

Elections Oversight Panel

Terms of reference

These terms of reference for the Elections Oversight Panel (EOP), and any amendments thereto, will be approved by the IPC Governing Board.

1. Authority

- 1.1 The EOP is appointed by and is accountable to the IPC Governing Board. The IPC Governing Board has the sole power to grant authority to the EOP, and the EOP has no authority that does not come from the IPC Governing Board. The EOP may, however, carry out such tasks as delegated to it by the IPC Governing Board.
- 1.2 The EOP has no authority to incur any expense or bind the IPC to any financial or other commitments. The EOP may make decisions on behalf of the IPC in relation to the IPC Governing Board and IPC Athletes' Council elections.
- 1.3 The IPC Governing Board may not influence the decisions of the EOP in relation to the elections of the IPC Athletes' Council and IPC Governing Board.

2. Role

- 2.1 The EOP has the right to:
 - (a) Receive a copy of candidate campaign material and any translated text, for each language used.
 - (b) Issue campaign directions to candidates from time to time.
 - (c) Receive a copy of any press article or link to any other media interview of which the candidate is aware concerning (in whole or in part) their candidature in accordance with the IPC Code of Ethics: Appendix B.
 - (d) Request candidates disclose the budget that was spent on the campaign and to identify where those resources come from.
 - (e) Ask further questions or for evidence in relation to the candidate campaign budget, where deemed necessary.
 - (f) Oversee and approve events that include a candidates' debate for the positions of President and/or Vice-Presidents.
 - (g) Consider and discuss with the respective candidate and/or the nominating body possible breaches of the IPC Code of Ethics reported to the EOP and decide on possible further implications or sanctions.

2.2 The EOP is responsible for the following:

- (a) Ensure that candidacies and elections for the IPC Governing Board and IPC Athletes' Council comply with the IPC Constitution and regulations.
- (b) Monitor the candidate election campaigns for the election of the IPC Governing Board and IPC Athletes' Council.
- (c) Advise and respond to questions raised by the candidates and/or their nominating body in relation to their rights and obligations.
 - (i) Any question raised by the candidate or by their nominating body will be submitted in writing to the attention of the chairperson of the EOP. All communication must be submitted officially to the IPC for proper registration.
 - (ii) The EOP will consider the question, deliberate and provide an answer in writing within the shortest timeframe reasonably possible.
 - (iii) A copy of the answer will be provided to the IPC management team.
- (d) Review and approve any invitations or endorsement under Article 1.3.4 of the IPC Code of Ethics: Appendix B presented to or by candidates, their nominating bodies, and any other third party associated with the candidate or nominating body.
- (e) Approve and set conditions for allowing other bodies to organise events including a public debate for the President or Vice-President positions in accordance with the IPC Code of Ethics: Appendix B.
- (f) Oversee any events hosted by other bodies that include a candidates' debate for positions of President and/or Vice-President(s) and approve candidate questions prior to the debate.
- (g) Receive and review complaints made by any properly interested party as to any alleged breach of the IPC Code of Ethics with respect to the election.
- (h) Determine whether an infringement of the rules has occurred, and subsequently impose any appropriate sanctions.
- (i) Advise on such other matters within its area of responsibility as the IPC Governing Board may request.

2.3 The EOP has the authority to implement any one or more of the following sanctions upon candidates and nominating bodies in case of infringements of the IPC Code of Ethics: Appendix B:

- (a) withdrawal of promotional material that constitutes an infringement to the rules;
 - (b) reprimand;
 - (c) public notification of the reprimand to the IPC Membership;
 - (d) reporting of the breach of the rules at the IPC General Assembly, prior to the elections;
 - (e) in the most serious cases, withdrawal of a candidate from election.
- 2.4 Without limiting the ability to impose sanctions, the EOP may recommend to the candidate and/or to the respective nominating body withdrawal or nullification of the nomination.
- 2.5 A copy of any EOP decision will be provided to the IPC management team.
- 3. Membership**
- 3.1 The EOP will be comprised of a maximum of three members, including the chairperson, appointed by the IPC Governing Board on the recommendation of the Nominations Panel.
- 3.2 Only persons who are independent of the IPC may be appointed to the EOP.
- 3.3 No member of the EOP will either be a candidate for election or have an official position on the board of the nominating body of any of the candidates.
- 3.4 Members of the EOP will withdraw from the discussions on a specific case under consideration should any other association with the candidate or conflict/perceived conflict arise.
- 3.5 The EOP will be appointed by the IPC Governing Board, in accordance with the following process:
- (a) All EOP positions will be publicly advertised and will be appointed through an open recruitment process. The IPC will also invite IPC members to suggest candidates for the EOP.
 - (b) The Nominations Panel will be responsible for assessing the applications and recommending EOP members (including the chairperson) for appointment by the IPC Governing Board, taking into account the following factors:
 - (c) Skill, expertise and experience in the subject matter of the EOP.
 - (d) For the chairperson, the requisite skill, expertise and experience in chairing bodies and meetings.

