



Athletes Commission

Terms of Reference

1. STATUS AND ROLE

- 1.1 The OAA Athletes Commission is appointed by, and reports to the OAA Council (clause 9.1 and 9.2).
- 1.2 The role of the Athletes Commission is to advise the OAA Council on matters related to Athletics from an athletes' perspective including:
- a. providing an athlete's perspective and voice to the decision-making processes within the Oceania Area;
 - b. promoting and advocating for the rights and interests of athletes within the sport of Athletics across the Region/ Oceania;
 - c. promoting and advancing an even playing field for the athletes in Athletics including one which is clean, inclusive, safe and upholds the highest ethical standards;
 - d. advising and educating athletes on matters related to Athletics;
 - e. acting as a link between the athletes and the OAA to convey the athlete's views to the OAA and vice versa;
 - f. promoting and supporting the establishment of Athletes Commission or representative on Member Federation Board to provide an athlete's perspective into their respective decision-making process.

2. COMMENCEMENT

- 2.1 These Terms of Reference will be approved by the OAA Council effective 1st January 2019.

3. COMPOSITION

- 3.1 **Overview of Process:** The process for the establishment of the Athletes Commission is set out in detail in these Terms of Reference and is summarized as follows:
- a. every 4 years up to 7 people will be appointed by the OAA Council to the Athletes Commission
 - b. the terms of office for each member of the AC is 4 years;
- 3.2 **Size:** The Athletes Commission shall comprise:

- a. up to 7 members including the Chairperson appointed by Council with the clause 3.5 of these Terms of Reference;

3.3 **Eligibility:** To be eligible to be nominated for, and to remain as, an AC Member the person must:

- a. be a current member of the Member Federation (or a body affiliated to the Member Federation) in good standing;
- b. be nominated by their Member Federation or have submitted an EOI;
- c. be at least 18 years old;
- d. be a current member of the IAAF Athletes Commission or other related International Athletics Governing Body. Such members shall be asked to submit an EOI;
- e. to have a reasonable understanding of the English language both written and spoken;
- f. not be under investigation, or convicted or otherwise sanctioned for:
 - i. a doping offence (whether they have served the sanction imposed on them;
or
 - ii. any other offence or breach of any rules of the IAAF, the OAA or a Member Federation (whether they have served the sanction imposed on them;
or
 - iii. an offence under any applicable laws punishable by a term of imprisonment of 2 years or more (unless the person has served the sanction imposed on them);
- g. have competed at either an OAA Championship or Regional Championship in the 4 years immediately preceding nomination for appointment to the OAA Athletes Commission.

3.4 **Members:** The OAA Council may appoint up to 7 persons to be Appointed AC Members and reviewed in the year of the Area Championships.

- a. By no later the 3 months prior to the proposed appointments Council may call for EOI endorsed by their Member Federations for up to six (6) Appointed AC Members;
- b. Member Federations may lodge an EOI of one person (who is eligible under clause 3.3), in the format by the date specified by the OAA;
- c. Council shall appoint a subcommittee (including AC Chair) to consider the EOI received, and shall make recommendations for the Appointed AC Members, subject to clause 3.4 (d) and 3.4 (e)

- d. In deciding both the number of Appointed AC Members positions available (in clause 3.5 (a), and the persons to appoint, Council must take into account the requirement for at least 2 Athletes Commission Members of each gender and the desire for balance of AC Members from different Regions (Polynesia, Micronesia and Melanesia) the person's skills/ expertise and availability to be on the Athletes Commission.
- e. No more than two from one Member Federation or three from any OAA Region of Polynesia, Micronesia and Melanesia (including the Chairperson).

4. TERMS AND VACANCIES

4.1 **Terms:** The term of office for members of the Athletes Commission is approximately four years as follows:

- a. Commencing on their appointment by Council and,
- b. Subject to clause 4.2 (resignation and removal), expiring four years later on the appointment by Council of the next group of AC Members.
- c. A member of the AC who is and remains eligible (under clause 3.3) may be re-elected or re-appointed for the further subsequent and consecutive terms of office up to a maximum of three (3) terms in accordance with the process set out in clause 3.4.

