

# WADA NADO Expert Advisory Group Election Procedure

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# I. PREAMBLE

The National Anti-Doping Organization Expert Advisory Group (hereinafter “NADO EAG”) provides expert advice to the World Anti-Doping Agency (WADA) on matters pertaining to National Anti-Doping Organizations’ (NADOs) activities, including guidance and recommendations on WADA’s strategies and actions to enhance collaboration with and development of NADOs globally.

The NADO EAG is composed of ten members elected by NADOs on a regional basis. Each of the five Olympic regions (Africa, Americas, Asia, Europe, Oceania) elects two NADO representatives. Diversity, including gender balance should be promoted and considered by all NADOs during the nomination and election period.

This Election Procedure regulates and governs the election process of the members of the NADO EAG in all five regions.

This Election Procedure is adopted by the Executive Committee of WADA.

# II. GENERAL PROVISIONS

## 1. Scope of application

The Election Procedure shall be applicable to the following “Participants”:

- Candidates for the election;
- NADO Officials (as such term is defined hereafter) involved in the election process, including candidates and those eligible to vote;
- WADA Officials (as such term is defined hereafter) involved in the election process;
- Any other individuals or legal entities involved in the election process or supporting, acting in favor of or opposing any candidate.

Officials are defined as:

- each person serving as member of the governing bodies, committees or any other statutory bodies of a NADO or of WADA;
- each person engaged as an agent, consultant or contractor, or employed by a NADO or by WADA.

Any reference to NADOs in this Election Procedure shall be a reference to entities defined as NADOs by the World Anti-Doping Code (“the Code”).

Any reference to written communication in the Election Procedure shall be by email unless otherwise specified.

## 2. Fundamental principles

Participants shall respect the WADA ethical principles as defined in the [WADA Code of Ethics](#). Each Participant must conduct himself/herself honestly, fairly and impartially, and must act in accordance with the principles of integrity and transparency.

Each Participant must in particular:

- Demonstrate the highest standards of integrity and act in good faith, with intellectual honesty and fairness;
- Respect human dignity;
- Reject and refrain from discrimination or favoritism of any kind on whatever grounds;
- Reject and refrain from all forms of harassment, bullying and abuse, be it physical, professional or sexual, and any physical or mental injuries;
- Refrain from any behavior which would bring, or risk bringing WADA into disrepute.

## III. ELIGIBILITY CRITERIA

### 3. NADO criteria

To be eligible to nominate candidates and vote, a NADO must meet the following criteria:

- 3.1 The NADO must be a Signatory to the Code and must at all times during the Preliminary Phase or the Election Phase (as defined in Articles 7 and 10 below) fully retain its WADA Privileges (as defined in the [International Standard on Code Compliance for Signatories](#)).
- 3.2 The NADO shall not be at the same time a Code Signatory in another category<sup>1</sup>.
- 3.3 The NADO shall not come from a country which has not paid its annual contribution to WADA for the year preceding the election.
- 3.4 Membership of any association or body representing NADOs shall not be required nor be a condition of eligibility.
- 3.5 Regional Anti-Doping Organizations (RADOs) shall not be considered as eligible entities to nominate candidates and vote.

### 4. Candidate criteria

To be eligible for election to the NADO EAG, a candidate must meet the following criteria:

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<sup>1</sup> The entity shall be registered as Code Signatory within the NADO category and cannot be also registered under any other category of Code Signatories, i.e. International Federations, Major Event Organizations, National Olympic Committees, National Paralympic Committees or other organizations having significant relevance in sport.

- 4.1 The candidate must be employed at the executive level by an eligible NADO or serve as member of the oversight body of an eligible NADO.
- 4.2 The candidate must not be involved in the management or operations of any International Federation, National Federation, Major Event Organization, National Olympic Committee, National Paralympic Committee, or government department with responsibility for sport or anti-doping.
- 4.3 The candidate must be nominated by a NADO that is eligible to present a candidate as per Article 3 and which seat is located in the region where the candidate is submitting his/her candidacy. Each NADO may nominate only one candidate.
- 4.4 The candidate must not represent<sup>2</sup> any category of stakeholder other than NADOs on the governing bodies, committees or any other statutory bodies of WADA.
- 4.5 The candidate can be a past or outgoing member of the NADO EAG as long as he/she has not reached the term limit to sit on the NADO EAG as defined in the NADO EAG Terms of Reference.
- 4.6 The candidate must have reached the age of 18 no later than by the date of the opening of the Election Phase.
- 4.7 The candidate must not be Provisionally Suspended or serving a period of Ineligibility under the Code or, if the candidate was not subject to the Code, must not have directly and intentionally engaged in conduct within the previous six years which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such candidate.
- 4.8 The candidate must be able to communicate effectively in English or French, the two working languages of WADA. The primary working language of the NADO EAG will be English.
- 4.9 The candidate must be able to fulfil the requirements outlined in the NADO EAG Terms of Reference.

