



Ski NB Conflict of Interest Policy

1. Definitions

1.1 The following terms have these meanings in this Policy:

- (a) “Association” – Ski NB (NB Alpine Inc.)
- (b) “Conflict of Interest” – Any situation in which an Individual’s decision-making, which should always be in the best interest of the Association, is influenced or could be influenced by competing personal, family, financial, business, or other private interests. A conflict of interest is a conflict between the personal interests of a Ski NB director, contractor, employee, consultant or volunteer (or a member of their Immediate Family) with the interests of Ski NB.
- (c) “Immediate Family” – spouse, common law partner, sibling, child, stepchild or parent.
- (d) “Individuals” – All categories of membership defined in the Association’s bylaws, as well as all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association.
- (e) “In writing” - A letter, text or email sent directly to the Association.
- (f) “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.
- (g) “Review Board” – Ski NB Board of Directors.
- (h) “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.
- (i) “Perceived Conflict of Interest” – A perception by an informed person that a conflict of interest exists or may exist.

2. Background

- 2.1 Individuals who act on behalf of the Association have a duty first to the Association. This policy cannot contemplate all situations in which conflicts of interest may arise. Individuals are to use their best judgment to ensure that they deal with actual and potential conflicts

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of interest appropriately. It is equally important to monitor perceptions of conflict of interest which could damage the Association's reputation. Further guidance may be requested from the Review Board if necessary.

3. Purpose

3.1 The Association strives to avoid conflicts of interest in the Association's decision-making processes by providing clear guidance to its members so that they can recognize what a conflict of interest is, how to disclose or report, and how to act. This policy outlines the expectations of individuals entrusted with decision-making authority within the Association.

3.2 The Association recognizes that active coach, athlete and technical official representatives on councils and committees have an inherent non-pecuniary interest given their positions. This does not disqualify them from acting in their capacity as such, as long as their degree of influence is recognized in the decision-making process and procedures are in place to ensure that decisions are not being made by individuals who are not objective.

4. Application of this Policy

4.1 This policy applies to all individuals who, at any given time, are granted the authority to make decisions on behalf of the Association.

5. Obligations

5.1 The Association is incorporated under the NB *Companies Act* and is governed by that *Act* in matters involving a real or perceived conflict between the personal interests of a director or officer (or other individuals involved in decision-making or decision-influencing roles) and the broader interests of the Association.

5.2 Any real or perceived conflict, whether pecuniary or non-pecuniary, between an individual's personal interest and the interests of the Association, shall always be resolved in favour of the Association.

5.3 Individuals shall not:

- (a) Use their position with Ski NB to obtain personal gain or favourable treatment for themselves or their Immediate Family.
- (b) Engage in any business or transaction, or have a financial or other personal interest, that is incompatible with their official duties with the Association, unless such business, transaction, or other interest is properly disclosed to the Association and approved by the Association;
- (c) 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 from them or the Association;

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- (d) 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;
- (e) Derive personal benefit from information that they have acquired during the course of fulfilling their official duties with the Association;
- (f) Engage in any outside work, activity, business, or professional undertaking that conflicts or appears to conflict with their official duties as a representative of the Association, or in which they have an advantage or appear to have an advantage on the basis of their involvement with the Association;
- (g) Without the permission of the Association, use the Association's property, equipment, supplies, or services for activities not associated with the performance of their official duties with the Association;
- (h) Place themselves in positions where they could, by virtue of being an Association individual, influence decisions or contracts from which they could derive any direct or indirect benefit; or
- (i) 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 Association Individual.

6. Declaration of Interests

6.1 On an annual basis, all the Association's directors, officers, employees, and committee members will complete a Declaration Form (Appendix A) in order to disclose any and all affiliations with any and all other organizations involved with the Association. These affiliations include, but are not limited to, any of the following roles in the same sport: athlete, coach, manager, official, employee, volunteer, officer or director. Individuals shall also disclose on the Declaration Form any and all affiliations with consultants, suppliers, service providers or other third parties that are or may potentially enter into business relationships with the Association.

6.2 Declarations of interests in the following circumstances shall be made as follows (if applicable):

- (a) Individuals who are nominated for election to a position within the Association shall declare their interests prior to the election.
- (b) Upon taking part for the first time in a meeting of a committee or council of the Association.
- (c) Immediately upon being appointed to any position within the Association.