4.2 Resignations and Removal

- a. A member of the Athletes Commission may resign prior to expiry of their term of office by giving no less than 1 months' notice in writing to the Athletes Commission Chairperson and OAA President.
- b. An Athletes Commission Member may be removed from the AC prior to expiry of their term of office, by decision of the Council of recommendation of the Athletes Commission Chairman to the OAA President, for:
 - i. Breach of any duty under clause 8; or
 - ii. Any other act or conduct that, in the opinion of Council, brings the Athletes Commission or the OAA into disrepute.
- c. In addition, an Athletes Commission Member shall be deemed to have vacated his or her position if, during their term, he or she:
 - i. dies; or
 - ii. is absent from two or more meetings of the Athletes Commission without prior approval of the Chairperson.

4.3 **Changes and Vacancies:** If any position (whether an Elected AC member or an Appointed AC Member) on the Athletes Commission is vacant, whether by resignation, removal or otherwise at time, the OAA Council may (on the recommendation of the Athletes Commission Chairperson and the OAA President) appoint a replacement member (who is eligible under clause 3.3) for the balance of the term of office of the vacated position.

5. CHAIRPERSON AND DEPUTY CHAIRPERSON

- 5.1 **Two positions:** The OAA Council appoint the Chairperson and the Athletes Commission shall then recommend to Council, one of its members as the Deputy Chairperson. Both positions shall be recommended for appointment at the same time.
- 5.2 **Role and Responsibilities:** The role of the Chairperson (or the Deputy Chairperson in the Chairperson's absence or of requested by the Chairperson) is to lead and be the spokesperson for the Athletes Commission. The Chairperson has the following responsibilities:
- a. Chair and prepare the agenda/papers for all meetings of the Athletes Commission in conjunction with the OAA Staff Liaison.
 - b. Be the spokesperson for the AC including to the media;
 - c. Liaise with the President and Executive Director;
 - d. Prepare and present reports to Council;
 - e. Attends meetings of the Council and any other Commissions or Working Groups as requested by President or Council;
 - f. Be the OAA athlete representative at any forums, groups or presentations as requested by the President or the Executive Director;
 - g. Regularly communicate with the members of the Athletes Commission and other athletes and persons in order to identify issues for the Athletes Commission to consider; and
 - h. Any other specific responsibilities as required by the Executive Director, President or Council that are within the scope of the role and responsibilities of the Athletes Commission (set out in clauses 1.2 and 6).
- 5.3 **Eligibility:** Only current AC Members are eligible to be Chairperson and Deputy Chairperson.
- 5.4 **Election Meeting:** The Deputy Chairperson shall be nominated by a simple majority vote at the first meeting of the Athletes Commission held following Councils confirmation of their appointment;
- 5.5 **Nominations:** Members wishing to seek nomination for the Deputy Chairperson shall submit their nomination in the format and by the date specified by the OAA;
- 5.6 **Presentations/ Promotions:** Those seeking nomination may make a short (3 minute) presentation to the members of the Athletes Commission at a meeting of the Athletes Commission on their suitability for the position being sought;
- 5.7 **Council approval:** Following the election, Council shall, as soon as practicable, decide whether or not to confirm the appointments of the Deputy Chairperson. Council may, in its absolute

discretion, decide not to confirm a person who has been elected as Deputy Chairperson, if in Council's opinion there are exceptional circumstances warranting such decision. If this occurs another election shall be held for that position.

5.8 **Resignation or Removal:** The Chairperson and Deputy Chairperson may each be removed from their position as such, prior to the expiry of their term of office, by:

- a. Resignation; or
- b. Decision of Council, in its absolute discretion; or
- c. Decision of the Athletes Commission to remove the member, which shall require a two-thirds majority of the members of the AC who are present at a meeting called that purpose (by at least 4 members of the Commission); or
- d. Resignation or removal from the AC under clause 4.2

5.9 **Effective on AC Membership:** The resignation or removal of a Chairperson or Deputy Chairperson from either position does not affect their membership of the AC, unless their term of office expires or clause 5.8 applies. If the Chairperson and Deputy Chairperson resigns or is removed from the AC, he or she may not continue in that position from the date that resignation or removal is effective.

