



Canadian Fencing Federation Policy Document

Policy on Conflicts of Interest

Introduction

1. The Canadian Fencing Federation (hereafter CFF) is committed to providing a sport environment that is characterized by honesty, excellence, fairness, integrity, sincerity, transparency, open communications and mutual respect.
2. CFF believes that these values and ideals should guide all its decisions, actions and communications, as well as the decisions, actions and communications of its members and all other persons who do business or have affiliations with CFF and/or its members.
3. CFF, its members and/or all persons who can do business or have affiliations with CFF and/or its members have an obligation to avoid any conflicts of interest (hereafter CI) whatever the conflict, and must ensure that their activities and interests do not conflict with CFF and/or its members or with their obligations, duties and responsibilities within CFF.

Purpose

4. This policy sets out to provide a standard of conduct to prevent, avoid and end all CI situations.

Scope

5. This policy applies to all CFF representatives including CFF Provincial/Territorial branches, licence-holders, High performance program athletes, certified and recognized coaches, certified and recognized officials, volunteers, board of directors (BOD) members, officers, committee members, staff members and other appointed representatives of CFF.

Definition

6. A conflict of interest is a situation where a representative of CFF, in any capacity at the time of making a decision with direct or indirect affiliation with CFF and/or its members, is influenced or could be influenced by personal, financial, business or other considerations,

having no relation to CFF's and/or its members' interests, or not in the best interests of CFF and/or its members.

Varieties of Conflicts of Interest

7. In a CI situation, a person can have a pecuniary or non-pecuniary interest. A pecuniary interest is an interest that a person may have in a matter because of the likelihood or expectation of a financial loss or gain for that person or any other individual with whom this individual has direct or indirect affiliations. The non-pecuniary interest may include:

- a) Coach-athlete, athlete-club and family relationships, friendships and any other interpersonal relationships;
- b) Volunteer position within other organizations;
- c) Any other interests that do not necessarily involve a financial loss or gain.

8. In addition, a CI can be real or perceived. A real CI arises when a person, in a decision-making situation, actually accords preferential treatment to a party. A perceived CI is related to appearances and perceptions and does not necessarily depend on the fact that a person might really be in CI and therefore, that this person was really incapable of making an objective decision. To recognize a perceived CI, we must ask if a reasonable and objective person would detect the presence of a perceived CI after having studied the matter in question.

9. Let it be known that perceived CIs are more frequent than real CI. However, perceived CIs are as prohibited and harmful as real CI.

Prohibition

10. CIs are strictly prohibited. Any person who is or thinks she/he is in a position of CI must disclose this situation to the BOD by completing the Declaration regarding Conflict of Interest form attached to this policy (APPENDIX 1).

Covenants

11. All representatives of CFF commit to avoid at any time placing themselves in a CI situation and shall:

- a) Not engage in any business or transaction or have any interest that conflicts with their duties with CFF, unless such business, transaction or other interest is properly disclosed and managed in accordance with this policy;
- b) Not directly or indirectly place themselves in a position where they are under obligation to any person who might benefit from special favours or considerations, or who might seek, in any way, preferential treatment;

- c) Avoid placing themselves in a position where they could be influenced in a decision by personal, financial, business or other interests;
- d) In the performance of their duties and obligations, not accord preferential treatment to family members or friends, or to organizations in which they or their family or friends have a financial or other interest;
- e) Not derive personal benefits from information that they have acquired during the course of fulfilling their duties with CFF, where this information is confidential or is not generally available to the public;
- f) Not directly or indirectly accord, seek or accept a favour or benefit for themselves or for a third party, in exchange for a decision, an intervention or a service;
- g) Not engage in any employment, activity or business or professional undertaking that conflict or appear to conflict with their official duties with CFF, or in which they have an advantage or appear to have an advantage on the basis of their association to CFF, unless such employment, activity, business or professional undertaking is properly disclosed and managed in accordance with this policy;
- h) Not use or allow the use of CFF's resources, property, equipment, materials, supplies and any other property or services for any reason other than what they are intended for;
- i) Not place themselves in a position where they could, by virtue of being a representative of CFF, influence decisions or contracts from which they could derive any direct or indirect benefit or interest;
- j) Not accept cash donation, gift or favour that could be construed as being given in anticipation of, or in recognition for, any special treatment granted by virtue of being a representative of CFF;
- k) Not disclose confidential or privileged information acquired during the course of fulfilling their duties with CFF;
- l) Not benefit from past duties with CFF nor act against the best interests of CFF.

