

# Compliance Review Committee

## Terms of Reference

*The World Anti-Doping Agency (WADA)'s Compliance Review Committee (CRC) is constituted under Article 6 of the Constitutive Instrument of Foundation (also known as the Statutes) as a Permanent Special Committee of the organization.*

*These Terms of Reference have been approved by the WADA Executive Committee [in May 2023] and are publicly available and published on the WADA website. They are reviewed annually to ensure they remain accurate and fit for purpose.*

*The WADA Statutes and the Regulations of the Permanent Special Committees can be referenced in conjunction with these Terms of Reference. In the event of a discrepancy between these Terms of Reference and the Statutes or Regulations, the latter will prevail.*

### **Purpose**

The CRC is independent and non-political. Its purpose is to oversee WADA's efforts to secure compliance, and monitor ongoing compliance by Signatories to the World Anti-Doping Code (the Code) with the relevant requirements of the Code and the supporting International Standards.

### **Goals and Objectives**

The framework for WADA's efforts to secure and monitor Signatory compliance, and for the Committee's independent oversight thereof, is set out in Code Article 24.1 and in the International Standard for Code Compliance by Signatories ('ISCCS').<sup>1</sup> Within that framework, the Committee's responsibilities include (without limitation):

- 1) Providing expert guidance to the WADA internal Compliance Taskforce (the 'Compliance Taskforce') on the set-up and development of the WADA compliance program;
- 2) Reviewing proposals by the Compliance Taskforce to prioritize the monitoring for Code compliance of certain categories of Signatories and/or of certain specific Signatories;
- 3) Reviewing proposals by the Compliance Taskforce to prioritize enforcement of Critical requirements and (in certain circumstances) High Priority requirements of the Code and/or the International Standards;
- 4) Overseeing WADA decisions as to which Signatories shall undergo a Compliance Audit;

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<sup>1</sup> Defined terms used in these Terms of Reference (denoted by initial capital letters) that are not defined herein bear the meaning given to them in the Code or in the ISCCS.

- 5) Reviewing cases of Signatory Non-Conformity/ties referred to it by the Compliance Taskforce and making recommendations of non-compliance and related consequences, when warranted, to the WADA Executive Committee, in accordance with the relevant provisions of the ISCCS;
- 6) Identifying compliance related issues of its own accord to be addressed by WADA Management; and
- 7) Monitoring existing and future trends in the Committee's fields of expertise having the potential to impact the anti-doping system and provide a process for trends and new ideas to be proposed to WADA's internal Innovation Board to assess.

### **Reporting Structure**

The Committee through its Chair (or Vice-Chair where applicable) will report as and when necessary to the WADA Executive Committee and Foundation Board.

### **Composition (including Terms of Appointment)**

The Committee is composed of six members (including the Chair and the Vice-Chair):

- One Independent Chair;
- Two independent Experts;
- Two members nominated by their Stakeholder group (i.e. one from Sport and one from the Public Authorities);
- One athlete nominated by WADA Athlete Council (Such member, who shall not sit on the WADA Athlete Council, must fulfil the WADA Athlete Council eligibility criteria as provided for in the Regulations of the WADA Athlete Council).

The members of the CRC shall not sit on any other WADA bodies.

The Regulations of the Compliance Review Committee state that each member, including the Chair, shall be appointed for a period of three years. The term begins on the date of appointment, generally at the beginning of a calendar year. Members may be reappointed for a maximum of two further consecutive terms of three years provided that they continue to meet all relevant eligibility criteria. They cannot serve for more than nine years in aggregate.

The WADA President may present to the WADA Executive Committee a proposal to extend the appointment of the chair up to a maximum of a further three years if necessary, for example to ensure an efficient conduct of pending high profile proceedings.

Members' terms have been staggered as of January 2018 to ensure continuity of Committee experience and expertise. When a member leaves the Committee before the completion of their term, the member filling the vacancy shall only have a term to the end of the term that the departing member would have had. They would however be eligible for reappointment at the end of the said term, if they continue to meet all relevant eligibility criteria.