6. RESPONSIBILITIES

6.1 The AC will fulfill its role by undertaking the following responsibilities:

- a. Considering and providing its views to Council on matters to be discussed or decided by Council. These views may be given to the Council directly through the reporting process or via the President, the Executive Director, and if requested, via Commissions and Working Groups.
- b. Identifying and proposing matters for Council to review and consider;
- c. Proposing persons to represent the AC on Commissions, working groups and other bodies within OAA as required;
- d. Attending meetings and contributing to the work of the Commission and Working Groups, as requested;
- e. Reporting to Council;
- f. Consulting and liaising with athletes and other persons and entities within Athletics and other athletes from other sports, including other Athlete Commissions;
- g. Acting as a sounding board to, the President, Executive Director and OAA Managers on matters affecting athletes; and

- h. Performing any other responsibilities as may be assigned to it by the Council, the President or the Executive Director.

7. AUTHORITY

- 7.1 The AC is advisory to the Council and is not entitled to make decisions for or on behalf of OAA.
- 7.2 The AC and its members, shall not represent the OAA nor engage any person on behalf of the OAA, unless prior approved by the President.
- 7.3 The AC and its members shall not make public statements about the OAA, the Athletes Commission or any aspect of the Athletes Commission's work, unless prior approved by the President.

8. DUTIES OF ATHLETES COMMISSION MEMBERS

- 8.1 **OAA Interest:** In undertaking any work in connection with the AC, each AC Member shall act in the interest of the OAA and its athletes.
- 8.2 **Participation:** AC Members shall attend each meeting of the AC (in person or using technology) unless excused by the Chairperson. Each AC Member shall actively participate in AC meetings and in matters undertaken by the AC between meetings. Each AC Member must be adequately prepared for each AC meeting in order to participate more effectively and constructively.
- 8.3 **Integrity Code of Conduct:** AC Members are OAA Officials and as such are bound by OAA Code of Conduct. This includes principles of conduct related to integrity, equality, dignity, good faith, conflicts of interest, improper benefits, improper association and neutrality.
- 8.4 **OAA Rules:** AC Members are bound by all the rules and regulations of the OAA together with any directions and decisions of the Council.

9. REPORTING

- 9.1 **Reports to Council:** The AC shall submit a report to the Council in writing after each meeting of the Commission by no later than 14 days prior to the Council meeting and as otherwise required. This report shall be prepared by the Chairperson of the AC in collaboration with the AC Members, and the OAA Staff Liaison or other person designated by the Executive Director. All AC Members shall receive a copy of this report.
- 9.2 **Council Meetings:** The Chairperson (or in his or her absence, the Deputy Chairperson) shall attend all Council meetings, unless the President or Council decided otherwise. They shall have the right to speak but have no right to vote on any decisions of Council until Constitution allows a seat on Council.

