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The 2015 World Anti-Doping Code and its Impact on the Canadian Anti-Doping Program

by Justin MacNeill, Canadian Centre for Ethics in Sport



In 2004, the World Anti-Doping Agency (WADA) initiated the World Anti-Doping Code (the Code) to promote a level international playing field for all athletes. Acceptance and implementation of the Code is a requirement for any sport and country who wishes to participate in the Olympic

Games, Paralympic Games, world championships or other major games.

Compliant with the Code and all international standards, the Canadian Anti-Doping Program (CADP) is the set of rules that govern doping control in Canada. It describes how the program is carried out and details the process of results management.

"Canadians tell us they want sport to be ethical and fair for all athletes," says Paul Melia, President and CEO of the Canadian Centre for Ethics in Sport (CCES). "These are the values on which the Canadian Anti-Doping Program (CADP) is built." As the custodian of Canada's anti-doping initiative, the CCES works to create an environment that matches the expectations of Canadians and upholds the standards of the Code.

Consultation on the existing Code began in late 2011

calling for comments from all stakeholders. On January 1st, 2015, an updated version of the Code will come into effect, reflecting more than 2000 changes between the 2009 edition of the Code and this new edition.

The main goal of the revised 2015 Code is to strengthen the global fight against doping and to protect the integrity of sport. "The CCES welcomes the changes to the Code as they will ultimately serve to protect, not only the health of our athletes, but also the entire Canadian sport community and its many stakeholders who share our passion for clean sport," says Melia.

As a result of changes to the Code, the CCES has had to rethink how it delivers the CADP in Canada including the need to form new partnerships with national sport organizations and governments.

The CCES reached out to the Canadian sport community to collect feedback from its key stakeholders to help shape the 2015 CADP. Feedback was collected during two separate consultation periods, including a CADP Symposium hosted in Ottawa in April 2014. All comments were considered during the creation of the drafts of the 2015 CADP. The final version was released October 1st, 2014, giving national sport organizations three months to fully adopt the new CADP.

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The 2015 World Anti-Doping Code and its Impact on the CADP (continued)

(continued from page 1) The 2015 CADP reflects the notion of a “value proposition” to be offered to each sport organization adopting the program. In summary, the “value proposition” for each organization is that through their adoption they have a Code compliant anti-doping program that is both meaningful and effective and appropriately addresses the threat of doping within their sport. Achieving the “value proposition” requires the collaboration of sport organizations, their athletes and the CCES.

Below are 10 important areas that have been revised in the 2015 CADP and summarized here. Additional information on the changes listed below can be found at <http://www.cces.ca/en/2015cadp>

1) Increased Sanctions - Article 10

- Sanctions for the violations of presence, use and possession will increase from two to four years, with the possibility of a reduction to two years in certain circumstances if the conduct was not intentional.

2) New Violations - Article 2

- The text for the violation for *complicity* includes “assisting” and “conspiring” involving an anti-doping rule violation or the breach of a sanction during a period of ineligibility.
- *Prohibited Association*, which prohibits athletes and other people from associating with any athlete support person who is serving a period of ineligibility.

3) Updates to ‘Strikes’ - Article 20

- Athletes accumulate a ‘strike’ for a missed test or a whereabouts submission failure. Once an athlete has accumulated three ‘strikes’ within a given timeframe, they may face an anti-doping rule violation.
- The rules around the timeframe will change so that ‘strikes’ will now be kept on an athlete’s record for a rolling period of 12 months rather than 18 months.

4) Statute of limitations increased - Article 17

- The statute of limitations has increased from 8 years

to 10 years, meaning an anti-doping rule violation can be determined up to 10 years after its occurrence.

5) Public Disclosure - Article 14

- Public disclosure of an anti-doping rule violation will occur for every violation unless the violation involves a minor, in which case the CCES has discretion to not release the name based on the facts and circumstances of the case.

6) Introduction of the National Athlete Pool (NAP) - Article 1

- The CCES will work with national sport organizations to identify athletes for the NAP. Everyone in the NAP will be considered to be a national-level athlete. Anti-doping education is mandatory for all athletes in the NAP.

7) New rules for therapeutic use exemptions (TUEs) - Article 4

- All national-level athletes will require a TUE. This means that most athletes will be required to go through the full TUE process in order to use prohibited substances or methods for medically justified reasons. However, there will be expanded opportunities to obtain a TUE with retroactive effect.

8) Medical Reviews - Article 4

- Medical reviews will no longer be permitted for national-level athletes. They will only be permitted for student-athletes.
- A student-athlete is an individual who is an athlete and a student competing in Canadian Interuniversity Sport (CIS) and/or Canadian Collegiate Athletic Association (CCAA) sport activities and who is not in the National Athlete Pool for any sport.

9) Increased focus on intelligence-gathering - Article 5

- The increasing role of investigations is reflected in a number of Code amendments.