Where there are upcoming vacant seats on the Committee and they are Stakeholder or athlete seats, the Public Authorities will be responsible for coordinating the process by which Public

Authorities submit their nominee; the International Olympic Committee will be responsible for coordinating the process by which the Olympic Movement submits its nominee; and the WADA Athlete Council will be responsible for coordinating the process by which it submits its nominee. The Nominations Committee will be responsible for vetting the nominated candidates. Candidates who have been deemed to fulfil the vetting criteria will be presented to the WADA Executive Committee for approval. If approved, they will be appointed by the Executive Committee for a term of three years.

The list of candidates for vacancies, together with the continuing members of the Committee will be reviewed as a whole by the Chair, in consultation with the Director General and the Chair of the Executive Committee. When there is a possible renewal, the CRC Chair is asked to confirm their support or not for a renewal and it is provided to the respective body before a new process is activated.

Where there are upcoming vacant seats on the Committee and they are the independent expert seats, the Nominations Committee will be responsible for identifying and vetting candidates. Once a candidate has been deemed to fulfil the vetting criteria, they will be presented to the WADA Executive Committee for approval. If approved, they will be appointed by the Executive Committee for a term of three years.

The composition of the Committee shall aim to ensure appropriate balance amongst the membership:

- Relevant background and experience;
- Relevant expertise in compliance;
- Geographical region;
- Gender;
- Culture; and
- Government and/or sports nominations.

The names of the Chair and Members of the Committee are recorded on the WADA website, with a brief description of their biographies and a diversity analysis of the Committee's membership.

### **Chair / Vice Chair**

The Chair of the CRC is appointed by the WADA Executive Committee upon the recommendation of the WADA Nominations Committee.

The Committee members other than the Chair will elect one of their members to act as Vice-Chair when the Chair is not present or is unable for any reason to act. The length of the Vice-Chair's term, as Vice-Chair, will be equal to the length of his/her term as a member of the Committee.

### **Skills Requirements**

A detailed profile description is used in the selection of the Chair of the Committee. Please refer to the "CRC Chair Role Description/Position Profile" document. In general, the Chair must have an impeccable reputation, high integrity and strong ethics, and should have experience in chairing committees.

On the whole, the Members of the Committee should have skills and experience commensurate with the purpose, goals and objectives of the Committee. These include:

- Relevant background and experience (e.g., in sport, anti-doping, compliance, law, and/or otherwise);
- Relevant expertise in compliance (e.g. at least two members should be compliance experts, with substantial experience in compliance monitoring, quality assessment, ISO expertise, regulatory experience, governance, etc.);
- Relevant legal background (preference would be that at least one member should be a lawyer).

### **Independence**

The Committee shall operate under these Terms of Reference and the Regulations of the Compliance Review Committee, in order to ensure the independence and specialization of its members, which is critical for the credibility and effectiveness of the Committee's work.

In accordance with the Regulations on Independence, each Committee member shall remain free of undue influence and be independent in character and judgement and shall avoid any relationships or circumstances which, to an informed third party, could affect, or could appear to affect, the member's judgement.

For the nominees or representatives of the Public Authorities and of the Sports Movement, as well as the athlete representative, this means their role is to ensure that the perspectives of the constituency that they are nominated by or have been appointed to represent are properly understood and taken into account in the Committee's deliberations. However, these members are and must remain independent of that constituency, and must make decisions and cast their vote based on their assessment of what is in the best interests of clean athletes and the fight against doping.

Each candidate to the Committee will disclose to the Nominations Committee (where applicable) and each member of the Committee shall disclose to WADA's Director General any facts or circumstances that they consider might impair their ability to remain independent according to this standard. The candidate/member will thereafter provide any further information required to enable the position to be assessed accurately.

