

IPACS SPORT GOVERNANCE BENCHMARK & GUIDELINES DEMOCRACY



In case of any discrepancy between the online version and the PDF version of the IPACS Sport Governance Benchmark and Guidelines, please refer to the <u>online version</u>.

C DEMOCRACY

- C1 The organisation elects the President and a majority of members of the governing body
- C2 The organisation has rules on campaigning to ensure election candidates can campaign on a balanced footing including an opportunity for candidates to present their vision/programmes
- C3 Election process takes place with secret ballot under a clear procedure/regulation and independent supervision
- C4 The organisation makes public all open positions for elections and non-staff appointments, including the process for candidates and full details of the roles, job descriptions, required skills and experience, application deadlines and assessment
- C5 The organisation has established and makes public eligibility rules for candidates for election/appointment together with due diligence assessment

- C6 The organisation has term limits for elected officials
- C7 The organisation provides for the representation of all key stakeholders (including "active" athletes as defined in the Olympic Charter) in its committee structures and other relevant decision-making groups
- C8 The organisation has conflict-of-interest rules identifying actual, potential and perceived conflicts, with exclusion of members with an actual conflict from decision-making
- C9 The organisation has a programme for promoting gender equality and diversity in and through sports
- C10 The organisation has programmes designed to ensure that the members function in accordance with all Codes of Ethics recognised by the organisation



C1

THE ORGANISATION ELECTS THE PRESIDENT AND A MAJORITY OF MEMBERS OF THE GOVERNING BODY

Governing body — The most significant decision-making body below the General Assembly, usually including some individuals who are elected by voting members of the General Assembly; it may be known as the Executive Board, Board, Council or by another name; when there is both a Board and a larger Council that have different powers, there may be a judgement to make about whether one or both can be regarded as the governing body; any employees who are members of the governing body usually serve in an ex officio capacity, meaning that their governing body role ceases when they leave the employed post.

President — the presiding officer in the organisation, who chairs the governing body and represents the organisation in an official capacity; for the most part, it is not an employed role (although it may be remunerated) and may be recruited via election or a defined appointment process; other titles may be used, such as Chair; the President may have an executive, operational role (like a Chief Executive) or act in a non-executive capacity, leading the governing body, which oversees the executive team.

For ease of understanding, the reader should take into consideration the following information.

Subtitles

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Updates

The links provided within the section **Good practice examples** of the Guidelines may be subject to change, as the document will be updated on a regular basis.

Language

The French version is underway.

INTRODUCTION AND SIGNIFICANCE

When a sports organisation has a democratic structure with regular elections, people involved in the sport can make a meaningful contribution to decision-making and steer the overall direction of the organisation. The legitimacy of the organisation's leadership is bolstered by open and fair elections.

In many types of sports organisation and in many countries, it is usual for the President and a majority of the governing body to be elected; however, independent, non-executive directors may be appointed to the governing body due to their skills and experience who are not otherwise linked to its activity.

Commentary

The President should be elected by the voting members of the General Assembly (or less often by the governing body) for a defined term of office.

A majority of the other members of the governing body should be elected, including some who are elected by the General Assembly; there may be occasional exceptions where fewer members of the governing body are elected, such as in the case of a sports body where the Statutes specify that several directors are nominated by stakeholders and/or independent directors are appointed through open recruitment, with the final selection ratified by the governing body.

Stakeholder bodies or organisations that are members of the larger body (such as a regional organisation or a specific sporting discipline) may have the right to elect or nominate one or more representatives to the governing body.

The governing body may recruit independent individuals to governing bodies who can contribute particular expertise or insight; a Nomination Committee may lead the recruitment process.

50 Recommendations (Version 01-2023) - C1

Voting numbers for elections should be published, except where individual voters could be identified.

The President should not have the power to appoint individuals to the governing body.

See also Recommendations B1 (Code of Ethics),

D2 (campaigning rules), C3 (voting rules), C4 (non-staff appointments), C5 (eligibility rules), C6 (term limits), C7 (stakeholder representation) and E1 (ethics committee).

Investment

Very limited

Putting in place appropriate rules.

Guidance

1. Early stage

The voting members of the General Assembly (or the governing body) of the organisation elect the President for a defined term of office.

The voting members of the General Assembly of the organisation elect members of the governing body for a defined term of office; in most cases a majority of members will be elected.

Any other members of the governing body are nominated by stakeholders/member organisations or recruited as independent members based on transparent criteria and according to defined rules; in some cases this may include the President/Chair.

2. Developing

A majority of members of the governing body are elected by the General Assembly.

The organisation publishes the voting numbers for elections promptly after the elections have been held.

The General Assembly ratifies the appointment of governing body members who are appointed other than by election.

The General Assembly has the authority to question and revoke appointments other than elections, if needed; disciplinary processes may apply for elected officials.

3. Advanced

The members of the governing body have staggered terms of office so that not all of them leave at the same time.

50 Recommendations (Version 01-2023) - C1

The organisation has a significant number of voting members, reducing the risk of elections to the governing body being determined by a very small number of votes.

GOOD PRACTICE EXAMPLES

International Federations

World Archery

- · The Executive Board and some committees are elected see Constitution 1.6.3.
- · Voting numbers were published in the <u>2019 Congress minutes</u>. An electronic voting system was used, which provides an element of independent scrutiny (paragraph 17).

UCI — The majority of the Management Committee is elected by the Congress. Voting numbers are published in Minutes — see <u>2017 minutes</u>, points 11 and 12.

World Sailing — The Board is <u>elected</u> at the General Assembly. An electronic voting system is used. <u>Voting numbers were published</u> from the elections in 2020.

International Orienteering Federation — <u>Elections for all members of the Executive Council</u> (Secretary General is an employee). Statutes 7.10 covers elections. Voting numbers published as part of 2018 General Assembly minutes.

Overall standard among International Federations

26 out of 31 ASOIF members in the 2019-20 review had published voting numbers for a recent election. There is considerable variety in the size and source of membership of Executive Boards, with several sports having unusual structures linked to the history of the IF in the governance of the sport.

This topic was one of 20 covered in the 2018-19 GAISF assessment for non-Olympic sports (compared to 50 topics for Olympic sports) as it was judged to be important and feasible for small organisations to achieve.

Continental Bodies

Oceania Tennis Federation — The Board is elected by the Annual General Meeting — <u>Constitution</u> 14.

50 Recommendations (Version 01-2023) - C1

National Olympic Committees

Chile Olympic Committee — Members elect the Board and other committees — Statutes Article 7.

Singapore Olympic Committee — The Council elects the President and some members of the Executive Committee — <u>Constitution</u> 4.1 and 4.2.

Algerian Olympic Committee — General Assembly elects President and members of Executive Committee — <u>Statutes</u> Article 6.

French National Olympic and Sport Committee (CNOSF) — General Assembly elects the President and other members of the governing body — <u>Statutes</u> Article 7.

National Federations

French Basketball Federation — new bureau elected.

SELECTED REFERENCES

ASOIF GTF Questionnaire 2019-20 — Indicator 4.1.

<u>SIGGS</u> — Principle 4 (Democracy, Participation and Inclusivity), Indicator 5 — How does your organisation elect Board members within your organisation? Roadmap Principle 1.

<u>European Commission Expert Group on Good Governance, "Principles of good governance in sport"</u> — Principle 4.e (1): Minimum democratic principles for appointment to decision making bodies — A commitment and requirement to hold free, fair and regular elections.

Parliamentary Assembly of the Council of Europe, <u>Addendum to the report</u> "Working towards a framework for modern sports governance" — Criterion 2.1: Regular elections of the governing bodies — Election of the President and the majority of members of all executive bodies.

Geeraert, A. (2018). <u>Sports Governance Observer 2018</u>. An assessment of good governance in five international sports federations. Aarhus: Play the Game/ Danish Institute for Sports Studies, pp. 11-15 — Principle 12: Board members are (re-) appointed according to clear and democratic procedures.

IOC's "Consolidated Minimum Requirements for Implementation of the Basic Principles of Good Governance for NOCs" — Theme 2.5 "Democratic process", Principle 1: "Democratic processes, such as elections, should be governed by clear, transparent and fair rules."

ASOIF indicator 4.1 - Scoring definitions used in 2019-20 assessment

50 Recommendations (Version 01-2023) - C1

- 0. No.
- 1. Some elections but for limited number of roles.
- 2. Elections for president and majority of members of executive bodies.
- 3. Elections for president and majority of roles, voting numbers published.
- 4. Elections for president and majority of roles, voting numbers published, element of external scrutiny (e.g. notary and/or electronic voting system).



THE ORGANISATION HAS RULES ON CAMPAIGNING TO ENSURE ELECTION CANDIDATES CAN CAMPAIGN ON A BALANCED FOOTING INCLUDING AN OPPORTUNITY FOR CANDIDATES TO PRESENT THEIR VISION/PROGRAMMES

IPACS

Campaigning for election — presentation of ideas and all other activities by candidates, and potentially by organisations they represent as well as countries they originate from, with the aim of persuading the electorate to vote for them.

Please also refer to the work done by <u>IPACS Task Force 2</u> on conflicts of interest.

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The organisation has rules on campaigning to ensure election candidates can campaign on a balanced footing including an opportunity for candidates to present their vision/programmes

INTRODUCTION AND SIGNIFICANCE

The objective of holding fair, competitive elections is that the voting members are able to elect who they believe to be the best candidate(s) to lead the organisation; having appropriate regulations in place helps protect against risks of unfair competition or improper conduct.

