



Bermuda Council for  
Drug Free Sports

# **DOMESTIC DOPING CONTROL POLICIES AND PROCEDURES**

**June 2009**

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## Our Mission

The Bermuda Council for Drug Free Sport (BCDS) is an independent charity, which promotes ethical conduct in all sporting activity in Bermuda by deterring the use of banned doping practices and illicit drug use in sport through education, intervention, advocacy, research and the coordination of Bermuda's anti-doping program.

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## Our Mandate

To be the National Anti-Doping Organisation for Bermuda

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## Our Vision

Healthy Individuals – Healthy Communities

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## Our Values

Realise our Potential

**We will adopt a professional approach to all business for and on behalf of BCDS.**

**We will benchmark off and apply best practice standards to all our business.**

Accountability

**We will be fully accountable to our funding bodies**

**We will conduct our activities in accordance with principle of transparency and accountability**

Respect for Individuals

**We will respect the diversity of all persons with whom we come into contact with.**

**We will uphold the confidentiality of individuals throughout each activity and process.**

Ethical Attitude

**We will conduct our activities in accordance with the highest standards of ethical behaviour.**

**We will develop and maintain policies, practices and procedures that reflect justice, & integrity.**

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# **DOMESTIC DOPING CONTROL SCREENING STANDARD OPERATING POLICY AND PROCEDURES**

## **Introduction**

**Doping Control has become an integral part of national and international sport. Doping is defined as the occurrence of one or more anti-doping rule violations, and includes the use of illicit substances. We believe that illicit use of drugs potentially affects performance, risks health, and/or is contrary to the spirit of fair play in sport and ethics in sport.**

**The Bermuda Council for Drug-free Sport (BCDS) was established by NSGB's and Government and is in operation to educate the sporting community about the consequences of illicit drug use. The intent of these Standard Operating Procedures (SOP's) are a means for prevention and intervention which provide participants in sports across all National Sporting Bodies to make good healthy lifestyle choices for their sport(s) instead of drug use.**

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**The BCDS is incorporated under the following objects:**

**To represent, promote and develop drug-free sports in Bermuda;**

**To seek support from and work cooperatively with organizations, agencies, groups and individuals having aims or objectives which are consistent with those of the Bermuda Council for Drug-Free Sport;**

**To support local, regional and national competitions and events under the banner of drug-free sport in Bermuda;**

**To assist with the development of athletes, teams, coaches and officials to represent Bermuda at international competitions, from a drug-free sport perspective;**

**To affiliate with, and represent Bermuda on appropriate international bodies governing drug-free sport, and to uphold the rules of World Anti-Doping Association and other such international bodies in Bermuda;**

**To act as the sole authority governing drug-free sport in Bermuda as appointed by the Bermuda Government by creating, maintaining and enforcing rules consistent with the rules of the World Anti Doping Association (WADA) and international bodies governing drug free sport, International Sports bodies with their relevant laws/rules governing drug free sport, and rules especially developed in Bermuda for our specific domestic programs.**

To receive, raise, use, invest and reinvest funds to support these objectives.

**As an independent Council, BCDS provides services to Bermuda athletes on behalf of the National Sports Governing Bodies, and is sanctioned by the Bermuda Government to be the National Anti Doping Organisation for Bermuda. The primary mandate of the BCDS is to coordinate the development and implementation of programs and policies for anti-drug use, including screening, counseling, research, education, appeals and arbitration and intervention on behalf of all of Bermuda’s National Sport Governing Bodies so that clear standards are in place.**

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**This document represents a revision of the original document produced in 1998. The BCDS implements the mandatory and other portions of the Domestic Programme for illicit drug screening for which there are two components – the Random doping control and the Pre Event doping control.**

**Domestic Illicit Doping Control involves athlete notification, sample collection, result management, protests and appeals, determination of drug use related infractions, sanctions and reinstatement. This document serves as the Standard Operating Policy (SOP) for the conduct of Domestic Doping Control in Bermuda.**

**This document therefore serves two primary purposes:**

**it standardizes the sample collection processes to obtain and assure reliability of screening results;**

**it provides notice and information to those involved in the screening program about the different responsibilities and screening procedures of Bermuda’s Doping Control program.**

