



## **MSSC/DSO Conflict of Interest Policy**

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### **1. PURPOSE**

The Maltreatment in Sport Sanctions Council (“**MSSC**”) 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 MSSC and the Director of Sanctions and Outcomes (“**DSO**”);
- Facilitate ethical decision-making within the MSSC and/or the DSO to resolve Conflicts of Interest and Conflict of Duties; and
- Establish measures to help Interested Person(s) to manage and resolve Conflicts of Interest and Conflicts of Duties that could impair either the integrity of the MSSC and/or the DSO or the public's perception of its integrity.

### **2. DEFINITIONS**

For purposes of this Policy:

**Interested Person means** any member of the MSSC and/or the DSO.

**Conflict of Interest means** a situation in which an Interested Person has financial, private or professional interests that could improperly influence the performance of their official duties and responsibilities with the MSSC or as DSO or in which the Interested Person uses the MSSC or DSO position 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 MSSC or as the DSO, 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 and/or Conflict of Interest.

### **3. ROLES & RESPONSIBILITIES**

The Chair of the MSSC (and/or their delegate) (“**Chair**”) is responsible for (i) education, guidance and oversight regarding this Policy and (ii) receiving disclosure, addressing and managing Conflicts of Interest and Conflicts of Duties in accordance with this Policy with respect to Interested Person(s)).



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The MSSC members (other than the Chair)) are responsible for receiving disclosure, addressing and managing Conflicts of Interest and Conflicts of Duties involving the Chair, other MSSC members and the DSO, and providing support and guidance to the Chair, upon request, regarding the interpretation and application of this Policy.

The Chair will ensure that all MSSC meetings, regardless of agendas (in case of urgent ad hoc meetings), contain a standing item inviting disclosures of Conflicts of Interest and Conflicts of Duties applicable to all MSSC members and the DSO.

### **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 MSSC Chair (and/or their delegate). The disclosure shall be made using the prescribed disclosure form of the MSSC (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 Chair or MSSC.

Additional disclosure means may be implemented by the MSSC, as it pertains to any 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 MSSC, or, in the event that the disclosure is by a member of the MSSC, the remaining members of the MSSC, shall make a determination regarding the existence of a Conflict of Interest or Conflict of Duties.

In making this determination, the MSSC will consider the Purpose and objectives of this Policy (as outlined in section 1 above), the best interests of the MSSC and/or DSO, and the best interests of the specific matter being considered by the MSSC (e.g. a specific relationship, dispute, complaint, sport environment assessment, etc.).



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In making this determination, the MSSC may, as it deems appropriate, request further information from any person, including the Interested Person, and/or consult with relevant persons and/or other representative(s) and/or advisor(s).

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

Upon determination of the existence of a Conflict of Interest or Conflict of Duties, the MSSC will decide on the application of appropriate measures and the appropriate duration of any such measures, which may include, without limitation:

- Modification of the duties and responsibilities of the Interested Person with the MSSC or regarding the impacted matter, program, policy, procedure and/or activity of the MSSC;
- Appointment of an interim designate or deputy DSO in the event that the DSO has been deemed to have a Conflict of Interest or Conflict of Duties;
- Requirement that the Interested Person excuses themselves from any MSSC matters that concern or involve the Conflict of Interest or Conflict of Duties;
- Other measures considered appropriate in the circumstances to support the Purpose and objectives of this Policy.

Any such decision of the MSSC shall be considered binding and final.

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

The Chair (and/or their delegate) will promptly inform the Interested Person of the MSSC's decision in accordance with sections 4b and 4.c of this Policy. The Chair (and/or their delegate) may, if necessary in the circumstances and subject to applicable confidentiality policies of the MSSC, provide relevant information regarding the decision to other persons directly impacted by the decision (e.g. contracted professionals, MSSC members, parties, etc.).

### **e. Violations of the Policy**

If the Chair or MSSC has reasonable cause to believe that an Interested Person has failed to disclose a *real*, *apparent* or *potential* Conflict of Interest or Conflict of Duties, the Chair (and/or their delegate) shall inform the Interested Person of the basis of such belief and afford the Interested Person an opportunity to respond.

If, after hearing the response of the Interested Person and making such further investigation as may be warranted in the circumstances, the MSSC determines that the Interested Person has in fact failed to disclose a *real*, *apparent* or *potential* Conflict of Interest or Conflict of Duties, it may take appropriate disciplinary and corrective action.



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If the failure to disclose a real, apparent or potential Conflict of Interest or Conflict of Duties is deemed to have been unintentional, that Interested Person will be removed from any MSSC/DSO issues related to the Conflict of Interest or Conflict of Duties.

If the failure to disclose a real, apparent or potential Conflict of Interest or Conflict of Duties is deemed to have been intentional, the Interested Person may face disciplinary action, up to and including being asked to resign from their position.

### **5. RECORD KEEPING**

Records of all disclosures will be maintained by the MSSC in accordance with applicable policies and procedures of the MSSC. All records will be kept confidential to the extent possible, subject to the applicable policies and procedures of the MSSC, and as required by law. The records will not be disclosed unless necessary to administer this Policy, take other action in accordance with MSSC (or the SDRCC/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 MSSC. This Policy shall be applied and interpreted by the MSSC in its reasonable discretion.



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### **APPENDIX A**

#### **DISCLOSURE STATEMENT – MSSC CONFLICT OF INTEREST POLICY**

Pursuant to the Conflict of Interest Policy of the MSSC (the “Policy”), 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 Policy;
- certify that the information set forth above is true and complete to the best of my knowledge;
- commit to inform the MSSC Chair (and/or their delegate) immediately of any change to my declaration above;
- commit to declare, at any relevant times in the exercise of my duties with the MSSC, 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, as defined in the Policy

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

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

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

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