

New Zealand Olympic Committee Incorporated

Athletes' Commission Terms of Reference

1. PURPOSE

The Athletes Commission (AC) is established and maintained by the New Zealand Olympic Committee (NZOC) according to the NZOC constitution and the IOC Guidelines relating to Athletes' Commissions. The purpose of the AC is to champion the voice of the athlete within the New Zealand Olympic and Commonwealth Movements.

2. ROLE

The AC is a consultative body whose role is to ensure that the views of current New Zealand Olympic and Commonwealth Games athletes are represented and heard within the NZOC.

3. RESPONSIBILITY AND OBJECTIVES

The AC is responsible for:

- Actively supporting the work of the organisation on all matters relating to Olympic and Commonwealth Games operations, performance and policy;
- Engaging with athletes and representing their rights and interests and participate in NZOC consultation and decision-making as required;
- Engaging with the NZOC Board and management to effective advice and support is reasonably provided (financial and otherwise) for the AC to progress its objectives;
- Contributing to the co-operation, development and advocacy of the AC within the Olympic Movement and connecting with other NOC Athletes' Commissions, the IOC Athletes' Commission and the CGF Athlete Advisory Commission, where possible;
- Considering questions and issues relating to active athletes and providing advice to the NZOC;
- Acting as role models among NZ Olympic and Commonwealth Games athletes;
- Support and encouraging the development of athlete aspirations and pathways; and
- Advocating for athlete voice in National Federations.

In this context, the AC may provide the NZOC Board the following on all matters within its scope:

- Offer or give advice;
- Offer an opinion;
- Make a recommendation;
- Consult; or
- Give information or notice.

The objectives of the AC are, without limitation, to:

- Increase the profile and impact of Athlete Commission activities within NZ sport;
- Act as role models to promote Olympic values among athletes and New Zealanders;
- Develop and maintain links with other athlete representative bodies such as IOC WADA and ONOC Athletes Commissions etc;
- Develop an understanding of the holistic needs of athletes in areas such as games environments and education;
- Assist in the facilitation of pathways for athlete leadership opportunities and representation at within NZOC, NZ sport and internationally;
- Create opportunities for athletes to engage in discussions on relevant current issues and opportunities;
- Develop communication strategies to enable consultation and input by athletes on key issues and opportunities;
- Represent athletes in key decisions on matters that directly impact them e.g. games time environments, personnel and policies etc;
- Ensure the athletes' viewpoint remains at the heart of the NZOC's decisions;
- Run an effective AC that motivates athletes to participate in, and contribute to, the NZOC achieving its goals;
- Nominate athlete representatives to sit on the NZOC Board, Committees, Commissions and other external athlete organisations such as ONOC, CGF, WADA etc;
- Develop recommendations for NZOC Board, IOC Athletes Commission and other relevant organisations, where requested, on issues affecting active athletes.

4. COMPOSITION OF THE AC

The AC will comprise a maximum of 10 and a minimum of 8 athletes, ensuring an appropriate skills mix and a balance in relation to gender, summer and winter Olympic sports, Commonwealth Games sports, team and individual sport athletes. The composition will be based on the following criteria:

- Up to 3 members elected at (or around) each Olympic Summer Games by the athletes who are members of the NZ Olympic Team competing at those Olympic Summer Games;
- Up to 2 members elected at (or around) each Olympic Winter Games by the athletes who are members of the NZ Olympic Team competing at those Olympic Winter Games;
- Up to 2 members elected at (or around) each Commonwealth Games by the athletes who are members of the NZ Commonwealth Games Team competing at those Commonwealth Games;
- Up to 3 members who may be appointed at any time by the NZOC; CEO/NZOC Board (this will be done in consultation with AC Convener);
- A maximum of 2 athletes from any one sport;
- Not less than 3 athletes of any one gender;
- 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 the term. The AC Convener, in consultation with the NZOC CEO, will choose a replacement either from other athletes not elected at the previous election or by appointment until the end of the term.

