

# IN THE NEUTRAL ZONE

News and Events of the Sport Dispute Resolution Centre of Canada



[www.sdrcc.ca](http://www.sdrcc.ca)

February 2009

## All Eyes on the 2009 Canadian Anti-Doping Program

Doping-related disputes account for about half of all cases that are managed by the SDRCC. Most of these cases are related to the use of specified substances such as marijuana, despite the efforts of the Canadian Centre for Ethics in Sport in warning athletes about the consumption of cannabis products. The large majority of these anti-doping violations call for a reduced sanction consisting of a warning and a reprimand and they often are resolved by the athlete signing a waiver. But how many of these athletes realize that a second violation for a specified substance can cost them anywhere from one to four years of suspension?

Most Canadian athletes who have recently been suspended for anti-doping rule violations did not inject themselves with steroids or EPO. Unfortunately, they failed to meet the very high standard that is expected of them as athletes; several because they did not know the rules that applied to them, others because they were simply negligent, and some because they trusted the advice of people who were not experts in the field. No matter what the intent or the character and personality of the athlete who has committed the violation, the stigma associated with an anti-doping suspension can be heavy to carry.

This edition of *In the Neutral Zone* offers a partially digested version of the 2009 Canadian Anti-Doping Program (CADP) with an emphasis on new responsibilities of athletes under these rules, to help prevent inadvertent anti-doping violations.

Signatories of the World Anti-Doping Code, with which the CADP complies, are now obligated to invest their efforts in anti-doping education programs and initiatives. In implementing the CADP in Canada, the national sport organizations now have a responsibility to educate their members about the anti-doping regulations, about their roles and responsibilities, and about the consequences of violating the rules. The SDRCC is proud to support this new education requirement and to be at its forefront by the publication of this special edition of *In the Neutral Zone*.

It is our hope that you will find great value in reading the following pages of this newsletter, the content of which was graciously developed and approved by the Canadian Centre for Ethics in Sport. We also encourage you to visit the information portal of the SDRCC's website entitled "Doping" for more doping prevention information and tools. ■

### New SDRCC Employee



The SDRCC is proud to announce the hiring of Anne Émilie Brisson as Administrative Assistant.

Émilie will provide assistance in the coordination of corporate affairs and in the case management of the Dispute Secretariat. Her experience in creative writing will also allow her to contribute to the development of educational publications.

### Notable Dates

- **April 17-19, 2009:** The SDRCC will be presenting a workshop on dispute prevention at the Alberta Sport Leadership Summit in Banff, Alberta.
- **May 21, 2009:** The SDRCC will be conducting an information session on dispute prevention and resolution at a meeting for the Chefs de Mission for the 2009 Canada Games, in Charlottetown, PEI.
- **May 28-31, 2009:** The SDRCC will be presenting a workshop on dispute prevention at the *Congrès québécois du sport*, in Quebec City, Québec.

### In this issue:

Understanding Your Responsibilities as an Athlete	2
An NSO/MSO Administrator's Primer to Managing a Positive Doping Test	4





## Understanding Your Responsibilities as an Athlete by the Canadian Centre for Ethics in Sport

During your athletic career, you might achieve higher and higher levels of competition and, as a result, might find yourself with varying anti-doping responsibilities. You should always be aware of your status as defined by the anti-doping rules and be able to answer the following questions:

- ◆ Am I in a registered testing pool?
- ◆ Do I need to file whereabouts information?
- ◆ Do I need to apply for a therapeutic use exemption?
- ◆ What are my other rights and responsibilities?

### Am I in a Registered Testing Pool?

A registered testing pool (RTP) is a pool of top-level athletes who are subject to in-competition and out-of-competition testing. The RTP is established separately by each international federation (IF) and national anti-doping organization. Athletes who have been named to an RTP will be informed of this fact. If you don't know if you are in an RTP, visit [www.cces.ca](http://www.cces.ca) or your IF's website.

RTP athletes have more rigorous anti-doping requirements.

