

# **Athletes' Council**

## **Terms of reference**

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These terms of reference for the Athletes' Council, and any amendments thereto, will be approved by the IPC Governing Board.

Unless specified otherwise, defined terms used in these terms of reference (denoted by initial capital letters) have the meaning given to them in the IPC Constitution.

### **1. Authority**

- 1.1 The Athletes' Council is advisory to the IPC Governing Board. The IPC Governing Board has the sole power to grant authority to the Athletes' Council, and the Athletes' Council has no authority that does not come from the IPC Governing Board. The Athletes' Council may, however, carry out such tasks as delegated to it by the IPC Governing Board.
- 1.2 The Athletes' Council has no authority to make decisions for or on behalf of the IPC, or to incur any expense or bind the IPC to any financial or other commitments. The Athletes' Council is advisory only, and can only make recommendations to the IPC Governing Board (if within its mandate to do so).

### **2. Role**

- 2.1 The Athletes' Council is intended to be the collective voice of Paralympic athletes within the IPC and the Paralympic Movement. The Athletes' Council will be responsible for the following:
- (a) Providing advice to the IPC Governing Board on behalf of and in the interests of Paralympic athletes, including to ensure that the athletes' perspective is included in the decision-making processes of the IPC Governing Board.

- (b) Making recommendations to the IPC Governing Board, through the chairperson and first vice-chairperson, in relation to the content of the IPC's strategic plan.
  - (c) Acting as the link between the athletes and the IPC Governing Board, to convey the athletes' views to the IPC Governing Board and vice versa.
  - (d) Establishing and maintaining a method of communication with athletes to solicit input, identify issues, provide education, and disseminate information.
  - (e) Hosting the IPC athletes' forum (which, where possible, the IPC will aim to hold every two years).
  - (f) Advising on such other matters within its area of responsibility as the IPC Governing Board may request.
- 2.2 The Athletes' Council will be consulted in advance by the IPC Governing Board in relation to the appointment of any Athletes' Council representative(s) to other bodies, whether internal or external. Ordinarily, however, the chairperson of the Athletes' Council will be appointed as the Athletes' Council representative on the IOC Athletes' Commission, at the invitation of the IOC.
- 3. Membership**
- 3.1 The Athletes' Council will comprise the following members:
- (a) nine elected members (six from summer sports and three from winter sports);
  - (b) up to five members appointed by the IPC Governing Board on the recommendation of the Nominations Panel (which for these purposes includes the chairperson of the Athletes' Council and one other member of the Athletes' Council); and
  - (c) the Chair or Vice-Chair of the IOC Athletes' Commission, appointed by the IOC Athletes' Commission.
- 3.2 The members of the Athletes' Council will elect a chairperson, a first vice-chairperson, and a second vice-chairperson from amongst the elected members of the Athletes' Council, as set out below. The chairperson and first vice-chairperson of the Athletes' Council will be ex officio voting members of the IPC Governing Board.
- 3.3 As set out in the IPC Constitution, Athletes' Council members must meet the following requirements:

- (a) All elected members must be Paralympians who are either competing in the edition of the Paralympic Games at which the elections take place, or who have competed in at least one of the previous two editions of the summer or winter Paralympic Games at the time of the election.
- (b) All appointed members (except for the Chair and Vice-Chair of the IOC Athletes' Commission) must be Paralympians who have competed in at least one of the previous three editions of the summer or winter Paralympic Games at the time of the appointment.
- (c) There may not be more than one Paralympian from the same Country or Territory or more than two Paralympians from the same sport on the Athletes' Council (and nominations will not be permitted where they would lead to a violation of this rule). If an athlete competes in multiple sports, they will be required to select a single sport at the time of their election (see Article 3.6.7 below).
- (d) For the avoidance of doubt, athletes elected or appointed to the Athletes' Council are not required to stand down during their term of office based on any post-retirement period being reached.

#### Elected members

3.4 The election of the elected members will occur at every Paralympic Games. Six Paralympians from summer sports will be elected at every summer Paralympic Games and three Paralympians from winter sports will be elected at every winter Paralympic Games.

3.5 Nomination process:

3.5.1 At least six months prior to the Paralympic Games, the IPC will circulate to NPCs, IOSDs, and International Federations a 'call for nominations' for the open positions. This call for nominations will include at least the following:

- (a) requirements for the following to be provided for each nominee:
  - (i) a duly completed application form (in a form to be specified by the IPC);
  - (ii) a signed commitment by the nominee to comply with the IPC Constitution and the Regulations, including in particular the Integrity Code; and
  - (iii) a self-declaration signed by the nominee regarding their Eligibility to stand for election;
- (b) the deadline for submissions of nominations;
- (c) information about the role and estimated time commitment; and

(d) a copy of (or link to) these terms of reference and the election campaign rules.