The AC will also comprise of any member of the IOC Athletes Commission, the WADA Athletes Commission and the CGF Athletes Advisory Commission 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;
- Be available and able to participate in meetings and accordingly, be domiciled in New Zealand;
- 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, NZOC, IOC or CGF rules and regulations;
- *Either*: be a participant in the Summer Olympic Games, the Winter Olympic Games, or the Commonwealth Games during the year in which the election is held; *or* have participated in at least one of the previous Games;
- Be able to demonstrate they have many of the following desirable skills, knowledge and experience to assist the AC fulfil its objectives and activities:
 - Clear written and/or verbal communication skills;
 - Highly developed interpersonal and relationship building skills;
 - The ability to connect and engage with active athletes;
 - Capable of working without direct supervision both individually and within a team environment;
 - Knowledge of and interest in the Olympic movement and NZ high performance sports culture;
 - Passionate about the development of the Olympic Values and athlete interests; and
 - Mature personality, able to handle confidential information and contrasting opinions.
- Be available to attend (either in person or by Skype) a minimum of two meetings per year.
- As a condition of membership, upon election all AC members must sign an NZOC Code of Ethics (***attached as Schedule 1***).

6. ELECTION PROCESS

- All athletes participating as part of a New Zealand Olympic or Commonwealth Games are eligible to vote.
- Athletes will be provided information on the election process by email no later than 30 days of the closing ceremony of the relevant Games.
- Any athlete wishing to stand will be sent these Terms of Reference, and a link to an online expression of interest form to complete.

7. AC CONVENER ELECTION PROCESS

- Any athlete wishing to stand as AC Convener will be sent the relevant position description and a link to an expression of interest form to complete.
- The AC Convener is determined via a vote of by AC members (in consultation with the NZOC CEO).
- The AC Convener will be automatically considered to be the AC nomination to the NZOC

Board pursuant to Rule 16.5.a. of the NZOC Constitution. The NZOC Board Appointments Panel will assess the nomination against the criteria set out in Rule 16.9 of the Constitution and advise the AC in writing as to whether the nomination is supported by the NZOC Board Appointments Panel. If the AC Convener is supported then the AC will conduct a vote of its members to determine whether or not to appoint that person as the NZCO AC Board Representative

- Alternatively, if the BAP does not support the AC nomination or the AC does not elect the recommended person, then the process shall be repeated in respect of such position to seek to obtain a recommended person from the AC who is supported by the NZOC Board Appointments Panel and then subsequently elected by the AC.

8. TERMS OF OFFICE

- Each athlete elected will hold office for four years, commencing the day after their election.
- Any appointed person will hold office for a period of four years from the date of their appointment.
- A maximum of two consecutive terms, unless elected prior to 1 January 2018 where the maximum will be three consecutive terms.
- The Convener 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 Convener; or
- Will have their appointment terminated by the NZOC Board on notice (either immediately or on such period of notice as the NZOC Board considers appropriate) prior to the end of their term of office if the NZOC 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 Ethics. For the sake of clarity, if a AC member fails to attend a minimum of two meetings per year, his/her appointment will be automatically terminated;
 - has a Conflict of Interest such that they are not capable of performing their responsibilities;
 - is no longer eligible to hold office under clause 5; or
 - is not acting, or has not acted, in the best interests of the NZOC, whether as a member of the AC or otherwise.

10. MEETINGS

- The AC Convener will ensure that minutes of all meetings and decisions of the AC are kept. These minutes and any other communications between the athletes shall be kept confidential to the Athletes Commission, the NZOC Board, the NZOC CEO and staff.
- 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 three times a year.