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SDRCC Roster Member Profile: Learning More About our Arbitrators and Mediators

They come from every region of Canada and have extensive experience in alternate dispute resolution and sports-related issues, but how much do we really know about them? The SDRCC has an impressive list of 42 mediators and arbitrators and we will slowly be introducing you to some of them through our regular installments of “SDRCC Roster Member Profiles”. In this edition we would like to present to you, **Paul Denis Godin, Mediator from Toronto, Ontario.**



What lead you to a career in ADR?

I wanted to do something positive and constructive with my life. Even when I started law school I wanted to find a better way than litigation to resolve disputes. Problem solving is a natural part of my personality and I love working with people.

Specialization/Area of Expertise:

Sport is one for my specialisations but I also mediate commercial, labour and aboriginal issues, amongst others.

As a Mediator with the SDRCC I...

enjoy helping athletes and their federations find solutions to their problems. As a former athlete, I also enjoy working with sports people. They tend to be competitive by nature but I also find they are willing to work constructively and in a collaborative way to resolve their issues (they have a drive to win, but often see others involved in their sport as part of a broader team or family). A signifi-

cant benefit of the process is assisting parties to share their perspectives on the issues, identify their goals and concerns, and clarify the areas of dispute.

Favorite Sport(s):

I still enjoy playing water polo and soccer, and I am an avid follower of the World Cup and Olympics. Swimming keeps me sane.

Dispute Prevention Tip for Athletes and Federations:

Early on, athletes should clarify to their federation what their goals and concerns are, and try to communicate them clearly and effectively. On their side, federations and sports organizations should explain to the athletes why they have made a specific decision and answer athletes' concerns. On all sides, treat the people with respect. Deal with them in a way that makes it easier for them to say yes, and not in a way that makes them want to say no.

In our next edition, look for the profile of an SDRCC Arbitrator

Notable Dates:

- **October 6, 2014:** SDRCC in a panel session at BCCAT Conference (Richmond, BC);
- **October 7, 2014:** Two SDRCC workshops hosted by ViaSportBC (Richmond, BC);
- **October 18, 2014:** Two SDRCC workshops at the Karate Canada AGM (Toronto, ON);
- **October 23, 2014:** SDRCC in a panel session at ADR Institute of Canada Conference (Montreal, QC);
- **October 30, 2014:** SDRCC presentation and panel session with Squash Ontario (Toronto, ON);
- **November 6-8, 2014:** SDRCC workshops and kiosk at the 2014 Sport Leadership Conference (Ottawa, ON);
- **November 20, 2014:** SDRCC presentation at the Social Security Tribunal Conference (Ottawa, ON);
- **November 22-23, 2014:** Two SDRCC workshops hosted by Sport North (Yellowknife, NT);
- **January 27-29, 2015:** SDRCC kiosk at the Canadian Sport 4 Life Summit (Ottawa, ON).



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- Investigations into possible anti-doping rule violations by teammates and the entourage of managers, coaches and trainers will be mandatory when an athlete has an adverse analytical finding.

10) New Technical Document for Mandatory Testing - Article 6

- The Technical Document on Sport-Specific Analysis will provide mandatory minimum levels of testing that must be carried out in certain sports and disciplines for specific substances, such as erythropoietin (EPO) and human growth hormone (hGH).

For more information about the 2015 CADP, including the final version, please visit: <http://www.cces.ca/en/2015cadp> ■

VOLUNTEERS NEEDED FOR THE SDRCC BOARD OF DIRECTORS

The SDRCC is seeking volunteers to serve on its Board of Directors. Successful applicants will be appointed to the Board by the Minister of State (Sport) for terms beginning in the spring and fall of 2015 to manage the affairs and business of the SDRCC. A complete description of the application process and the selection criteria is available in the Call for Applications published on the SDRCC website at: <http://www.crdsc-sdrcc.ca/eng/about-employment-oppo>

Applications must be received by the SDRCC no later than 4:00 pm (EST) on November 14, 2014. ■



The **2014 SDRCC Arbitrator and Mediator Conference** will be held at the Westin Ottawa from November 6-8, 2014. This year we are especially pleased to be partnering with the Coaching Association of Canada to present our event in conjunction with the **Sport Leadership Conference**.

This exciting new program provides an opportunity to network and share information with leaders in the Canadian sport community. Be sure to check our website for conference program and registration information. ■

MAIN CAUSES OF DISPUTES AND PREVENTION STRATEGIES; a Must for Sport Administrators



The newest SDRCC publication is now available in [pdf](#) format and on an [interactive platform](#) on the SDRCC website. Printed versions of the tabbed booklet can also be ordered by Canadian sport community members by contacting the SDRCC office. ■



CHRISTINA BEAUCHAMP

Christina joined the SDRCC on September 22 as the Case Manager. She previously worked as a lawyer at a municipal government and is looking forward to bringing that experience to the handling of tribunal cases with the SDRCC. In her free time, Christina regularly practices Bikram Yoga and also enjoys hiking and spinning classes. ■

NEW PARTNERSHIP WITH ViaSport BC



The SDRCC is proud to announce its first provincial partnership to share its dispute prevention resources and assist with

the implementation and delivery of ViaSport BC's new Dispute Prevention and Resolution Framework. Details on this program are available at the following link: <http://www.viasport.ca/dispute-prevention-resolution>. ■



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