3.5.2 NPCs, IOSDs, and International Federations may each nominate a maximum of one nominee, provided they are in Good Standing at the time of submitting the nomination (as set out above, nominations also will not be permitted where they would lead to a violation of Article 3.3(c)).

3.5.3 Subject to Article 3.5.4, as soon as reasonably practicable following the deadline for the submission of nominations, the IPC will publish an official presentation of all candidates (as provided by each respective candidate).

3.5.4 Information will not be circulated under Article 3.5.3 in relation to any nominee who submits an application that is incomplete or contains a material inaccuracy.

### 3.6 Election process:

3.6.1 Only athletes with an 'Aa' accreditation at the relevant Paralympic Games are eligible to vote in the Athletes' Council elections. For the avoidance of doubt, this includes any athletes who are also standing for election. Voting by proxy or by letter is not permitted.

3.6.2 Voting will be by secret ballot.

3.6.3 To be valid and counted, a vote must select at least one candidate (up to the maximum number of positions open for election). Abstentions do not count as a vote.

3.6.4 Athletes who require assistance may select an assistant of their choice to complete the ballot form.

3.6.5 Ordinarily, voting centres will open at the latest two days prior to the opening ceremony and close two days prior to the closing ceremony.

3.6.6 The IPC will appoint a scrutineer to monitor the vote count.

3.6.7 The candidates will be ranked in descending order with the candidate receiving the highest number of votes listed on top. Candidates will be given positions on the Athletes' Council in a descending order to the maximum number of positions remaining open. If the allocation of a position would lead to a breach of Article 3.3(c) above, that athlete will be eliminated and the position will instead be filled by the athlete with the next highest number of votes.

3.6.8 In the event of a tie for the last position, the position will remain vacant until the Athletes' Council selects a candidate from amongst those tied (ordinarily at the next meeting of the Athletes' Council).

3.6.9 Ordinarily the IPC will publicly announce the names of the newly elected Athletes' Council members at the closing ceremony of the relevant Paralympic Games. The number of votes obtained by each candidate will also be separately disclosed by the IPC.

#### Election of the chairperson, first vice-chairperson and second vice-chairperson

3.7 The chairperson will be elected by the Athletes' Council after each edition of the summer Paralympic Games. The first vice-chairperson will be elected by the Athletes' Council after each edition of the winter Paralympic Games, and the second vice-chairperson will be elected by the Athletes' Council after each edition of the summer Paralympic Games.

3.8 Where possible, the persons in these three positions should be of different genders and come from different Regions.

3.9 Nomination process:

3.9.1 At least six weeks prior to the Athletes' Council meeting election session, the IPC will circulate to the elected members of the Athletes' Council a 'call for nominations' for the open position(s). This call for nominations will include at least the following:

- (a) a requirement for each nominee to provide a duly completed application form (in a form to be specified by the IPC);
- (b) the deadline for submissions of nominations (which will ordinarily be two weeks prior to the election session);
- (c) information about the role and estimated time commitment; and
- (d) a copy of (or link to) these terms of reference.

3.9.2 Subject to Article 3.9.3, as soon as reasonably practicable following the deadline for the submission of nominations, the IPC will circulate to all members of the Athletes' Council a list of the nominees along with a short biography provided by each candidate.

3.9.3 Information will not be circulated under Article 3.9.2 in relation to any nominee who submits an application that is incomplete or contains a material inaccuracy.

3.10 Election process:

- 3.10.1 The election session will be chaired by a member of the IPC management team, appointed by the IPC CEO.
- 3.10.2 Candidates have the right to make a short speech to present their candidacy. The time allocated will be decided in advance by the Athletes' Council, and will be the same for all candidates.
- 3.10.3 Each voting member (including candidates for election) has the right to one vote. Voting by proxy or by letter is not permitted.
- 3.10.4 Voting will be by secret ballot.
- 3.10.5 Abstentions do not count as a vote.
- 3.10.6 Athletes who require assistance may select an assistant of their choice to complete the ballot form.
- 3.10.7 The IPC will appoint a scrutineer to monitor the vote count.
- 3.10.8 If no nominations are received for a position, the position will remain vacant until the next meeting of the Athletes' Council (during which elections will be held).
- 3.10.9 If only one nomination is received for a position, that person will be elected to the position by a Simple Majority. If such majority vote is not obtained, Article 3.10.8 will apply.
- 3.10.10 If two or more nominations are received for a position, the following will apply:
- (a) A nominee who receives a Simple Majority in any round of voting will be elected to the position.
  - (b) A first round of voting will occur to determine if any nominee receives a Simple Majority.
  - (c) Where no one nominee receives a Simple Majority, the individual receiving the least number of votes will not proceed to the next round. In the event of a tie, a re-vote will occur between the tied individuals and the individual receiving the most votes will proceed to the next round.
  - (d) Where there are two remaining nominees, the nominee receiving a Simple Majority will be elected. In the event of a tie, a re-vote will occur with the individual receiving a majority of votes being elected.