- Meetings may be in person or conducted via teleconference or other means as the AC Convener thinks fit so long as the participants can hear each other 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 Convener will report the AC's recommendations and findings to the NZOC CEO and if requested summarise the AC's activities and findings to the NZOC Board.
- The AC may have in attendance the CEO of the NZOC and/or other such persons including external advisers, as it considers necessary to provide appropriate information and advice.
- The AC Convener will chair meetings.
- Voting will be by majority, with the AC Convener having a casting vote if required.
- At least 5 members of the AC, one of which must be the AC Convener (or his/her nominated AC acting Convener), must participate in all meetings of the AC to constitute a quorum.
- If the AC Convener is unavailable for any reason, the AC Convener may nominate an AC member to act as AC Convener during the period of unavailability.

11. AUTHORITIES

- The AC does not have the power of authority to make a decision in the NZOC Board's name or on its behalf.
- The AC is authorised by the NZOC Board. At the expense of the NZOC, 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.
- NZOC will provide assistance and resource to the AC for the furtherance of the AC's goals and activities.
- The AC will undertake an annual self-review of its objectives and responsibilities. Such objectives and responsibilities will also be reviewed by the NZOC Board and NZOC CEO annually.
- The AC and NZOC Board may review the Terms of Reference from time to time as per the NZOC Policies and Procedures.

12. DUTIES OF MEMBERS

AC members have the following duties:

- to familiarise themselves, and agree with, these Terms of Reference and any other applicable rules, policies and reasonable directions of the NZOC including the NZOC Board;
- to participate in all meetings of the AC unless excused by the AC Convener;
- to contribute to the preparation of any reports, plans and other documents of the AC;
- not to communicate to the media or to or in any other public forum regarding matters related to the AC or the NZOC, without the prior approval of the NZOC Board.
- not to disclose information obtained by virtue of their position on the AC to any person except as permitted by the NZOC Board or by law; and
- at all times act in good faith and in the best interest of the NZOC and the AC strategy.

13. CONFLICTS

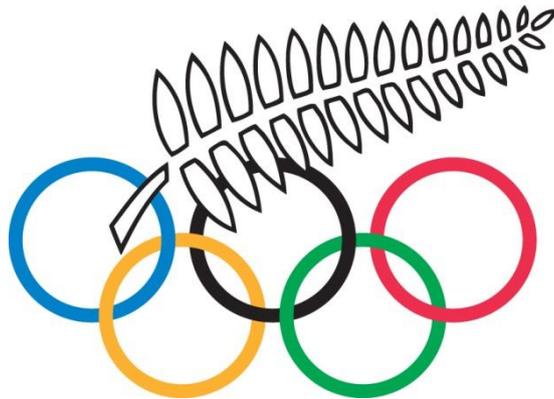
- If a member of the AC or the NZOC Board believes that a member of the AC has, or may have, a potential or actual conflict of interest to the NZOC CEO or the NZOC Board:

- the member must disclose the nature of the potential or actual conflict of interest to the NZOC CEO or the NZOC 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 NZOC CEO or the NZOC Board.

14. REPRESENTATION

- The AC is entitled to have 2 delegates attend, speak and vote at the NZOC's General Assembly. Other AC members may attend as observers by arrangement with the NZOC CEO.
- The AC is represented on the NZOC Board pursuant to clause 6, who shall have the right to have a vote within the NZOC. In the event, an AC member is acting for the AC Convener in a period of inavailability, the AC member shall have no right to vote within the NZOC.

Schedule 1



Code of Ethics

New Zealand Olympic Committee Incorporated



New Zealand Olympic Committee Incorporated

Code of Ethics

PART A - INTRODUCTION

1. Purpose

1.1 **Introduction:** The New Zealand Olympic Committee's vision is to inspire excellence and pride in New Zealanders and enable Athletes to achieve on a world stage. To help achieve this vision, the New Zealand Olympic Committee has defined what it values, of which this Code has been based on, namely:

- a. Excellence;
- b. Leadership;
- c. Integrity;
- d. Athletes; and
- e. Respect.