It is important that election campaigning is regulated to ensure that each candidate has a reasonable and equal opportunity to make their case and member organisations or individuals are able to receive information from each candidate before choosing who to vote for.

Stakeholders both internally and externally are more likely to trust the organisation if election campaigning is fair and appropriate.

Organisations face considerable reputational risks if there are allegations about improper conduct in election campaigning.

Commentary

Individuals should be able to announce their candidacy some time ahead of the elections to allow for a period of campaigning and this timeframe should be defined by the rules.

Candidates should be able to communicate their programme or manifesto in advance, for example by publishing information online.

If there is an opportunity to present in person to the electorate (for example at the General Assembly), there should be equal treatment for all candidates; this may include facilitating attendance at regional meetings.

Candidates should be required to comply with the organisation's Code of Ethics or equivalent.

Rules should be in place governing promotional activity, such as media interviews and travel for lobbying; rules should also be specific about activity that is not permitted (for example, paid advertising and subsidising the attendance of voters at the General Assembly may be prohibited).

Staff employed by the organisation should remain neutral and should not be used by candidates for the purpose of their campaigns. 50 Recommendations (Version 01-2023) - C2

Candidates should be required to declare any conflicts of interest.

Candidates should be required to declare their budgets and sources of funding for their campaigns and, prior to the election day, make transparent how funds have been spent, including recipients.

See also Recommendations C5 (eligibility rules), C8 (conflicts of interests), D1 (election of officials), D3 (election rules), D4 (non-staff appointments), D5 (eligibility rules) and D6 (term limits).

Investment

Limited

Putting in place appropriate rules; there may be costs associated with monitoring campaigning. The organisation has rules on campaigning to ensure election candidates can campaign on a balanced footing including an opportunity for candidates to present their vision/programmes

Guidance

1. Early stage

The organisation publishes detailed campaigning rules which explain what promotional activity is and is not permitted.

The organisation's rules permit candidates to announce their candidacy well in advance (e.g. 3 months).

The organisation provides an opportunity for candidates to present their programmes in advance with equal treatment (e.g. CVs of all candidates circulated to the electorate, right for candidates to produce online materials, equal time slots for presentations to the General Assembly).

The organisation's rules prohibit incumbents from using their position and the resources of the organisation in campaigning for potential re-election.

All candidates are subject to the organisation's Code of Ethics or equivalent, including conflicts of interest.

2. Developing

An independent, qualified individual or body, such as the Ethics Committee or an Election Committee, supervises the campaigning process to monitor compliance with the rules and has the power to impose sanctions.

The organisation's rules require candidates to provide their budget for campaigning and sources of funding to the independent oversight body.

3. Advanced

The organisation has an appropriate cap on expenditure for election campaigning, which is enforced.

50 Recommendations (Version 01-2023) - C2

The organisation has rules on campaigning to ensure election candidates can campaign on a balanced footing including an opportunity for candidates to present their vision/programmes

GOOD PRACTICE EXAMPLES

International Federations

UIPM - Election campaigning rules, including disclosure of financing (article 6).

FEI — A <u>Code of Conduct for Elections</u> is published on the website, which covers brief rules for allowed expenses — see 3.1.4, 3.1.6 and 4.8. <u>All election information</u> is published for General Assemblies.

World Athletics — Detailed Candidacy Rules are published among the <u>election</u> <u>documents</u>, including a section on expenditure — see 8.17. Expenditure limits are in place for campaigns for Council Members and the President with monitoring by the Election Oversight Panel.

IIHF — Campaigning and conduct rules — <u>2020 Election Document Package</u> 3.4, Appendix C, D.

Overall standard among International Federations

20 out of 31 IFs had reasonably detailed regulations for candidates in the 2019-20 review but only three included any reference to campaign financing.

50 Recommendations (Version 01-2023) - C2

The organisation has rules on campaigning to ensure election candidates can campaign on a balanced footing including an opportunity for candidates to present their vision/programmes

SELECTED REFERENCES

ASOIF GTF Questionnaire 2019-20 — Indicator 4.2.

<u>SIGGS</u> — Roadmap, Principle 4 (Democracy, Participation and Inclusivity).

Parliamentary Assembly of the Council of Europe, <u>Addendum to the report</u> "Working towards a framework for modern sports governance" — Criterion 2.1: Regular elections of the governing bodies — The Organisation offers to the candidates standing for election opportunities to present their programme/manifesto.

International Partnership Against Corruption in Sport (IPACS) — <u>Task</u>
<u>Force 2 — Good practice examples for managing conflicts of interest in sport organisations.</u>

Geeraert, A. (2018). <u>Sports Governance Observer 2018</u>. An assessment of good governance in five international sports federations. Aarhus: Play the Game/Danish Institute for Sports Studies, pp. 11-15 — Principle 13: The organisation undertakes steps to ensure that elections of senior officials are open and competitive.

ASOIF indicator 4.2 – Scoring definitions used in 2019-20 assessment

- 0. No.
- 1. Some opportunity for candidates to present their programme/manifesto in advance.
- 2. Basic rules for campaigning with designated opportunity for candidates to present programme in advance with equal treatment.
- 3. Publication of detailed campaigning rules for candidates. Candidates can announce well in advance (e.g. 3 months) and present programmes, including at General Assembly.
- 4. Campaigning rules for candidates cover finances and disclosure.

IPACS



ELECTION PROCESS TAKES PLACE WITH SECRET BALLOT UNDER A CLEAR PROCEDURE/ REGULATION AND INDEPENDENT SUPERVISION

Secret ballot — a voting process (such as by use of paper voting forms or an electronic system) in which the choice made by the voter remains anonymous.

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INTRODUCTION AND SIGNIFICANCE

When a sports body with a democratic structure has a robust electoral process with independent supervision, stakeholders internally and externally are more likely to have confidence in the organisation (see also Recommendation C1 on electing leaders of an organisation).

It is important that voters (who may be members, stakeholders etc. depending on the nature of the organisation) can vote anonymously so that they feel free to choose who they believe to be the best candidate or the best proposal without fear of repercussions; anonymous voting may also reduce the risk of an attempt at bribery or coercion.

In addition to giving confidence to stakeholders, independent supervision can reduce pressure on staff or officials within the organisation, who otherwise may risk becoming involved in political disputes when they should remain neutral.

Commentary

The organisation should have rules in place explaining how its members can vote with provision for secret ballots, covering a range of possible scenarios.

Rules should allow for the possibility of secret voting by either electronic or paper methods both for the election of individuals and voting for proposals (for example, at the General Assembly or in the Executive Board).

Voting for the election of individuals should be secret as a principle, even in the case of elections with a single candidate; exceptions can be made in limited cases (for example for election for roles below governing body level); however, a secret vote is required when requested by a small proportion of voting members present.

There should be independent scrutiny of the voting process.

There may be advantages in a voting system which is weighted, with different numbers of votes available to member organisations linked to their contribution to the activity of the organisation and/or scale; a weighted voting system should be proportionate so that the organisation maintains a genuinely democratic structure.

If the organisation permits proxy voting (voting by a person who is participating in a meeting on behalf of an organisation or individual who is not present), each member present should be limited to holding the proxy for one other voting member to avoid one member accumulating substantial voting power; an advantage of hybrid/ remote meetings is that it should be easier for members to participate; in general, proxy voting should not be encouraged, provided that members have a realistic chance to take part in meetings; the organisation may choose to prohibit proxy voting.

There are advantages in having a significant number of voting members in the General Assembly as this reduces the risk of results being determined by a very small number of votes.

See also Recommendations C1 (election of officials), C2 (campaigning rules), C4 (non-staff appointments), C5 (eligibility rules) and C6 (term limits).

50 Recommendations (Version 01-2023) - C3

Investment

Development of the rules will require some management time; remote, verified electronic voting systems are currently expensive; videoconferencing software offers a cheaper alternative but with more limited functionality; paper ballots are cheap but the electoral process is time-consuming if there are a large number of votes.

Election process takes place with secret ballot under a clear procedure/regulation and independent supervision

Guidance

1. Early stage

The organisation has basic rules in place for voting, which include the minimum quorum and provision for secret ballots either by default or when requested by a small proportion of voting members present; secret voting is the default procedure for the election of individuals.

The organisation has rules that cover a range of scenarios, such as procedures in the event of there being a single or multiple candidates (potentially with multiple rounds of elections), how to handle a tied vote, and managing protests.

Electronic and/or paper ballots are kept for a specified period of time after the election in case of protests; after that period has elapsed, the ballots are destroyed.

2. Developing

The organisation has rules specifically allowing for paper or electronic voting methods; in larger organisations or when a significant number of votes will be taking place, the electronic method is the default.

The organisation has rules that set out the sequence of the process from start to finish, including the order in which positions will be elected.

The organisation has rules that allow for the possibility of elections taking place in virtual and/ or hybrid meetings to ensure wide participation.

3. Advanced

There is independent scrutiny of the voting process, such as via a suitably qualified, independent committee, a notary or elected scrutineers.

The organisation's rules ensure a secret ballot even when there is only a single candidate for a role.

The organisation's rules allow for the possibility of open voting for proposals, in specified circumstances.

