

## **Conflict of Interest Statement**

### **Introduction**

As a registered charity, The Bermuda Amateur Swimming Association ("BASA") depends upon philanthropic gifts of time and money from the public, the Bermuda Government, and the Bermuda Olympic Association.

Maintenance of the public's trust in our organisation depends upon the highest standards of ethical and professional practice, including compliance with all relevant laws, regulations and rules of sport. The community – including private and corporate donors, government officials, and volunteers – views the operations of BASA as a public trust. As a public trust, BASA is subject to scrutiny by, and accountability to, its members and the community.

Consequently, there exists between BASA and its employees, members and volunteers a broad and unbending duty of loyalty and fidelity.

### **To whom does this Policy apply?**

The scope of this policy includes board members and officers, committee and project team members, other volunteers, and employees (each, a "Responsible Person").

### **What is expected of each Responsible Person?**

Upon appointment, and annually thereafter (by October 1<sup>st</sup> of each year), each Responsible Person is required to disclose specific circumstances that may represent an actual, perceived, or potential conflict of interest. The Responsible Person should not only consider the actual fact of conflict, but the appearance to an unknowing third party who might have occasion to judge or interpret the situation and perceive a conflict.

In addition to the annual reporting, actual, potential and/or perceived conflicts of interest shall be reported in writing as soon as they arise. Any such report shall be forwarded c/o of the President, for presentation to the Policies and Procedures Committee.

The Policies and Procedures Committee, in consultation with the Board of Directors, shall attempt to resolve any action or potential conflict, and shall respond in writing to the Responsible Person. In the absence of resolution (or, in any case, where a Responsible Person is a board member), the conflict shall be referred to the board of directors for action. The individual in conflict shall absent him/herself from the room during any discussion or deliberations related to the issue, and shall refrain from participating in decision-making in connection with the matter. The individual's presence at the meeting shall not be counted in determining whether there exists a quorum.

In the case of a board member, any such conflict or potential conflict must in any case be declared to the board as required by the Bermuda Companies Act and BASA's Bye Laws. Following a declaration being made pursuant to the Bye-law, and unless disqualified by the board of directors, such board member may thereafter vote in respect of any contract or proposed contract or arrangement in which he/she is interested and may be counted in the quorum at such meeting.

### **What is a Conflict of Interest?**

A conflict of interest generally arises when an individual has the opportunity to influence decisions in ways that could lead to personal benefit or improper advantage resulting in the

compromise or appearance of compromise of the individual's judgment and ability to carry out his/her duties objectively.

This refers to any social, professional, personal or organisational affiliation, commitment, activity or undertaking that is so material or substantial as to interfere or appear to interfere with the individual's responsibility to BASA. This may include but is not limited to:

- a) Advancing a personal agenda or agenda from another organisation;
- b) Using the association with BASA in connection with the promotion of partisan politics, religious matters, any other cause, or positions on any issues not in conformity with the position of BASA;
- c) Holding any material or significant ownership interest in a business or profession that provides goods or services to BASA;
- d) Having a material or significant financial, personal or other interest in a transaction with BASA;
- e) Acting in multiple capacities either within or without BASA in any matter or transaction relating to BASA;
- f) Receiving compensation for services to BASA other than approved compensation for staff;
- g) Accepting favours, gifts, gratuities, or taking part in any activities or transactions that relate to, affect or influence decisions made for, in regard to, or on behalf of BASA;
- h) Using donor or client information or relationships inappropriately or in ways that might damage donor confidentiality and/or relationships with BASA;
- i) Participating in any arrangements or transactions that might give the appearance of a conflict of interest;
- j) Using BASA's name, emblem, endorsement, services and property for anything other than Board authorised BASA activities.

Responsible Persons shall maintain the highest standards of ethical behaviour, integrity and public responsibility. No Responsible Person shall use his/her position, or the knowledge gained therefrom, in such a manner that a conflict between the interest of BASA and his/her personal interests arises. Each Responsible Person has a duty to place the interest of BASA foremost in any dealings with BASA and has a continuing responsibility to comply with the requirements of this policy.

An interest may be material or significant when, in view of all the circumstances, it is substantial enough that it would, or reasonably could, affect an individual's judgement with respect to transactions or decisions. This generally includes all forms of direct compensation.

In the event it is not entirely clear that a conflict of interest arises, the Responsible Person **is** advised to disclose the circumstances as described above to the President who will arrange for a determination to be made on whether there exists a conflict of interest subject to this policy.

### **Nepotism**

Board members and their immediate family members shall be excluded from consideration for employment by BASA unless the board determines otherwise following a declaration of interest made to it.

Employees shall not hold a position with BASA while they or members of their immediate family serve on the board or on any committee of the board unless the board determines otherwise following a declaration of interest made to it.

Employees may not hold a job over which a member of their immediate family exercises supervisory authority.

Relatives of persons currently employed by BASA may be hired only if they will not be working directly for or supervising a relative. If already employed, they cannot be transferred into such a reporting relationship. If the relative relationship is established after employment, the individuals concerned shall decide – along with the BASA Board – who is to be transferred. Relatives will not be hired within the same department, division, program, or facility where such has the potential for creating an adverse effect on supervision, safety, security, morale or involves potential conflicts of interest without the prior written approval of the Board.

Immediate family includes the following: spouses, life partners, parents, children, siblings, in-laws, grandparents and grandchildren, and step relationships. This policy also applies to individuals who are not legally related but who reside with another employee as members of a common household.

**Conflict of Interest in seeking employment**

Board members shall not apply for or be considered for employment within BASA without approval from the board prior to embarking upon any step in the application process.

**Confidentiality**

Any information provided to BASA regarding business or personal interests of a Responsible Person shall be treated as confidential and shall generally be made available only to the Board of Directors, except to the extent additional disclosure is necessary in connection with the implementation of this policy.

**Acceptance and disclosure**

I have read the statement of policy regarding conflicts of interest. To the best of my knowledge, and belief, except as disclosed herewith, neither I nor any immediate family member or person with whom I have a significant or material business or organisational relationship or compensated relationship is engaged in any transaction or activity or has any relationship that may represent or contribute to a potential, perceived or actual conflict of interest, as described herein.

In the event that such a situation might arise or if I have any update to the disclosure statement provided below, I will provide information as described in this policy.

Print Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Disclosure Statement • Conflict of Interest**  
**Use additional pages / other side of page as necessary.**

Print your name \_\_\_\_\_ Date \_\_\_\_\_

Position at BASA: \_\_\_\_\_

1. List any nonprofit boards or committees on which you or an immediate family member serve:

Your/family member's position (identify whose position)	Name of organisation

2. List any for-profit or government boards or committees on which your or an immediate family member serve:

Your/family member's position (identify whose position)	Name of organisation

3. Please state your primary business or occupation and employer.

4. Please describe any other relationships, or positions, that you feel might a real, potential or perceived conflict of interest.

Signature \_\_\_\_\_