**This SOP strikes a reasonable balance between standardized procedures and the flexibility required to accommodate a wide range of screening situations. While this manual describes specific information for sample collection, laboratory and reporting procedures, it must be emphasized that the primary objective of these guidelines is to maintain the security, integrity and identity of the sample.**

**Since the fundamental objective is to maintain reliability of screen results, variations or departures from these SOPs shall not necessarily invalidate screen results unless they can be shown, on a balance of probabilities, to cast doubt on the validity of the screen sample or result.**

**Throughout this Standard Operating Policy, the expression, Ministry responsible for the National Drug Control list (NDC List) refers to illicit drugs. Only Certified Doping Use Control Officers (CDCO) are authorized by the Bermuda Council for Drug-Free Sport to supervise or conduct sample collection procedures in Bermuda.**

**For the purpose of this policy, an athlete is an individual registered as an athlete or who participates as an athlete in any activities of, or sanctioned by, an international federation (IF), a national sport governing body (NSGB), affiliate or local sport club.**

**Unless otherwise specified, reference in this policy to “person” or “persons” means any and all individuals who participate or seek to participate in these aforementioned activities, including athletes.**

**For the purpose of this policy, National Sport Governing Bodies (NSGB's) refers to individual National Sport Governing Bodies, major games organizations and other multi sport organizations.**

**Should any person wish to register as an athlete or member of a NSGB, or local club or wish to participate in an activity of (or sanctioned by) an IF, a NSGB, affiliate or local club, this policy shall apply.**

**The BCDS has reciprocal arrangements with other recognized anti drug use agencies for Doping Control screening sample collection outside Bermuda. When another recognized anti-drug use agency collects samples from Bermudian athlete(s), there may be variations in procedures and documentation from that of the BCDS. However, those differences will not invalidate screen results unless they cast doubt on the reliability of the results. In addition, variations necessary to accommodate athletes with special requirements, including athletes with disabilities, will not invalidate screen results unless they cast doubt on the reliability of the results.**

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**This programme seeks to preserve what is intrinsically valuable about Sport. This intrinsic value is often referred to as “the spirit of sport”. The spirit of sport is the celebration of human spirit, body, and mind and is characterized by the following values:**

**Ethics, fair play and honesty**

**Health**

**Excellence in performance**

**Character and education**

**Fun and joy**

**Teamwork**

**Dedication and commitment**

**Respect for rules and laws**

**Respect for self and other participants**

**Courage**

**Community and solidarity**

**Illicit drug use is fundamentally contrary to the spirit of sport.**

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**The BCDS firmly believes:**

**The Bermudian sporting community can deter athletes from using banned doping practices and illicit substances through the provision of a high quality independent and accessible anti-doping programme, in order to enhance the value of sport and promote a healthy environment in which to compete, and for the community to enjoy.**

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# 1. DOMESTIC DOPING CONTROL

## 1.1 Doping Control Station

The Doping Control Station will be set up in accordance with International standards, defined as follows:

At a minimum the Doping Control Station ensures the athletes privacy and is used solely as a doping control station for the duration of the sample screening session. The CDCO shall record any significant deviations from these criteria.

## 1.2 Security Precautions at the Doping Control Session

In addition to the athlete(s) and the accompanying athlete representative, if any, only the following persons will be permitted at the Doping Control Session:

Designated CDCO(s);

Chaperones, Doping Control Witness(es) and Station Marshall;

Authorized BCDS representative(s);

Security personnel (if needed).

Only the following persons will have access to the Doping Control equipment, Doping Control documentation, and the refrigerator:

Designated CDCO(s);

Doping Control Witness & Station Marshall;

Authorized BCDS Representative(s).

## 1.3 Equipment

Only BCDS approved equipment and materials will be used in conducting drug screening within Bermuda. As noted in the introduction, these SOPs are written at a specific point in time and are reviewed periodically. Therefore specific descriptions within the collection process may differ with current practice due to advances made in screening methodologies and equipment design. The use of other equipment or variations in the collection and screening process which vary from the process stated herein will NOT invalidate the process or the results unless it can be shown, on a balance of probabilities, to cast doubt on the validity of the sample or the screen result.

