

# Conflict of Interest Policy of the International Biathlon Union ("IBU")

(Version 1.0, Date 19/07/2020)

## Document information

Policy owned by: Secretary General

Related policies: N/A

## Change history

Author	Description of change(s)	Date changed
RR	Version 1.0 - original	19/07/2020

## Approval

Version	Approved by	Date approved
1.0	Executive Board	29/07/2020

## **1 Policy**

Persons involved in the administration and running of the IBU and its business (called "Parties" hereinafter) have an obligation to act in the best interests of the IBU and in accordance with the IBU Constitution and other IBU Rules. They are expected to act impartially and objectively and to actively take steps to avoid Conflicts.

## **2 Scope**

2.1 This Policy sets out the procedures for identifying and managing conflicts and potential conflicts of interests or duty (called "Conflicts" in this Policy).

The Parties that this Policy specifically applies to are the members of the IBU Executive Board (as per Article 18.1.11 of the IBU Constitution) and the IBU management team.

As per the IBU Constitution, all IBU Officials are also bound by the IBU Integrity Code, notably its Chapter B, Article 3.

## **3 Background**

3.1 Managing conflicts of interest proactively and transparently is central to good governance in any organisation. The IBU is committed to the highest levels of integrity and expects the Parties to conduct their relationships with each other, the IBU, and outside entities with honesty and to remove themselves from a position of decision-making authority in a conflict situation.

3.2 Conflicts matter because they affect discussions and decision-making and may result in decisions being reached that are not in the best interests of the IBU. They can give the impression - both internally and to the wider public - that improper conduct has occurred even when it has not.

3.3 Conflicts come in a number of different forms. It is primarily the responsibility of each Party to identify if there is a Conflict or potential Conflict that may affect them or someone connected to them.

3.4 This Policy is not intended to adversely affect normal decision making within the IBU. It is intended to make it more transparent, and to allow the management of Conflicts that will inevitably arise. It is important that management of a Conflict is proportionate to the risk that it poses to the best interests of the IBU.

## **4 Identifying what a Conflict is**

### **4.1 There are two types of Conflict:**

(a) A conflict of interests – this is where a Party has an interest personal to them (which may be financial or non-financial) which conflicts, or may conflict, with the best interests of the IBU.

(b) A conflict of duties – this is where a Party owes a duty to another body (such as being an employee, elected official, shareholder, trustee etc.) that conflicts, or may conflict, with their duties to act in the best interests of the IBU.

This type of conflict does not have to be personal or financial to the Party. A conflict of duties can also be described as a conflict of loyalties.

## **5 Connected Persons**

### **5.1 A Conflict can still rise if it involves a payment or benefit being given to a third party connected to the Party in question.**

A “Connected Person” is:

(a) any parent, grandparent, child, stepchild, grandchild, brother, sister or spouse of a Party or any person living with the Party as his or her partner;

(b) a firm, company or association in which the Party is a partner, officer, employee, consultant, director, member or shareholder (unless the Party owns no more than 5% of the issued shares on a recognized stock exchange);

(c) a firm or company in which an individual listed in (a) above is connected in the ways set out in (b).

## **6 Duty to avoid conflicts**

### **6.1 All Parties are under a duty to avoid a Conflict where possible.**

### **6.2 If a Conflict or potential Conflict exists, it must be declared by the Party and managed as set out in this Policy.**

### **6.3 Any doubt as to whether certain facts or circumstances may give rise to a Conflict should be resolved in favour of declaring those facts or circumstances.**

