

CODE OF CONDUCT FOR ADVISORS UNDER NATIONAL PROMOTION PROGRAMS

APPLICABLE AS OF DECEMBER 12, 2022

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en français

1. CONTEXT AND OBJECTIVES

As a federal Crown corporation, Telefilm Canada ("**Telefilm**") complies with the highest standards of ethical behaviour in all its activities, services and programs. The objective of this Code is to preserve and enhance public confidence in the integrity, objectivity and transparency of Telefilm and its decision-making process.

This Code intends to set out the standards of ethics and professional conduct for all advisors whose services are retained to assist Telefilm in assessing applications to its national promotion programs (the "**Advisors**" or individually the "**Advisor**").

2. SCOPE

This Code applies to any person engaged as an Advisor under any of Telefilm's national promotion programs.

3. EXPECTED BEHAVIOURS

3.1. General obligations:

Advisors must act in good faith and conduct their mandate with competency, diligence, efficiency, respect, impartiality, honesty, integrity and loyalty, as well as act with courtesy, respect and openness in their relations with Telefilm partners and staff.

3.2. Confidentiality:

3.2.1. Discussions, Exchanges and Advice

Advisors must respect the confidentiality of the information conveyed to them in the course of the performance of their duties (including, but not limited to, the name of applicants and the activities submitted for evaluation) as well as all the confidentiality of the exchanges and discussions in which Advisors participate and the advice provided (the "**Confidential information**").

In addition, Advisors shall not use, directly or indirectly, Confidential information for their own benefit or the benefit of a third party.

3.2.2. Communications regarding applications

Without limiting the generality of the foregoing, unless authorized in writing by Telefilm to do otherwise, Advisors are precluded from discussing with anyone, including applicants, the content of the applications submitted to the program in which they are acting as Advisors as well as from providing advice, feedback, comments or guidance with respect to these applications, irrespective of an Advisor's actual involvement in the evaluation of such applications¹.

3.3. Social Media:

Advisors are precluded from sharing any Confidential information on social media, in perpetuity. This includes, but is not limited to, commenting on and/or disclosing on social media any information on applications submitted to the program in which they act as Advisors without Telefilm's written authorization.

¹ For example, if an Advisor is evaluating applications under the 2023-2024 edition of the Medium to Large-Scale Festivals Program, they are precluded from discussing the content of applications with the applicants or any third party, as well as providing advice, feedback, comments, or guidance on the applications submitted to the whole Medium to Large-Scale Festivals Program for fiscal 2023-2024, not just on all applications they are reviewing.

Furthermore, for the entire duration of the fiscal year² during which they act as Advisors, without Telefilm's written authorization, Advisors shall abstain from commenting on social media on Telefilm's affairs, programs, and initiatives.

3.4. Conflict of interest:

Advisors shall perform their duties and arrange their private affairs so that public confidence and trust in the integrity, objectivity and impartiality of Telefilm's decision-making process are conserved and enhanced. To this effect, Advisors shall avoid placing themselves in a situation of real, perceived, or potential conflicts of interest.

3.4.1. Definition

A conflict of interest is a situation in which the Advisor has private interests that could improperly influence the performance of their duties and responsibilities as an Advisor of Telefilm or in which the Advisor uses their position for personal gain. A **real conflict of interest exists** at the present time, a **perceived conflict of interest** is a situation that **could be perceived** as a **conflict of interest** 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.

Without limiting the generality of the foregoing, an Advisor is considered in a situation of conflict of interest if they analyse, participate in discussions, or advise on an activity, event, festival, or project (hereinafter the "**Activity**") with which such Advisor is associated in certain ways.

3.4.2. Evaluation of Conflict of Interest

The evaluation of conflict of interest and the determination of whether an Advisor is associated with an Activity will consider a number of factors, including, among others:

- i. The nature of their current or past involvement with the Activity, for example, as an Executive Director, Artistic Director, Programmer, a sponsor, a holder of an interest (directly or indirectly) in the applicant organization, or otherwise;
- ii. The nature of their current or past personal, commercial, employment or business connections with the applicant organization or the Activity personnel; and/or
- iii. The nature of any current personal, commercial, employment or business connection with a funding agency, distributor, broadcaster, sales agent, service provider, financier or partner who is in any way attached to the Activity.

3.4.3. Management of Conflict of Interest

If an Advisor is considered to be at risk of having a real, potential or perceived conflict of interest with respect to one or more Activities, Telefilm will determine the measures to be applied, as necessary, to manage such risk and ensure the integrity of the decision-making process.

3.4.4. Disclosure obligation

Each Advisor must declare in writing to the person responsible for assigning the mandate, as soon as the assignment is made or upon receipt of the list of Activities covered by the mandate, any situation that may constitute a real, potential or perceived conflict of interest. Such declaration must be submitted to Telefilm within the period requested by Telefilm. Each Advisor must also submit in writing to the person responsible for assigning the mandate an updated declaration if a change occurs during such mandate.

In case of doubt, Advisors must immediately disclose in writing to Telefilm the details of any circumstance corresponding to one or other of the restrictions described above. Telefilm's decisions are entirely at its discretion.

² Telefilm's fiscal year starts on April 1st and ends on March 31st.

3.5. Restriction Period

An Advisor may not be involved in any capacity with an Activity which they evaluated (including: as an Executive Director, Artistic Director, Programmer, Consultant or holder of an interest (directly or indirectly) in the applicant organization) before the end of the particular edition of the Activity they reviewed. In case of doubt, the Advisor shall disclose in writing to Telefilm the details of the contemplated involvement to ensure such involvement is not subject to the restrictions indicated herein.

4. GENERAL INFORMATION

Telefilm has full discretion in the application and interpretation of this Code. In all questions of interpretation of this Code, Telefilm's interpretation shall prevail. Telefilm may adjust this Code from time to time as required.

Any information, in any form, provided, obtained, created, or communicated to Telefilm is subject to the *Access to Information Act* and the *Privacy Act*.