For the purposes of anti-doping, there are five types of athletes. All of these athletes are subject to in-competition and out-of-competition testing.

In Canada, the Canadian Centre for Ethics in Sport (CCES) determines the RTP which is divided into two groups. Each group has slightly different responsibilities.

#### ◆ National Registered Testing Pool (N-RTP) athletes

#### ◆ General Registered Testing Pool (G-RTP) athletes

During their career, athletes might find themselves in three other groups that fall outside the CCES RTP. They are: IF-RTP athletes, International athletes, and Domestic athletes.

**IF-RTP athletes** compete at a very high level internationally and thus have been named to their IF's RTP. For example, a Canadian skier competing at an international level may be selected to the Fédération internationale de ski (FIS) RTP and have specific requirements with FIS.

In contrast, **International athletes** compete outside of Canada, but are not members of their IF's RTP. For example, a Canadian soccer player competing for the first time in an international match will be governed by the rules of the Fédération Internationale de Football Association

(FIFA) for that match.

**Domestic athletes** compete at home, for example, college and university athletes, developing athletes, and Canada Games participants.

If you are in more than one of these groups, you should contact the CCES to determine your requirements.

### Do I Need to File Whereabouts Information?

The athlete whereabouts program requires athletes to submit information so that the CCES can find them at any given time to conduct no-notice out-of-competition testing. This program is the cornerstone of an effective doping control program and is designed to make it impossible for cheaters to hide from doping control officers.

Whereabouts responsibilities vary by testing pool, as shown in the table below.

All RTP athletes who do not have all their information for the quarter should submit what they can by the filing deadline, and then update the information as soon as possible. Always ensure you have the upcoming month filled out thoroughly.

There are consequences for not submitting whereabouts information and for not keeping it up-to-date. If you fail to submit your whereabouts information quarterly and update it as necessary, you may receive a whereabouts "strike" - called a **filing failure**. If a doping control officer cannot find an N-RTP athlete at the loca-

ATHLETES	N-RTP	G-RTP	IF-RTP	International	Domestic
Do I need to submit whereabouts information?	Yes			No, but you are still subject to testing any time any place	
To whom?	CCES		Your IF	n/a	
When?	Quarterly, before December 15, March 15, June 15 and September 15		Quarterly, each IF may set its own deadline	n/a	
What information do I need to provide?	Any regular activity, including home address, training facility, competitions, school, work, travel, etc.			n/a	
<b>NEW: Are there specific time requirements?</b>	Indicate a 60 minute time slot, between 06:00 and 23:00 each day when you guarantee your location for a test	n/a	Indicate a 60 minute time slot, between 06:00 and 23:00 each day when you guarantee your location for a test	n/a	
How often do I need to update my information?	As often as necessary to ensure your information for your regular activities is up-to-date and accurate throughout each quarter			n/a	



## Understanding Your Responsibilities as an Athlete (continued)

tion indicated during the daily 60-minute time slot, you may receive a different kind of whereabouts “strike” - called a **missed test**. You will always be asked to submit an explanation prior to a “strike” being issued. Any combination of three whereabouts “strikes” (filing failures and/or missed tests) in a rolling 18-month period, applied by either the CCES or athlete’s IF, may result in an anti-doping rule violation carrying a sanction varying from one to two years of ineligibility.

### Do I Need to Request a Therapeutic Use Exemption?

A Therapeutic Use Exemption, or TUE, allows an athlete to take a prohibited substance for medically-justified reasons. TUEs are granted **ONLY** under very specific rules and conditions.

Once again, athletes’ responsibilities vary depending on the type of athlete they are, as shown in the table below.

### What Are my Other Rights and Responsibilities?

A central concept in anti-doping rules is that of “strict liability”: athletes are ultimately responsible for any substance that is detected in their blood or urine sample. To be eligible for a reduced sanction, an athlete must explain how the substance got into his/her body and prove that there was no fault or no negligence on his/her part.