If the organisation has a weighted voting system, the voting allocations are reviewed regularly based on transparent and objective criteria which are published.

50 Recommendations (Version 01-2023) - C3

Election process takes place with secret ballot under a clear procedure/regulation and independent supervision

GOOD PRACTICE EXAMPLES

International Federations

FIG – Voting rules are explained in detail – see Statutes article 8. An electronic system overseen by an external company was used at previous Congresses.

ITF

- The voting rules in the Constitution are detailed see article 18 (t)
- · The voting procedure is developed with the Independent Election Panel and independent auditors. The process was described to voters during the AGM (see page 24)

World Athletics — There are detailed election rules in the Constitution (article 35) and Rules of Congress (articles 10 and 11). Rules include provisions for paper ballot voting in case of a failure in the electronic system and cover various scenarios. Article 10.2 specifies open voting for proposals for rule changes, meaning that the names of the Member Federations which voted in favour, against or abstained will be displayed openly.

Overall standard among International Federations

28 out of 31 members of ASOIF had fairly detailed voting rules in place in the 2019-20 review.

Continental Bodies

Asian Equestrian Federation – Voting rules explained – Statutes Article 15.

National Olympic Committees

Barbados Olympic Association — Election rules — By-Laws 9.5-9.15.

New Zealand Olympic Committee — Election rules — Constitution Article 18.

National Federations

Hockey India – Election bye-laws.

Election process takes place with secret ballot under a clear procedure/regulation and independent supervision

SELECTED REFERENCES

ASOIF GTF Questionnaire 2019-20 — Indicator 4.3.

<u>SIGGS</u> — Principle 4 (Democracy, Participation and Inclusivity), Indicator 5 — How does your organisation elect Board members within your organisation? Roadmap Principle 4.

European Commission Expert Group on Good Governance, "Principles of Good Governance in Sport" — Principle 4.e (1): Minimum democratic principles for appointment to decision making bodies — A commitment and requirement to hold free, fair and regular elections.

Geeraert, A. (2018). <u>Sports Governance Observer 2018</u>. An assessment of good governance in five international sports federations. Aarhus: Play the Game/ Danish Institute for Sports Studies, pp. 11-15 — Principle 12: Board members are (re-) appointed according to clear and democratic procedures.

IOC's "Consolidated Minimum Requirements for Implementation of the Basic Principles of Good Governance for NOCs" — Theme 2.5 "Democratic process", Principle 1: "Democratic processes, such as elections, should be governed by clear, transparent and fair rules."

ASOIF indicator 4.3 — Scoring definitions used in 2019-20 assessment

50 Recommendations (Version 01-2023) - C3

- 0. No.
- 1. Some provision for secret ballots.
- 2. Clear procedure/regulations in the statutes for secret ballots.
- 3. Clear procedure/regulations for secret ballots, electronic and paper options if appropriate.
- 4. Clear regulations for secret ballots, cover various scenarios including handling protests.



C4

THE ORGANISATION MAKES PUBLIC ALL OPEN POSITIONS FOR ELECTIONS AND NON-STAFF APPOINTMENTS, INCLUDING THE PROCESS FOR CANDIDATES AND FULL DETAILS OF THE ROLES, JOB DESCRIPTIONS, REQUIRED SKILLS AND EXPERIENCE, APPLICATION DEADLINES AND ASSESSMENT

Elections and non-staff appointments — Decision-making and advisory positions within an organisation, such as roles on the governing body, technical committees or disciplinary committees, which are not employed roles and are recruited via election or a defined appointment process.

Role/job description — The tasks and duties associated with a role.

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INTRODUCTION AND SIGNIFICANCE

Sports organisations should seek to recruit appropriate qualified and experienced individuals with diversity of thought and backgrounds to important, decision-making roles even where these roles are voluntary or have very limited remuneration.

Publishing full information about elected and non-staff roles that are available increases the chances that well-qualified individuals will become candidates and reduces the risk that only individuals close to the existing leadership will be aware of the opportunity.

Competition for elected and appointed roles is healthy for the organisation as it encourages candidates to take full account of the interests of the voting members.

Publishing full information about elected and non-staff appointed roles demonstrates to members and stakeholders that the organisation has serious intent to recruit capable individuals. Elected and non-staff appointments to decision-making positions should not be used as recognition for long service or historic achievements.

Commentary

Publish information well in advance of the General Assembly nomination deadlines about roles that are open for election to provide a realistic chance for candidates to be nominated.

Publish information in good time for other non-staff appointments (such as positions on committees).

In each case, information should be available about the job description, required skills and experience for the role, application process and deadlines, the time commitment and remuneration (if any).

Regarding the recruitment of employed staff, relevant national employment laws apply (see also C9—gender equality and diversity).

See also Recommendations C1 (election of officials), C2 (campaigning rules), C5 (eligibility rules) and C6 (term limits).

Investment

Limited as the work mainly involves publication of existing information; use of recruitment consultants may be expensive but the need can be considered on a case-by-case basis.

Guidance

1. Early stage

The organisation publishes a notification about the General Assembly in accordance with statutory regulations, including information about roles that are open for election or appointment, remuneration (if any), the nomination/application process, and realistic deadlines that allow candidates sufficient time to prepare their applications.

Further information about the requirements is available, for example in the Statutes.

2. Developing

The organisation advertises any non-staff roles for which there is open recruitment in appropriate media, through relevant communications channels and in a timely manner.

The organisation publishes job descriptions and role specifications for elected and non-staff positions.

The organisation provides information about the expected time commitment.

3. Advanced

Information provided includes required skills and experience.

In the recruitment of non-staff roles, the organisation takes account of the need for gender balance and wider diversity in its decision-making structures, in accordance with applicable laws (see Recommendation C9 — gender balance and diversity).

The organisation has a Nomination Committee with defined terms of reference and independent input that makes recommendations about the suitability of candidates; the Code of Ethics and conflict of interest policy apply to members of the Nomination Committee.

The organisation uses recruitment consultants for non-staff roles, when appropriate.

GOOD PRACTICE EXAMPLES

International Federations (from 2020)

FEI — All <u>open positions for election</u> and <u>job specifications</u> are listed on the website. Candidate CVs are also published.

ICF—The <u>list of positions to be elected</u> was published ahead of the Congress.

World Athletics — The <u>elections section</u> of the website includes detailed job descriptions, the application procedure and the vetting process. See the example from the 2019 elections.

Overall standard among International Federations

12 out of 31 members of ASOIF in the 2019-20 review had advertised role requirements for elected positions and/or non-staff appointments.

National Olympic Committees

Norwegian Olympic and Paralympic Committee and Confederation of Sports — Information about positions for election in General Assembly agenda.

National Federations

Badminton England – Advertisement for a board director vacancy.

SELECTED REFERENCES

ASOIF GTF Questionnaire 2019-20 — Indicator 4.4.

<u>SIGGS</u> — Principle 2 (Autonomy and Accountability), Indicator 8 — What kind of profile descriptions for Board members does your organisation have? Roadmap Principle 2.

European Commission Expert Group on Good Governance, <u>"Principles of Good Governance in Sport"</u> — Principle 5.b: Appointment of technical and/or expert committees.

Geeraert, A. (2018). <u>Sports Governance Observer 2018</u>. An assessment of good governance in five international sports federations. Aarhus: Play the Game/ Danish Institute for Sports Studies, pp. 11-15 — Principle 13: The organisation undertakes steps to ensure that elections of senior officials are open and competitive.

ASOIF indicator 4.4 — Scoring definitions used in 2019-20 assessment

- 0. No.
- 1. Some open positions made public.
- 2. All elections and non-staff appointments referenced in General Assembly documents with details of roles, requirements, assessment provided.
- 3. Elections/appointments advertised openly with details of roles, requirements, assessment.
- 4. State of the art open recruitment for all roles with details of roles, requirements, assessment.



C5

THE ORGANISATION HAS ESTABLISHED AND MAKES PUBLIC ELIGIBILITY RULES FOR CANDIDATES FOR ELECTION/APPOINTMENT TOGETHER WITH DUE DILIGENCE ASSESSMENT

Eligibility rules — rules that set criteria to determine whether or not an individual can be elected/appointed to a position in an organisation (e.g. the individual must not have been declared bankrupt, the individual must not already served the maximum number of terms).

Due diligence assessment — a fact-based check of an individual's profile (or an event bid) against eligibility criteria, often performed by an independent person/committee and/or a specialist supplier; other terms used may include vetting or integrity checks.

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INTRODUCTION AND SIGNIFICANCE

Establishing eligibility rules allows the organisation to determine to a certain degree the characteristics of people who are elected or appointed to governing body and committee roles, excluding some people who are unsuitable; in doing so the organisation can protect its reputation.

Eligibility criteria can relate to representation (e.g. limiting the number of individuals with the same nationality/area on the governing board to ensure a broad spread), gender, skills and competencies (e.g. requiring specific professional expertise for a particular role) and also integrity (e.g. limiting eligibility to individuals who do not have an unspent criminal conviction or an antidoping or manipulation of competition violation; requiring the disclosure and prevention of conflicts of interest); the differing approaches to prosecution by countries should be taken into account.

If due diligence assessments are conducted in an appropriate way, it demonstrates to stakeholders internally and externally that the organisation is serious about setting high standards for the type of people who take on senior roles.