Over and above this, the chair and all the members of the CRC must meet the requirements of the Operational and Personal Independence criteria set out in the Regulations on Independence (as amended from time to time) at the time they take office and for the entire term of their office:

- **Operational Independence**: the official in the exercise of his/her mandate shall always act in the best interest of WADA and remain free of undue influence. The fact that an official has a duty or responsibility to, or holds an office or a relationship with, a WADA stakeholder, or was nominated or proposed by a WADA stakeholder, does not per se hinder the official from exercising his/her mandate in the best interest of WADA.
- **Personal Independence**: the official must exercise his/her mandate in a personal capacity and shall not act upon direction or coordinate with any other person / entity outside WADA.

In addition, the chair and the independent members of the CRC must also meet the Organizational Independence criteria as set out in the Regulations on Independence (as amended from time to time) at the time they take office and for the entire term of their office:

- **Organizational Independence:** the official must not exercise a non-executive, executive, operational or management function in / with any WADA stakeholder. The official is ineligible if he/she holds a duty or responsibility to, office or relationship with, the non-executive, executive, operational or management of a WADA stakeholder, i.e. any entity which can send representatives on WADA governing bodies, can be bound by rules enacted by WADA or can be directly or indirectly impacted by WADA activities.

## **Code of Ethics, Conflict of Interest, Confidentiality and Media**

All Committee members are required to sign a document upon their appointment and again annually, pursuant to which they undertake (i) to comply with the Code of Ethics adopted by the WADA Foundation Board (as amended from time to time); (ii) to comply with the Conflict of Interest policy adopted by the WADA Foundation Board (as amended from time to time); (iii) to keep all matters related to WADA confidential; and (iv) to comply with the WADA Media Relations Policy issued by the Agency (as amended from time to time).

### **Code of Ethics**

In November 2021, the Foundation Board approved a WADA Code of Ethics pursuant to Article 6 of the WADA Statutes. Its purpose is to establish clear ethical standards over the activities of WADA's Officials (as defined in Section 2 of the Code of Ethics) to allow WADA to achieve its mission and protect its core values. WADA and all its Officials undertake to disseminate the culture of ethics, loyalty, and integrity within their respective areas of competence. By adopting the Code of Ethics, the Foundation Board recognized the importance of setting the highest ethical standards in the governance and administration of WADA.

### **Conflicts of Interest**

Committee members are bound by the WADA Conflict of Interest policy. In accordance with that policy, they are required to complete and sign and submit annually a Statement of Absence of Conflict of Interest, and to update that Statement if and as necessary during the year.

In case of a conflict of interest in relation to a specific case or issue, Committee members shall disclose it immediately and thereafter shall not take part in any discussions and/or deliberations related to that case or issue.

In addition, should the Chair have a conflict of interest in relation to a specific case or issue, the Chair shall be replaced by the Vice-Chair in relation to all discussions, deliberations and any other activity related to that case or issue. If the Vice-Chair is not present, then the members who are present shall elect someone from their number to replace the Chair for the case or issue in question.

### **Confidentiality**

All Committee members are required to sign a confidentiality declaration upon appointment, and again annually. This ensures all members reflect on the confidential nature of their WADA work and confirm their adherence to such confidentiality rules.

The work and documents of the Committee including, without limitation, the deliberations of the Committee, correspondence, reports, its recommendations, observations to the Compliance Taskforce and the record of its meetings shall remain confidential and therefore shall not be disclosed by the members or the Compliance Taskforce.

Appropriate information barriers shall be set up around WADA files containing Committee papers/information, so that they are only accessible by a defined subset of WADA staff, and strictly on a need-to-know basis.

Where the Committee makes a formal recommendation of any kind to the WADA Executive Committee, until that recommendation has been communicated in writing to the WADA Director General, it may not be communicated by anyone at WADA to any third party. Instead, the WADA Director General shall communicate the recommendation only to members of the WADA Executive Committee. The recommendation may not be made public or communicated by WADA prior to the meeting of the WADA Executive Committee where it is to be considered, without the express consent of the Chair (or the Vice-Chair, where applicable). If WADA considers it necessary to make any public statement on the Committee's recommendation prior to the Executive Committee meeting, the Chair (or Vice-Chair, where applicable) must be made aware and agree with the content in advance.