The BCDS has reciprocal arrangements with other recognized anti drug use agencies for Doping Control screening sample collection outside Bermuda. When another recognized anti-drug use agency collects samples from Bermudian athlete(s), there may be variations in procedures and documentation from that of the BCDS. However, those differences will not invalidate screen results unless they cast doubt on the reliability of the results. In addition, variations necessary to accommodate athletes with special requirements, including athletes with disabilities, will not invalidate screen results unless they cast doubt on the reliability of the results.

## **2.0 CONDUCTING DOMESTIC RANDOM DOPING CONTROL**

### **2.1 Overview**

**Domestic Random doping control will incorporate the following:**

**Doping control samples will be screened for illicit substances as identified by the Ministry responsible for the National Drug Control full list.**

**Athletes representing Bermuda and who reside outside of the country are subject to the same Random doping control notification procedures. An agency Doping Control Officer, with whom the BCDS has reciprocal arrangements in the country where the athlete resides may carry out the Doping Control screening.**

**Athletes may be recommended for target screening to ensure quality in the process which may be requested by the Ministry of Sport, National Sports Governing Bodies, Major Games Associations (e.g. Bermuda Olympic Association, Island Games), or the BCDS**

### **2.2 Registered Test Pool for the Domestic Random Doping Control**

**Athletes defined by the Registered Test Pool may be selected at any time by the BCDS from this pool according to the procedures outlined below.**

**All athletes will remain in the Registered Test Pool until such time as a new list is provided by the relevant NSGB.**

**Individuals defined by the Registered Pool are selected by the BCDS for Random doping control screening according to the following procedures:**

- 1. The BCDS will apply the random selection programme to the athlete pool.**
- 2. Each NSGB may have up to 10% of its membership randomly selected by the programme.**
- 3. The BCDS will contact the individuals selected by the programme to notify them of the date, time and location to present for random drug screening. BCDS reserves the right to seek assistance to ensure that an athlete can be contacted.**
- 4. Athletes who have undergone pre-event Doping Control screening may, at the discretion of the BCDS, be exempt from re-screening within a 60 day period of the date of their last negative result.**

### **2.3 Roles and Responsibilities for Domestic Random Doping Control**

**These SOPs outline the roles and responsibilities of the various parties involved with any form of Random doping control screening. Each party's responsibilities are identified in the following sections.**

#### **2.3.1 Roles and Responsibilities of the NSGB**

**Each NSGB shall assume the following responsibilities regarding the conduct of Random doping control screening:**

- 1. Provide regular updated information on all eligible athletes within their sport including name, address day and evening telephone numbers. This data must be updated annually as requested by the BCDS and mandated by the Ministry responsible for Sports.**
- 2. Keep their athletes informed of the Random doping control Program, including the Doping Control screening processes, the importance of compliance, and the consequences of positive screen results and/or non-compliance according to Section 9 of these SOPs.**

3. Recommend to the BCDS any athlete which the NSGB feels should be “target screened”. Such a recommendation shall be in writing, indicating the athlete’s name and rationale for the request.
4. Notify each athlete of any confirmed positive screen findings within one working day of notification by the BCDS and related penalties, appeals and reinstatement options.
5. Notify the BCDS when the athlete has been notified and confirm that the athlete is considering their options with the full support of the NSGB.

### **2.3.2. Roles and Responsibilities of the BCDS**

The BCDS shall assume the following responsibilities regarding the conduct of the various forms of Random doping control screening.

1. Maintain a current athlete pool database based on annual submissions from the respective NSGB’s of all athletes eligible for Random out of competition drug control screening.
2. Apply the random selection program to the athlete pool monthly to determine which athletes from each NSGB will be contacted for random doping control screening.
3. The BCDS will contact each athlete (legal guardian or designate of a minor) and inform him/her of his/her requirement to report for Doping Control screening at a specific date, time and location (within 36 hours of notification).
4. Advise the athlete that he/she must provide valid identification to the CDCO upon demand, i.e. drivers license, passport or military ID.
5. Ensure that a legal guardian or designate of a minor is present at the doping control screening. The representative must provide valid identification to the CDCO upon demand, i.e. drivers license, passport or military ID.
6. Schedule the CDCO(s) and witness(es) who will conduct the Doping Control screening and provide administrative support to the CDCO’s.
7. Schedule a Station Marshall when required.
8. Provide all supplies required for Random doping control screening.
9. Provide secure transport for the delivery of those samples which screened positive by the CDCO to the approved laboratory for confirmation analysis
10. Report all screening results (positive and negative) to the respective NSGB within one business day of the completion of the doping control session.
11. Notify the NSGB of any penalty to be imposed as a result of a confirmed positive screen finding within 24 hours of receipt of the lab analysis confirmation.
12. Carry out all other responsibilities as per Section 4 of this document – Collection Process.