Athletes are expected to know, understand, and respect the rules of their sport. Anti-doping rules form an integral part of your sport’s rules. Ignorance does not constitute an acceptable defence, and it can lead to inadvertent mistakes with dire consequences. The CCES encourages all athletes to verify what is required of them and to work within the rules.

*This article only addresses some specific and selected topics. Athletes should seek more information about their rights and responsibilities under the CADP rules. Several resources are listed in the text box below for this purpose. ■*

ATHLETES	N-RTP	G-RTP	IF-RTP	International	Domestic
<b>To whom must I submit my TUE application?</b>	Contact the CCES		Contact the CCES. They will determine if they can process your TUE application using your IF rules		Contact the CCES
<b>When?</b>	All TUE applications must be submitted 21 days in advance of competition with a complete medical file			Most likely, you will need to submit TUE applications 21 days in advance of competition along with a complete medical file	TUE applications for all medications are only submitted when requested by the CCES following the receipt of results from a doping control session
<b>What about retroactive TUEs?</b>	TUEs for asthma medications may be granted retroactively; Under emergency medical conditions, a retroactive TUE application can be submitted		Under emergency medical conditions, a retroactive TUE application can be submitted		All TUEs are retroactive
<b>Should I keep a file?</b>	All athletes should maintain a medical file in case they are asked to submit a TUE application				
<b>What about during doping control?</b>	All athletes should declare any substances taken on the doping control form when they are tested, especially asthma medications				

### Retroactive TUEs

Retroactive TUEs may be granted after the CCES has received a result from a doping control session. In any such case, the athlete must have previously declared the use of this prohibited substance (either on the doping control form, in the ADAMS database, or on the Declaration of Use form, as applicable).

Athletes should therefore maintain a comprehensive medical file in case they are asked to submit a TUE application retroactively. In some very rare and exceptional circumstances, a retroactive TUE may be granted when the prohibited substance was mandated by an acute emergency medical condition for which there was no time to obtain a TUE.

### Anti-Doping Resources for Athletes, NSOs, and MSOs

General inquiries: CCES toll-free number 1-800-672-7775 or website [www.cces.ca](http://www.cces.ca)

Registered Testing Pools : [http://www.cces.ca/forms/index.cfm?dsp=template&act=view3&template\\_id=204&lang=e](http://www.cces.ca/forms/index.cfm?dsp=template&act=view3&template_id=204&lang=e)

Athlete Whereabouts: [http://www.cces.ca/forms/index.cfm?dsp=template&act=view3&template\\_id=178&lang=e](http://www.cces.ca/forms/index.cfm?dsp=template&act=view3&template_id=178&lang=e)

Therapeutic Use Exemptions : [http://www.cces.ca/forms/index.cfm?dsp=template&act=view3&template\\_id=81&lang=e](http://www.cces.ca/forms/index.cfm?dsp=template&act=view3&template_id=81&lang=e)

Athletes’ Rights and Responsibilities: [http://www.cces.ca/forms/index.cfm?dsp=template&act=view3&template\\_id=68&lang=e](http://www.cces.ca/forms/index.cfm?dsp=template&act=view3&template_id=68&lang=e)

Canadian Anti-Doping Program: <http://www.cces.ca/pdfs/CCES-POLICY-CADP-E.pdf>



## An NSO/MSO Administrator's Primer to Managing a Positive Doping Test by the Canadian Centre for Ethics in Sport

As signatories to the Canadian Anti-Doping Program (CADP), National Sport Organizations (NSOs) and Multi-Sport Organizations (MSOs) are a very important piece of the anti-doping puzzle. One critical role is to serve as a bridge between anti-doping officials and an athlete whose sample has tested positive, also known as an Adverse Analytical Finding (AAF).

Since AAFs are relatively rare, NSOs and MSOs have little experience in the overall process. This short primer will provide an overview of some of the responsibilities of the NSO or the MSO should an athlete test positive.

When the laboratory conducting the analysis of a blood or urine sample of an athlete reports an AAF, the CCES will then commence an initial review.

### Initial Review

The initial review will verify that the doping control procedures and sample analysis were performed within the rules, and determine whether the athlete may have a legitimate medical reason for the AAF.

