

KARATE CANADA

Conflict of Interest Policy



**KARATE
CANADA**

September 23rd, 2013

Introduction

1. KARATE CANADA is committed to providing a sport environment that is characterized by honesty, excellence, fairness, integrity, sincerity, transparency, open communications and mutual respect.
2. KARATE CANADA 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 KARATE CANADA and/or its members.
3. KARATE CANADA, its members and/or all persons who can do business or have affiliations with KARATE CANADA and/or its members have an obligation to avoid any conflicts of interest (CI) whatever the conflict, and must ensure that their activities and interests do not conflict with KARATE CANADA and/or its members or with their obligations, duties and responsibilities within KARATE CANADA.

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 KARATE CANADA members including athletes, coaches, officials, volunteers, board of directors (BOD) members, officers, committee members, staff members, appointed representatives of KARATE CANADA, dojos and dojo members of KARATE CANADA (collectively referred to as "Member(s)").

Responsibilities of the BOD

6. The BOD is responsible for the application and compliance of this policy by all KARATE CANADA Members, in the last instance;
7. The BOD may at any time take any fair, reasonable and appropriate measures to protect the rights of KARATE CANADA and any of its Members, in compliance with this policy.
8. The decision shall be in the best interest of KARATE CANADA;

Definition

9. A conflict of interest is a situation where a Member of KARATE CANADA, in any capacity at the time of making a decision with direct or indirect affiliation with KARATE CANADA and/or its Members, is influenced or could be influenced by personal, financial, business or other considerations, having no relation to KARATE CANADA's and/or its Members' interests, or not in the best interests of KARATE CANADA and/or its Members.

Varieties of Conflicts of Interest

10. In a CI situation, a person can have a pecuniary or non-pecuniary interest.
 - i. A pecuniary interest is an interest that a person may have in a matter because of the possibility 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 pecuniary interest may include, but not limited to:
 - (a) Personal and material involvement (salary, shareholding, various benefits) with suppliers of a party concerned;
 - (b) Personal and material involvement (salary, shareholding, various benefits) with sponsors, broadcasters, various contracting parties;
 - (c) Personal and material involvement (salary, shareholding, various benefits) with an organization liable to benefit from the assistance of a party concerned (including subsidy, approval clause or election).
 - ii. A non-pecuniary interest is an interest that a person may have in a matter because of the possibility or expectation of any advantage for that person or any other individual with whom this individual has direct or indirect affiliations. The non-pecuniary interest may include, but not limited to:
 - (a) Coach-athlete, athlete-dojo, family relationships, friendships and/or any other interpersonal relationships;
 - (b) Volunteer position within other organizations;
 - (c) Any personal advantage;
 - (d) Any other interests that do not necessarily involve a financial loss or gain.
11. 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 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.
12. 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

13. 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

14. All Members of KARATE CANADA undertake 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 KARATE CANADA, 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 KARATE CANADA, 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 KARATE CANADA, or in which they have an advantage or appear to have an advantage on the basis of their association with membership to KARATE CANADA, 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 KARATE CANADA'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 KARATE CANADA, 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 KARATE CANADA;
 - k. Not disclose confidential or privileged information acquired during the course of fulfilling their duties with KARATE CANADA;
 - l. Not benefit from past duties with KARATE CANADA nor act against the best interests of KARATE CANADA.

It should be noted that this list is not exhaustive.

Disclosure of Conflicts of Interest

15. All Members 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 KARATE CANADA 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 Member 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 Member 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 Member who believes that a Member of KARATE CANADA may be in position of a real or perceived CI, may notify this matter to the BOD by writing and submitting a statement, according to Appendix 1. This statement shall be provided to KARATE CANADA within thirty (30) days, if possible, prior to the situation for which the Member may be in a position of a real or perceived CI. If such period is not possible due to the period between the knowledge of the situation described in this paragraph and the actual moment of the situation, the statement shall be provided no later than forty-eight (48) hours following the situation for which the Member may be in a position of a real or perceived CI. In the event that the situation is on-going or past, KARATE CANADA BOD will review the statement as soon as practicable.

Procedures

- 16. Following disclosure of any real or perceived CIs, covered under section 15 a to c, which could affect the carrying out of the obligations, duties and responsibilities of a Member of KARATE CANADA, said Member may decide to immediately withdraw from specific situation where the CI exists or request from KARATE CANADA to apply the procedure stated on Section 18.
- 17. Following disclosure of any real or perceived CIs, covered under section 15 d the BOD of KARATE CANADA, shall review the statement and define as soon as practicable by a majority vote if the Member identified in the Appendix 1 is in a position of a CI pursuant to the element mentioned in the statement. In the event that the majority of the BOD of KARATE CANADA confirms the CI situation, Section 18 shall apply.
- 18. Following the process stated under Section 16 or Section 17, after reviewing the argument of the Member subject to the statement mentioned within those sections, KARATE CANADA will statute one or all of the following:
 - a. The Member may perform his/her role, in the situation or matter mentioned within the statement, only in the event that such participation is approved by a unanimous vote of the BOD or KARATE CANADA committee members. In such case, the BOD of KARATE CANADA shall consider the limitations listed in Appendix 2;
 - b. The Member may perform his/her role, in the situation or matter mentioned within the statement but shall not be present and participate to the decision for which the conflict was identified within the statement;
 - c. Under no circumstances is the Member in CI to perform his /her role to the situation or matter in which she/he has an interest, as identified within the statement.
 - d. Decision by the BOD of KARATE CANADA, stated in this section can apply for one specific meeting, event or situation or for a period of time covering many similar events, meetings or situations. However, such decision should be revised at least every two years.
- 19. When a KARATE CANADA Member has failed to disclose a CI to the BOD, the BOD will:
 - a. Request that the Member's actions or omissions be justified in writing;
 - b. Discuss the circumstances and the justifications provided by the Member 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 KARATE CANADA's and its Member's best interests, and with this policy.

20. Any KARATE CANADA Member who violates this policy is liable to sanction by the BOD, ranging from simple reprimand to suspension of KARATE CANADA's activities.
21. In the event that an inflexible application of this policy would produce an excessive result which would be inconsistent with KARATE CANADA and its Member's best interests, it is provided that the policy will be tempered by appropriate discretion of the BOD.
22. In the event that the BOD confirms the existence of a CI, the BOD reserves the right to make it public.

Documentation

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

Interpretation

24. 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

25. The decision of the BOD will be binding on the parties and on all KARATE CANADA Members, 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.
26. No action or legal proceeding will be commenced against KARATE CANADA or its Members in respect of a dispute, unless KARATE CANADA has refused or failed to abide by the provisions for appeal as set out in this policy.

Review and Approval

27. This original policy was approved by the BOD on November 1st 2009. This revision is approved as of September 23, 2012. The Policy shall be reviewed every two years by the BOD.

Conditions and Limitations

KARATE CANADA may include conditions or limitations in its decision to allow the Member to assume its duty, such as but not limited to:

- 1) If a CI is related to the promotion of a private company and/or service(s), such promotion shall be made in a fair and non-exclusive manner; or
- 2) When performing its KARATE CANADA Member role, the Member shall not perform any other activities related to the CI situation. For example:
 - i) Not promote a private company
 - ii) Not act as referee in a specific situation identified by KARATE CANADA
 - iii) Limit direct promotion
 - iv) Not recruit
- 3) Complementary measures in addition to, or in lieu of, the options above may also be included in a decision.