### **2.3.3 Roles and Responsibilities of the Certified Doping Control Officer (CDCO)**

The CDCO shall assume the following responsibilities regarding the conduct of Random doping control screening:

1. Confirm that adequate screening supplies and documentation (including a list of athletes to be screened) are received prior to initiating any Doping Control session.
2. Be familiar with the Doping Control screen environment and be aware of any limitations or issues to be addressed prior to Doping Control session.

3. Confirm that a sufficient number of trained witnesses of the correct gender are available to witness athletes as they provide a sample.
4. Carry a CDCO Identification Card, a BCDS Letter of Authorization or foreign equivalent for presentation which confirms to athletes that the CDCO is authorized to conduct Doping Control screening.
5. Confirm that all subjects have a valid Photo ID such as a Drivers License; Passport or Military ID. Confirm each athlete's identity and record the photo identification provided on the control form. Where no identification is provided, the CDCO shall take a photo of the athlete and record this on the data form. In addition this photo must be certified by the athlete, CDCO, and, if present, the NSGB representative. The failure or inability of an athlete to produce proper identification will NOT invalidate his/her screen result.
6. Observe or assign a Witness to observe the athlete at all times until the athlete provides a sample.
7. Receive the sample from the athlete and complete the screening process as per Section 4 of these SOPs.
8. Where the CDCO obtains a positive screening result, he/she will ensure that the sample(s) are secured for transport to the BCDS.
9. Complete the Doping Control Report Form; obtain the athletes and witness signatures and submit it to the BCDS. Sign the Doping Control Forms and obtain the signature of the athlete at the completion of the screening process.
10. Provide secure transport for the return of the BCDS and NSGB portions of the Drug Control Forms and any unused drug screening supplies to the BCDS office.
11. Secure residual screen equipment, appropriate facilities, and unused forms for collection by BCDS.
12. Carry out all other responsibilities as per Section 4 of this document – Collection Process.

#### **2.3.4 Roles and Responsibilities of the Station Marshall**

1. Familiarize themselves with their responsibilities.
2. Reporting to the Doping Control Station to start the Session.
3. Obtain a briefing from the CDCO on the activities of the session scheduled.
4. Display valid photo identification on their person.
5. Receive a list of athletes expected to present themselves for screening.
6. Be responsible for completion of the Doping control station Log ensuring that athletes who present themselves have their time in and out of the station logged.
7. In the absence of the witness, may also be required to observe and assume responsibility for the athletes at all times while the athlete awaits completion of the screening process and has their sample in the Doping Control Station.
8. Maintain order and ensure that the Doping Control Station area remains secure in order to protect the confidentiality of the athlete.
9. Report any irregularities to the CDCO when returning the completed Athlete Selection Order form to the CDCO.

### **2.3.5 Roles and Responsibilities of the Witness**

The responsibilities of the witness during the sample collection process in the Drug Control Station and shall consist of the following:

1. Ensure that the athlete provides an unobstructed view of the passing of the sample. The Witness may therefore need to ask the athlete to partially undress (e.g. unclothed from waist to mid-thigh).
2. Be the same gender as the athlete which they are observing.
3. Be 21 years of age or older, and wear proper photo identification provided by the BCDS.
4. Report any irregularities in the sample collection process directly to the CDCO.
5. Print and sign his/her name on the Doping Control Form.
6. If the CDCO acts as the Witness, the CDCO shall sign the Doping Control Form as both the Witness and the CDCO.
7. Inform the Station Marshal or CDCO if you must leave the Doping control Station general area to accompany another athlete for witnessing when you have an athlete(s) waiting for the paperwork with a sample in hand, in order to ensure that the athlete is under observations at all times.

In situations where an athlete is waiting to process his or her sample and the witness must leave the Doping Control Station, the Station Marshal or CDCO must be informed in order to ensure that the athlete is under observations at all times.

