

ATHLETES' ANTI-DOPING OMBUDS TERMS OF REFERENCE

The Athletes' Anti-Doping Ombuds provides athletes with cost free, neutral, impartial, fair advice and assistance in relation to the World Anti-Doping Program and the entities that play a role within it.

DUTIES OF THE ATHLETES' ANTI-DOPING OMBUDS

1. Provide information, guidance, independent and confidential advice, and assistance at no cost to athletes.
2. Assist athletes by connecting them to relevant information, services, organizations or professionals.
3. Assist athletes with their concerns and disputes through reviewing and reporting, fact-finding, facilitated communication, and mediation on a case-by-case basis; also advise in how to file formal grievances in cases where informal resolution is not attained.
4. Advocate for fair, transparent, timely and equitably administered policies and processes within anti-doping.
5. Assess athlete rights within anti-doping and advocate for their fair and equitable administration.

PRINCIPLES OF THE ATHLETES' ANTI-DOPING OMBUDS

The Athletes Anti-Doping Ombuds (Ombuds) operates on the principles of *independence, impartiality, confidentiality, and informality* as set out in these terms of reference and in accordance with the International Standards of Practice for Ombudsman as set by the [International Ombudsman Association](#).

Independence

1. The Ombuds operates independently from WADA and shall conduct its work in accordance with these terms of reference.
2. The Ombuds shall be contracted by WADA based on the job description posted by the Agency and specifically on their expertise and ability to deliver the functions of the Office.
3. The Ombuds will report to the WADA Executive Committee.
4. There shall be an Ombuds Advisory Committee made up of one member of WADA senior management, one member of the WADA Athlete Committee and one member with relevant experience with Ombudsman, international sport and/or anti-doping. The Ombuds Advisory Group will provide ongoing support and guidance to the Ombuds.
5. The Ombuds undertakes to abstain from performing any activities that may give rise to a conflict of interest and/or that might compromise independence with respect to their obligations as Ombuds.

6. The Ombuds exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombuds also may initiate action on a concern identified through direct observation.
7. The Ombuds should not be subject to retaliation based on her/him looking into and assisting with the resolution of any issues within the Ombuds' area of jurisdiction.
8. The Ombuds will set standards and criteria for the initiation of any review where there has been a prima facie negative impact on an athletes' rights.
9. The Ombuds will maintain the highest professional standards.
10. The Ombuds may provide input into other programs or departments of WADA, ADOs and the World Anti-Doping Program.
11. The Ombuds may make recommendations to WADA or ADOs at any time where circumstances or trends suggest that athletes' rights in the administration of fair, transparent, timely and equitable policies and processes may be threatened or can be improved.
12. The Ombuds has the ability, with the permission of the athlete, to request relevant information from ADOs to fulfill its functions so long as this is permitted by law, anti-doping rules, and the International Standard for Protection of Privacy and Personal Information.
13. The Ombuds has authority to select its staff and manage its budget and operations.
14. Statements made by the Ombuds, or its staff, shall not be deemed to reflect the views or positions of WADA, or as evidence in any legal or judicial proceeding.

Neutrality and impartiality

15. The Ombuds carries out its duties with neutrality, impartiality, and free from conflicts of interest.
16. The Ombuds advocates for individual athletes where fair, transparent, timely and equitably administered polices and processes are threatened.
17. The Ombuds has a responsibility to consider the legitimate concerns and interests of all individuals and parties affected by the matter under consideration.
18. The Ombuds helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

Confidentiality and Privilege

19. The Ombuds holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality.
20. The Ombuds shall discuss any exceptions to its obligation to maintain confidentiality with the source of the information.
21. Communications between the Ombuds and others (made while the Ombuds or its staff

is undertaking its duties) are considered privileged. The privilege belongs to the Ombuds or its staff, rather than to any party to an issue. Others cannot waive this privilege.

22. The confidentiality and privilege does not apply to information concerning:
 - a. A situation where an individual is at imminent risk of serious harm (whether this risk exists is a determination to be made by the Ombuds);
 - b. A matter that requires affirmative reporting by law;
 - c. To the extent necessary, if a party files a claim or complaint against the Ombuds or its staff, or her/his staff, alleging professional misconduct in the exercise of her duties.
23. The Ombuds does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding an athlete's contact with the Ombuds or confidential information communicated to the Ombuds, even if given permission or requested to do so. The Ombuds may, however, provide general, non-confidential information about the Office or the profession.
24. If the Ombuds pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombuds does so in a way that safeguards the identity of individuals.
25. The Ombuds keeps no records containing identifying information on behalf of WADA.
26. The Ombuds maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.
27. The Ombuds prepares any data and/or reports in a manner that protects confidentiality.
6. Communications made to the Ombuds are not notice to WADA. The Ombuds neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the Ombuds may refer individuals to the appropriate place where formal notice can be made.

Other standards

28. The Ombuds functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at the Ombuds' discretion – engaging in informal third-party intervention. When possible, the Ombuds helps develop new ways to solve problems themselves.
29. The Ombuds as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.

- 30.** The Ombuds will work with other sport-related Ombuds (or other similar office holders or functionaries) that could assist athletes and where appropriate refer them to that office.
- 31.** The Ombuds will assist with the establishment and sharing of recourses and expertise with other sport-related Ombuds.
- 32.** The Ombuds can refer athletes or issues to other Ombudspersons, WADA departments, ADOs, sports organizations or government agencies with the approval of the concerned athlete.
- 33.** The Ombuds does not make binding decisions, mandate policies, or formally adjudicate issues but can make non-binding recommendations.
- 34.** Any report, finding or recommendation of the Ombuds does not overturn any court or tribunal decision.
- 35.** The Ombuds supplements, but does not replace, any legal channels. Use of the Ombuds is voluntary and is not a required step in any grievance process, policy or legal proceeding.
- 36.** The Ombuds will maintain regular contact with the WADA Athlete Committee and its chairperson on issues of mutual interest.
- 37.** The Ombuds acts in accordance these Terms of Reference, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.
- 38.** The Ombuds shall not bring the office of the Ombuds, WADA or the World Anti-Doping Program into disrepute.
- 39.** The Anti-Doping Ombuds endeavors to be worthy of the trust placed in the Office.