

SPORT DISPUTE RESOLUTION CENTRE OF CANADA  
SDRCC

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# Conflict of Interest Policy

**Final Version**

Adopted by resolution of the Board of Directors, July 22, 2022

## 1. PURPOSE

The Sport Dispute Resolution Centre of Canada (SDRCC) strives to maintain the highest ethical standards in all policies, procedures, and programs and to address Conflicts of Interest and Conflicts of Duties. In particular, the objectives of this Policy are to:

- Uphold the mission, values and mandate of the SDRCC;
- Facilitate ethical decision-making within the SDRCC to resolve Conflicts of Interest and Conflict of Duties; and
- Establish measures to help Interested Person(s) to manage and resolve Conflict of Interest and Conflict of Duties that could impair either the integrity of the SDRCC or the public's perception of its integrity.

## 2. DEFINITIONS

For purposes of this Policy:

**Interested Person means** any employee, agent, contractor, board member, committee member, member of the SDRCC's roster(s) of independent investigators, independent assessors, mediators and arbitrators and/or other person required by the SDRCC to perform certain duties and/or responsibilities regarding any program, policy, procedure and/or activity of the SDRCC.

**Conflict of Interest means** a situation in which an Interested Person has financial, private or professional interests that could improperly influence the performance of his or her official duties and responsibilities with the SDRCC or in which the Interested Person uses SDRCC for personal gain. A real Conflict of Interest is one that exists at the present time, an apparent Conflict of Interest could be perceived by a reasonable observer to exist, whether or not it is the case, and a potential Conflict of Interest could reasonably be foreseen to exist in the future.

**Conflict of Duties means** a conflict that arises, not because of an Interested Person interest, but as a result of one or more concurrent or competing official responsibilities. For example, these roles could include their role, duties and/or responsibilities with the SDRCC and their responsibilities in an outside role that forms part of their official duties, such as an appointment to a board of directors, employment, contracted services or other outside function. For the sake of clarity, any official duty held by an Interested Person currently or in the past two years shall be subject to due consideration as a potential Conflict of Duties.

## 3. ROLES & RESPONSIBILITIES

The Chief Executive Officer of the SDRCC (and/or their delegate) ("CEO") is responsible for (i) education, guidance and oversight regarding this Policy (except the OSIC) and (ii) receiving disclosure, addressing and managing Conflict of Interest and Conflict of Duties in accordance with this Policy with respect to Interested Person(s) (except the OSIC).

The Board of Directors of the SDRCC (the "Board") is responsible for receiving disclosure, addressing and managing Conflict of Interest and Conflict of Duties involving the CEO, and providing support and guidance to the CEO, upon request, regarding the interpretation and application of this Policy.

The Sport Integrity Commissioner (and/or their delegate) ("Commissioner") is responsible for (i) education, guidance and oversight regarding this Policy for purposes of the Office of the Sport Integrity Commissioner (the "OSIC"); and (ii) receiving disclosure, addressing and managing

Conflict of Interest and Conflict of Duties in accordance with this Policy with respect to Interested Person(s) within the OSIC.

The Sport Integrity Committee of the SDRCC (the “Committee”) is responsible for receiving disclosure, addressing and managing Conflict of Interest and Conflict of Duties involving the Commissioner, and providing support and guidance to the Commissioner, upon request, regarding the interpretation and application of this Policy for purposes of the OSIC.

Individuals chairing meetings of the Board of Directors, committees, working groups or other entities of the SDRCC with decision-making or advisory roles, including those of the OSIC, shall ensure that all meeting agendas contain an item inviting disclosures of conflicts of interest immediately following the adoption of the meeting agenda.

#### **4. PROCEDURES**

##### **a. Duty To Disclose**

In connection with any actual or possible Conflict of Interest or Conflict of Duties, all Interested Person(s) shall disclose the existence of their interest or affiliation and all material facts related thereto to the CEO (or when applicable, the Board, Commissioner, or Committee). The disclosure shall be made using the prescribed disclosure form of the SDRCC (attached as Appendix A to this Policy) on an ongoing basis when the Conflict of Interest or Conflict of Duties becomes reasonably foreseeable or known to the Interested Person.

The disclosure form will be updated by the Interested Person:

- Minimally, on an annual basis;
- Every time there is a change in actual or possible Conflict of Interest or Conflict of Duties; and
- as requested by the CEO (or when applicable, the Board, Commissioner, or Committee).

Additional disclosure means may be implemented by the CEO, as it pertains to mediators and arbitrators of the Dispute Resolution Secretariat, and by the Commissioner, as it pertains to investigators and other professional service providers, to guarantee the independence of the relevant processes on a case-by-case basis.