At this stage, the CCES will send a letter to the NSO or MSO anti-doping administrator advising that one of its athletes has tested positive, and an initial review of the case is underway. The letter will ask the NSO or MSO to contact the athlete as soon as possible to request an explanation for the presence of the substance in the sample.

The information obtained during the initial review may allow the CCES to conclude that no violation has occurred (e.g.: where a valid or retroactive therapeutic use exemption (TUE) explains the presence of the substance in the sample) and the case may be closed. If it does not, the CCES will continue to process the matter and a notification letter will be sent to the NSO or MSO.

### Notification Letter

The notification letter will assert an anti-doping rule violation (ADRV), summarize the initial review process, specify the proposed sanction, and outline the athlete's rights, responsibilities and options.

A copy of this letter will also be sent to the Sport Dispute Resolution Centre of Canada (SDRCC), the World Anti-Doping Agency (WADA), the athlete's international federation (IF), and to Sport Canada. Once again, the NSO or MSO anti-doping administrator will be responsible for keeping the athlete informed.

### Waiver or Hearing

The SDRCC oversees a process to ensure that the athlete, the CCES, and any other party to the matter have the opportunity to discuss the situation, and identify the issues and potential consequences. This ensures due process, standard protocol and transparency. At any point during the process, the athlete has the option to waive his/her right to a hearing and accept the

ADRV asserted by the CCES and the corresponding sanction. If the athlete does not waive his/her right to a hearing, an ADRV can only be established by a ruling from an arbitrator.

Once the hearing is complete, the arbitrator will provide a written decision within five days of the hearing. If a period of ineligibility is imposed, the NSO or MSO has a great deal of responsibility to ensure the athlete respects the entire duration of the ineligibility period.

### Preparing your Organization for a Positive Result

An NSO or MSO administrator should consider the following:

- ◆ Familiarize yourself with the CADP and your IF's rules. Find out if it is possible or even mandatory to impose a provisional suspension on your athlete.
- ◆ Each NSO and MSO in Canada has adopted the CADP as their anti-doping policy, but further organization-level rules, policies and procedures may also exist. Know your own organization's rules and policies around doping. (If you do not have a procedure that covers doping violations, you are encouraged to put one together).
- ◆ Consult with people with the required authority to decide how your organization is going to manage the situation, and which position you can take during the process, including at the hearing and in discussions with your athlete.
- ◆ Be prepared to talk frankly with the athlete to ensure that he/she understands the options and the possible consequences (e.g.: right to due process, possible sanctions, career impact, financial consequences, possible costs of a hearing and legal counsel). If you have any doubt about your level of knowledge in this area, do not hesitate to seek expert assistance.
- ◆ Investigate the potential consequences for your national activities and programs. Consider how a possible sanction might affect competitive results, team standings or national team selections.
- ◆ Ensure your organization has thorough procedures with respect to confidentiality and be sure to follow them.
- ◆ You may wish to consider developing a good communication plan. If the time comes, you will be better prepared to handle the situation, both internally and externally (e.g.: media inquiries about the case).

### Conclusion

NSO and MSO administrators that take care of these basics will manage a positive doping test confidently and with the minimum of stress - and in so doing, best serve their members.

*This short article is for general information only. Full details on the results management process can be found in Section 7 of the CADP, at [www.cces.ca/pdfs/CCES-POLICY-CADP-E.pdf](http://www.cces.ca/pdfs/CCES-POLICY-CADP-E.pdf) or by contacting the CCES or SDRCC directly. ■*



1080 Beaver Hall, Suite 950, Montréal, Québec, H2Z 1S8

Tél: (514) 866-1245 Fax: (514) 866-1246  
1-866-733-7767 1-877-733-1246

[www.sdrcc.ca](http://www.sdrcc.ca)

ISSN 1712-9923



Patrimoine  
canadien

Canadian  
Heritage

The Sport Dispute Resolution Centre of Canada thanks Sport Canada for its generous financial contribution.