

WORKING GROUP on the REVIEW OF WADA GOVERNANCE REFORMS

Terms of Reference

Purpose

The report submitted by the Working Group on WADA Governance Matters in November 2018 included the following overarching recommendations:

- #1. *That an ongoing governance review process should be installed by WADA to assess the proposed changes hereunder (should they be agreed to by the FB), to reflect whether they have been appropriately implemented and are fit for purpose, and to consider any new concepts or ideas put forward to continually improve the governance program of WADA.*
- #2. *The review process should take place in cycles of three years.*
- #3. *That WADA should look into a comprehensive policy for all its organs regarding diversity and gender equality.*

In response to these specific recommendations, the **Working Group on the Review of WADA Governance Reforms** has been created to assess the applicability of the reforms that have been implemented since the end of 2018, and to consider any new concepts or ideas with the objective of further enhancing the Agency's governance model.

It is expected that the Working Group will undertake an extensive consultation process with WADA's stakeholders in their review and provide an initial report to the WADA Executive Committee and Foundation Board in May 2021. The timing of a final report including any recommendations for approval will be subject to the detailed consultation timeline, however the intent would be to finalise the review in as soon as possible in 2021.

[The Working Group will make a recommendation in their final report as to whether it should become a permanent group who meets regularly or at least annually, or whether they should be convened every three years to consider the status and effectiveness of WADA's governance structure (per recommendation #2 above). These Terms of Reference do not currently account for the group becoming a permanent body, rather covers up until their report is delivered in 2021. Thereafter, a new Terms of Reference would be developed if required.]

Objectives/Key Activities

The tasks of the Working Group on the Review of WADA Governance Reforms will include:

- 1) Assess the status of the implementation of the 70 recommendations for reform made by the Working Group on WADA Governance Matters in November 2018.
- 2) Develop the process for conducting an open consultation with stakeholders on the implementation of the reforms. [The objective of the consultation is not to repeat the same work conducted by the Governance Matters Working Group in 2017-2018, rather to reflect on whether they have been appropriately implemented and are fit for purpose].
- 3) Consolidate the views and input of stakeholders and consider their appropriateness, taking into consideration the foundation and structure of the Agency.
- 4) Suggest any new concepts or other general areas of improvements not otherwise presented by stakeholders, based on Working Group members' own expertise and/or experience.
- 5) In consideration of the stakeholder and Working Group member contributions, compile a report of the recommendations. The timing of reporting will at least include a preliminary report in May 2021 and a final report as soon as possible thereafter.
- 6) Give preliminary consideration to the impact on the Agency, financial and/or otherwise, and feasibility thereof, of any new governance recommendations.
- 7) Consider and recommend whether the mandate of the Working Group should continue or not, beyond the delivery of their report in 2021.

Reporting Structure

Supported administratively by WADA Management, the Working Group on the Review of WADA Governance Reforms, through its Chairperson, reports to the WADA Executive Committee who will act as the Steering Committee. The Foundation Board is responsible for deciding on any governance reforms and therefore the Chairperson will deliver the Working Group's report to it for formal approval.

Composition and Chairperson

All members of the Working Group will have expertise and/or experience in governance matters (e.g. governance professional/practitioner, academia etc).

The Working Group will be comprised of six persons and will be as follows:

- One Chairperson (*Prof. Ulrich Haas* confirmed by the Executive Committee at its 14-15 September 2020 meeting*)
- Two representatives appointed by the Public Authorities
- Two representatives appointed by the Sports Movement
- One representative of the Athletes

** Prof Ulrich Haas will be vetted by 'Control Risks' prior to the Executive Committee officially confirming his appointment.*

The Public Authorities and Sports Movement will be responsible for putting forward two candidates each who are experts in governance matters.

WADA's Athlete Committee will be responsible for putting forward a single candidate for the position of Athlete representative and ensuring that the Athlete has the required expertise. They will not be limited to the members of the Athlete Committee itself, given governance expertise may not exist within the Committee. Should the Athlete Committee be unable to unanimously agree on one candidate to be put forward, the multiple candidates to be considered will be provided to the WADA Nominations Committee who will then be responsible for recommending a single candidate to the Executive Committee.

The full Working Group will be presented to the Executive Committee at its November 2020 meeting and officially approved.

Note: As indicated under "Reporting Structure", the ExCo, comprised of members who are appointed to represent the Agency's stakeholders, will act as the Steering Committee for the Working Group.

Working Norms

The Working Group will normally operate on the basis of consensus and maintain as informal a manner as is possible or appropriate for the conduct of Working Group business.

In the event of divergence of opinion or disagreement concerning recommendations, they will be brought forward to the attention of the Executive Committee as the Steering Committee.

Working Group members will be bound by the Conflict of Interest policy adopted by the WADA Executive Committee in November 2019, and in this light, are required to complete and sign a Statement of Independence and Interest in accordance with the policy.

Confidentiality

All Working Group members are required to sign a confidentiality agreement upon appointment. The agreement will not prohibit members from discussing information of the Working Group with the representative groups which appointed them (Public Authorities, Sports Movement, Athletes) under the following conditions: providing an update of the progress and timetable (but not the content) of the work of the Working Group is permitted; seeking and receiving input from these representative groups is unrestricted; however, sharing materials intended for the Working Group or the content of discussions held within the Working Group can only be done upon prior approval of the Working Group. Furthermore, working group members are required not to share any information of the Working Group with members of the media. It is important that the Working Group be able to concentrate on its mandate without undue influence.

Communications and Media

All members must read and agree to comply with WADA's Media Relations policy. If a member should receive a request for an interview in relation to their role in WADA or WADA's work, they should consult first with the WADA Communications Department.

Funding Support

WADA shall provide the necessary administrative and financial resources for Working Group meetings.

Indemnity payments will be offered to Working Group members based on the time spent on the work of the Group.

WADA provides on an annual basis "General Information and Guidelines" to all its Committee and Expert/Working Group members. This document provides an overview of administrative policies and procedures applicable to the Working Group.

Meetings

The objective of the Working Group is to deliver recommendations (at least preliminary) to the WADA Executive Committee and Foundation Board in May 2021. The necessary meeting timelines will be framed with this in mind. It is anticipated the process will comprise in-person meetings (if feasible) and video/teleconferences.

Deputies/Alternates and Observers

Attendance at meetings will be important and it is expected that members personally attend. Due to the composition of the group not being representational, it is intended that there will be no system for alternates/deputies in place. Should the Public Authority or Sports Movement Member be unable to participate, the Working Group Chair will take the decision as to whether an exception is extended.

There will be no observers to the Working Group.