See also Recommendations C1 (election of officials), C2 (campaigning rules), C3 (election rules), C4 (non-staff appointments), C6 (term limits), C8 (conflicts of interest) and C9 (equality and diversity).

Commentary

The organisation should define objective eligibility rules for elected positions (and potentially nonstaff appointments), which may be discussed and approved by the General Assembly.

Eligibility rules may cover a combination of representation/ diversity criteria, skills and competencies and integrity considerations to ensure the organisation elects and appoints appropriate people into senior roles; those ruled ineligible will not be able to stand in elections or be appointed.

In some circumstances, an individual may have a conflict of interest that must be declared and managed; in some circumstances, it may not be possible for an individual to occupy two roles as the roles are conflicting and the conflict of interest that cannot be resolved in a satisfactory way; in this case, the rules should require the individual to resign from one of the roles.

Representation and competencybased criteria may vary from one role to another.

The eligibility rules may set parameters to ensure that some or all elected officials have a background in the sport; however, such criteria should not be so narrow that they exclude all but a tiny number of potential candidates (e.g. requiring an individual to have served for eight years on the governing body before becoming a candidate for President); eligibility parameters and rules should take account of the need to increase female participation in leading positions.

The eligibility rules should be published and easily accessible (e.g. on the organisation's website).

50 Recommendations (Version 01-2023) - C5

Where candidates for election or appointment are nominated by member organisations, a single nomination should be sufficient to avoid limiting the pool of potential candidates.

Due diligence assessments, checking the profile of individuals against the eligibility criteria, should be conducted by an independent person or committee; this helps to protect current staff and officials from potential political pressure.

More general person specification criteria for roles, which are often more subjective (e.g. having significant experience of coaching in the sport), should be considered in the recruitment process rather than among strict criteria to determine eligibility among candidates (but ensuring that women are not disadvantaged).

Investment

Development of the nomination process and basic eligibility rules is straightforward; conducting independent due diligence assessments may be expensive as it often requires specialist expertise but helps mitigate against reputational risks and protect staff.

Guidance

1. Early stage

The organisation has a defined nomination process for candidates for election, and for non-staff appointments, where applicable.

Candidates can be nominated by a single member organisation.

In the case of organisations composed of individual members, no more than two nominations are required for an individual to become a candidate.

The organisation has eligibility rules based on factual criteria, such as appropriate integrity standards, which are published.

The organisation checks profiles against the eligibility criteria based on information declared by the candidates.

The organisation requires candidates to declare conflicts of interest, which must be managed.

In some circumstances it may not be possible for an individual to occupy two roles as the roles are conflicting and the conflict of interest cannot be resolved in a satisfactory way; in this case the individual must resign from one of the roles.

The organisation publishes the list of confirmed candidates in good time before any elections and appointments, in accordance with rules.

2. Developing

The organisation has eligibility criteria that are tailored for different committees/roles.

The organisation's eligibility requirements in relation to involvement in the sport (where they exist) are proportionate so as not to be unduly restrictive, especially for women.

3. Advanced

The organisation has a nomination committee that considers the appropriate criteria for filling vacant positions.

The organisation has an independent person/committee (which may be the nomination committee) that conducts due diligence assessments, comparing the profiles of individuals against the eligibility criteria; for senior roles in larger organisations, the assessments include appropriate background checks beyond information that is declared by the candidate, with a special focus on integrity.

The organisation has an appeal process regarding the due diligence assessments.

GOOD PRACTICE EXAMPLES

International Federations (from 2020)

ITF — Candidates are nominated by Class B members — see <u>Constitution</u> articles 20b and 21f. There are eligibility rules — see article 19c. The rules for the Election and Eligibility Panel are in the <u>Code of Ethics</u> — see appendix 1, article 1.7.

ITTF—There are brief eligibility rules for elected officials — <u>Constitution</u> 1.5.9. The nominations process is non-restrictive. The Nominations Committee reviews the validity and qualifications of candidates — Constitution 1.5.7.2.

Badminton World Federation — <u>Eligibility of applicants</u> – Statutes 1.1, Appendix II.2.

IBU — <u>Constitution</u> 17.4-7 — nomination and eligibility rules. There are <u>vetting rules</u>.

Overall standard among International Federations

10 out of 31 members of ASOIF had both proportionate eligibility rules and a nominations committee in the 2019-20 review.

National Olympic Committees

US Olympic and Paralympic Committee (USOPC) — Eligibility rules for independent board members — <u>bye-laws</u> 3.4 and 3.5.

National Federations

French Tennis Federation — Rules are clearly defined on the eligibility, the election and the length of the mandate of members of the Executive Committee, including its President — Articles 18 to 21 of the <u>Statutes</u>.

50 Recommendations (Version 01-2023) - C5

SELECTED REFERENCES

ASOIF GTF Questionnaire 2019-20 — Indicator 4.5.

<u>SIGGS</u> — Principle 4 (Democracy, Participation and Inclusivity), Indicator 5 — How does your organisation elect Board members within your organisation? Roadmap Principle 4.

Parliamentary Assembly of the Council of Europe, <u>Addendum to the report</u> "Working towards a framework for modern sports governance" — Criterion 2.1: Regular elections of the governing bodies:

- The organisation has detailed regulation for all open positions for elections and appointments including the process for candidates.
- · Eligibility checks.

Geeraert, A. (2018). <u>Sports Governance Observer 2018</u>. An assessment of good governance in five international sports federations. Aarhus: Play the Game/ Danish Institute for Sports Studies, pp. 11-15 — Principle 12: Board members are (re-) appointed according to clear and democratic procedures.

IOC's "Consolidated Minimum Requirements for Implementation of the Basic Principles of Good Governance for NOCs" — Theme 2.5 "Democratic process", Principle 1: Democratic processes, such as elections, should be governed by clear, transparent and fair rules

ASOIF indicator 4.5 — Scoring definitions used in 2019-20 assessment

- 0. No.
- 1. Some rules about eligibility for election candidates.
- 2. Published eligibility rules for election candidates with a nominations process unrestricted except for proportionate rules to ensure involvement in the sport.

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- 3. Published eligibility rules with unrestricted nominations and a nominations commission.
- 4. State of the art eligibility rules, a nomination commission.

IPACS



THE ORGANISATION HAS TERM LIMITS FOR ELECTED OFFICIALS

Term limits — rules restricting the length of time that an individual can serve in one or multiple non-staff roles within an organisation, whether elected or appointed; the organisation may define a term as two, three or four years (or, more rarely, longer) and restrict the number of times an individual can be re-elected; restrictions may relate to consecutive terms, the total number of years served or a combination of both.

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Introduction to this Benchmark and its significance

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Guidance

Guidance according to stage of organisation

Updates

The links provided within the section **Good practice examples** of the Guidelines may be subject to change, as the document will be updated on a regular basis.

Language

The French version is underway.

The organisation has term limits for elected officials

INTRODUCTION AND SIGNIFICANCE

Having appropriate term limits in place for elected positions (and potentially for appointed positions) ensures a degree of turnover in senior, decision-making roles, which reduces the risk of power becoming entrenched and allows for a new vision for the organisation; in addition, term limits can support progress towards gender equity.

Term limits of suitable length can also aid continuity and retention of institutional knowledge by setting expectations that individuals can serve for a number of years.

It is helpful for serving officials, potential candidates, members and for stakeholders to understand the maximum period of service as this can reduce potential political pressure (e.g. because the rules require a particular official to step down at the next election).

The need to have renewal is as important at national and continental levels as it is at international level, for both the members of the governing body and the President; it is a chain effect.

If an organisation is generally well governed, with functioning democratic procedures, term limits might theoretically not be needed as turnover and renewal would take place in any case; however, term limits can provide protection when an individual or small group have effective control of an organisation for a period of time.

Commentary

The organisation should put in place term limits for the President and governing body at national, continental and international levels.

It may be appropriate to have term limits for selected other committees and non-staff roles.

The term limits for the President should be consecutive and unique; a former President may not be able to be re-elected.

An individual should not be able to serve more than the term limit on the governing body consecutively, counted separately from the term limits of the President; a proportionate waiting period should be mandatory before an individual may be eligible again.

The term limits of the members of the governing body and the President are separate.

In Olympic Movement organisations, terms are typically four years to match Olympic cycles, although there have been changes in 2020 and 2021 due to the Covid-19 crisis.

The recommended limit for the President is three terms of four years.

The recommended limit for the members of the governing body is two terms with the possibility of re-election after a waiting period of one term; it could also be envisaged to have three terms as a limit with a wating period of two terms.

Age limits may be considered as an additional method of ensuring a degree of turnover in senior roles.

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Domestic legislation must be respected.

See also Recommendation C5 (eligibility rules) and C8 (conflicts of interest).

Investment

Limited

Putting rules in place; however, management time and significant stakeholder engagement work may be needed to persuade the membership to support the introduction of term limits. The organisation has term limits for elected officials

Guidance

1. Early stage

The organisation has term limits for the President and members of the governing body.

2. Developing

The organisation has term limits restricting the total number of years to be served in different roles including as President and as a member of the governing body.

The limit for the President is a maximum of three terms of four years.

There is a term limit for the members of the governing body and a waiting period before an individual can be eligible once more.

When an organisation introduces term limits, there are transitional arrangements providing clarity about how terms served before the new rules were in place will be counted; transitional measures must be limited to no more than one term.

