

Recommendation of the World Squash Fédération Ethics Commission.

BACKGROUND

The World Squash Fédération (WSF) Ethics Commission (Commission) was appointed on 5 August 2017 at the EGM of WSF. The mandate of the Commission is set out in the WSF Code of Ethics (Code) and its Appendices.

In mid-December 2017 the Commission was asked to deal with a complaint that had been made by lawyers representing England Squash in a letter dated 21 December 2016.

The file was forwarded to the Commission in mid January 2018.

The process required by the Procedural Rules of the Code (Rules) was then followed. Two members of the Commission recused themselves from partaking due to potential conflicts.

The Commission appointed an Ethics and Compliance Officer (Officer) who carried out an investigation under the Rules and reported under Article 8 that there was a likelihood of a breach of the ethical principles of the Code by the person concerned.

The person concerned is the President of WSF, M.Jacques Fontaine.

CHARGES

The Commission upon review of the file from the Officer issued a letter to M.Fontaine containing alleged breaches of the Code namely:

At or around the WSF AGM on 9 November 2016 at which you were elected WSF President, your conduct prior to and at that AGM involved a number of breaches of Articles 2 and 15 of the Code and the candidacy rules at Appendix 4 of the Code, in that:

- (a) You made disparaging comments prior to the AGM about Zena Wooldridge (a fellow candidate for WSF President; and/or
- (b) You made accusations of cheating during the election process at the AGM; and/or
- (c) You made disrespectful and improper comments in a speech to delegates after the election victory.

CONSIDERATION AND CONCLUSIONS

The Commission noted that M. Fontaine had not provided any observations to the Officer, and accordingly appointed one of its members, Robert Dolman, to act as rapporteur under rule 13 of the Rules, and to seek any observations from M.Fontaine. Pursuant to the Rules and following an invitation given to M. Fontaine, which was willingly accepted, Mr Dolman conducted an interview with M.Fontaine which was recorded and sent to him. M.Fontaine was then given the opportunity to clarify his oral evidence, and to provide the Commission with any other written observations. M.Fontaine provided further written documentation.

The Commission has now considered all the evidence, both oral and written, provided to it and after careful consideration of all the observations made by M.Fontaine, has reached the following conclusions.

1. The Commission has freely assessed all of the evidence. We are satisfied that there is evidence substantiating each of the three alleged breaches. When put to M.Fontaine, the substance behind each of the allegations was not refuted by him but explained in context. M.Fontaine was eloquent in his explanation suggesting his use of language was not out of the ordinary and could be seen as a normal part of a campaign, including an understandable reaction to the miscounting of votes. He also stated that he felt he had received a specific apology from Ms Wooldridge in relation to the first allegation.
2. While an ordinary person might be excused from statements like those contained in the alleged breaches it is important to review the standard expected of an officer of the WSF.

3. The Code states that the WSF Family 'at all times must act with the highest degree of integrity' (Article 2). In Article 15 the Code states 'Candidates for elected WSF positions shall conduct their candidacies with honesty, dignity and respect for their opponents...'
4. We have to measure the conduct of M.Fontaine as against those requirements and expectations.
5. In this case we are of the unanimous view that it falls short of that required and therefore amounts to a breach of the Code.

RECOMMENDATION

The Commission is asked to make a recommendation to the Executive Board pursuant to Article 18 of the Rules which states " (the) Commission recommends to the WSF Executive Board the measures or sanctions provided by one of the implementing provisions of the WSF Code of Ethics."

There is nothing specific in the Code nor the Appendices which is of assistance in establishing 'the measures or sanctions'.

There are however rules in the Statutes of WSF pertaining to penalties in other areas. They include similar penalties to those contained in the IOC Code of Ethics upon which the Code is modelled. The IOC Code provides for a reprimand, a suspension and an expulsion.

In this case it is the unanimous view of the Commission that the conduct concerned does not warrant any provisional suspension, and further that it is at the low end of the behaviour leading to a breach. In the circumstances, and provided the Executive Board has the power to impose any penalty, the Commission recommends a reprimand be given to M.Fontaine.

Dated 16 November 2018

WSF Ethics Commission

David Howman CNZM (Chair), Alison Burchell (Vice Chair), Robert Dolman.