

Athletes' Commission Terms of Reference

1. PURPOSE

The Athletes' Commission (**AC**) is established and maintained by the board of Athletics New Zealand Inc. (**Athletics NZ**). The purpose of the AC is:

- To provide a mechanism for the views of high performance athletes (i.e ANZ HP programme athletes and athletes on the long lists for selection for Black Singlet teams) to be heard by Athletics NZ; and
- To help ensure that integrity and athlete wellbeing are appropriately considered by Athletics NZ.

2. ROLE

The AC is a consultative body whose role is to ensure that the views of current and recent high performance athletes are represented and heard within Athletics NZ.

3. RESPONSIBILITY AND OBJECTIVES

The AC role includes:

- Actively supporting the work of Athletics NZ on matters relating to Athletics NZ's high performance culture, integrity and policy;
- Engaging with athletes and representing their rights and interests, and participating in Athletics NZ consultation and decision-making as required;
- Providing a two-way communication channel between athletes and Athletics NZ;
- Considering questions and issues relating to current athletes and providing advice to the CEO and board of Athletics NZ (the Athletics NZ Board);
- Specifically considering any issues raised by athletes or referred to the AC by the Athletics NZ Member Advocate and providing advice to Athletics NZ;
- Providing a voice for athletes with respect to key decisions that directly impact them;
- Acting as role models among NZ athletes;
- Motivating athletes to participate in, and contribute to, Athletics NZ achieving its high performance goals; and
- Working to build co-operation and advocacy of the AC with the NZOC, Paralympics NZ, Oceania AA and World Athletics Athletes' Commissions, where possible.

In this context, the AC may provide the Athletics NZ Board, usually via the CEO, the following on all matters within its scope:

- Offer or give advice;
- Offer an opinion;
- Make a recommendation;
- Consult; or
- Provide information and / or perspective with respect to specific matters.

4. COMPOSITION OF THE AC

The AC will comprise a maximum of 9 and a minimum of 5 athletes, ensuring an appropriate skills mix and balance in relation to gender, age, athletic events and stage in Athletics NZ's high performance programme, including recently retired athletes. The composition will be based on the following criteria:

- Not less than 2 females and not less than 2 males;
- At least one Para athlete;
- Up to two members who may be appointed at any time by the Athletics NZ CEO or Athletics NZ Board (in consultation with the AC); and
- In the event of a member's resignation or a member being unable to carry out their duties as a member of the AC, that member will be replaced for the duration of their term. The AC Chair, in consultation with the Athletics NZ CEO, will choose a replacement either from other athletes not elected at the previous election or by appointment until the end of the applicable term.

The AC will include any current NZ member of the World Athletics Athletes Commission, Oceania Athletics Athletes Commission or athletics member of the NZOC Athletes' Commission or Paralympics NZ Athletes' Council, provided that such member is domiciled in New Zealand or have New Zealand as their main centre of interest.

5. ELIGIBILITY

To be eligible for election or appointment to the AC an athlete must:

- Be at least 18 years of age;
- Not have been sanctioned for a doping offence in relation to the World Anti-Doping Code in their sporting career nor been in breach of their National Federation, International Federation, World Athletics, NZOC, IOC or CGF rules and regulations;
- Have been a high performance athlete (as defined under "purpose" above) within the current or previous Olympic/Paralympic cycle prior to election to the AC;
- Be able to demonstrate they have many of the following desirable skills, knowledge and experience to assist the AC fulfil its objectives and activities:
 - Good communication skills;
 - Highly developed interpersonal and relationship building skills;
 - The ability to connect and engage with current athletes;
 - Knowledge of and interest in Athletics NZ and its regulations, Athletics NZ's high performance programme and NZ high performance sports culture;
 - Passionate about the development of athletics in NZ and athlete interests, including the role of integrity within sport;
 - Mature personality, able to handle confidential information and contrasting opinions;
- Be available to attend (either in person or by electronic means) a minimum of four meetings per year; and
- As a condition of membership, all AC members must adhere to the Athletics NZ Code of Conduct.

6. ELECTION PROCESS

- All high performance athletes (as defined under “purpose” above) within two years of the election are eligible to vote.
- Any athlete eligible to stand will be sent these Terms of Reference, and a link to an online expression of interest form to complete prior to an election.
- Athletes will be provided information on the election process by email no later than 30 days prior to the election occurring.
- The election will be conducted by an electronic poll so that the maximum number of athletes can participate in the process.
- A rotation process has been developed for the post-Tokyo election, so that not all members will be up for re-election in a given year.

7. AC CHAIR ELECTION PROCESS

- Any member of the AC wishing to stand as AC Chair will be sent the relevant position description and a link to an expression of interest form to complete.
- The AC Chair is determined via a vote by AC members (in consultation with the ANZ CEO).
- The Deputy Chair will be elected as the candidate with the second highest number of votes in the election of Chair.
- If the Chair is elected unopposed, a stand-alone election will be held for the Deputy Chair.
- If the Deputy Chair resigns, but not the Chair, a stand-alone election will be held to elect a new Deputy Chair.

8. TERMS OF OFFICE

- Each athlete elected will hold office for four years, commencing the day after their election. With the Tokyo Olympic/Paralympic cycle extended to 2021, an election was held at the end of 2021 for terms of three years for some positions and five years for other positions to initiate the rotation process. Terms will then revert to four years.
- No person may hold office for more than two consecutive terms. The two-term limitation does not apply until and from the 2026 election
- The AC Chair will hold office for four years and, if eligible, can serve a maximum of two terms.