The organisation's term limit rules do not have an exemption allowing for additional terms "in exceptional circumstances" or similar.

When age limits are also in place, while respecting the general term limits, an age limit extension could be envisaged for a maximum of the duration of one term, for exceptional reasons linked to the need of the organisation.

Term limit rules explain how partial terms are counted (e.g. when an individual is elected between the normal electoral General Assemblies.)

3. Advanced

The principles of the developing stage are extended to all elected and appointed non-staff positions.

There are no exceptions to any term limits.

A term limit is provided for the other elected or appointed non-staff positions — possible for a greater number of terms than the members of the governing body —, including for the members of independent committees.

All the term limits shall not exceed three terms of four years.

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GOOD PRACTICE EXAMPLES

International Federations (from 2020)

FEI — Board Members may serve three terms, then there is a waiting period (of at least one term) before being eligible for a new role. The President may only serve three terms as President — see <u>Statutes</u> 19.6.

IFSC — Executive Board members are eligible for a maximum of three terms — see <u>Statutes</u>, article 25. In the 2021 elections, Board members who have already served for three terms or are in their third term will only be eligible for one more term.

World Rugby — Chair and Vice-Chair have a term limit of 2 × 4 years — see Bye-Law 9.8.1. For the Executive Committee, there is a term limit of 12 years in aggregate (10.3.1.d).

International Netball Federation — Directors may serve no more than three consecutive terms of four years. See <u>Articles of Association</u> (Section 6). Also see <u>Board Governance Policy</u>: Directors may serve a maximum of 12 years and may not reapply to sit on the Board until a period of three years has passed.

WCF — Constitution 16.8.2-3 — limit of 3×4 years in one position and maximum of 19 years on the Board.

Overall standard among International Federations

22 out of 31 ASOIF members had some type of term limit in place for elected officials in the 2019-20 review. Usually, this is a limit of three terms of four years for the president and sometimes for other officials. Some IFs have exemption clauses or permit individuals to serve for a much longer period if they move from one role to another.

National Olympic Committees

Olympic Federation of Ireland — Limit of two terms of four years with transitional arrangements — <u>Constitution</u>, Articles 18–19.

Sports Federation and Olympic Committee of Hong Kong, China — Term limits for elected officials of three four-year terms — Bye-Law A.8 to Article 11.

National Federations

British Rowing — Limit of two terms of four years with possible third term if elected chair — <u>Articles</u> 23–25.

50 Recommendations (Version 01-2023) - C6

SELECTED REFERENCES

ASOIF GTF Questionnaire 2019-20 — Indicator 4.6.

<u>SIGGS</u> — Principle 4 (Democracy, Participation and Inclusivity), Indicator 4 — What type of succession planning does your organisation carry out for the Board of your organisation? Roadmap Principle 4.

Parliamentary Assembly of the Council of Europe, <u>Addendum to the report</u> "Working towards a framework for modern sports governance" — Criterion 2.1 "Regular elections of the governing bodies" — Term limits for elected officials

European Commission Expert Group on Good Governance, <u>"Principles of Good Governance in Sport"</u>:

- · Principle 4.e (7): Adopting fixed terms of office to allow regular refreshing of decision-making bodies;
- · Principle 6.a (8): Appropriate term limits for board members should be in place as part of succession planning processes.

Geeraert, A. (2018). <u>Sports Governance Observer 2018</u>. An assessment of good governance in five international sports federations. Aarhus: Play the Game/ Danish Institute for Sports Studies, pp. 11-15 — Principle 16: The organisation has established term limits.

IOC's "Consolidated Minimum Requirements for Implementation of the Basic Principles of Good Governance for NOCs" — Theme 2.9: Election or renewal of office bearers on a regular basis — Principle 1: The duration of the terms of office should be predetermined in order to allow election/renewal of office bearers on a regular basis (e.g. every four years).

Document EPAS(2018)47rev3 — "Optimising the processes of compliance with good governance principles to mitigate the risk of corruption" — Paragraph 4: Terms of office: duration and limits

ASOIF indicator 4.6 — Scoring definitions used in 2019-20 assessment

- 0. No.
- 1. Some term limits but possibility of multiple re-elections to the same position.
- 2. Term limits in place with a maximum of no more than 12 years in 1 role.
- 3. Term limits in place with a maximum of 3×4 year cumulative terms in the same or multiple roles.
- 4. Term limits with a maximum of 3 × 4 year terms in same or multiple roles, waiting period before new role.



C7

THE ORGANISATION PROVIDES FOR THE REPRESENTATION OF ALL KEY STAKEHOLDERS (INCLUDING "ACTIVE" ATHLETES AS DEFINED IN THE OLYMPIC CHARTER) IN ITS COMMITTEE STRUCTURES AND OTHER RELEVANT DECISION-MAKING GROUPS

Active athletes — an individual who competed regularly in the organisation's competitions, retiring no more than four years before the date of their first election to an athletes' commission or equivalent.

Key stakeholders — entities, groups or individuals that have an important interest in the activity of the organisation and are affected by it or can affect it themselves; typical examples for a sports organisation in addition to athletes may include members, any regional sub-units (continental, regional, local etc.); other types of stakeholders who should be consulted when needed may include volunteers, staff, event organisers, governments, civil society, suppliers, commercial partners and many more.

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Updates

The links provided within the section **Good practice examples** of the Guidelines may be subject to change, as the document will be updated on a regular basis.

Language

The French version is underway.

The organisation provides for the representation of all key stakeholders (including "active" athletes as defined in the Olympic Charter) in its committee structures and other relevant decision-making groups

ATHLETES AND REGIONAL REPRESENTATIVES INTRODUCTION AND SIGNIFICANCE

Regardless of the type of sports organisation, decision-making is improved when the interests of athletes and other stakeholders are given appropriate consideration.

In sports bodies such as National and International Federations and National Olympic Committees, competitive athletes comprise a vital stakeholder group.

Commentary

One or more active athletes should participate in governing body meetings with voting rights.

An athletes' commission or similar, elected by athletes, should be in place to consider the interests of athletes in detail, reporting to the governing body.

The organisations should provide adequate budget and staff support to enable athlete representatives to work effectively; timely provision of information is vital. In many cases regions and sporting disciplines/groups will nominate or elect representatives to the governing body or relevant committees.

The organisation should consult athletes (and regional sub-units) regularly with direct representation being only one aspect of their involvement in decision-making.

See also Recommendation C9 (equality and diversity).

Investment

Limited

There may be some associated costs for the process of recruiting an athletes' commission (e.g. holding elections at a championship), plus budget for their activity, including travel and accommodation for athlete representatives attending meetings; formal consultation exercises require management time and there may be associated costs.

Guidance

1. Early stage

The organisation has an athletes' commission or equivalent, composed of a similar number of female and male active athletes (e.g. at least 40% of each gender) who collectively cover the range of sporting activity.

One or more athletes are voting members of the governing body with voting rights.

2. Developing and Advanced

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The athletes' commission is elected by athletes.

The organisation provides adequate budget, staff support and actively facilitates the participation of athletes' commission members in decision-making.

The organisation regularly consults athletes, beyond the direct representation of athletes in the governing body.

The organisation provides for the representation of all key stakeholders (including "active" athletes as defined in the Olympic Charter) in its committee structures and other relevant decision-making groups

OTHER KEY STAKEHOLDERS INTRODUCTION AND SIGNIFICANCE

All sports organisations operate in a system in which there are multiple stakeholder organisations that can only achieve their objectives through co-operation and consultation; the range of stakeholder bodies will vary according to the nature of the sports organisation (national, international, single sport, multi-sport etc.), the country where it is based, the scale of its operations and so on.

Stakeholders are more likely to be cooperative when their views are being taken into account.

Providing opportunities for stakeholders to participate directly in decision-making through representation on the governing body with voting rights and/or other committees and relevant structures, supported with adequate resources, demonstrates that the organisation is serious about stakeholder engagement.

Commentary

The organisation should have formal structures establishing some types of key stakeholder representation and consider carefully the appropriate way to involve other stakeholders in decision-making, for example through consultation.

The appropriate type of involvement of some key stakeholders in decision-making, for example fan groups, public authorities, civil society and commercial partners, should be considered; options include designated committees, formal consultation, open forums, regular dialogue and others.

Investment

Limited

Formal consultation exercises require management time and there may be associated costs.

Guidance

1. Early stage

The organisation has formal processes for the involvement of key stakeholders in decision-making (e.g. representatives appointed to the governing body and/or relevant committees). The organisation consults its membership regularly.

2. Developing

The organisation's overall strategy covers stakeholder engagement (see Recommendation A3 — vision and strategy).

3. Advanced

The organisation involves a wide range of stakeholders in decision-making, appropriate to its nature and role, including external stakeholders.

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The organisation has a stakeholder engagement strategy.

The organisation's commercial partners are consulted as part of the decision-making in relevant areas but with protection to prevent undue influence in the governance of the organisation (for example, there is a marketing advisory group which provides input but does not have decision-making authority).

The organisation provides for the representation of all key stakeholders (including "active" athletes as defined in the Olympic Charter) in its committee structures and other relevant decision-making groups

GOOD PRACTICE EXAMPLES

International Federations

IFSC—One female and one male representative elected by the Athletes' Commission on the Executive Board—see Statutes, article 24.

