INTERNATIONAL SKATING UNION

Communication No. 1481

Avoiding Conflicts of Interest

1. Background: As the 2008 ISU Congress approaches, the ISU has received suggestions that the ISU Statutes (Constitution, General Regulations. Code of Ethics, Anti-Doping Rules and currently valid ISU Communications) should be amended to provide more concrete examples of "conflicts of interest" applicable to ISU Office Holders and Officials.

The Council discussed these suggestions at its November 2007 meeting in Geneva and concluded that prudent application by involved persons of the *existing* ISU Statutes would resolve virtually all real or *perceived* conflicts in favor of protecting the ISU's image as a fair and unbiased international sport federation.

This Communication adopted by the Council according to Article 17, paragraph 1, r) of the Constitution, is issued to interpret the existing ISU Statutes and to serve as a guideline for taking decisions concerning service that might appear to involve a "conflict of interest".

2. Applicable rules: The following ISU Statutes are identified for orientation only and should not be understood to refer to all possible rules to be considered. As emphasized in the ISU Code of Ethics and elsewhere, it is the responsibility of each individual to follow all ISU Statutes when taking part in ISU activities. The above-referenced ISU Statutes are:

Constitution:
Article 7, paragraph 7, (v)
Article 20, paragraph 2, f)
Article 23, paragraph 3

General Regulations:
Rule 121, paragraph 3, in particular subparagraph j)
Rule 125, paragraph 4

Code of Ethics – Communication No. 1433 issued December 19, 2006.

3. Principles of the ISU Code of Ethics (COE):

a) The purpose of the COE (paragraph 3, d)) is:

(i) to demonstrate that high ethical standards govern ISU activities,

(ii) to inspire public and internal confidence in the fairness, honesty and integrity of the ISU.

b) Performance, conduct and comments of any person serving the ISU should stimulate trust and confidence (paragraph 3, f).

c) Even the *appearance* of misconduct, impropriety, insincere attitude or purpose can be damaging (paragraph 3, f),

d) Every person agrees not to hold any official position within his/her Member organization that at any time could, or reasonably *appear* to be, in conflict with his/her independent status, duty and loyalty to the ISU, (paragraph 3, f).

4. Council Recommendations:

a) Every ISU Office Holder and/or Official should apply the above COE principles and other ISU Statutes when deciding whether to accept *any other non-ISU position* relating to the ISU activities. The "other position" could be one with a Member, broadcaster, newspaper, magazine, Olympic Team, etc., and the position under consideration could be permanent, temporary, remunerated or voluntary.

b) If such "other position" could *reasonably appear* to other participants in ISU activities, to the general public, and/or to the media, to be an improper conflict, the Office Holder or Official concerned *should decline* to accept the offered position.

c) All ISU Office Holders and ISU Officials, elected or appointed, are viewed generally as representing the ISU, independent of their Member organization. When appearing in international activities, in particular in competitions, they should not act as members of any national teams, or act as team leaders, assistant team leaders, chaperons, team doctors or team coaches, or wear national team uniforms. (Coaches serving on an ISU Technical Committee may, however, coach individually their students who are entered in an ISU Event or an international competition).

All ISU Officials (Referees, Judges, Controllers, Specialists, Starters, etc.) acting under the ISU umbrella must be seen, within and outside the ISU, as neutral and independent. For the purpose of saving costs to the Member, a Referee or Judge may be a team leader at international competitions which are not ISU Events. However, in such exceptional case the Referee or Judge should avoid to act as a coach of any skater or to appear with skaters in any public ceremonial situation, or in the case of Figure Skating, in the Kiss and Cry area.

d) ISU Office Holders and Officials should take care to avoid performance of their ISU office or duty in the same competition in which any family member (for the term "family" see the definition in General Regulations, rule 121, paragraph 3, j), 3)) is already serving in a capacity which may *appear to be* a conflict of interest.

(i) This applies, in particular, to cases where two members of the same family would be in a superior-subordinate position *vis-a-vis* each other, such as : Referee – Judge/Technical controller, etc; OAC member – Referee/ Judge/ Technical Controller, etc.

(ii) A member of the Medical Commission should not serve as an official ISU Medical Advisor at an ISU Event during which his/her family member acts as an ISU Official in the competition.

(iii) ISU Members should avoid appointing as team leaders or assistant team leaders, family members of Referees appointed for the same competition One reason is that the Referee decides on all protests filed by team leaders or their assistants. Since also the Referee would be a member of the Member concerned, the Members will have sufficient information when making their appointments.

(iv) The Members should also, whenever possible, avoid sending two members of the same family as Officials to the same competition. Although not explicitly forbidden by the rules that such family members act at the same competition provided that they act in different events, such situation is not desirable in view of the Principles stated above in paragraph 2.

The above situations are only examples and they do not exclude other situations in which these recommendations should be respected.

5. Referee's Responsibility: Under rule 121, paragraph 3, j), 4), it is the Referee serving at an event who decides "any issues raised at the event concerning conflicts of interest or other matters involving the applicability of the ISU Code of Ethics to assigned ISU Officials." This rule grants the Referee the authority to take appropriate actions, if necessary, and such actions have to be respected by all persons concerned. In such case the Referee shall immediately send a written report to the Council.

The term "any issues raised" is not limited to issues raised in an official protest, but includes knowledge the Referee acquires from any source and deems reliable. In so deciding, the Referee shall follow all applicable ISU Statutes, and the guidance provided by this Communication.

In addition, the Referee and the ISU Representative (or the highest ranking ISU Office Holder present) have the powers conferred upon them by Rule 125, paragraph 3.

6. Role of the ISU Disciplinary Commission (ISU DC): As stated in the COE, Official Complaints may be lodged with the ISU DC for consideration.[1] This possible "ultimate" solution to a perceived conflict of interest is not a solution recommended by the Council. Such Complaints involve the time of many persons, cost money and probably result in personal "hard feelings" among people who must work together in harmony for the good of the ISU sports. The Council urges Members, ISU Office Holder and ISU Officials to resolve all such issues in the spirit of sportsmanship and in the best interest of the reputation of the skating sports.

Milano**,** **Ottavio Cinquanta**, President
December 31, 2007
Lausanne, **Fredi Schmid**, Director General

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[1] "**5. Monitoring and Modification of the Code** For effectiveness, this Code looks to the honesty and integrity of the persons to whom it applies. Claimed violations of the Code shall be brought to the attention of the ISU Disciplinary Commission for consideration and possible action . . . ."