3.10.11 Following each election round, the number of votes obtained by each candidate will be disclosed.

#### Appointed members

3.11 For the appointed members:

- (a) Following the elections at each edition of the Paralympic Games, the Nominations Panel will assess the gaps in the Athletes' Council's needs (including skills, experience, gender, Country/Territory, and diversity of impairments), and call for applications accordingly.
- (b) All positions will be publicly advertised and will be appointed through an open recruitment process. The IPC will also invite IPC members to suggest candidates for membership.
- (c) The Nominations Panel will be responsible for assessing the applications and recommending members for appointment by the IPC Governing Board.

#### General

3.12 A member's election or appointment to the Athletes' Council is subject to the member agreeing to the obligations, expectations and commitments set out in the letter of appointment.

3.13 If the chairperson is temporarily unavailable, incapacitated, conflicted, or otherwise unable to perform their duties for any reason, the first vice-chairperson will stand in to replace the chairperson and fulfil their responsibilities for the relevant period.

3.14 In relation to vacancies:

- (a) In the event that any of the elected positions on the Athletes' Council become vacant for any reason, the vacancy will be filled for the remainder of the term by inviting the next highest non-elected candidate (and so on) from the results list from the relevant Athletes' Council elections (i.e. vacancies in summer sports will be filled by summer sport athletes, and vacancies in winter sports by winter sport athletes).
- (b) In the event that the position of chairperson, first vice-chairperson, and/or second vice-chairperson becomes vacant for any reason, the members of the Athletes' Council will elect a replacement from amongst the elected members of the Athletes' Council for the remainder of the term, in accordance with the election process set out above.

- (c) In the event that any of the appointed positions on the Athletes' Council become vacant for any reason, the vacancy will be filled for the remainder of the term in accordance with the appointment process set out above.

3.15 No substitutes are allowed for members of the Athletes' Council. With the exception of the Chair or Vice-Chair of the IOC Athletes' Commission, members are elected/appointed in their personal capacity and are not representatives of any member or stakeholder within the Paralympic Movement, including those they may be employed by or otherwise associated with.

#### **4. Term of office**

4.1 Subject to Article 4.6, the term of office of the elected members will be approximately four years, commencing at the time of their election and ending at the close of the next election for their position on the Athletes' Council.

4.2 The term of office of the chairperson, first vice-chairperson, and second vice-chairperson will be approximately four years, commencing at the time of their election to the position and ending at the close of the next election for that position on the Athlete's Council. In that respect, if the term of office for the chairperson, first vice-chairperson, and/or second vice-chairperson expires after the relevant individual's term of office as an elected member, the individual will remain on the Athletes' Council as chairperson/first vice-chairperson/second vice-chairperson for the remainder of their four year term in that position.

4.3 The terms of office of the vice-chairpersons will be staggered as follows:

- (a) First vice-chairperson: their term starts in the third year of the chairperson's four year term.
- (b) Second vice-chairperson: their term will be on the same four year term cycle as the chairperson.
- (c) To enable a transition to these staggered terms, the terms for the chairperson, first vice-chairperson, and second vice-chairperson elected in 2021/22 will be as follows: the chairperson will be elected in 2021 following the Tokyo 2020 Paralympic Games and will serve for three years until the elections following the Paris 2024 Paralympic Games; the first vice-chairperson will be elected in 2022 following the Beijing 2022 Paralympic Games and serve a normal four year term; the second vice-chairperson will be elected in 2022 following the Beijing 2022 Paralympic Games and serve for two years until the elections following the Paris 2024 Paralympic Games (when their term will then align with that of the chairperson going forward). Thereafter, the normal term of four years will apply.



- 4.4 Subject to Article 4.6, the term of office of the appointed members will be approximately four years, commencing on the date of appointment and ending at the close of the second edition of the Paralympic Games following their appointment.
- 4.5 The Chair/Vice-Chair of the IOC Athletes' Commission serve ex officio.
- 4.6 Following a recommendation of a two-thirds majority by the Athletes' Council, the IPC Governing Board may remove a member of the Athletes' Council from office by motion passed by Special Majority, where that member is (in the IPC Governing Board's opinion) in breach of these terms of reference or otherwise in breach of their duties.
- 4.7 A person may serve as an Athletes' Council member for no more than two terms (consecutive or otherwise, and including any part terms served other than a part term served pursuant to the transition provisions in Article 4.3).

