

## **CODE OF CONDUCT FOR ADVISORY COMMITTEE MEMBERS**

APPLICABLE AS OF MARCH 18, 2021

Ce document est également disponible  
en français

Updated on December 17, 2021

## **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 members of Telefilm's advisory committees (the "Members" or individually the "Member").

## **2. SCOPE**

This Code applies to any person engaged as a member of an advisory committee under any of Telefilm programs.

## **3. EXPECTED BEHAVIOURS**

### **3.1. General obligations:**

Members must act in good faith and conduct their mandate with competency, diligence, efficiency, respect, impartiality, honesty, integrity, and loyalty.

Furthermore, in order to ensure productive and respectful discussions and facilitate collaboration, Members must act with courtesy, respect and openness in their relations with other Members and with Telefilm employees.

### **3.2. Confidentiality:**

#### **3.2.1. Evaluation and Deliberations**

Each Member 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 projects submitted for evaluation) as well as all the exchanges, discussions, deliberations, and recommendations of the advisory committee in which they participate (the "Confidential information").

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

#### **3.2.2. Advisory Committee Composition**

Members shall not disclose their participation as Members, the specific advisory committee(s) they participate in, or the identity of other Members until such time as such information is made public by Telefilm.

#### **3.2.3. Communications regarding applications**

Without limiting the generality of the foregoing, unless authorized in writing by Telefilm to do otherwise, Members are precluded from discussing with anyone, including applicants, the content of the applications submitted to the program in which they are acting as Members as well as from providing advice, feedback, comments or guidance on the applications submitted to the program for which they are acting as Members, whether or not they are part of the advisory committee evaluating such projects<sup>1</sup>.

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<sup>1</sup> For example, if a Member is sitting on an advisory committee in charge of evaluating projects with budgets under \$2.5 M under the 2021-2022 edition of the Production Program, they are precluded from discussing the content of applications with the applicants or any third party, as well as from providing advice, feedback, comments or guidance on the applications submitted to the whole program for fiscal 2021-2022, not just on all applications they are reviewing.

### **3.3. Social Media:**

Members 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 are acting as Members without Telefilm's written authorization.

Furthermore, for the entire duration of the fiscal year<sup>2</sup> during which they act as Members, without Telefilm's written authorization, Members shall abstain from commenting on social media on Telefilm advisory committees' membership, structure and operation and on Telefilm's affairs, programs, and initiatives.

### **3.4. Conflict of interest:**

Members 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, Members 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 Member has private interests that could improperly influence the performance of their duties and responsibilities as a member of Telefilm's advisory committee(s) or in which the Member 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.

#### **3.4.2. Restriction**

Without limiting the generality of the foregoing, a Member is considered in a situation of conflict of interest if they sit on an advisory committee tasked with evaluating a portfolio of projects<sup>3</sup> that includes a project with which such Member is Associated in any way.

For the purposes of this Code, a Member is "Associated" with a project if they:

- i. Have or have had an interest in, or is or have been involved in any way with the project, for example, as a director, screenwriter, producer, story editor, consultant, crew member, financier, holder of an interest (directly or indirectly) in the production company or creative material, or otherwise;
- ii. Have or have had a personal, commercial, employment or business connection with the production company or the project personnel that, in Telefilm's opinion, could create a real, potential or apparent conflict of interest;
- iii. Currently have a 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 project;
- iv. Is or has been a member of a jury, advisory committee, selection committee or any other advisory body in charge of evaluating the project.

Telefilm will refuse to analyze an application for a project Associated with a Member which is submitted in violation of the restriction set out above, and this project must be resubmitted at the earliest the following year, subject to the restriction terms indicated in section 3.6 below. Notwithstanding anything to the contrary, if the Member was

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

<sup>3</sup> The portfolios of projects for a given program, if any, shall be determined by Telefilm and be based on any one or more of the following considerations: program streams, language market, budget level and region.

involved in any conversations, deliberations, and/or recommendations with respect to such project as part of its mandate, Telefilm may, in its discretion, require that the Member ceases any association with the project in order for it to be eligible.

#### **3.4.3. Ineligibility to the position of Member**

Due to the nature of their activities and in order to avoid granting them an unfair advantage, are ineligible to act as Members if they are active in Canada: feature film producers, distributors, and programmers<sup>4</sup>.

#### **3.4.4. Disclosure obligation**

Each Member must declare in writing to the lead of the advisory committee at Telefilm, upon receipt of the list of applications or files that they could be asked to examine, 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 Member must also submit in writing to the lead of the advisory committee an updated declaration if a change occurs during their mandate.

In case of doubt, Members 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.

If, after evaluation, a Member is deemed to be in conflict of interest, they will be considered ineligible.

### **3.5. Association:**

No Member may associate or be involved in any way with a project submitted for evaluation to the advisory committee in which they participate, including as a producer, a script writer, story editor, consultant, holder of an interest (directly or indirectly) in the production company or creative material, or otherwise, in perpetuity.

### **3.6. Restriction Period:**

During the fiscal year following their mandate, a Member may not be involved as a Lead Producer, Producer, Co-Producer, Executive Producer, or holder of an interest (directly or indirectly) in the production company or the project submitted to Telefilm under the same program in which they acted as a Member. If a project is submitted in contravention of this provision, Telefilm will deem it ineligible.

## **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*.

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<sup>4</sup> Please note that this criterion is only applicable to the Production and Theatrical Documentary Programs. This criterion shall also apply to the Talent to Watch Program, except that feature film producers shall be eligible to act as Members under this Program. Telefilm will exercise its discretion in order to determine if any similar measures should be put in place in its other programs.