Disclosure of Conflicts of Interest

12. All representatives shall disclose any conflict of interest situation in the following manner:
- a) Upon being nominated, elected or recognized, or upon being employed, and on an annual basis thereafter, all CFF directors, officers, employees, officials and committee members will complete a written statement disclosing any real or perceived CI that they might have, according to APPENDIX 1;
 - b) Also, at any time a person becomes aware that she/he might be in a position of real or perceived CI, she/he will disclose this conflict to the BOD by writing and submitting a statement, according to APPENDIX 1;
 - c) When a representative is in a position of real or perceived CI, she/he must inform the BOD by writing and submitting a statement, according to APPENDIX 1;
 - d) Any person who believes that a representative of CFF may be in position of a real or perceived CI, may report this matter to the BOD by writing and submitting a statement, according to APPENDIX 1.

Responsibilities of the BOD

13. The BOD is responsible for the application and compliance of this policy by all CFF representatives, in the last instance;

14. The BOD may at any time take any fair, reasonable and appropriate measures to protect the rights of CFF and any of its representatives, in compliance with this policy.

Procedures

15. Following disclosure of any real or perceived CIs which could affect the carrying out of the obligations, duties and responsibilities of a representative of CFF, said representative will withdraw from all situations where the CI exists. When in doubt, the BOD will make final determination as to the course of action, in compliance with CFF's and its members' best interests, and with this policy.

16. Following disclosure of any real or perceived CI, regarding a particular decision, situation or matter, the following principles apply:

- a) The person in a CI may not participate in a discussion of this decision, situation or matter, either formally at the meeting or informally through private contact, communication and discussion, unless such participation is approved by a unanimous vote of the BOD or CFF committee members, when relevant;
- b) Except where participation in discussion has been properly approved as per Section 16.a., such a person shall not be present at that portion of a meeting when the decision, situation or matter in which she/he has an interest is considered;
- c) Under no circumstances is the person in CI to take part in any vote or be present during voting on the decision, situation or matter in which she/he has an interest.

17. When a CFF representative has failed to disclose a CI to the BOD, the BOD will:

- a) Request that the representative's actions or omissions be justified in writing;
- b) Discuss the circumstances and the justifications provided by the representative at the next Board meeting or, if circumstances necessitate, convene a Board meeting, by any appropriate means, in a timely manner.
- c) Decide of the course of action in the stated case and apply appropriate disciplinary measures, when relevant, in compliance with CFF's and its members' best interests, and with this policy.

18. Any CFF representative who violates this policy is liable to sanction by the BOD, ranging from simple reprimand to suspension of CFF's activities.

19. In the event that an inflexible application of this policy would produce an excessive result which would be inconsistent with CFF and its members' best interests, it is provided that the policy will be tempered by appropriate discretion of the BOD.

20. In the event that the BOD confirms the existence of a CI, the BOD will make it public.

Documentation

21. Documentation relating to CI situations will be recorded in the Minutes of the BOD and/or all CFF committees, when relevant.

Interpretation

22. Where needed in this policy, a male gender word includes the female gender and vice versa; and plural nouns include singular nouns and vice versa.

Decision Final and Binding

23. The decision of the BOD will be binding on the parties and on all CFF representatives, subject to the right of any party to seek a review of the decision pursuant to the rules of the Sport Dispute Resolution Centre of Canada (SDRCC) as amended from time to time.

24. No action or legal proceeding will be commenced against CFF or its representatives in respect of a dispute, unless CFF has refused or failed to abide by the provisions for appeal as set out in this policy.

Review and Approval

25. This policy was approved by the BOD and shall be reviewed every two years.

APPENDIX 1

Declaration regarding Conflict of Interest

I have read CFF's 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 BOD, 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 stakeholders and the BOD of any other representative of CFF who I feel is in a position of any real, perceived or potential conflict of interest.

Name

Signature

Date