##### **b. Determining Whether a Conflict of Interest Exists**

After disclosure of the interest or affiliation and all material facts related thereto and after any discussion with the Interested Person if required, the CEO (or when applicable, the Board, Commissioner, or Committee) shall make a determination regarding the existence of a Conflict of Interest or Conflict of Duties.

In making this determination, the CEO (or when applicable, the Board, Commissioner, or Committee) will consider the Purpose and Objectives of this Policy (as outlined in section 1 above), the best interests of the SDRCC and the best interests of the specific matter being considered by the SDRCC (e.g. a specific dispute, complaint, sport environment assessment, etc.)

In making this determination, the CEO (or when applicable, the Board, Commissioner, or Committee) may, as it deems appropriate, request further information from any person, including

the Interested Person, and/or consult with relevant committee (e.g. Board or Committee) and/or other representative(s) and/or advisor(s).

**c. Procedures For Addressing a Conflict of Interest or Conflict of Duties**

Upon determination of a Conflict of Interest or Conflict of Duties, the CEO (or when applicable, the Board, Commissioner, or Committee) will decide on the application of appropriate measures and the appropriate duration of any such measures, which may include, without limitation:

- Suspension or modification of the impacted program, policy, procedure and/or activity;
- Modification of the duties and responsibilities of the Interested Person with the SDRCC or regarding the impacted matter, program, policy, procedure and/or activity of the SDRCC;
- Appointment of a disinterested person in replacement of the Interested Person;
- Termination of the relationship between the Interested Person and the SDRCC;
- Other measures, considered appropriate in the circumstances, to support the Purpose and Objectives of this Policy.

Any such decision of the CEO (or when applicable, the Board, Commissioner, or Committee) shall be considered binding and final.

**d. Communication of the Determination and Applicable Measures**

The CEO (or when applicable, the Board, Commissioner, or Committee) will promptly inform the Interested Person of its decision pursuant to section 4b. and 4.c. of this Policy. The CEO (or when applicable, the Board, Commissioner, or Committee) may, if necessary, in the circumstances and subject to applicable confidentiality policies of the SDRCC (and/or the OSIC, if applicable), provide relevant information regarding the decision to other persons directly impacted by the decision (e.g. other employees, committee members, parties).

**e. Violations of the Policy**

If the CEO (or when applicable, the Board, Commissioner, or Committee) has reasonable cause to believe that an Interested Person has failed to disclose actual or possible Conflicts of Interests or Conflict of Duties, it shall inform the Interested Person of the basis of such belief and afford the Interested Person an opportunity to explain the alleged failure to disclose.

If, after hearing the response of the Interested Person and making such further investigation as may be warranted in the circumstances, the CEO (or when applicable, the Board, Commissioner, or Committee) determines that the Interested Person has in fact failed to disclose an actual or possible Conflict of Interest or Conflict of Duties, it shall take appropriate disciplinary and corrective action.

**5. RECORD KEEPING**

Records of all disclosures will be maintained by the SDRCC (or the OSIC, as applicable) in accordance with applicable policies and procedures of the SDRCC (or the OSIC, as applicable). All records will be kept confidential to the extent possible, subject to the applicable policies and procedures of the SDRCC (or the OSIC, as applicable), and as required by law. The records will not be disclosed unless necessary to administer this Policy, take other action in accordance with SDRCC (or the OSIC, as applicable) policies and procedures, or otherwise as required by law.

## **6. DOCUMENT REVIEW & DISCLAIMER**

This Policy may be amended and updated from time to time at the discretion of the Board. This Policy shall be applied and interpreted by the CEO (or when applicable, the Board, Commissioner, or Committee) in its reasonable discretion.

## **APPENDIX A**

### **DISCLOSURE STATEMENT - SDRCC CONFLICT OF INTEREST POLICY**

Pursuant to the Conflict of Interest Policy of the SDRCC, please describe below any interest, duties or other relevant facts or circumstances:

- I have no interest, duties, fact or circumstance to declare.
- I have the following interests, duties, facts or circumstances to declare:

I hereby:

- confirm that I have read and agree to abide by the Conflict of Interest Policy of the SDRCC;
- certify that the information set forth above is true and complete to the best of my knowledge;
- commit to inform the SDRCC immediately of any change to my declaration above;
- commit to declare, at any relevant times in the exercise of my duties with the SDRCC, 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 or Conflict of Duties.

Name: \_\_\_\_\_

Position Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_