## **7 Declarations of interests**

- 7.1 On appointment, Parties must declare their interests on the applicable BIU Vetting Disclosure Form.
- 7.2 The Head of the BIU will use the information in the declarations to maintain a register. The information provided in any declarations of interest will be processed in accordance with the data protection principles as set out in the General Data Protection Regulation (GDPR) of the European Union. The information provided will not be used for any other purpose by the IBU.
- 7.3 Parties must review their declarations at least biennially and update them as soon as possible following any change in circumstances by contacting the Head of the BIU.
- 7.4 At IBU Executive Board or other meetings, a Party is required declare to the President (or the chairperson of the given meeting) the nature and extent of any potential or actual Conflicts they may have in the proposed business of the meeting. In particular, this includes declaring any interests they or any Connected Person may have in any existing or proposed transactions or arrangements with IBU. This procedure applies also to any email votes or virtual meetings.
- 7.5 Each meeting of IBU Executive Board will contain declarations of Conflicts as a separate agenda item. Any declarations of Conflicts concerning any item on the agenda will be included in the meeting minutes.

## **8 Managing conflicts of interest**

- 8.1 If a Party has a Conflict, then a decision must be made as to how to manage it. This decision will be made by:
- (a) the President (for Conflicts relevant to members of the Executive Board);
  - (b) the chairperson of the meeting at which the Conflict becomes relevant; or
  - (c) in all other cases, the Head of the BIU.
- 8.2 If the President has a relevant Conflict, then the Vice President will make the decision.
- 8.3 A Party is required to give the decision-maker any additional information asked for in order to determine how the conflict is to be managed.
- 8.4 The decision-maker may decide that the Party:

- (a) can continue to participate in the normal way with the interest being included in the minutes;
- (b) shall not participate in the proceedings and is to abstain in any vote (but the body may ask the Party to provide any relevant information concerning the matter); or
- (c) is to withdraw for the whole or part of the affected proceedings.

## **9 Specific Situations**

9.1 This Policy has set out general principles applicable to all situations. This section contains requirements on specific situations which are likely to commonly occur. The list is not exhaustive.

### **Relationships with NFs**

9.2 It is recognised that most Parties will be involved with their NFs and this is to be expected. For members of the Executive Board, they are specifically required to be affiliated to their NF member and be citizens of its country. However, as per Article 16.7 of the IBU Constitution, Persons elected to the Executive Board hold such office in their personal capacity and not as representatives of any NF Member or any other organization, and must act accordingly.

9.3 For committee members, the IBU Rules provide that they are not appointed to represent their country or any national interests (refer to Article 24.6 of the IBU Constitution for the Athletes' Committee and for Article 25.5 for the Technical Committee).

9.4 There is no conflict due to the Party's NF involvement, even when that NF has made a submission that is being discussed, unless the discussion or proposed decision:

- (a) affects the Party's NF specifically;
- (b) affects the Party's NF in a different way from all other NFs; or
- (c) the Party is an employee of his NF and that employment may be affected by the decision.

### **Own competition participation**

9.5 Notably in the case of the chairperson of the IBU Athletes' Committee relating to their participation in Executive Board or Committee meetings, a Party does not need to make any declaration if participating in a discussion or decision which would affect their competition as an athlete (provided it is a general decision affecting all athletes equally - for example changes to the IBU Rules).

### **Employment or appointments by the IBU**



9.6 A Party would have a conflict in relation to any discussions or decisions concerning actual or proposed:

- (a) employment with the IBU; or
- (b) appointment by IBU to any international sports organization.

9.7 Article 16.4 of the IBU Constitution contains further provisions concerning members of Executive Board whereby the provisions of Article 26 apply to all Parties.

### **Provision of goods or services or other Commercial Arrangements**

9.8 A Party would have a conflict in relation to any discussions or decisions concerning the actual or proposed provision of goods or services to the IBU. This also applies to any commercial arrangements with the company or any IBU events.

### **IBU Officials**

9.9 As per Article 26 of the IBU Constitution, all IBU Officials are governed by the IBU Integrity Code and Vetting Rules, and are subject to an assessment of the Vetting Panel on whether they conform to the IBU rules to be eligible to be an IBU Official.

9.10 In relation to major event appointment decisions, the relevant IBU Rules and these conflict of interest rules are to be followed by all IBU officials.