10. ATHLETES COMMISSION MEETING AND PROCEDURE

- 10.1 **Work:** The AC shall undertake its works at meetings of the Commission and in between meetings by telephone, email and other means of communication as is necessary to fulfill its responsibilities.
- 10.2 **Meetings:** The AC shall meet at least once each year, usually around an OAA Championship, Regional Championship or OAA activity (i.e. Congress). The dates and venues are to be agreed by the Chairperson and the Executive Director. As much notice as possible, usually at least two months' notice, will be given to all AC Members of the date, time and venue for any meeting.
- 10.3 **Agenda:** The Chairperson shall prepare an agenda for each meeting in consultation with the Deputy Chairperson and the Executive Director. AC Members may submit items for the agenda through the Chairperson. The agenda together with relevant papers, will be distributed to all AC Members by the OAA Staff Liaison or other person designated by the Executive Director prior to each AC meeting (usually 2 weeks prior).
- 10.4 **Chair:** The Chairperson will chair all meetings, unless they are unavailable in which case the Deputy Chairperson will do so. If neither is available, then another AC Member appointed by the members will chair the meeting.
- 10.5 **Attendees:** In addition to the AC Members:
- a. The President and the Executive Director will be invited to attend every meeting of the AC.
 - b. The OAA Staff Liaison for the AC shall attend all meetings of the AC and shall be included in all work of the Commission undertaken between meetings.
 - c. Other persons may be invited by the Chairperson to attend meetings to provide information or advice on a specific item of business at a meeting, if prior approved by the Executive Director.
- Provided that* nothing in this clause prevents the AC from holding a meeting, or part thereof 'in committee' without the attendance of any one or more attendees, where the matter being discussed involves those attendees or is a matter of sensitivity, as long as the relevant attendees are notified of such fact.
- 10.6 **Meetings using Technology:** AC meeting may be held by telephone, through video or internet conference facilities or in combination with a meeting held in person provided that prior notice of the meeting is given to all AC Members and all persons participating in the meeting are able to hear each other effectively and simultaneously. Participation by any AC Member in this manner at a meeting shall constitute the presence of that member at that meeting.
- 10.7 **Remote Decision:** In addition to discussions and decisions made in meetings of the Athletes Commission, discussions may be held between members via email and other social media and messaging platforms, provided that any resolutions or decisions of the AC which follows such

- discussion, shall only be valid if decided by email in the manner prescribed by the Chairperson and Executive Director.
- 10.8 **Quorum:** The quorum for all meetings of the AC shall be majority (half +1) of the total number of members of the AC. The quorum also applies to remote decisions.
- 10.9 **Voting:** Decisions of the AC shall generally be made by consensus. If a consensus cannot be reached and a vote is required, each AC Member shall have (1) vote. Voting by proxy is not permitted. Where members are attending meetings using technology (in accordance to clause 10.6), they may vote by email in accordance with the procedures prescribed by the OAA). Except to extend specified in these Terms of Reference, a majority of votes in favor of an action by those AC Members present at the meeting, is required for it to be passed. A member who attends a meeting via telephone or video or other conference facility shall be regarded as being present. In the event of equality of votes, the Chairperson may cast a casting vote.
- 10.10 **Voting on Remote Decisions:** A resolution in writing agreed to, by email by simple majority of all AC Members, shall be valid as it has been passed at an AC meeting.
- 10.11 **Minutes:** Minutes of each meeting of the AC shall be taken. The OAA Staff Liaison or other person designated by the Executive Director will be responsible for taking the minutes during the meeting. The minutes will be finalized in consultation with the Chairperson and sent to AC Members within a maximum of (1) month of the meeting. Any amendments to the Minutes will be agreed at the next meeting of the AC and noted accordingly.
- 10.12 **Confidentiality:** All meetings and the work of the AC are confidential. No documents, information, discussion, recommendations or decisions made at an AC meeting or otherwise exchanged or agreed in connection with the work of the AC, shall be disclosed to any other person (other than the President, Council and Executive Director and the OAA Staff Liaison for the AC) unless:
- a. The President, Executive Director or AC Chairperson authorizes such disclosure;
 - b. The AC agrees that such disclosure is necessary or desirable to advance the work;
 - c. The matter is in the public domain; or
 - d. Such disclosure is required by law.

11. ADMINISTRATION

- 11.1 **Expenses:** AC Members act as such in a voluntary capacity and will not be compensated for their work as a Commission Member. The OAA will reimburse expenses and pay per diem for each AC Member in accordance to OAA policy.
- 11.2 **Administration:** The OAA will arrange travel, accommodation and insurance for AC meetings in accordance with OAA policy.
- 11.3 **Documents:** OAA will provide the AC with all documents held by the OAA relevant to AC work.