1.2 **Expected Behaviours:** In addition, to the promotion of its values, New Zealand Olympic Committee has introduced this Code to ensure NZOC Personnel:

- have a clear understanding of what behaviours are expected and required of them to ensure alignment with the values;
- are able to have a positive, healthy and supportive working and professional environment; and
- protect the reputation of the New Zealand Olympic Committee.

2. Status of Code

2.1 **Status:** This Code is a policy of the New Zealand Olympic Committee and was adopted by the New Zealand Olympic Committee Board in December 2015.

2.2 **Amendments:** Amendments to this Code may be made from time to time. Such amendments must be approved by the New Zealand Olympic Committee Board and published on the New Zealand Olympic Committee's website at www.olympic.org.nz.

3.3 This Code is subject to the Olympic Charter.

3. Scope and Application

3.1 **Relevance:** This Code is applicable to the following persons (collectively referred to as **NZOC Personnel**):

- a. All New Zealand Olympic Committee employees, including but not limited to employees engaged by the New Zealand Olympic Committee on a permanent full-time, permanent part-time, fixed term or casual basis;



- b. Any contractor, consultant, or provider to the New Zealand Olympic Committee who has entered into a contract for service agreement with the New Zealand Olympic Committee;
- c. Board Members;
- d. Commission Members;
- e. Olympic Ambassadors; and
- f. Any other individuals who have agreed in writing to be bound by this Code.

3.2 **Code to be Upheld:** All NZOC Personnel have an obligation to uphold the Code.

3.3 **Reporting:** In addition to the obligation set out in clause 3.2, all NZOC Personnel have a duty to report any potential breaches of the Code.

3.4 **Adherence to this Code:** It is a condition of all NZOC Personnel's employment agreement, contract for service or appointment with New Zealand Olympic Committee to adhere to the requirements of this Code.

3.5 **Additional Obligations:** It is acknowledged that NZOC Personnel must comply with the Olympic Charter, the laws of New Zealand and may also have additional obligations under codes of conduct or rules relating to their professional membership. This Code is not intended to replace the Olympic Charter, legislation or these codes. Accordingly, issues that arise in this Code may also be dealt with by the relevant law or professional membership code.

3.6 **Regulatory Compliance:** In addition to this Code, all NZOC Personnel should be aware of their obligations under their employment agreements, contracts for service and/or terms of reference as well as other acts, regulations and responsibilities in relation to their employment or provision of service.

4. Ethical Standards

4.1 **Appropriate Conduct:** All NZOC Personnel must ensure that in the performance of their duties, he/she will, at all times:

- a. behave professionally, honestly and with integrity and in a way that enhances the good name, success and reputation of themselves, the New Zealand Olympic Committee, the Games and the CGF and the IOC;
- b. treat everyone with respect, courtesy and without harassment. All NZOC Personnel will take all reasonable steps to eliminate any form of physical, verbal and emotional abuse, bullying and/or harassment of others; and
- c. respect the image and reputation of the New Zealand Olympic Committee and display high standards of personal conduct, reflected in both the manner of appearance and behaviour.

4.2 **Conflict of Interest:** All NZOC Personnel must not, without the prior written consent of New Zealand Olympic Committee, either directly or indirectly carry out work which conflicts or may conflict with New Zealand Olympic Committee's interests or which interferes with their ability to perform their obligations to New Zealand Olympic Committee. Where any NZOC Personnel believe any work (potential or current) may conflict with New Zealand Olympic Committee's interests, they will promptly notify New Zealand Olympic Committee of the



Olympic Committee may reasonably require to determine the extent and materiality of the conflict, and consult with New Zealand Olympic Committee about practical ways to avoid the conflict or reduce it to a level where New Zealand Olympic Committee may be prepared to consent to the NZOC Personnel carrying out the work.

4.2 **Anti-Doping:** All NZOC Personnel must demonstrate the highest standards of integrity and abide by the WADA Code, New Zealand Olympic Committee's Anti-Doping By-law, the Sports Anti-Doping Act 2006 and any Sports Anti-Doping Rules made by DFSNZ under the Sports Anti-Doping Act 2006.

