



ILLICIT DRUG POLICY

January 2012

1. Introduction

BSADA was established by NSGB's and Government and is in operation to educate the sporting community about the consequences of illicit drug use. We believe that illicit use of drugs potentially affects performance, risks health, and/or is contrary to the spirit of fair play and ethics in sport.

Additionally, BSADA firmly believes that the Bermudian sporting community can deter athletes from using illicit substances through the provision of a high quality independent and accessible illicit drug testing programme, in order to enhance the value of sport and promote a healthy environment in which to compete, and for the community to enjoy.

The intent of this Policy is a means for prevention and intervention which provides participants in sports across all NSGBs to make good healthy lifestyle choices for their sport(s) instead of illicit drug use. The illicit drug programme is directed toward ensuring that appropriate, judicious sanctions are applied as a result of a Drug Breach.

BSADA provides services to Bermuda athletes on behalf of the NSGBs, and is sanctioned by the Bermuda Government to be the National Anti-Doping Organization (NADO) for Bermuda. The primary mandate of BSADA is to coordinate the development and implementation of programs and policies for anti-drug use, including screening, referral, research, education, appeals and arbitration and intervention on behalf of all of Bermuda's NSGBs so that clear standards are in place.

2. Test Pools

Athletes will be classified on an annual basis to identify which Test Pool they are in. The classification of athletes will be the result of discussions between the NSGB and BSADA, however BSADA will have the final decision on which pool an athlete should be in. Athletes will be either in the Registered Test Pool (RTP), National Test Pool 1 (NTP1), the National Test Pool 2 (NTP2) or the Domestic Test Pool (DTP) as defined in the BSADA 'Test Pool Policy'.

All Athletes whether they are in the RTP, NTP1, NTP2 or the DTP are subject to testing throughout the year. Athletes will be selected by applying either a random selection or intelligence to the pool. Athletes will remain in these pools until the classification process is conducted again or retirement by the athlete.

Where a NSGB does not have a structured national programme and can therefore not identify their national athletes to enter the RTP, NTP1 or NTP2 then any team or athlete representing Bermuda, either locally or overseas, will be subject to pre event testing prior to competition. If pre event testing is to be conducted NSGBs must inform BSADA, four (4) weeks prior to the start of competition that they wish to compete and submit a list of participants including all reserves.

3. Who Does the Policy Apply to?

This policy applies to—

- a) Athletes, Athlete Support Personnel and participants in sports in Bermuda;
- b) athletes who possess Bermudian status or residents of Bermuda training or competing abroad;
- c) national sport governing bodies, their affiliate members, clubs, teams, associations or leagues;
- d) national leagues not affiliated with a national sport governing body;
- e) participants in any capacity in any sporting activity organized, held, convened or authorized by a national event organization, multi-sport and major games federation; and
- f) Foreign athlete, in-competition or out-of-competition, which is present in Bermuda.

By adopting the policy each relevant NSGB takes responsibility for ensuring sports men and women in their organization are bound by the policy's standards. Any person registered as an athlete or member of a NSGB, or local club or wishes to participate in an activity of (or sanctioned by) an NSGB, affiliate or local club, this policy shall apply.

4. Definition of a Drug Breach

A drug breach is the presence of one or more of the substances, included in a list of Illicit Drugs identified in the Misuse of Drugs Act 1972 and its amendments, in an athlete's sample. As with the WADA Code this offence will be one of strict liability, whether the participant intentionally or unintentionally used an illicit drug or was negligent or otherwise at fault.

Non analytical drug breaches will include;

- a) refusal or failure to comply with any drug screening appointment such as a refusal to participate in drug use control or refusing to sign relevant forms;
- b) Avoiding, attempting to avoid or tampering with drug use control and detection of banned substances, such as the use of adulterants or more than one request to reschedule,
- c) Failing to co-operate as requested in any request to report for a screening.
- d) Trafficking of an Illicit Substance.

The above will result in a drug breach, the decision of which may be appealed by the Athlete. When deciding whether to charge a participant with a non analytical drug breach the BSADA Results Committee shall decide whether an excuse is, or is not, reasonable. The burden of establishing a reasonable excuse will remain with the athlete.

5. List of Drugs

The list of illicit drugs that this policy refers to are those included in The Misuse of Drugs Act 1972 and its amendments.