ISSF—The Athletes' Committee Chair is a voting member of both the Executive Committee and Administrative Council—see Constitution 7.2.1 and 8.1.3.

FIE — Members of the Athletes' Commission are elected — see <u>Statutes</u> 6.3.2. <u>Election results</u> are published. The President of the Athletes' Commission is a member of the Executive Committee with full voting rights (see Statutes 5.2.5). There are rules for the election of the Athletes' Commission — see Statutes 4.5.

Ju-Jitsu International Federation — Athletes' Commission elects two representatives onto the Executive Board (1 male, 1 female) — see <u>Statutes</u> 8.2.5.

Overall standard among International Federations

28 out of 31 ASOIF members in the 2019-20 assessment had at least one athlete representative with voting rights on the Executive Board or equivalent.

This topic was one of 20 covered in the 2018-19 GAISF assessment for non-Olympic sports (compared to 50 topics for Olympic sports) as it was judged to be important and feasible for small organisations to achieve.

National Olympic Committees

Nigerian Olympic Committee — <u>Executive board</u> includes 2 athletes' representatives.

Malta Olympic Committee — <u>Athletes' commission</u> chair is a member of the executive committee.

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Portuguese Olympic Committee — President of athletes' commission is a member of the <u>executive committee</u>.

National Federations

Royal Dutch Skating Association (KNSB) — 3 athletes on the Council, representing different disciplines.

The organisation provides for the representation of all key stakeholders (including "active" athletes as defined in the Olympic Charter) in its committee structures and other relevant decision-making groups

SELECTED REFERENCES

ASOIF GTF Questionnaire 2019-20 — Indicator 4.7.

<u>SIGGS</u> — Principle 4 (Democracy, Participation and Inclusivity), Indicator 9 — How does your organisation liaise with its athletes? Roadmap Principle 4.

European Commission Expert Group on Good Governance, <u>"Principles of Good Governance in Sport"</u>:

- · Principle 3.a: Involvement of stakeholders.
- · Principle 3.b: Minimum standards for stakeholders' representation.
- · Principle 3.c: Commitment from stakeholders.
- · Principle 3.d: Formalisation of role of stakeholders.
- · Principle 4.d: Role and rights of members and stakeholders.
- Principle 4.e (2): Minimum democratic principles for appointment to decision making bodies — Ensuring that broad stakeholder consultation and/or representation exists.
- · Principle 5.a: Delegation of tasks to members and stakeholders.

Parliamentary Assembly of the Council of Europe, <u>Addendum to the report</u> "Working towards a framework for modern sports governance" — Criterion 4.4: Athletes' involvement, participation and care

Geeraert, A. (2018). <u>Sports Governance Observer 2018</u>. An assessment of good governance in five international sports federations. Aarhus: Play the Game/ Danish Institute for Sports Studies, pp. 11-15 — Principles 19 to 21 refer to the involvement of athletes, referees and coaches in policy processes.

IOC <u>Olympic Charter 2021</u>, Bye-law to Rule 16, 2.2.2: "If the candidate is proposed as an active athlete in the meaning of Rule 16.1.1.2, such candidate must have been elected or appointed to the IOC Athletes' Commission not later than the edition of the Games of the Olympiad or the Olympic Winter Games following the Olympic Games in which such candidate last participated"

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IOC's "Consolidated Minimum Requirements for Implementation of the Basic Principles of Good Governance for NOCs":

- Theme 2.4 "Representative governing bodies" Principle 1: Members of the organisation should be represented within the governing bodies, particularly women and athletes.
- Theme 6.1 "Right to participate and involvement of the athletes in the Olympic and Sports Movement and governing bodies" Principle 3 The voice of athletes should be heard in sporting organisations.

ASOIF indicator 4.7 - Scoring definitions used in 2019-20 assessment

- 0. No.
- 1. Some representation of key stakeholders in governing bodies.
- 2. Designated key stakeholder representatives in governing bodies (not consultative).
- 3. Representation of key stakeholders including athlete(s) on Executive Board, duly elected/designated by the relevant body.
- 4. State of art athlete and other key stakeholder representation.



C8

THE ORGANISATION HAS CONFLICT-OF-INTEREST RULES IDENTIFYING ACTUAL, POTENTIAL AND PERCEIVED CONFLICTS, WITH EXCLUSION OF MEMBERS WITH AN ACTUAL CONFLICT FROM DECISION-MAKING

IOC Code of Ethics 2022, Rules Concerning Conflict of Interest Affecting the Behaviour of Olympic Parties, Article 2:

- · Actual conflict of interest An actual conflict of interest occurs when a person, acting alone or within an organisation, expresses an opinion or participates to a decision while this person is liable to be influenced by relations that the aforementioned person has, has had or is on the point of having with another person or organisation that would be affected by the person's opinion or decision. An actual conflict of interest may occur irrespective of whether or not the person has declared the relevant interests.
- Potential or perceived conflict of interest A potential conflict of interest or perceived conflict of interest arises when the opinion or decision of a person, acting alone or within an organisation, could be reasonably considered as liable to be influenced by, relations that the aforementioned person has, has had or is on the point of having with another person or organisation that would be affected by the person's opinion or decision.

Please also refer to the work done by IPACS Task Force 2 on conflicts of interest.

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Language

The French version is underway.

The organisation has conflict-of-interest rules identifying actual, potential and perceived conflicts, with exclusion of members with an actual conflict from decision-making

INTRODUCTION AND SIGNIFICANCE

Decisions made by the organisation should be based only on the best interests of the organisation, regardless of any competing benefits or loyalties that relate to individuals in decision-making roles.

Those within an organisation and stakeholders are more likely to trust an organisation which demonstrates that conflicts of interest are managed in an appropriate way.

In some jurisdictions, governing body members of a sports organisation may have legal obligations regarding conflicts of interest.

Certain conflicts of interest and/or loyalty are inherent in almost all sports organisations that are membership bodies, when individuals are elected from among the membership to the governing body or other roles; a conflict of loyalty may arise when an individual is a member of a committee in a representative capacity, occupying two roles; having appropriate rules in place helps protect individuals who have a conflict of loyalty or a potential/perceived conflict of interest.

Commentary

The organisation should establish conflict-of-interest rules designed to ensure that decisions made are based only on the best interests of the organisation.

Elected, appointed and employed individuals (respecting domestic employment legislation) should make a declaration of their interests and those of their immediate family (where appropriate) on joining the organisation and at regular intervals or when there is a significant change; the "immediate family" should be defined.

A register of interests should be published, when appropriate.

There should be a standard agenda item on conflicts of interest in meetings so that individuals can declare relevant interests.

Individuals who have a potential or perceived conflict of interest in a particular topic should be excluded from decision-making on that topic (e.g. leaving the room before the item is discussed in a meeting, not participating in a vote); in this way they avoid the situation of an actual conflict of interest.

Both direct and indirect interests (e.g. interests of the immediate family of individuals involved in the organisation) should be taken into account.

Types of interests include financial, professional, political, business, nationality, institutional interest/loyalty and more.

The organisation should provide education to individuals about conflicts of interest.

The organisation should have an independent person or committee to supervise implementation of the conflict of interest rules and provide advice, where necessary.

The organisation should have a channel to receive reports, as well as procedures to investigate and conduct a disciplinary case in the event of an alleged breach of the rules.

In some circumstances, it may not be possible for an individual to occupy two roles without there being a conflict of interest that cannot be resolved in a satisfactory way; in these circumstances, the rules should require the individual to resign from one of the roles.

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See also Recommendations B1 (Code of Ethics), B4 (whistleblower reporting), C5 (eligibility rules) and D7 (integrity education), E9 (event allocation process).

Investment

There are limited costs for internal procedures; some additional investment may be required for active monitoring.

The organisation has conflict-of-interest rules identifying actual, potential and perceived conflicts, with exclusion of members with an actual conflict from decision-making

Guidance

1. Early stage

The organisation has and implements conflict-of-interest rules, which may be incorporated in the Code of Ethics or a separate document.

The organisation requires individuals to declare their interests and those of their immediate family (where appropriate).

The organisation requires individuals with potential or perceived conflicts of interest not to participate in discussions or voting on the subject, in order to avoid an actual conflict of interest arising.

The organisation has rules to sanction individuals who breach the rules (e.g. for not declaring a relevant interest).

2. Developing

The organisation's conflictof-interest rules differentiate between actual, potential and perceived conflicts of interest and illustrate these definitions by providing specific examples.

The organisation maintains an up-to-date conflicts' of interest register, which is published, when appropriate.

The organisation has a standing item on meeting agendas on conflicts of interest, which is minuted.

Implementation of the conflict-ofinterest rules is monitored actively with referral to an independent person/committee when necessary.

The organisation publishes information about conflict-of-interest rules in sport event bidding documentation.

3. Advanced

The organisation limits access to related information for individuals with a declared conflict on a particular topic.

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Advice is provided to individuals within the organisation about conflicts of interest, with referral to an independent person/committee when necessary.

The organisation offers education to individuals about conflicts of interest.

50 Recommendations (Version 01-2023) - C8

The organisation has conflict-of-interest rules identifying actual, potential and perceived conflicts, with exclusion of members with an actual conflict from decision-making

GOOD PRACTICE EXAMPLES

International Federations

World Sailing — <u>Conflicts of interest policy.</u> <u>Register of interests</u> published for elected.