9. RESIGNATION AND REMOVAL

A member of the AC:

- May resign from the AC at any time on written notice to the AC Chair; or
- The Athletics NZ Board may request the AC to suspend or terminate one of its members (either immediately or on such period of notice as the Athletics NZ Board considers appropriate) prior to the end of their term of office if the Athletics NZ Board considers (after first hearing from the member) that the member:
 - is unable or failing, without acceptable excuse, to fulfil the responsibilities and duties as an AC member, including but not limited to attending meetings or breaching the Code of Conduct or Athletics NZ Regulations;
 - has a Conflict of Interest such that they are no longer capable of performing their responsibilities; or
 - is not acting, or has not acted, in the best interests of Athletics NZ, whether as a

member of the AC or otherwise.

- If the Athletics NZ Board requests the AC to suspend or terminate one of its members, the AC must immediately, or as soon as reasonably practicable, investigate such request and related matters, which may include engaging an independent person (or persons) to investigate the issue in question, and provide a confidential report to the AC and to the Athletics NZ Board. Once that report has been presented, the AC must, as soon as reasonably practicable, hold a meeting to consider the report and any resulting action, including holding a vote on such requested suspension or termination. The AC may decide to temporarily suspend the member in question while such investigation is conducted.

10. MEETINGS

- The AC Chair will ensure that minutes of all meetings of the AC are kept. These minutes and any other communications between the AC and any athletes shall be kept confidential to the AC.
- The AC shall meet as and when required to undertake its role and objectives as set out in these Terms of Reference, but not less than four times a year.
- At least once per year, the AC will meet in person, usually aligned with the Athletics NZ Track & Field Championships. Athletics NZ will provide funding for AC members who would not otherwise attend the Athletics NZ Track & Field Championships to ensure they are able to attend.
- Meetings may be in person or conducted by electronic means as the AC Chair thinks fit so long as the participants can hear each other and participate in the meeting simultaneously. In addition, the AC may exchange emails individually or collectively and enter into other communications with one another and/or collectively as part of their deliberations.
- The AC Chair will report the AC's recommendations and findings to the Athletics NZ CEO and if requested summarise the AC's activities and findings to the Athletics NZ Board.
- The AC may have in attendance the CEO and/or Athletics NZ High Performance Director and/or other such persons including external advisers, as it considers necessary to provide appropriate information and advice.
- Voting will be by majority, with the AC Chair having a casting vote if required.
- At least 5 members of the AC, one of which must be the AC Chair (or his/her nominated AC acting Chair), must participate in all meetings of the AC to constitute a quorum.
- If the AC Chair is unavailable for any reason, the AC Chair may nominate an AC member to act as AC Chair during the period of unavailability.

11. AUTHORITIES

- The AC does not have the power or authority to make a decision on behalf of or in the name of Athletics NZ.
- The AC is authorised by the Athletics NZ Board, at the expense of Athletics NZ, provided such expense is identified within the AC's agreed budget, to obtain such outside information and advice as it thinks necessary for carrying out its responsibilities.

- Athletics NZ will provide assistance and resource to the AC for the furtherance of the AC's objectives in accordance with an annual budget to be agreed with the Athletics NZ CEO.
- The AC will undertake an annual self-review of its objectives and responsibilities and performance against the same. This will typically take place at the annual meeting aligned with the Athletics NZ Track & Field Championships. Such objectives and responsibilities will also be reviewed by the Athletics NZ Board and Athletics NZ CEO annually.
- The Athletics NZ Board, in consultation with the AC, may review and amend these Terms of Reference from time to time.

12. DUTIES OF MEMBERS

AC members have the following duties:

- to review and abide by these Terms of Reference and any other applicable rules, policies, regulations and reasonable directions of Athletics NZ, including the Athletics NZ Board;
- to participate in all meetings of the AC unless excused by the AC Chair;
- to contribute to the preparation of any reports, plans and other documents of the AC;
- not to communicate to the media regarding matters related to the AC or Athletics NZ, without the prior written approval of the Athletics NZ CEO – the AC Chair may communicate with media regarding matters related to the AC, taking appropriate steps to ensure that the private and / or confidential nature of those matters are respected (Athletics NZ will assist to provide the AC Chair with access to media training);
- not to disclose information obtained by virtue of their position on the AC to any person except as permitted by the Athletics NZ Board or to the extent required by applicable law; and
- at all times act in good faith and in the best interest of athletes and Athletics NZ.

13. CONFLICTS

- The AC Chair will maintain an Interests Register, documenting the following for each AC Member:
 - Coach(s)
 - Manager
 - Major sponsors and commercial interests
 - Associates (e.g. family members)
 - Other Commissions, Boards and Committees
 - Athletes coached by the AC member
- If a member of the AC or the Athletics NZ Board believes that a member of the AC has, or may have, a potential or actual conflict of interest with respect to Athletics NZ or any athlete, coach, official, administrator, member of Athletics NZ or employee or contractor to Athletics NZ:
 - the member must disclose the nature of the potential or actual conflict of interest to the other AC members, the Athletics NZ CEO and the Athletics NZ Board; and
 - the member may not participate in any discussions, voting or decisions which may be affected by the conflict of interest, unless permitted to do so by the Athletics NZ CEO or the Athletics NZ Board.