6. Testing

BSADA will complete a Standard for Testing which will enable the integrity and identity of samples to be maintained. The Standard for Testing will include details on:

- Selection for testing
- Notification of athletes for testing- the preference being no advanced notice
- Preparation for and conduct of the sample collection session, including appropriate collection personnel
- The sample collection process
- Security of samples
- The roles and responsibilities of BSADA, NSGBs, Athlete Support Personnel and athletes throughout the sample collection process.

7. Results Management

In order to ensure the integrity of the result management procedure a Result Management Standard will be produced which BSADA, NSGBs and athletes must comply with. The Result Management Standard will cover:

- Notification to and recognition by sporting organisations of results
- Dealing with positive and negative results
- Review of positive results
- Time scales for reporting
- Disciplinary process
- Appeals process
- The roles and responsibilities of BSADA, NSGSBs, Athlete Support Personnel and Athletes throughout the result management process.

8. Right to a Fair Hearing

All hearings conducted pursuant to a drug breach will respect the following principles:

- A timely hearing;
- A fair and impartial hearing;
- The right of representation by counsel at the participants own expense;
- The right to be fairly and timely informed of the asserted illicit drug breach;
- The right to respond to the asserted illicit drug breach;
- The right of each party to present evidence , including the right to call and question witnesses;
- The right to an interpreter
- The right to a timely, written, reasoned decision.

Each hearing will be convened by at least three members of the Anti-Doping Disciplinary Panel.

9. Disciplinary Hearings

If a participant wishes to dispute an asserted drug breach they will have a right to a disciplinary hearing. The Anti-Doping Disciplinary panel will consider all evidence and submissions before making its decision as to whether an illicit drug breach has occurred.

The Anti-Doping Disciplinary Panel will be appointed by the Minister responsible for Sport and three (3) members of this panel will hear each case. The Disciplinary procedure will consist primarily of interviewing the person accused of a drug breach and BSADA along with other individuals and reviewing any relevant documentation that exists in the NSGB, BSADA and other files.

10. Appeals Panel

A participant will have the right of appeal against the decision of the disciplinary panel. The Appeals panel is responsible for analyzing information to determine if there is a case to be heard and subsequently to hear the case. The Panel shall be appointed by the Minister Responsible for Sport and three (3) members of this panel will hear each case.

11. Sanctions

NSGBs must accept that there is no such thing as sanction-free drug breaches. There must be consequences resulting from the first illicit drug breach.

In the case of a person who participates in sport in one or more roles, (for example, as both an athlete and a coach), the role of the individual for the purpose of application of this policy shall be that which the individual was performing at the time of the infraction.

All persons sanctioned by virtue of this Policy as being ineligible to participate in sport will be ineligible to participate in any competition or activity organized, convened, held, or sanctioned by a NSGB, affiliate, or local club for the duration of the period of ineligibility. Penalties in any sport, role, or level shall be respected by the authorities at all other levels of the same sport and in all other sports subject to this Policy.

Anyone who incurs an infraction as a minor i.e. under the age of eighteen (18), shall have the record reviewed by BSADA on the athletes request on reaching 18 with the aim of expunging their record.

The penalty for an analytical drug breach is calculated from the date of sample collection. For a Non Analytical Drug Breach, the penalty is calculated from the time of decision of the Anti-Doping Disciplinary panel or the Appeals panel.

ATHLETE ONLY:

Subject only to the provisions for reinstatement, the penalties for a Drug Breach of an illicit drug, including non-analytical drug breaches by an Athlete (other than: Trafficking illicit drugs to others, counseling and encouraging others to use illicit drugs) are:

1. 1st infraction:
National representation –1 year ineligibility concurrent with monitored successful rehabilitation.