FIFA — <u>Code of Ethics</u>: includes guidance to FIFA Officials, Article 19 paragraphs 1–4. The FIFA Compliance Pocket Guide on <u>Conflict of Interest</u> includes practical guidance to FIFA employees on identifying and managing conflicts and detailed explanation of terms.

ITU—<u>Conflict of Interest Declarations</u> by the Executive Board members are signed and published on the website.

International Climbing and Mountaineering Federation — Conflict of Interest policy published, which includes compatibility matrix.

World Curling Federation — <u>Conflict of Interest policy</u>, including declaration form.

Overall standard among International Federations

22 out of 31 members of ASOIF were able to demonstrate implementation of conflict-of-interest rules in the 2019-20 review.

This topic was one of 20 covered in the 2018-19 GAISF assessment for non-Olympic sports (compared to 50 topics for Olympic sports) as it was judged to be important and feasible for small organisations to achieve.

Continental Bodies

Olympic Committee of Asia — Conflict-of-interest rules in the Code of Ethics – Annexure 4.

National Olympic Committees

New Zealand Olympic Committee — Conflict-of-interest provisions in Code of Ethics.

Moroccan Olympic Committee — Reference to avoiding conflicts of interest — <u>Statutes</u>, Article 25.

Colombian Olympic Committee — Conflict-of-interest rules in <u>Code of Ethics</u>.

National Federations

French Tennis Federation — The <u>Codes of Ethics</u> contains specific conflict-of-interest rules, an Ethics Committee is responsible for receiving complaints on alleged breaches of the rules and for issuing opinions on ethical matters, including on the prevention of conflicts of interest.

The organisation has conflict-of-interest rules identifying actual, potential and perceived conflicts, with exclusion of members with an actual conflict from decision-making

SELECTED REFERENCES

International Partnership Against Corruption in Sport (IPACS)—<u>Task</u>
Force 2—Good practice examples for managing conflicts of interest in sport organisations.

ASOIF GTF Questionnaire 2019-20 — Indicator 4.8.

<u>SIGGS</u> — Principle 1 (Integrity), Indicator 3 — How does your organisation manage conflicts of interest? Roadmap Principle 4.

European Commission Expert Group on Good Governance, <u>"Principles of Good Governance in Sport"</u>:

- Principle 4.e (5): Minimum democratic principles for appointment to decision making bodies — The enforcement of a code of conduct or bye-law which includes an express obligation for decision makers to:
- · Adopt the highest ethical practices.
- · Act independently in the interests of the sports body as a whole.
- · Not make decisions in which they have a business or personal interest.
- · Declare conflicts of interest.
- · Principle 6.a: Requirements for the board.

Geeraert, A. (2018). <u>Sports Governance Observer 2018</u>. An assessment of good governance in five international sports federations. Aarhus: Play the Game/ Danish Institute for Sports Studies, pp. 11-15 — Principle 38: The organisation establishes clear conflict of interest procedures that apply to the members of the board.

IOC's "Consolidated Minimum Requirements for Implementation of the Basic Principles of Good Governance for NOCs" — Theme 2.8 "Conflicts of interests", Principles 1–3: As a general principle, members of any decision making body should be independent in their decisions. No-one with a personal or business interest in the issue under discussion should be involved in the decision. Adequate procedures should be established in order to avoid any conflicts of interests.

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Document EPAS(2018)47rev3 — "Optimising the processes of compliance with good governance principles to mitigate the risk of corruption": Paragraph 3: Conflict of interest.

ASOIF indicator 4.8 — Scoring definitions used in 2019-20 assessment

- 0. No.
- 1. Some conflict of interest rules.
- 2. Defined conflict of interest policy.
- 3. Defined conflict of interest policy, evidence of implementation.
- 4. State of the art conflict of interest policy, checked against register and evidence of implementation.



THE ORGANISATION HAS A PROGRAMME FOR PROMOTING GENDER EQUALITY AND DIVERSITY IN AND THROUGH SPORTS

IPACS

Diversity — (in this context) involvement in the organisation of people with a range of characteristics and backgrounds who are broadly representative of society at large. For ease of understanding, the reader should take into consideration the following information.

Subtitles

The subtitles of each section of the Benchmark Guidelines have been shortened for visual purposes. The complete subtitles are listed below.

Introduction and significance

Introduction to this Benchmark and its significance

Commentary

Commentary on the action to be taken

Investment

Investment requirement

Guidance

Guidance according to stage of organisation

Updates

The links provided within the section **Good practice examples** of the Guidelines may be subject to change, as the document will be updated on a regular basis.

Language

The French version is underway.

INTRODUCTION AND SIGNIFICANCE

There is growing evidence that organisations with more diverse leadership tend to be more innovative and produce better results.

However, research consistently shows inequalities in participation in sport and physical activity based on gender, ethnicity, disability, age, socio-economic group and other characteristics.

The composition of elected and appointed roles in sports organisations tend to reflect injustices and barriers apparent in leadership in business, politics, media and other aspects of society.

There are laws against discrimination in many countries.

Commentary

The organisation should seek to have an equitable proportion of females and males involved in its activities, including in sports participation, employment and coaching and in its leadership, including all committees; it should also seek a balance in media coverage and resource allocation.

The organisation should act without discrimination and take action to address inequalities in opportunity in society.

Specific focus areas in addition to gender equality may include a combination of ethnicity, disability, socio-economic status, sexual orientation, gender identity, nationality, religious beliefs, political beliefs, age and other characteristics, depending on the nature of the organisation, applicable national legislation, the scale of its operations and so on.

The organisation should act in a responsible way to prevent gender-based violence and ensure the safety and well-being of all participants and their right to participate without fear of violence, abuse or harassment.

The organisation should set targets and monitor and report on progress towards them, in accordance with applicable laws; targets may be in the form of quotas and/or in the form of action to take to work towards being an organisation that is more balanced and diverse; where quotas are used, these should be embedded into internal systems and procedures to ensure implementation.

The organisation should consider the impact on gender equality and diversity of the decisions it makes.

In the case of many sports organisations that have historically been imbalanced, work will be needed to attract and retain more diverse participants, including at junior and local level.

In the case of a small number of sports and sporting disciplines which have mostly or exclusively female participation, a different approach may be appropriate.

See also Recommendations C5 (eligibility rules), D9 (anti-discrimination) and D10 (inclusive sport).

Investment

Limited investment is needed to develop appropriate policies and rules; there may be costs associated with monitoring and proactive support work; some re-balancing of resource allocation may be needed.

Guidance

1. Early stage

The organisation has a commitment to non-discrimination in its official documents, covering an appropriate range of characteristics.

The organisation has rules or a policy to encourage gender equality.

The organisation has rules or a policy to encourage greater diversity among the people involved in its activities.

2. Developing

The organisation's leadership has made a public commitment to gender equality and to wider diversity, and is actively engaged in driving forward change.

The organisation has set appropriate targets regarding gender equality, and monitors and reports on progress.

The organisation has set appropriate targets regarding wider diversity and monitors and reports on progress, in accordance with applicable laws.

The organisation takes proactive steps to work towards gender equality and wider diversity (e.g. outreach work with underrepresented groups, mentoring/development support, training for those currently in the organisation).

3. Advanced

The organisation can show tangible progress towards gender equality and greater diversity in sports participation and its leadership/decision-making; the organisation uses measurable indicators to demonstrate and report on progress.

The organisation achieves appropriate accreditations that may be available (e.g. national programmes regarding gender equality).

The organisation actively researches and reviews areas of inequality and under-representation to continue to improve its policies in this domain.

GOOD PRACTICE EXAMPLES

International Federations

FIH — Statutes 7.1.a.ii — 4 men and 4 women to be elected to the Executive Board. Overall, there are 6 women out of 16 members listed on the Executive Board. The FIH Gender Equality Policy is published.

World Athletics — The <u>2019 Constitution</u> includes provisions to ensure improved gender balance on the Council over time — see article 36.

World Rowing—The <u>Council</u> is relatively balanced in composition between women and men.

World Flying Disc Federation — Gender equality is referenced in <u>Bylaws</u> (Article VIII — Guiding Principles) and there is a Women in Sport commission (Article VI).

7 out of 18 members of the **Board** are female (February 2019).

Overall standard among International Federations

In the 2019-20 review, one IF had a board that was over 40% composed of women; 12 IFs had boards between 25% and 40% female in composition, plus rules or a policy to encourage better gender balance; for 10 IFs the proportion was between 15% and 25%; eight IFs had fewer than 15% of their board composed by women.

This topic was one of 20 covered in the 2018-19 GAISF assessment for non-Olympic sports (compared to 50 topics for Olympic sports) as it was judged to be important and feasible for small organisations to work on.

National Olympic Committees

Trinidad and Tobago Olympic Committee — President chairs the <u>Sports Integrity Global Alliance task force</u> on race, gender diversity and inclusion.

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US Olympic and Paralympic Committee — <u>Diversity</u>, equity and inclusion commitment.

Norwegian Olympic and Paralympic Committee and Confederation of Sport — <u>Inclusion programme</u>.

National Federations

French Basketball Federation — Toolkit on preventing sexual violence in sport.

SELECTED REFERENCES

ASOIF GTF Questionnaire 2019-20 — Indicator 3.8.

<u>SIGGS</u> — Principle 4 (Democracy, Participation and Inclusivity), Indicator 10 — How does your organisation approach diversity, inclusion and non-discrimination?; Indicator 11 — How does your organisation approach gender equality? Roadmap Principle 4.

