



An NSO/MSO Administrator's Primer to Managing a Positive Doping Test

by the Canadian Centre for Ethics in Sport

February 2009

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 or by contacting the CCES or SDRCC directly.