### **2.3.6 Roles and Responsibilities of the Athlete**

An athlete selected for Random doping control screening shall:

1. Present themselves to the designated CDCO at the appointed time for Doping Control screening as requested by the BCDS, or the athlete's NSGB.
2. Contact the BCDS Office prior to the scheduled "random screening if the athlete feels there is a valid reason he/she cannot attend the designated Doping Control session. It shall be the decision of the BCDS as to whether the reason given in advance for non-attendance is acceptable. Where the reason is considered acceptable, an alternative date and time for drug screening will be determined and the athlete notified accordingly. Where the reason is deemed unacceptable, the athlete will be notified that failure to appear for Doping Control screening at the designated time will constitute an infraction under Section 9 of these SOPs.
3. Provide valid identification to the CDCO upon demand, e.g. drivers license, passport or military ID at the outset of the Doping Control session.
4. Provide a true and valid sample as defined by Section 4 of these SOPs.
5. Sign the Doping Control form upon completion of the screen process. This signature confirms that the athlete agrees that the screen procedure was conducted correctly.
6. Carry out all other responsibilities as per Section 4 of this document – Collection Process.
7. Refusal or failure by an athlete to comply with Doping Control procedures shall be reported to the BCDS Results Management Committee pursuant to Section 9. Such a refusal or failure shall be treated as a drug use related infraction in accordance with Section 9 of these SOPs.

## **3. CONDUCTING DOMESTIC PRE EVENT DOPING CONTROL**

### **3.1 Overview**

Domestic Pre-Event doping control screening will incorporate the following:

- 1. Doping control samples will be screened for any of the illicit substances as identified by the Ministry responsible for the prohibited substance list.**
- 2. Athletes representing Bermuda and who reside outside of the country are subject to the same Pre-event doping control. An agency CDCO, with whom the BCDS has reciprocal arrangements in the country where the athlete resides, may carry out the Doping Control screening.**
- 3. Athletes may be recommended for target-testing to ensure quality in the process. The recommendation may be requested by the Ministry responsible for Sport, International Federations, National Sports Governing Bodies, Major Games Associations e.g. Bermuda Olympic Association, Island Games Association or the BCDS**

### **3.2. Registered Test Pool for Domestic Pre-Event Domestic Doping Control**

- 1. Athletes defined by the NSGB Pre-event Athlete Selection or Pre-Qualification may be selected at any time by the BCDS from this pool according to the procedures outlined below. Further, the BCDS reserves the right to “target screen” any eligible athlete, at any time, on either a “Short Notice or No Notice” basis.**
- 2. The pool is defined by an NSGB for commitment to international competition either abroad or for events hosted in Bermuda.**
- 3. Athletes who have undergone pre-event Doping Control screening may be exempt from re-screening within a 60 day period of the date of their last negative result at the discretion of the BCDS.**

### **3.3 Roles and Responsibilities for Domestic Pre-Event Doping Control**

These SOPs outline the roles and responsibilities of the various parties involved with any form of Pre-event doping control screening. Each party’s responsibilities are identified in the following sections.

#### **3.3.1 Roles and Responsibilities of the NSGB**

Each NSGB shall assume the following responsibilities regarding the conduct of Pre Event doping control screening:

- 1. Provide complete information on all eligible athletes within their sport a minimum of three weeks prior to departure or if the event is hosted locally three weeks prior to start of the event. The information provided MUST include full name; training venues; days and times; the name of the event; travel dates and the country that the event will be hosted in, and actual the event dates.**
- 2. Keep their athletes informed of the Pre Event Doping Control Program, including the target screening Doping Control screening processes, the importance of compliance, and the consequences of positive screen results and/or non-compliance according to Section 8 of these SOPs.**
- 3. For “pre-event screening” the NSGB shall, upon receipt of information from the BCDS regarding the arranged date, time and location of pre-event screening, notify each athlete concerned. The NSGB shall notify the athlete(s) directly.**

