



Shintani Wado Kai Karate Federation (SWKKF) Policy on Conflict of Interest

Approved December 11, 2020

Preamble

1. The Shintani Wado Kai Karate Federation(hereafter referred to as the SWKKF) is committed to providing a sport environment that is characterized by honesty, excellence, fairness, integrity, sincerity, transparency, open communications and mutual respect.
2. The SWKKF believes that these values and ideals should guide all of its decisions, actions and communications, as well as the decisions, actions and communications both internally with its members and externally with all individuals, organisations, and associations who do business or have affiliations with the SWKKF and/or members of its community.
3. The SWKKF, the members of its community and/or all persons who do business or have affiliations with the SWKKF and/or its members have an obligation to avoid any conflicts of interest whatever the conflict, and must ensure that their activities and interests do not conflict with the SWKKF and/or its members or with their obligations, duties and responsibilities within the SWKKF.
4. This Policy on Conflict of Interest may be considered part of the Code of Conduct to which all members of the Shintani Wado Kai Karate Federation are expected to adhere. The Policy on Conflict of Interest is also considered a core document of the SWKKF's policy framework and is therefore subject to change as directed by the SWKKF Senate in order to protect the interests of the SWKKF and the members of its community.

Purpose

5. This policy sets out to provide a standard of conduct to prevent, avoid, resolve and end any or all Conflict of Interest situations, be they real, potential or perceived.

Scope and Applicability

6. This policy applies to all SWKKF participants, as defined below.
7. This policy on Conflict of Interest supersedes any previous Conflict of Interest policies of the Shintani Wado Kai Karate Federation effective the date of approval of the policy by the Senate.

Definitions

8. The following definitions are presented in the context of the SWKKF Conflict of Interest Policy:
 - a. SWKKF Participants: Without limiting the reach of the policy, SWKKF participants for the purpose of this policy are defined as:

- I. All individual members;
 - II. All persons working with those members, including instructors/coaches, medical personnel, and other support persons;
 - III. SWKKF employees and persons under contract with the SWKKF;
 - IV. All karate instructors/coaches certified and/or recognised by the SWKKF;
 - V. All karate officials and referees certified and/or recognised by the SWKKF;
 - VI. All SWKKF membership-holders (and their parents, grandparents and/or guardians if minor); and
 - VII. Members of the SWKKF Senate, officers of the SWKKF, staff members of the SWKKF, committee members and volunteers working for or serving with or on behalf of or appointed by the SWKKF.
- b. Conflict of interest: a situation in which a representative of the SWKKF, in any capacity at the time of making a decision with direct or indirect affiliation with the SWKKF and/or its participants, is influenced or could be influenced or could be perceived to be influenced by personal, financial, business or other considerations, having no relation to the interest of the SWKKF and/or its participants, or is not in the best interests of the SWKKF and/or its participants.
 - c. Pecuniary interest: an interest that a person may have in a matter based on the expectation, possibility or probability of a financial loss or gain for that person or any other individual with whom this individual has direct or indirect affiliations.
 - d. Non-pecuniary interest: an interest where a person may expect to obtain an advantage that does not include a financial advantage, including:
 - I. Instructor-athlete, athlete-club and family relationships, friendships and any other interpersonal relationships;
 - II. Volunteer position within other organizations; or
 - III. Any other interests that do not necessarily involve a financial loss or gain.
 - e. Affiliation: having an attachment or connection with an organisation, including as a paid member.
 - f. Contact: a person or organisation that is or may be communicated with for the purpose of obtaining information, supplies, assistance, etc, with or without the possibility, probability or expectation of financial or other gain.
 - g. Membership: the state or condition of being a member of an organisation, association or recognised group, usually as the result of the payment of a fee.
 - h. Perceived Conflict of Interest: is related to appearances and perceptions and does not necessarily depend whether a real conflict of interest situation exists.
 - i. Real Conflict of Interest: arises when a person, in a decision-making situation, actually accords preferential treatment to a party for either pecuniary or non-pecuniary advantage.

Interpretation

9. In interpretation of this policy, a masculine word includes the feminine and vice versa; and plural nouns include singular nouns and vice versa.

