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## WORLD ATHLETICS NATIONALITY REVIEW PANEL

### Terms of Reference

#### 1. Status and Role

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- 1.1 The World Athletics Nationality Review Panel ("Panel") is established pursuant to Regulation 2 of the 'Transfer of Allegiance Regulations' ('the Regulations') appointed by, and reports to, the Council.
- 1.2 The role of the Panel is to determine the eligibility of an athlete to compete representing a Member based on the criteria set out in Rule 4 of the Eligibility Rules and the Regulations.

#### 2. Commencement

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- 2.1 These Terms of Reference were approved by Council on [13] July 2022 and are effective from that date.

#### 3. Composition

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- 3.1 **Pool Size:** The pool of persons who from whom a Panel shall be formed is nine (9) persons who are appointed by Council. Two (2) of the nine (9) persons shall be Council Members, the remaining seven (7) persons shall be appointed by the Council following an open recruitment process and on the recommendation of World Athletics Nominations Panel.
- 3.2 **Panel Membership and Size:** The Panel shall comprise of three (3) persons chosen by the Chairperson from a pool of suitably qualified and experienced persons. The Chairperson may sit on a Panel and, if so, shall be counted within the three (3) person limit.
- 3.3 **Chairperson:** The Chairperson of the Panel shall be designated by the Council from one of the two Council Members appointed to the Panel. Where the Chairperson chooses not to sit on a Panel he/she will designate one of the three (3) persons to act as the Chairperson of the Panel for the session.
- 3.4 **Eligibility:** Members of the Panel are World Athletics Officials and must be determined to be Eligible in accordance with the Vetting Rules.

#### 4. Term

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- 4.1 **Term:** Unless otherwise decided by Council, the term of office for members of the Panel shall be as follows:

4.1.1 two (2) Council Members on the Panel term of office shall run concurrently with their term of office as a Council Member;

4.1.2 seven (7) persons on the Panel term of office shall be four (4) years. <sup>1</sup>

4.2 Members of the Panel may be re-appointed for further subsequent and consecutive terms of office without limitation. A member of the Panel who was previously a Council Member shall not be precluded from re-appointment to the Panel as part of the cohort of seven (7) persons on the Panel up to a total maximum of three (3) terms or twelve (12) years.

## 5. Resignation, Removal, Vacancies

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5.1 A Panel Member may resign from the Panel prior to the expiry of their term of office by giving not less than three (3) months' notice in writing to the World Athletics President.

5.2 A Panel Member shall be removed from the Panel prior to the expiry of his or her term of office upon a determination by the World Athletics Vetting Panel that the Panel Member is no longer Eligible.

5.3 If any position on the Panel is vacant, whether by resignation, removal or otherwise at any time Council may appoint a replacement member for the balance of the term of office of the vacated position.

## 6. Powers, Authority & Responsibilities

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A Panel Member shall:

6.1 act only in accordance with the powers and authority provided under Regulations 2.1, 2.2 and 2.14 of the Regulations;

6.2 act at all times for the sole purpose of conducting a full and fair assessment of every application submitted and review each application fairly and impartially, and base its decision solely on its assessment of the evidence before it;

6.3 safeguard confidential information in accordance with strict confidentiality procedures;

6.4 generally, act and conduct its work in accordance with the Regulations.

## 7. Duties of Panel Members

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7.1 **World Athletics Interests:** In undertaking any work in connection with the Panel, each Panel Member shall act in the interests of the World Athletics.

7.2 **Participation:** Panel Members shall attend each meeting of the Panel (in person or

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<sup>1</sup> As at the effective date of these Terms of Reference the World Athletics Council approved three (3) persons from the seven (7) persons on the Panel term of office continue until August 2023 when the two Council Member persons on the Panel term of office also ends. A recruitment process for these 5 positions (the two Council Member and continuing 3 Panel members) will start later in 2022/2023. The remaining four (4) members on the panel terms of office shall commence from 01 August 2022.

using technology) unless excused by the Chairperson. Each Panel Member shall actively participate in Panel meetings and in matters undertaken by the Panel between meetings. Each Panel Member must be adequately prepared for each Panel meeting in order to participate effectively and constructively.