- 6.3 Declaration Forms shall be retained by the Association as long as the individual remains in such position and for a period of at least one year after the end of the individual's involvement with the Association.
- 6.4 At the beginning of all Board of Directors meetings there will be a standing agenda item for members to disclose any conflicts of interest for the meeting agenda items. Any identified conflicts will be documented in the board's meeting minutes.
- 7. Disclosure of Conflicts of Interests
 - 7.1 Individuals shall, at any given time, disclose real or perceived conflicts of interest to the Review Board immediately upon becoming aware that a conflict of interest may exist. Such obligation to disclose is ongoing.
 - 7.2 Any person who believes that an individual is entrusted with making a decision or has made a decision that may or was influenced by real or perceived conflict of interest shall submit a complaint, in writing, to the Review Board pursuant to section 9 herein. The complaint shall be addressed under the Association's Conflict of Interest Policy. The identity of the person filing the complaint may be held confidential by the Review Board.
- 8. Minimizing Conflict of Interest in Decision-Making
 - 8.1 Decisions or transactions that involve a conflict of interest that has been proactively disclosed by an individual will be considered and decided by applying the following additional provisions:
 - (a) The nature and extent of the individual's interest has been fully disclosed to the body that is considering or making the decision, and this disclosure is recorded or noted.
 - (b) The individual does not participate in discussions on the matter giving rise to the conflict of interest, unless the body considering the matter votes to allow such participation.
 - (c) The individual abstains from voting on the decision or taking part in any related discussion. For board-level decisions, the individual does not count towards quorum.
 - (d) The decision can be proven to be in the best interests of the Association.
 - 8.2 The Association will not restrict employees from accepting other employment, contracts or volunteer appointments during the term of their employment with the Association, provided that the employment, contract or volunteer appointments do not diminish the employee's ability to perform the work contemplated in their employment agreement with the Association. Any determination as to whether there is a conflict of interest will rest solely with the Review Board, and where a conflict of interest is deemed to exist, the

employee shall be required to resolve the conflict by either ceasing the activity giving rise to the conflict or resigning their position with the Association.

8.3 Examples of conflicts of interest at the Association could include, but are not limited to:

- (a) A director, officer or staff member who is also a member of a board of directors of an affiliate or partner of the Association;
- (b) A director, officer or staff member who also provides coaching or other services to the Association's provincial level teams;
- (c) A director, officer or staff member who has a member of their immediate family named to any provincial level team;
- (d) A director, officer or staff member who is also a benefactor of the Association; and
- (e) A director, officer or staff member who is also an owner or principal of a member alpine ski school, club or camp.

9. Conflict of Interest Complaints

9.1 The decision of the Review Board as to whether or not a conflict of interest exists will be governed by the following procedures:

- (a) Copies of any written documents to be considered by the Review Board will be provided to the individual who may be in a conflict of interest situation.
- (b) The individual who may be in a conflict of interest situation will be provided an opportunity to address the Review Board orally or, if granted such right by the Review Board, in writing.
- (c) The decision will be made by a majority vote of the Review Board.

9.2 If the individual acknowledges the conflict of interest, the individual may waive the right to be heard, in which case the Review Board will determine the appropriate sanction.

9.3 If a conflict is alleged against a Director, the Review Board will consist of the remaining members of the Ski NB Board of Directors who are not in a conflict of interest, whether or not quorum exists.

10. Decision

10.1 After hearing and/or reviewing the matter, the Review Board will determine whether a conflict of interest exists and, if so, the sanction(s) to be imposed.

11. Sanctions

11.1 The Review Board may apply the following actions, including but not limited to, 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 teams, events and/or activities;
- (d) Expulsion from the Association or, in the case of employees, dismissal from employment; and
- (e) Other actions as may be considered appropriate for the real or perceived conflict of interest.

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

11.3 The Review 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 hearing and a final decision of the Review Board.

11.4 The Review Board may not have the authority to overturn, alter or annul the decision made by the individual while in conflict of interest. In these circumstances, the Review Board may however order that the decision-making process tainted by conflict of interest be reconsidered by the original decision-making body or an alternate individual, after all real or perceived conflicts of interest have been fully addressed.

12. Enforcement

12.1 Failure by an individual to adhere to this policy may give rise to additional disciplinary measures as determined by the Review Board.



APPENDIX A

Declaration Form

As a director, volunteer, employee and/or consultant, you are required to act in the best interests of the Association.

Having read the Conflict of Interest Policy, please describe below any such relationships, transactions, positions you hold (volunteer or otherwise), or other similar circumstances:

- ☐ I have no *conflicts of interest* or facts or circumstances to report.
- ☐ I have the following *conflict(s) of interest* or facts or circumstances to report:

I hereby:

- confirm that I have read the Association's Conflict of Interest Policy and I agree to be bound by the obligations contained therein;
- confirm that I will not use my position with Ski NB for personal gain or opportunity.

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- certify that the information set forth above is true and complete to the best of my knowledge;
- commit to inform the Review Board immediately of any change to my declaration above;
- commit to declare, at any relevant times in the exercise of my duties as director, volunteer, employee and/or consultant of the Association, every situation that may arise which would make it inappropriate for me to continue to act in that capacity due to a conflict of interest.

Name: _____ Position Title: _____

Signature: _____ Date: _____

Witness: _____ Signature: _____