Covenants

10. All members of the SWKKF commit to avoid at any time placing themselves in a Conflict of Interest situation and shall therefore not, in any circumstances:
 - a. Engage in any business or transaction or have any interest that conflicts with their duties with the SWKKF, unless such business, transaction or other interest is properly disclosed and managed in accordance with this policy.
 - b. Either directly or indirectly place them 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. Place them in a position whereby they could be influenced in a decision by personal, financial, business or other interests.
 - d. Accord, in the performance of their duties and obligations, 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. Derive personal benefits from information that they have acquired during the course of fulfilling their duties with the SWKKF, where this information is confidential or is not generally available to the public.
 - f. Accord, seek or accept, either directly or indirectly, a favour or benefit for themselves or for a third party, in exchange for a decision, an intervention or a service from the SWKKF.
 - g. Engage in any employment, activity or business or professional undertaking that conflict or appear to conflict with their official duties with the SWKKF, or in which they have an advantage or appear to have an advantage on the basis of their association to the SWKKF, unless such employment, activity, business or professional undertaking is properly disclosed and managed in accordance with this policy.
 - h. Use or allow the use of the SWKKF's resources, property, equipment, materials, supplies and any other property or services for any reason other than for which they are intended.
 - i. Place them in a position where they could, by virtue of being a representative of the SWKKF, influence decisions or contracts from which they could derive any direct or indirect benefit or interest.
 - j. Accept a 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 the SWKKF.
 - k. Disclose confidential or privileged information acquired during the course of fulfilling their duties with the SWKKF.
 - l. Benefit neither from past duties with the SWKKF nor act against the best interests of the SWKKF.

Disclosure of Conflicts of Interest

11. All representatives shall disclose any Conflict of Interest, perceived or real, situation in the following manner:
 - a. Upon being nominated, elected or recognized, or upon being employed, and on an annual basis thereafter, all the SWKKF directors, officers, employees, officials and committee members will complete a written statement disclosing any real or perceived Conflict of Interest that they might have, according to the Disclosure of Conflict of Interest Statement appended at Appendix 1.
 - b. At any time a person becomes aware that he might be in a position of real or perceived Conflict of Interest he shall disclose this conflict to the Senate in writing by submitting an initial or revised Disclosure of Conflict of Interest Statement appended at Appendix 1.
 - c. When a representative is in a position of real or perceived Conflict of Interest, he must inform the Senate or the Executive Director in writing by submitting an initial or revised Disclosure of Conflict of Interest Statement appended at Appendix 1.
 - d. Any person who believes that a representative of the SWKKF may be in position of a real or perceived Conflict of Interest, may report this matter to the Senate by writing and submitting a signed statement detailing the alleged Conflict of Interest situation, including specifics in terms of names, dates, places and nature of the conflict of interest.

Responsibilities of the Senate of the SWKKF

12. The Senate is responsible for the application of, and compliance with, the Conflict of Interest policy by all the SWKKF representatives, in the last instance.
13. The Senate may at any time take any fair, reasonable and appropriate measures to protect the rights of the SWKKF and any of its representatives, in order to ensure compliance with this policy.
14. The decision shall be in the best interest of the SWKKF.

Actions upon Disclosure

15. Following disclosure of any real or perceived Conflict of Interest that could affect the carrying out of the obligations, duties and responsibilities of a representative of the SWKKF, said representative will withdraw from all situations where the Conflict of Interest exists. When in doubt, the Senate will make final determination as to the course of action, in recognition of the best interests of the SWKKF and its members, and with this policy.
16. Following disclosure of any real or perceived Conflict of Interest, regarding a particular decision, situation or matter, the following principles apply:
 - a. The person in a Conflict of Interest 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 Senate or the SWKKF committee members, as applicable.

- b. Except where participation in discussion has been properly approved as per subparagraph 15.a, above, such a person shall not be present at that portion of a meeting when the decision, situation or matter in which he has an interest is considered.
- c. Under no circumstances is the person in Conflict of Interest to take part in any vote or be present during voting on the decision, situation or matter in which he has an interest, unless specifically approved to do so by the Chair of the SWKKF Senate.

Actions upon Failure to Disclose a Conflict of Interest

- 17. When a SWKKF representative has failed to disclose a Conflict of Interest to the Senate, the President of the SWKKF shall:
 - 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 meeting of the Senate or, if circumstances necessitate, convene a meeting of the Board, 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 the best interests of the SWKKF and its members, and with this policy.
- 18. Any SWKKF representative who violates this policy is liable to sanction by the Senate, ranging from simple reprimand to suspension from all activities of the SWKKF.
- 19. In the event that an inflexible application of this policy would produce an excessive result which would be inconsistent with the SWKKF and its members' best interests, it is provided that the policy will be tempered by appropriate discretion of the Senate.
- 20. In the event that the Senate confirms the existence of a Conflict of Interest, the Senate will make it public in the most appropriate manner.

Documentation

- 21. Documentation relating to Conflict of Interest situations will be recorded in the Minutes of the Senate and/or of the applicable SWKKF programme or Board committee, as applicable.

Decision Final and Binding

- 22. The decision of the Senate will be binding on the parties and on all the SWKKF representatives.
- 23. No action or legal proceeding will be commenced against the SWKKF or its representatives in respect of a dispute, unless the SWKKF has refused or failed to abide by the provisions for appeal as set out in this policy.

Review and Approval

- 24. This policy is to be approved by the Senate of the SWKKF and shall be reviewed on a regular basis, as and when required.