advantage or appear to have an advantage on the basis of their association with Judo NB, unless such outside work, activity, business or professional undertaking is properly disclosed in accordance with this policy;

5.1.6 Use Judo NB property, equipment, supplies or services for activities not associated with the performance of official duties with Judo NB;

5.1.7 Place themselves in positions where they could, by virtue of being a Representative of Judo NB, influence decisions or contracts from which they could derive any direct or indirect benefit or interest;

5.1.8 Accept any cash contribution, 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 of Judo NB.

## 6. Disclosure of Conflict of Interest

6.1 Upon initial appointment, election, recognition or employment, and on an annual basis thereafter, all directors, officers, employees and committee members will complete a written declaration disclosing any actual or perceived conflicts that they might have (see Appendix 1).

6.2 At any time that a Representative of Judo NB becomes aware that they are in a situation where there may exist an actual or perceived conflict of interest, they will disclose this conflict to the Executive

Director immediately. Where the Executive Director becomes so aware, he or she will disclose this conflict to the President immediately.

6.3 Any person who is of the view that a Representative of Judo NB may be in a position of conflict of interest may report this matter to the Executive Director. Where a person is of the view that the Executive Director may be in a position of conflict of interest, he or she may report this matter to the President.

## **7. Resolving Conflicts in Decision-making**

7.1 Decisions or transactions that involve an actual or perceived conflict of interest that has been disclosed by a Representative of Judo NB may be considered and decided upon by Judo NB provided that:

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 in the minutes;

7.1.2 The Representative does not participate in discussion on the matter giving rise to the conflict of interest, unless the body considering the matter votes to allow such participation and such a vote is recorded in the minutes;

7.1.3 The Representative abstains from voting on the proposed decision or transaction, except where the decision relates to team selection and Section 7.2 of this policy applies;

7.1.4 The Representative is not included in the determination of quorum for the proposed decision or transaction; and

7.1.5 The decision or transaction is in the best interests of Judo NB.

7.2 The provisions of Section 7.1 are not intended to prevent a person who, by virtue of their position within Judo NB has responsibility to make team selection decisions or recommendations, from exercising that responsibility. Where a person involved in team selection matters may have a conflict of interest, such conflict must be disclosed, recorded in the minutes, and appropriate measures taken to ensure that such conflict is effectively managed within the selection process. Appropriate measures are as determined by the Selection Committee, with input from the Board of Directors, and may include, but are not limited to: including other individuals on the selection committee, having the selection process chaired by a facilitator who does not vote, allowing the person who may have a conflict of interest to participate in selection committee deliberations but not vote, and ensuring that the deliberations of the selection committee are fully documented and recorded promptly in written minutes.

7.3 When an actual or perceived conflict of interest is disclosed in accordance with this policy, or reported to the Executive Director or the President, the Executive Director or the President, as the case may be, may impose appropriate measures in addition to those described in Section 7.2 to ensure that the conflict is effectively managed.

## 8. Conflicts Involving Employees

8.1 Judo NB will not restrict employees from accepting other employment, contracts or volunteer appointments during the term of their employment with Judo NB, provided that the employment, contract or volunteer appointment does not diminish the employee's ability to perform the work contemplated in their employment agreement with Judo NB. Any determination as to whether there is a conflict of interest will rest solely with Judo NB, and where a conflict of interest is deemed to exist, the employee will resolve the conflict by ceasing the activity giving rise to the conflict.

## 9. Enforcement

9.1 Failure by any Representative to adhere to this policy may give rise to discipline in accordance with Judo Canada's policies relating to conduct and discipline.

## 10. Review and Approval

10.1 This policy was approved by the Board of Directors on March 14<sup>th</sup>, 2015 and will be reviewed by the Board on an annual basis.

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President

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Secretary

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Date

**APPENDIX A**

**DECLARATION OF CONFLICT OF INTEREST** I have read Judo NB's Conflict of Interest Policy and declare that I shall conduct myself in a manner to avoid any real or perceived conflict of interest. I further declare that I shall disclose any real or perceived conflict of interest as soon as I become aware of the conflict. I disclose the following interests which may give rise to a conflict of interest:

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I further declare that I shall from time to time make further disclosure as required to make full disclosure of all potential conflict of interest.

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**Name (Print)**

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**Signature**

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**Date**