## IV. ELECTION SCRUTINEER

### 5. Nomination of the Election Scrutineer

The WADA Independent Ethics Board will nominate among its independent members an Election Scrutineer. The Election Scrutineer shall be nominated before the beginning of the Preliminary Phase as defined under Article 7 below.

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<sup>2</sup> A candidate is to be considered as a representative of another category of stakeholder (e.g. Public Authorities, Sport Movement, athletes) if they are nominated and mandated by such stakeholder to represent them on the said body.

## 6. Role of the Election Scrutineer

The role of the Election Scrutineer is to ensure compliance with this Election Procedure. The powers of the Election Scrutineer include the following:

- 6.1 To take all measures which the Election Scrutineer deems appropriate, at its sole discretion, to ensure full compliance with this Election Procedure, including the withdrawal of any candidature or annulment of a candidate's election (see article 15);
- 6.2 To endorse the voting platform which is used for the election procedure;
- 6.3 To supervise the entire election process and procedure, including the counting of the votes;
- 6.4 To ensure adherence to the eligibility criteria listed in articles 3 and 4;
- 6.5 To adjudicate any complaint related to the admissibility or election of a candidate or of a NADO in accordance with Articles 9 and 15;
- 6.6 To declare elected the NADOs' representatives who have obtained the highest numbers of valid votes in each region in accordance with the number of seats opened for election. In the event of a tie between candidates, a second round will be organized immediately after the first round, with only the tied candidates being allowed to stand on the ballot.

## V. PRELIMINARY PHASE

### 7. Duration

The Preliminary Phase of the election begins with the communication by WADA, via email, at least two months before the opening of the Election Phase as defined in Article 10 below, of an invitation to the eligible NADOs to present candidates for election to the NADO EAG. It ends at the opening of the Election Phase. The Preliminary Phase shall be the same in all regions.

The opening of the Preliminary Phase shall also be communicated by WADA on its website in order to ensure wide awareness of the process. WADA can also encourage associations or bodies representing NADOs to share information on the election process.

### 8. Submission of candidature proposals

NADOs intending to present candidates shall submit by a deadline established by WADA, a candidature proposal for election to the NADO EAG in the format and with the content communicated by WADA. The proposal shall make clear for which regional election the candidate is nominated. Each region should ensure diversity, including gender balance, among the nominated candidates.

## 9. Validation and admissibility of candidatures

- 9.1 All candidatures confirmed by the Election Scrutineer as meeting the criteria set out in Articles 3 and 4 will be declared valid and admissible.
- 9.2 Any Participant wishing to challenge the admissibility of a candidature shall submit such contest to the Election Scrutineer in writing, stating the grounds on which the allegation is founded. The Election Scrutineer will examine the challenge and communicate its decision in writing to the person lodging the challenge and any other concerned party. Such decision is final.
- 9.3 The final lists of candidates for each region, as reviewed by the Election Scrutineer, shall be communicated by WADA to eligible NADOs at the end of the Preliminary Phase. It should include short biographies of each candidate.
- 9.4 Should less than two candidatures per region be received by WADA by the end of the Preliminary Phase WADA will extend the deadline for eligible NADOs to present candidates for a maximum of 15 days. Should two candidatures or less be received by WADA at the expiration of the extended deadline, the vote will be organized for the number of admissible candidatures received.

## VI. ELECTION PHASE

### 10. Duration

The Election Phase will begin immediately after the Preliminary Phase and end on the date the voting procedure is closed. The Election Phase shall not start earlier than two months after the opening of the Preliminary Phase and shall last at least one month. The dates of the Election Phase shall be made clear in the invitation sent by WADA to NADOs and described under Article 7. The Election Phase shall be the same in all regions.

### 11. Promotion of candidatures

- 11.1 Promotion of candidatures is allowed only to the extent permitted under the Election Procedure as stated below. Promotion means any act or action that may enhance the level of awareness of a particular candidature.
- 11.2 All acts of promotion in favour of any candidature must be carried out in respect of the fundamental principles set out in Article 2. In particular, any promotion shall be conducted with dignity, moderation and respect towards the other candidates.
- 11.3 Promotion of candidatures shall only be conducted during the Election Phase.
- 11.4 Candidates may use social media to promote their candidatures, subject to respecting the WADA Media Policy.
- 11.5 The use of any form of incentive or inducement, whether financial or otherwise, to vote for a candidate is prohibited.

- 11.6 Candidates, the NADOs they are employed by (or are a member of the oversight body), their nominating NADOs (if different) and any other persons or entities acting in their favour or for their benefit shall be considered as individually and jointly responsible for any act of promotion that is prohibited under the Election Procedure or other relevant regulations.
- 11.7 In the event of any infringement of the Election Procedure or other applicable regulations by the candidate, the NADO they are employed by (or are a member of the oversight body), their nominating NADO (if different) and any other third party, the Election Scrutineer may, in accordance with the procedure set forth in Article 15, impose the withdrawal of a candidate regardless of who is the author of the infringements.