- (e) The IPC Governing Board will appoint the members of the EOP (including the chairperson) as soon as reasonably practicable after its election.
 - (f) A member's appointment to the EOP is subject to the member agreeing to the obligations, expectations and commitments set out in the letter of appointment.
- 3.6 Any vacancies on the EOP (occurring through resignation, death or any other reason) will be filled in accordance with the appointment process set out above.
- 3.7 No substitutes are allowed for members of the EOP. Members are appointed in their personal capacity and are not representatives of any member or stakeholder within the Paralympic Movement, including those they may be employed by or otherwise associated with.
- 4. Term of office**
- 4.1 Membership of the EOP will begin on the date of appointment and, subject to Article 4.2, will end on the appointment of a new EOP by the incoming IPC Governing Board i.e. a term of office of approximately four years (corresponding broadly to the term of office of the members of the IPC Governing Board).
- 4.2 The membership of an individual on the EOP may be terminated by the IPC Governing Board at any time, at the absolute discretion of the IPC Governing Board.
- 4.3 Individuals may be re-appointed to serve a maximum of three terms of office on the EOP (consecutive or otherwise, and including any part terms served).
- 5. Organisation**
- 5.1 The EOP will be assigned a member of the IPC management team to act as liaison to the EOP.
- 5.2 The EOP will meet as required to fulfil its role.
- 5.3 Telephone, teleconference and similar facilities may be used for a meeting.
- 5.4 Decisions of the EOP will generally be made by consensus, except for the sanction of withdrawal of candidature, for which the decision will be taken with unanimity. If a consensus cannot be reached there will be a vote with each member having one vote. A majority of votes in favour of a decision by those members present at the meeting is required for it to be passed. In the event of a tie in votes the chairperson will have the right to a casting vote.

- 5.5 The quorum for meetings and decisions of the EOP will be a majority of the total number of members on the EOP.
- 5.6 All meetings and work of the EOP are confidential. No documents, information, discussion or decisions made at an EOP meeting or otherwise exchanged or agreed in connection with the work of the EOP may be disclosed (other than, through the chairperson, to the IPC Governing Board, IPC CEO and relevant members of the IPC management team) unless:
- (a) the IPC President or IPC CEO and the chairperson of the EOP authorises such disclosure;
 - (b) the matter is in the public domain; or
 - (c) such disclosure is required by law or any applicable authority, including the IPC Constitution and regulations.
- 5.7 The EOP and its members may not make any public statements (including on social media) about the EOP or any aspect of its work unless approved in advance by the IPC President or IPC CEO and the chairperson of the EOP.
- 6. Process for considering alleged breaches of the IPC Code of Ethics**
- 6.1 Any complaint on alleged breaches of the IPC Code of Ethics in relation to elections of the IPC Governing Board or the IPC Athletes' Council will be formally submitted in writing to the IPC to the attention of the chairperson of the EOP.
- 6.2 Members of the EOP, having the responsibility to monitor compliance with the IPC Code of Ethics, may equally observe and report such alleged breaches of the Code.
- 6.3 A confirmation of receipt will be sent to the complainant, and a notification of the complaint will be sent to the candidate who allegedly breached the rules, providing them with the opportunity to respond to the accusation and defend their case. They may submit written evidence and supporting documentation within a timeframe specified by the EOP. The respective nominating body will also be informed of the complaint and of any further process or implications.
- 6.4 Where deemed necessary by the EOP, a hearing may be convened. The candidate and/or nominating body alleged to have breached the rules will have the opportunity to present their case, respond to questions, and provide further clarification before a final decision is made.
- 6.5 For the avoidance of doubt, prior to imposing the sanction of withdrawal of candidature, the candidate will have the right to a hearing with the EOP.

- 6.6 The EOP will reach its decision with majority vote, except for the sanction of withdrawal of the candidature, for which the decision will be taken with unanimity.
- 6.7 The EOP will communicate its decision in writing to the relevant parties without delay.
- 6.8 The relevant party may submit an appeal to the IPC Appeals Tribunal. The appeals process will then be followed.

7. Finances

- 7.1 The IPC will produce a budget for the EOP. The EOP budget will be included in the overall IPC budget and submitted for approval to the IPC Governing Board in accordance with IPC financial policies.
- 7.2 For each EOP member, expenses will be paid in accordance with the IPC's financial policies, as amended from time to time.