4. Upon confirmation of the screenings details, the NSGB will confirm in writing to the BCDS the final list of who has been notified and of any late changes made to the list of participants. The NSGB is ultimately accountable for ensuring that the athletes identified for pre-event Doping Control screening are present for screening. Failure on the part of the NSGB to communicate this information will result in an athlete's non-participation in the event.
5. It is the responsibility of the NSGB or their delegate to notify the BCDS if there is any athlete who will not present for screening-due to injury, illness or other legitimate circumstances.
6. Confirm that the athlete has and can provide valid identification to the CDCO upon demand i.e. drivers license, passport or military ID.
7. Confirm that a representative, (legal guardian or designate) in the case of a minor is present for the doping control screening. The representative must provide valid identification to the CDCO upon demand, i.e driver's license, passport or military ID.
8. Ensure that an official representing the NSGB is present at the time of "pre-event screening" to verify that all athletes to be screened have presented for Doping Control screening. In the case where an athlete appears to be late for screening, every effort should be made by the NSGB to confirm that the athlete will attend. Failure, by the athlete to appear once confirmed by the NSGB will result in an infraction in accordance with Section
9. Recommend to the BCDS any athlete which the NSGB feels should be "target screened". Such a recommendation shall be in writing, indicating the athlete's name and rationale for the request.
10. Notify each athlete of the screen results, any confirmed positive screen findings and related penalties, appeals and reinstatement options.
11. Carry out all other responsibilities as per Section 4 of this document – Collection Process

### **3.3.2 Roles and Responsibilities of the BCDS**

The BCDS shall assume the following responsibilities regarding the conduct of pre event Doping Control screening:

1. For "pre-event screening, the BCDS shall notify the relevant NSGB in writing of the date, time, and location for their athletes to present for Doping Control screening and of the requirement to report for Doping Control screening within 36 hours of notification. The NSGB will be responsible for notifying the athletes of the screening location.
2. The BCDS will provide to the CDCO the names of the individuals to be screened as well as the physical location of the Doping Control Station.
3. Schedule the CDCO(s) and witness (es) who will conduct the Doping Control screening and provide administrative support to the CDCOs.
4. Schedule a Station Marshall when required.
5. Provide all supplies required for Random doping control screening.
6. Provide secure transport for the delivery of those samples which screened positive by the CDCO to the approved laboratory for confirmation analysis

7. Report all screen findings (positive and negative) to the respective NSGB and notify the NSGB of any penalty to be imposed as a result of a confirmed positive screen finding.
8. Carry out all other responsibilities as per Section 4 of this document – Collection Process.

### **3.3.3 Roles and Responsibilities of the Certified Doping Control Officer (CDCO)**

The CDCO shall assume the following responsibilities regarding the conduct of pre event Doping Control screening:

1. Confirm that adequate screening supplies and documentation (including a list of athletes to be screened) are received prior to initiating any Doping Control session.
2. Be familiar with the Doping Control screen environment and be aware of any limitations or issues to be addressed prior to Doping Control session.
3. Confirm that a sufficient number of trained witnesses of the correct gender are available to witness athletes as they provide a sample.
4. Carry a CDCO Identification Card, a BCDS Letter of Authorization or foreign equivalent for presentation which confirms to athletes that the CDCO is authorized to conduct Doping Control screening.
5. Confirm that all subjects have a valid ID such as a Drivers License; Passport or Military ID. Confirm each athlete's identity and record the photo identification provided on the control form.
6. Where no identification is provided, the CDCO shall take a photo of the athletes and record this on the data form. In addition this photo must be certified by the athlete, CDCO, and NSGB representative.
7. Observe or assign a Witness to observe the athlete at all times until the athlete provides a sample.
8. Receive the sample from the athlete and complete the screening process as per Section 4 of these SOPs.
9. Where the CDCO obtains a positive screen result, he/she will ensure that the sample(s) are secured for transport to the BCDS.
10. Complete the Doping Control Report Form; obtain the athletes and witness signatures and submit it to the BCDS. Sign the Doping Control Forms and obtain the signature of the athlete at the completion of the screening process.
11. Provide secure transport for the return of the BCDS and NSGB portions of the Drug Control Forms and any unused drug screening supplies to the BCDS office.
12. Secure residual screen equipment, appropriate facilities, and unused forms for collection by BCDS.
13. Carry out all other responsibilities as per Section 4 of this document – Collection Process.

### **3.3.4 Roles and Responsibilities of the Station Marshall**

1. Familiarize themselves with their responsibilities.
2. Report to the Doping Control Station to start the Session.
3. Obtain a briefing from the CDCO on the activities of the session scheduled.
4. Display valid photo identification on their person.