## V. ELECTION PROCEDURE

### 12. Eligibility to vote

- 12.1 NADOs which meet the requirements set out in Article 3 may cast votes in the election process.
- 12.2 The number of votes for each eligible NADO shall be equal to the number of seats opened for election in their respective region<sup>3</sup>, with a maximum of one vote per candidate.
- 12.3 Each NADO may only vote for candidates that have submitted their candidacy in the region where the seat of the NADO is located.
- 12.4 Any NADO wishing to challenge the admissibility of a NADO to cast a vote shall submit such contest or claim to the Election Scrutineer in writing, stating the grounds on which the allegation is founded. The Election Scrutineer will examine the challenge and communicate its decision in writing to the concerned party(ies). Such decision is final.

### 13. Voting procedure

- 13.1 Each eligible NADO will receive from WADA the official list of candidates for the region where it is located as set out in Article 9.3 and a secure access to the voting platform. The voting platform will only be accessible for a defined period, communicated by WADA at the opening of the Election Phase. Such period shall be the same in all regions and shall be sufficient to allow access during working hours across all world time zones. No vote will be accepted before or after the defined voting period.
- 13.2 WADA will send each NADO's allocated voting access to the executive head of the NADO. Each NADO will be responsible for managing its allocated voting access.

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<sup>3</sup> If there are two seats open for election, each eligible NADO shall be able to cast two votes. If there is one seat open for election, each eligible NADO shall be able to cast one vote.



13.3 Anonymity of the voting process will be preserved.

## 14. Voting results

The candidates who have obtained the highest numbers of valid votes in each region will be declared elected by the Election Scrutineer in accordance with Article 6.6.

The full results, including the number of votes received by each candidate, shall be made available by WADA upon written request.

## 15. Infringement of the election procedure

15.1 Anyone may file, via email, a report of an alleged infringement of this Election Procedure from the opening of the Preliminary Phase. The report must be sent to the Election Scrutineer no later than 48 hours after the time of knowing about the alleged violation and in no case later than 72 hours after the closing of the Election Phase. The report should clearly describe all circumstances of the alleged violation, including any supporting evidence, and must be dated and signed by the person(s) filing the report.

15.2 If the Election Scrutineer considers, whether on the basis of a third party report or otherwise, that there has (potentially) been an infringement of this Election Procedure, it may take whatever action it considers appropriate. If it considers the (potential) infringement to be serious and possibly justify a withdrawal of a candidate or annulment of a candidate's election, it will invite the candidate concerned to respond in writing to the complaint and/or to appear before the Election Scrutineer (in person or virtually), with a representative of the nominating NADO if the candidate so wishes, in order to submit a brief oral explanation of the candidate's position. If, after having heard the candidate or the candidate has declined a reasonable opportunity to be heard (in writing and/or orally), the Election Scrutineer shall determine the applicable consequences, including withdrawal of the candidature or annulment of the candidate's election. The decision will be notified in writing, including, as the case may be, by email, to the candidate and to the proposing NADO.

15.3 In the event that the Election Scrutineer decides to withdraw or annul the election of a candidate, that decision may be appealed by the candidate concerned exclusively to the Court of Arbitration for Sport. The appeal must be filed within seven (7) days of the written notification (including email) of the decision to the candidate, unless the Election Scrutineer decides in its discretion to impose a shorter appeal deadline taking into account the urgency of the matter. For the avoidance of doubt, any shorter deadline shall be set out in the decision of the Election Scrutineer and shall automatically replace the otherwise applicable deadline of seven (7) days. Unless the parties agree otherwise in writing, the appeal shall be adjudicated by a Sole Arbitrator and the language of the arbitration shall be English.

## VI. PROTECTION OF PERSONAL INFORMATION

Any personal information collected within the Election Procedure will be processed in accordance with the [International Standard for the Protection of Privacy and Personal Information](#) and the applicable laws protecting such personal information.

## VII. TRANSITIONAL PROVISIONS

Considering that the inaugural election process will be conducted before the elected NADO EAG is established as described under Section I (Preamble), references to the NADO EAG Terms of Reference should be understood as referring to the current NADO EAG Terms of Reference until the elected NADO EAG has adopted its own Terms of Reference.

Furthermore, an exception to the time limits set out in the different provisions of the Election Procedure can be applied for the inaugural election process, where such time limits can be brought forward in order to ensure the timely establishment of the elected NADO EAG. Any reduction to the time limits shall be proportionate and respect the order of procedure as set out in the above provisions.

The inaugural election will be for ten members (two per region). In the future, there will be a rotation of members in place to ensure continuity. Therefore, the number of seats for a given election may vary and would be communicated accordingly.

## VIII. FINAL PROVISIONS

In case of discrepancy between the English and the French versions of this document, the English version shall prevail.

The Election Procedure has been adopted by the Executive Committee of WADA on 18 May 2022. It enters into force immediately.