4.3 **Betting and Match-Fixing:** All NZOC Personnel must not at any time:

- a. engage, directly or indirectly, in any Bet or other form of financial speculation in relation to the result, progress, outcome, conduct or any other aspect of a Competition;
- b. engage, directly or indirectly, in the throwing or fixing of any Competition;
- c. engage, directly or indirectly, in any conduct or behaviour intended to unfairly affect the result of a Competition, including accepting or agreeing to accept any Benefit connected with or relating to the ability of an athlete in the Games Team, to exercise control over or influence the outcome of a Competition so as to bring about a result other than that which would be achieved in a fair contest between the competing individuals or teams;
- d. accept any bribes through the offer, promise or acceptance of any Benefit in the return for violation of this Code;
- e. offer, give, request or receive any gift or Benefit (irrespective of whether such Benefit is in fact given or received) in circumstances where he/she might reasonably have expected could bring him/her or the New Zealand Olympic Committee into disrepute;
- f. directly or indirectly, use or disclose Inside Information in relation to Betting purposes or where he/she might reasonably be expected to know that its disclosure in such circumstances could be used in relation to Betting on any Competition; or
- g. knowingly assist, cover up or otherwise be complicit in any acts or omissions set out in this clause 4.3.

5. Reporting

5.1 **Reporting and Disclosure:** All NZOC Personnel must report to the Chief Executive (or in the case where the potential breach relates to the Chief Executive, the President), without due delay, any Breach or potential Breach of this Code. NZOC Personnel also have an obligation to disclose to the Chief Executive, (or in the case where the potential breach relates to the Chief Executive, the President), without due delay, full details of any approaches or invitations received by him/her to engage in conduct or incidents that would amount to a Breach of this Code.

5.2 **Co-operation:** Where reasonably required, all NZOC Personnel must fully co-operate with any investigation carried out by the New Zealand Olympic Committee, Police, CGF or IOC and provide any reasonable information and/or documentation requested by the New Zealand Olympic Committee, Police, CGF or IOC that may be relevant to the investigation.

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- 5.3 **Protection:** Where a disclosure is made or reported under clause 5.1 of this Code, the New Zealand Olympic Committee will use its best endeavours not to disclose such information in a way which might identify the person who reported or disclosed that information, unless:
- it is essential to the effective investigation of the allegations of the Breach or potential Breach;
 - it is essential to prevent serious risk to public health or public safety or the environment; or
 - it is essential having regard to the principles of natural justice.

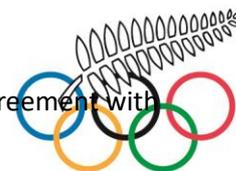
6. Breach

- 6.1 **Breach:** Failure by NZOC Personnel to abide by the standards set out in clauses 4 and 5 may be considered a breach under this Code (**Breach**).
- 6.2 **Natural Justice:** For all alleged Breaches, the NZOC Personnel concerned will be provided with:
- an opportunity to be heard before any decision is made;
 - an opportunity to respond to any information before a decision is made; and
 - information on the process and information used to reach the decision.
- 6.3 **Sanctions:** The Breach and any sanctions to be applied will be determined by the New Zealand Olympic Committee in its sole and absolute discretion, including, but not limited to, one or more of the following:
- a reprimand, warning or final warning;
 - requiring the NZOC Personnel to make a formal apology;
 - re-assignment of duties;
 - recommendation to attend counselling;
 - suspension from such activities of the New Zealand Olympic Committee, including Competitions, Games, events meetings and other functions, for such period(s) and on such terms as is deemed fit;
 - exclusion from a particular Competition, Games, activity, meeting, event or events of the New Zealand Olympic Committee;
 - demotion or removal from any position granted by the New Zealand Olympic Committee;
 - termination of employment or contract for service;
 - referral of the matter to the Police or Interpol; and/or
 - any other such sanction as deemed appropriate by the New Zealand Olympic Committee.
- 6.4 **Additional Sanctions:** Any sanctions imposed under clause 6.3 are non-exclusive and NZOC Personnel may be subject to additional sanctions in accordance with other terms applicable to that person's relationship with the New Zealand Olympic Committee, including but not limited to an employment agreement or contract for service.

