



# Conflict of Interest Policy

## Definitions

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

- a) **“Conflict of Interest”** – A situation where an individual, or the organization they represent, has a real, potential or perceived direct or indirect interest competing with Softball Manitoba’s interests, resulting in a real or seeming incompatibility between one’s private interests and one’s fiduciary duties to Softball Manitoba.
- b) **“Member”** - All categories of membership defined in the Softball Manitoba Bylaws, as well as to all individuals engaged in activities with or employed by Softball Manitoba, including, but not limited to, athletes, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel, administrators and employees (including contract personnel).
- 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 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) **“Perceived Conflict of Interest”** – A perception by an informed person that a conflict of interest exists or may exist.
- f) **“Person”** – Any Member, family member, friend, customer, client, sponsor, colleague, legal person or organization.

## Purpose and Application

2. The purpose of this Policy is to describe how Members will conduct themselves in matters relating to real or perceived conflicts of interests, and to clarify how Softball Manitoba will make decisions in situations where conflicts of interest may exist.

3. This Policy applies to all Members as defined in the Definitions section.

## Obligations

4. Members will fulfill the requirements of this policy. Members 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 Softball Manitoba;
- 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 Softball Manitoba, 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 Softball Manitoba, or in which they have an advantage or appear to have an advantage on the basis of their association with Softball Manitoba;
- f) Use Softball Manitoba property, equipment, supplies or services for activities not associated with the performance of official duties with Softball Manitoba without the permission of Softball Manitoba;
- g) Place themselves in positions where they could, by virtue of being a Softball Manitoba Member, influence decisions or contracts from which they could derive any direct or indirect benefit or interest; or

h) Accept any gift or favor that could be construed as being given in anticipation of, or in recognition for, any special consideration granted by virtue of being a Softball Manitoba Member.

### **Disclosure of Conflict Of Interest**

5. At any time that a Softball Manitoba Member becomes aware that there may exist a real or perceived conflict of interest, they will disclose this conflict to the Executive Director (and if the Executive Director is in a conflict, to the President) immediately.

### **Reporting a Conflict Of Interest**

6. Any Member who is of the view that another Member may be in a position of conflict of interest shall report this matter to the Executive Director (and if the Executive Director is in a conflict, to the President). Such a complaint must be signed and in writing. Anonymous complaints may be accepted upon the sole discretion of Executive Director (and if the Executive Director is in a conflict, to the President).

### **Resolving Complaints of a Real or Perceived Conflict Of Interest**

7. Upon receipt of a complaint, the Executive Director, or if the Executive Director is in a conflict, the President will consult with the Board of Directors who will determine whether or not a conflict of interest exists provided the alleged Member has been given notice of and the opportunity to submit evidence and to be heard at such meeting.

8. After hearing the matter, the Board of Directors will determine whether a real or perceived conflict of interest exists and if so what appropriate actions will be imposed.

9. Where the Member accused of being in a real or perceived conflict of interest acknowledges the facts, he or she may waive the meeting, in which case the Board of Directors will determine the appropriate actions.

10. If the Softball Manitoba Member 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.

11. The Board of Directors 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 Softball Manitoba teams, events and/or activities;
- d) Expulsion from Softball Manitoba;
- e) Other actions as may be considered appropriate for the real or perceived conflict of interest.

12. Failure to comply with an action as determined by the Board of Directors will result in automatic suspension of membership in Softball Manitoba until such time as compliance occurs.

13. The Board of Directors 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 of Directors.

### **Resolving Conflicts in Decision-Making**

14. Decisions or transactions that involve a real or perceived conflict of interest that have been disclosed by a Softball Manitoba Member may be considered and decided upon by Softball Manitoba Board of Directors provided that:

- a) The nature and extent of Member'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 Softball Manitoba.

**Softball Manitoba Decision-Makers**

15. Members wishing to obtain a position as a decision-maker (Director or Committee Member,) within Softball Manitoba must declare their professional interests and any potential conflict of interests prior to being declared eligible by the Board of Directors for a position as a decision-maker within Softball Manitoba.

16. In the event that a Softball Manitoba Member neglects to disclose a professional interest or any potential conflicts of interest, this Policy will apply.

**Decision Final and Binding**

17. Any decision of the Board of Directors in accordance with this Policy may be appealed in accordance with the Softball Manitoba’s Appeal Policy.

**Declaration Regarding Conflict Of Interest**

I have read the Softball Manitoba 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 of Directors, as soon as it is known to me.

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


I also pledge to inform Softball Manitoba and the Board of Directors of any other member of Softball Manitoba who I feel is in a position of any real, perceived or potential conflict of interest.

\_\_\_\_\_  
**Name**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**