- 7.3 **Integrity Code of Conduct:** Each Panel Member shall agree to be bound by the World Athletics Integrity Code of Conduct and the Rules.
- 7.4 No advantage or promise of any kind of advantage may be made to or accepted by the Panel Members in connection with an application.

## 8. Reporting

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- 8.1 **Reports to Council:** The Panel shall report on its work to the Council.
- 8.2 **Council Meetings:** The Chairperson of the Panel shall attend Council Meetings to present the Panel's report on its work, as agreed with the World Athletics Chief Executive Officer.

## 9. Panel Procedure

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- 9.1 **Work:** The Panel shall undertake its work in coordination with the World Athletics Secretariat and, where applicable, the Athletics Integrity Unit as is necessary to fulfil its responsibilities.
- 9.2 **Meetings:** The meetings of the Panel shall be held using either technology or email consultation. The Panel shall meet as frequently as is necessary to respond to the need to evaluate and decide applications. Meetings in person shall be with prior agreement of the World Athletics Chief Executive Officer.
- 9.3 **Chairperson:** The Chairperson will chair all meetings unless he/she has designated a Chairperson under paragraph 3.3 of these terms of reference.
- 9.4 **Attendees:** A member of the World Athletics Secretariat will be appointed to coordinate the activities of the Panel and will attend all meetings. Other persons may be invited by the Chairperson to attend meetings to provide information or advice on a specific item of an application at a meeting.
- 9.5 **Meetings using Technology:** Panel meetings may be held by telephone, through video conference facilities or by other means of electronic communication (other than electronic mail (e-mail) communication) provided that:
- 9.5.1 prior notice of the meeting is given to all Panel members; and
  - 9.5.2 all persons participating in the meeting are able to hear and/or communicate with each other effectively and simultaneously.
- Participation by any Panel member in this manner at a meeting shall constitute the presence of that member at that meeting.
- 9.6 **Quorum:** The quorum for meetings of the Panel shall be 3 appointed members of the Panel.
- 9.7 **Application Decisions:** A simple majority is required for a decision to be made on an application. No Panel member may abstain from making a decision. Reasons for decisions shall not include references to any minority opinion or dissenting view. The

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Panel shall issue written decisions with reasons to the applicant Member. Pursuant to Regulation 2.20 of the Regulations the Panel may publish the decision or a summary of it.

9.8 **Recusal:** Pursuant to Regulation 2.4 of the Regulations, no Panel member may take part in assessing an Application if the Panel member:

9.8.1 has an allegiance to or is of the same nationalities or resides in the same Country/Territory, or is an Official of the Members concerned;

9.8.2 has or previously had a personal connection or direct interest in the Application or with any Person involved in or has an interest in the Application (including but not limited to a family member of the Athlete or Athlete Support Personnel); and

if any of the circumstances in paragraphs 9.8.1 and 9.8.2 exist, the member concerned shall immediately notify the Chairperson and the other members of the Panel of such circumstances.

9.9 **Confidentiality:** All meetings and/or visits and the work of the Panel are confidential. No documents, information, discussion and determinations made at a Panel meeting and / or visit or otherwise exchanged or agreed in connection with the work of the Panel, shall be disclosed to any other person unless:

- a. the Chairperson authorises such disclosure;
- b. the Panel agrees that such disclosure is necessary or desirable to advance its work;
- c. the matter is in the public domain; or
- d. such disclosure is required under these Rules, or by law or any applicable authority, including the World Athletics Disciplinary Tribunal.

## 10. Administration

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10.1 **Expenses:** For each Panel member, the World Athletics will reimburse expenses, arrange travel, accommodation, insurance for Panel meetings in accordance with World Athletics policy.

10.2 **Documents:** The World Athletics Secretariat will provide the Panel with all documents held by the World Athletics relevant to the Panel's work.

10.3 **Indemnification:** The Panel Members will be indemnified by the World Athletics and/or covered by insurance provided by the World Athletics, against claims brought against them for actions properly taken in course of their responsibilities and duties.