## **5. Organisation**

- 5.1 The Athletes' Council will receive its direction from the IPC Governing Board.
- 5.2 The Athletes' Council will be assigned a member of the IPC management team to act as liaison to the Athletes' Council and to manage and assist the Athletes' Council in its role as set out in Article 2.
- 5.3 Ordinarily, the Athletes' Council will meet at least three times per year (once in person, and otherwise by telephone, teleconference or similar). The chairperson may call additional remote meetings as they consider appropriate. Any additional in person meetings must be approved by the IPC Governing Board.
- 5.4 Telephone, teleconference and similar facilities may be used for a meeting.
- 5.5 Athletes' Council members must make reasonable efforts to attend and actively participate in all Athletes' Council meetings (failure to attend two consecutive meetings without valid justification, as determined by the Athletes' Council, may result in removal from office).
- 5.6 Athletes' Council members must also make reasonable efforts to actively participate in Athletes' Council discussions between meetings, including by email (failure to do so, as determined by the Athletes' Council, may result in removal from office).
- 5.7 The IPC President, IPC CEO and assigned member(s) of the IPC management team are entitled to attend meetings of the Athletes' Council, with speaking rights only.

- 5.8 All meetings of the Athletes' Council will be conducted in English. No translation services will be provided, arranged, or paid for by the IPC.
- 5.9 While the procedure is intended to be flexible, meetings of the Athletes' Council may, where appropriate, be conducted based on the guidelines for the conduct of IPC committee meetings.
- 5.10 All members of the Athletes' Council have a right to vote at Athletes' Council meetings, except the member appointed by the IOC Athletes' Commission.
- 5.11 Decisions of the Athletes' Council will generally be made by consensus. If a consensus cannot be reached there will be a vote with each voting member having one vote. A majority of votes in favour of a decision by those voting members present at the meeting is required for it to be passed. In the event of a tie in votes the chairperson will have the right to a casting vote.
- 5.12 The quorum for meetings and decisions of the Athletes' Council will be a majority of the total number of voting members on the Athletes' Council.
- 5.13 Minutes of Athletes' Council meetings will be produced and circulated to the Athletes' Council, and any amendments agreed by the Athletes' Council. The final minutes will then be archived by the IPC.
- 5.14 Subject to the approval of the IPC Governing Board, the Athletes' Council may decide to allocate specific responsibilities of the Athletes' Council to a smaller group or groups of members within the Athletes' Council with the necessary expertise for the task (in which case, the quorum and voting requirements will be adapted and read accordingly).
- 5.15 The IPC CEO may engage advisors to provide particular expertise or advice to the Athletes' Council (including any sub-groups of the Athletes' Council), following consultation with the chairperson and the IPC Governing Board. The role of any adviser should not duplicate or conflict with the role of the Athletes' Council. Such advisers are not members of the Athletes' Council.
- 5.16 In undertaking any work in connection with the Athletes' Council, each Athletes' Council member must act for the benefit of and in the best interests of the IPC.
- 5.17 All meetings and work of the Athletes' Council are confidential. No documents, information, discussion or decisions made at an Athletes' Council meeting or otherwise exchanged or agreed in connection with the work of the Athletes' Council may be disclosed (other than, through the chairperson, to the IPC Governing Board, IPC CEO and relevant members of the IPC management team) unless:

- (a) the IPC President or IPC CEO and the chairperson of the Athletes' Council authorises such disclosure;
- (b) the matter is in the public domain; or
- (c) such disclosure is required by law or any applicable authority, including the IPC Constitution and regulations.

5.18 The Athletes' Council and its members may not make any public statements (including on social media) about the Athletes' Council or any aspect of its work unless approved in advance by the IPC President or IPC CEO and the chairperson of the Athletes' Council.

5.19 The chairperson of the Athletes' Council will ordinarily provide a report to the IPC Governing Board (written and/or verbal) at each in person Governing Board meeting. The chairperson will otherwise report on the work of the Athletes' Council at such times as requested by the IPC Governing Board.

## **6. Finances**

6.1 The IPC will produce a budget for the Athletes' Council. The Athletes' Council budget will be included in the overall IPC budget and submitted for approval to the IPC Governing Board in accordance with IPC financial policies.

6.2 For each Athletes' Council member, expenses will be paid in accordance with the IPC's financial policies, as amended from time to time.