Domestic participation - a warning.
This is a written warning from BSADA as to future penalties if the individual should have a second or subsequent infraction. The individual shall also be informed that they are liable to target-testing.
2. 2nd infraction:
National representation- 2 years ineligibility

Domestic participation – 1 year ineligibility from Domestic Play
3. 3rd infraction:
National representation - Life from National participation

Domestic participation - 3 years ineligibility from Domestic Play
4. 4th infraction –
Domestic participation - Life ineligibility from Domestic Play

ATHLETE AND ATHLETE SUPPORT PERSONNEL:

Penalties for a Drug Breach by a person other than an athlete, and by an athlete involved in Trafficking illicit drugs to others, counseling and encouraging others to use illicit drugs are:

1. 1st infraction:
National participation - Life ineligibility

Domestic participation - 5 year ban
2. 2nd infraction:
Domestic participation – Life ineligibility
In accordance with the POLICIES AND PROCEDURES, a person charged with a Drug Breach will be ineligible to participate in any competition or activity organized, convened, held or sanctioned by a NSGB, local Club, or affiliate, from the date the athlete refused or avoided a request to be screened, or in all other cases the date of the decision of BSADA pending protest or appeal.

12. Education

BSADA recognizes that deterrence through education is important to fighting illicit drugs in sport. BSADA will conduct education regarding illicit drugs in sport. This education will be provided in consultation with stakeholders and Government Ministries namely the Department of Youth Sport and Recreation, the Ministry responsible for Health and The Ministry of Education.

DEFINITIONS

ANTI-DOPING APPEALS PANEL: The panel appointed by the Bermuda Government to adjudicate on appeals from decisions of the Bermuda Anti-Doping Disciplinary Panel.

ANTI-DOPING DISCIPLINARY PANEL: The panel appointed by the Bermuda Government to adjudicate on alleged violations of the Anti-Doping Rules.

ATHLETE: any person who participates in sport under the jurisdiction of an NSGB at the international level, national level and any other competitor in sport who is otherwise subject to the Anti-Doping in Sport Act 2011.

ATHLETE SUPPORT PERSONNEL: Any coach, trainer, manager, agent, team staff, official, medical or Para-medical personnel, parent or any other person working with, treating or assisting an Athlete participating in or preparing for Sports Competition.

BSADA: Bermuda Sport Anti-Doping Authority is the **NADO** of Bermuda.

COMPETITION: A single race, match, game or singular athletic contest. For example the Olympic 100 meter final race.

CODE: is the World Anti-Doping Code (The Code) is the fundamental and universal document upon which the World-Anti-Doping Program in sport is based.

DOMESTIC: relating to local competitions and athletes.

DOPING CONTROL: The process including screen distribution planning, sample collection and handling, laboratory analysis, results management, hearings and appeals.

DTP: means the Domestic Test Pool

EVENT: A series of individual competitions conducted together under one ruling body.

ILLICIT SUBSTANCE: Any substance so described on the Misuse of Drugs Act 1972

NADO: The entity designated by each country as possessing the primary authority and responsibility to adopt and implement Anti-Doping Rules, direct the collection of Samples, the management of screen results, and the conduct of hearings, all at the national level.

NATIONAL ATHLETE: an **Athlete** that represents or has the potential to represent Bermuda in sport, under the official sanction of an **NSGB**. **National Athletes** are in the **RTP**, **NTP1** or **NTP2/NSGB** (National Sports Governing Body); a sporting organization that is recognized by the Government as being responsible for all or a substantial part or section of the sport in Bermuda whether or not there exists an international sporting federation in relation to that sport.

NTP 1: means the National Test Pool 1.

NTP2: means the National Test Pool 2.

PARTICIPANT: Any Athlete or Athlete Support Personnel.

POSSESSION: The actual, physical possession of an **Illicit Substance**/method.

REGISTERED TESTING POOL (RTP): The pool of top level Athletes established separately by each National Anti-Doping Organization and/or International Federation.

RESULTS MANAGEMENT STANDARD: is the standard created by BSADA to support the Illicit Policy and ensure that procedures are followed on a consistent basis.

TAMPERING: Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly to alter results or prevent normal procedures from occurring.

TARGET TESTING: Selection of **Athletes** for testing where specific **Athletes** or groups of **Athletes** are selected on a non-random basis for testing at a specified time.

TEST POOL: refers to the group an athlete has been placed in which subsequently determines the type and amount of testing a particular athlete is subject to.

TESTING STANDARD: is the standard created by BSADA, to support this Policy, which ensures the integrity and security of sample collection is maintained on a consistent basis.

TRAFFICKING: To sell, give, administer, transport, send, deliver or distribute an **Illicit Substance** or an adulterant either directly or indirectly or through one or more third parties.**WADA:** The World Anti-Doping Agency