### **Communications and Media**

All members are required to read and comply with WADA's Media Relations Policy. Should a member receive a request for an interview in relation to their role and work of the CRC and/or WADA, they should consult first with the WADA Head of Media Relations or (if absent) with the WADA Communications Director.

### **Observers and Outside Expertise**

The Chair of the Committee, in consultation with and upon approval of WADA Management, may seek assistance from other outside experts from time to time where needed.

In addition, at the invitation of the Chair (or the Vice-Chair, where applicable), members of the Compliance Taskforce and/or other WADA staff may attend Committee meetings to contribute to the discussion and/or to provide secretarial support. The Chair (or the Vice-Chair, where applicable) shall manage such attendance so as to ensure that it does not undermine in any way the Committee's free and independent consideration of the business at hand. This may include conducting parts of the meeting *in camera* (i.e., with only Committee members in attendance) where the Chair (or the Vice-Chair, where applicable) sees fit.

Nominated (non-voting) observers may also be invited by the Chair (or the Vice-Chair, where applicable) to attend meetings on an *ad hoc* or a regular basis.

### **Working Norms**

The Committee will meet in-person or in a hybrid form (partly in-person and partly by teleconference), or via videoconference or any such other electronic means that permit all participants to properly communicate with each other. The meetings are convened by the chair, in consideration of the budget allocated by WADA on an annual basis for the meetings. Members may attend in person meetings by electronic means if necessary, provided they inform the Chair in advance and obtain the Chair's approval.

In camera meetings, for CRC members only, will be held when called upon by the Chair of the Committee or requested by a CRC member. For administrative reasons, the Chair will inform the WADA liaison in advance, when such in-camera meetings are deemed to be called.

An agenda will be circulated in advance of the meeting.

At least four members must be present at a meeting, in person or by teleconference, in order for the meeting to be quorate.

All members of the Committee, including the Chair and Vice-Chair, shall have the ability, availability and capacity to perform the tasks of the Committee members, including attending meetings in-person and travelling, as appropriate.

Members are expected to attend each meeting, but members should inform the Chair in writing in advance of their inability to attend a meeting and provide the reasons therefore. The absent member may if he/she chooses submit in writing any comments that he/she has on any items on the agenda for the meeting. If a member is absent without reasonable justification (in the assessment of the chair) from two or more meetings in any one calendar year, his/her membership of the Committee may be terminated.

The Committee will seek to operate on the basis of consensus. Where there is no divergence of opinion, a formal vote is not required. Where it appears there may be a divergence of opinion, a formal vote may be taken (by show of hands). A simple majority of those present is required to support a recommendation or other decision (with any abstentions being disregarded for these purposes). In case of a tie, the Chair (or the Vice-Chair where applicable) will have a casting vote.

Where necessary, votes may be taken and decisions may be made between meetings by circular email or other suitable means.

### **Administrative and Funding Support**

WADA shall provide the necessary administration and financial resources for the Committee to conduct its activities. A WADA Leadership Team representative will act as the liaison person to the Committee.

Special compensation will be offered to Committee members for meeting participation and for time spent in the preparation thereof, as well as for time spent on the work of the Committee. Such compensation shall be reviewed as required by the Executive Committee.

WADA provides on an annual basis "General Information and Guidelines" to all its Committee members. This document provides an overview of administrative policies and procedures applicable to the Committee.

### **Record of the Meetings**

A record of the meetings will be prepared. It shall be a record of discussions, decisions and/or action points, as appropriate. Such record shall be circulated to members following the meetings for approval. Once approved by the Chair, the record shall be maintained by WADA as an official record of the Committee's meetings. Whereas in principle the record of the meetings is

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confidential (see above “Confidentiality”), the Chair and WADA Management may decide to post a summary of the issues/outcomes of the meetings on the WADA website.