European Commission Expert Group on Good Governance, <u>"Principles of Good Governance in Sport"</u>:

- Principle 4.e (6): Ensuring that the appropriate level of inclusivity, diversity and sports representation is achieved and maintained across decision making bodies.
- · Principle 5.c: Composition of committees.
- · Principle 6.a (6): Requirements for the board The board must promote equality and diversity and actively work to attract a diverse range of members, including, in particular but not limited to, an appropriate gender balance at board level as part of an overall inclusivity programme.

IOC <u>Olympic Charter</u>, Fundamental Principles of Olympism 4: "The practice of sport is a human right. Every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play."

IOC <u>Olympic Agenda 2020+5</u>, Recommendation 13 — Continue to lead by example in corporate citizenship.

Foster gender equality and inclusion:

 The IOC to lead by example by continuing to increase gender balance at IOC Governance level and adopting a Diversity and Inclusion action plan for its administration.

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• The IOC to call on IFs, NOCs and OCOGs to implement the IOC Gender Equality and Inclusion objectives for 2021–2024 around five focus areas (Participation, Leadership, Safe Sport, Portrayal, Resource Allocation).

IOC Gender Equality Review Project.

Parliamentary Assembly of the Council of Europe, <u>Addendum to the report</u> "Working towards a framework for modern sports governance" — Principle 2.1: Regular elections of the governing bodies — The Organisation encourages gender equity with regard to its leading functions.

Geeraert, A. (2018). <u>Sports Governance Observer 2018</u>. An assessment of good governance in five international sports federations. Aarhus: Play the Game/Danish Institute for Sports Studies, pp. 11-15:

- \cdot Principle 24: The organisation implements a gender equality policy.
- · Principle 50: The organisation implements a policy to promote gender equality in sport.

SELECTED REFERENCES

IOC's "Consolidated Minimum Requirements for Implementation of the Basic Principles of Good Governance for NOCs":

- Theme 2.4 "Representative governing bodies" Principle 1: Members of the organisation should be represented within the governing bodies, particularly women and athletes.
- Theme 5.2 "Equity" Principle 2: The equity in sport should be reinforced: The NOC must actively promote the practice of sport in a non-discriminatory and inclusive manner. All classes of population should be encouraged and supported equally in their sports practice.
- The NOC should establish inclusion/non-discrimination policies. In particular, the NOC should establish a gender equity policy.

The NOC should work with relevant organisations to educate the components of the Olympic and Sports Movement at national level to the values and principles of equity, inclusion and non-discrimination ASOIF indicator 3.8 – Scoring definitions used in 2019-20 assessment

50 Recommendations (Version 01-2023) - C9

- 0. Female representation is no more than 5%.
- 1. Female representation is more than 5% but no more than 15%.
- 2. Female representation is at least 15% with rules/policy to encourage gender balance.
- 3. Female representation is at least 25% with rules/policy to encourage gender balance.
- 4. Executive Board has at least 40% of each gender with rules/policy to encourage gender balance.



THE ORGANISATION HAS PROGRAMMES DESIGNED TO ENSURE THAT THE MEMBER **DESIGNED TO ENSURE THAT THE MEMBERS FUNCTION IN ACCORDANCE WITH ALL CODES OF ETHICS RECOGNISED BY THE ORGANISATION**

Member organisations — The organisations that are members of the larger body; for example, in the case of National Federations, the members may be sports clubs; some organisations may also have a category of membership for individuals.

Code of Ethics — A dedicated document outlining the organisation's ethical standards, rules and procedures, including anti-corruption principles; examples of topics to be covered are standards of behaviour, obligation of loyalty, rules regarding gifts and invitations, conflicts of interests and more; other terms may be used or there may be another document with similar intended effect, such as a Code of Conduct.

For ease of understanding, the reader should take into consideration the following information.

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The French version is underway.

The organisation has programmes designed to ensure that the members function in accordance with all Codes of Ethics recognised by the organisation

INTRODUCTION AND SIGNIFICANCE

Significant work to enhance governance and ethical conduct is underway in many larger sports organisations; a similar compliance programme is needed within the smaller bodies that comprise the membership, which may have attracted less scrutiny until now.

A Code of Ethics helps people involved with the organisation understand the standard of behaviour expected from them and that they should expect from others; in addition, it allows for a disciplinary process in the event of an alleged breach.

The public, governments and stakeholder bodies rightly have high expectations about ethical conduct within sports organisations; sport is affected by the generalised loss of trust in institutions seen around the world.

Commentary

The organisation should have rules setting out the obligations of member bodies (or individuals where the membership comprises individuals).

The organisation should define clearly who is bound by the Code of Ethics and other relevant rules, which should include the presidents of member bodies.

The organisation should offer related support and education regarding ethical principles to build capacity and understanding among members.

The organisation should set out the process for sanctioning members in the event of misconduct (including breach of duties or any rule).

The organisation should designate responsibility for monitoring of the compliance of members and sanctioning

In order to be able to demand high standards of its members, the organisation should itself set high standards. See also Recommendations B1 (Code of Ethics), B5 (integrity investigations), B10 (anti-corruption code), C8 (conflicts of interest), D1 (development strategy) and E1 (ethics committee).

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Investment

Variable; active monitoring of a significant number of member bodies (e.g. through a programme of audits) may be resource-intensive; it is possible to provide support for a modest cost (e.g. template documents and seminars).

The organisation has programmes designed to ensure that the members function in accordance with all Codes of Ethics recognised by the organisation

Guidance

1. Early stage

The organisation has rules setting out the obligations of members.

The organisation's Code of Ethics and/or other relevant rules apply to members.

The organisation has designated responsibility for member relations and compliance with rules.

2. Developing

The organisation has rules requiring members to report on relevant activity (e.g. conduct of elections, changes to Statutes, use of funds).

The organisation provides support and education for members regarding ethical principles (e.g. template policies, guidance materials, seminars).

The organisation provides a compliance self-assessment tool for members.

3. Advanced

The organisation targets support for members based on their stage of development, need and risk profile. 50 Recommendations (Version 01-2023) - C10

The organisation's overall strategy identifies supporting members and monitoring compliance as objectives.

The organisation conducts regular assessments of the compliance of members and publishes headline findings.

The organisation makes financial support to members conditional on governance criteria.

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The organisation has programmes designed to ensure that the members function in accordance with all Codes of Ethics recognised by the organisation

GOOD PRACTICE EXAMPLES

International Federations

FIBA – Requirements for members are set out in Statutes (article 9) and Code of Conduct in the Internal Regulations - There are dedicated working groups to assist in the case of non-compliant federations.

IHF – Legal Department monitors national federation statutes and election processes. A case relating to the suspension of a member federation is published (also see Congress Minutes 3.1).

World Rugby — There are several relevant rules — Compliance with regulations - Handbook 2 - Council membership rights - Bye-law 9.3 and 9.4 - Union compliance — Handbook 2.1 — A membership pathway document is also published, which outlines the procedure to obtain membership — Bye-Law 6.

Overall standard among International Federations

13 out of 31 members of ASOIF demonstrated implementation of a compliance programme for their member organisations in the 2019-20 review.

Contenital Bodies

European Athletics – Instruction in use of EU project Support Implementation of Good Governance in Sport tool (SIGGS).

National Olympic Committees

SportVlaanderen — Code of Good Governance in Flemish Sports Federations.

Sport Australia - Sports Governance Principles to assist organisations to develop, implement and maintain a robust system of governance.

Japan Sport Council — Sports governance website with information about funded sports bodies.

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The organisation has programmes designed to ensure that the members function in accordance with all Codes of Ethics recognised by the organisation

SELECTED REFERENCES

ASOIF GTF Questionnaire 2019-20 — Indicator 3.4.

Parliamentary Assembly of the Council of Europe, <u>Addendum to the report</u> "Working towards a framework for modern sports governance" — Criterion 3.2: Ethical and disciplinary control

European Commission Expert Group on Good Governance, "Principles of Good Governance in Sport" — Principle 7.b: Need for a separate judicial/disciplinary code "It is preferable for a separate judicial/disciplinary code to be developed incorporating clear disciplinary rules, sanctions and procedures. Members, stakeholders and all participants should agree to be bound by the code and the sanctions imposed."

IOC <u>Olympic Agenda 2020+5</u>, excerpt from Principle 14 — Strengthen the Olympic Movement through good governance — "Governance issues within one organisation affect the entire sports movement in the eyes of civil society which considers the sport organisations as a whole." IOC's "<u>Consolidated Minimum Requirements for Implementation of the Basic Principles of Good Governance for NOCs"</u> — Principle 4.5 "Internal Control system", Principle 1: The adoption of a compliance system, document retention system and information security system should be encouraged.

ASOIF indicator 3.4 — Scoring definitions used in 2019-20 assessment

- 0. No.
- 1. Some activity to ensure that IF member associations follow recognised ethical codes and principles.
- 2. Rules and a programme in place to require member associations to comply with recognised ethical codes and principles.
- 3. Rules and a programme in place to require member associations to comply, evidence of implementation.
- 4. State of the art process in place to require member associations to comply, evidence of implementation, outcomes published.

For any questions, please contact IPACS at the following address:

to-contact-us@ipacs.sport

www.ipacs.sport