7. Consistency

- 7.1 A Breach of this Code will provide the basis for the sanctions set out in clause 6. It does not otherwise provide the basis for any claim by an individual against any NZOC Personnel or the New Zealand Olympic Committee. To the extent this Code is inconsistent with any agreement applicable to that person with the New Zealand Olympic Committee (including

but not limited to, any athlete or support staff agreement) the terms of that agreement with the New Zealand Olympic Committee will prevail over the terms of this Code.



8. Definitions

8.1 The following words and phrases, used in this Code, shall mean:

Benefit means the direct or indirect receipt or provision of money, gift, advantage, consideration or any other benefit or reward, whether in cash or kind.

Bet means a wager of money or any other form of financial speculation.

Betting means making, accepting, or other laying a Bet and shall include without limitation, activities commonly referred to as sports betting such as fixed and running odds, totalisator games, live betting, betting exchange, spread betting and other games offered by betting operators.

Board means the New Zealand Olympic Committee Board as that term is set out in the Constitution.

Board Member means a member of the Board and has the meaning given to it in the Constitution.

CGF means the Commonwealth Games Federation.

Chief Executive means the Chief Executive Officer and Secretary General of New Zealand Olympic Committee.

Code means this New Zealand Olympic Committee Code of Ethics.

Commission Members means the members of commissions, committees or working groups duly appointed to by the Board in accordance with the Constitution.

Competition means any sporting event, whether qualifying or otherwise, staged at a Games during the Games Period.

Constitution means the constitution of New Zealand Olympic Committee.

DFSNZ means Drug Free Sport NZ, an independent crown entity originally established by the New Zealand Sports Drug Agency Act 1994, and is continued by the Sports Anti-Doping Act 2006.

Games means any Olympic Games (being summer, winter or youth), Commonwealth Games (including Commonwealth Youth Games) at which a Games Team is selected by the New Zealand Olympic Committee or other such games (such as the Pacific Games or the University Games) where the New Zealand Olympic Committee has control of a Games Team .

Games Period means the period commencing at the opening of the Games accommodation for the New Zealand Olympic Committee team, and ends at midnight the day after the closing ceremony of the Games.

New Zealand Olympic Committee

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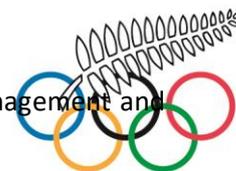
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Games Team means a New Zealand team any Games under the control, management and leadership of the New Zealand Olympic Committee.



Inside Information means any non-public information relating to any Competition, event, team, athlete that a person has because of their position with the New Zealand Olympic Committee.

IOC means the International Olympic Committee.

New Zealand Olympic Committee means the New Zealand Olympic Committee.

New Zealand Olympic Committee's Anti-Doping Bylaw means the New Zealand Olympic Committee anti-doping bylaw or any replacement bylaw, regulation or policy by the New Zealand Olympic Committee on anti-doping.

NZOC Personnel has the meaning given to it in clause 3.1 of this Code.

Olympic Ambassadors means those persons who have a contract for service with the New Zealand Olympic Committee to provide services relating to promoting the Olympic values to New Zealand youth especially through our education programme, and the wider community through presentations and positive role modelling.

Olympic Charter means the rules governing the Olympic Movement.

Olympic Movement means the organisations, athletes and other persons who agree to be bound by the Olympic Charter under the authority of the IOC.

President means the President of the New Zealand Olympic Committee.

WADA means the World Anti-Doping Agency.

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