5. Receive a list of athletes expected to present themselves for screening.
6. Be responsible for completion of the Doping control station Log ensuring that athletes who present themselves have their time in and out of the station logged.
7. In the absence of the witness, may also be required to observe and assume responsibility for the athletes at all times while the athlete awaits completion of the screening process and has their sample in the Doping Control Station.
8. Maintain order and ensure that the Doping Control Station area remains secure in order to protect the confidentiality of the athlete.
9. Report any irregularities to the CDCO when returning the completed Athlete Selection Order form to the CDCO.

### **3.3.5 Roles and Responsibilities of the Witness**

The responsibilities of the witness during the sample collection process in the Drug Control Station shall consist of the following:

1. Ensure that the athlete provides an unobstructed view of the passing of the sample. The Witness may therefore need to ask the athlete to partially undress (e.g. unclothed from waist to mid-thigh).
2. Be the same gender as the athlete which they are observing.
3. Be 21 years of age or older, and wear proper photo identification provided by the BCDS.
4. Report any irregularities in the sample collection process directly to the CCDCO.
5. Print and sign his/her name on the Doping Control Form. If the CDCO acts as the Witness, the CDCO shall sign the Doping Control Form as both the Witness and the CDCO.
6. Inform the Station Marshal or CDCO if you must leave the Doping control Station general area to accompany another athlete for witnessing when you have an athlete(s) waiting for the paperwork with a sample in hand, in order to ensure that the athlete is under observations at all times.

### **3.3.6 Roles and Responsibilities of the Athlete**

An athlete selected for pre event Doping Control screening shall:

1. Report to the designated CCDCO at the appointed time for Doping Control screening as requested by the BCDS, the athlete's NSGB and/or an authorized CCDCO.
2. Contact the BCDS directly if the athlete is aware of any reason why he/she cannot attend the Doping Control screening session. It shall be the decision of the BCDS as to whether the reason given in advance for non-attendance is acceptable. Where the reason is considered acceptable, an alternative date and time for drug screening will be determined and the athlete notified accordingly. Where the reason is deemed unacceptable, the athlete will be notified that failure to report for Doping Control screening at the designated time will constitute an infraction under Section 8 of these SOPs.
3. Provide photo identification to the CCDCO at the outset of the Doping Control session.
4. Provide a true and valid sample as defined by Section 4 of these SOPs.

5. Sign the Doping Control form upon completion of the screen process. This signature confirms that the athlete agrees that the screen procedure was conducted correctly.
6. Carry out all other responsibilities as per Section 4 of this document – Collection Process.
7. Refusal or failure by an athlete to comply with Doping Control procedures shall be reported to the BCDS Results Management Committee pursuant to Section 8. Such a refusal or failure shall be treated as a drug use related infraction in accordance with Section 11 of these SOPs.

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## 4. COLLECTION PROCEDURE FOR DOMESTIC ILLICIT DOPING CONTROL

### 4.1 Collection Procedure for Screening for Illicit Substances

The athlete will select one collection vessel from among those provided for collecting samples and report to the lavatory to pass the required volume of 80 ml. He/she will be accompanied by the Witness (same gender) designated for that purpose.

The Witness, as a function of ensuring that the sample is in fact produced by the athlete, may require the athlete to partially unclothe from waist to mid-thigh to provide the Witness with an unobstructed view of the athlete urinating. The athlete will handle the sample from the time of provision through the completion of the doping control session..

The athlete presents valid identification to the CDCO at the Doping Control session who is responsible for the completion the registration process.

The CDCO, in the presence of the athlete, screens the sample using BCDS approved technology and completes the necessary paperwork which is signed by the CDCO, the athlete and the witness. This will include the request of any medications currently being used by the athlete, including prescriptions, over-the-counter medications, vitamins, supplements and herbal remedies.

A sample is considered valid when the pH level is between 5 and 7.5 and the Specific Gravity is greater than 1.005. These particulars along with demographic data are recorded on the Doping Control Form (pH and Specific Gravity are defined in the “Definitions” Section of this Policy)

### 4.2 An Invalid Sample

1. If the sample is invalid in accordance with registered pH and Specific Gravity levels in the first sample, the CDCO will request a second sample to be collected at a defined time. The athlete will remain at the Doping Control session until the designated time to provide a second sample, unless the CDCO feels a valid sample could be obtained at a different time. The sample collection process remains the same.
2. If the second sample is also deemed invalid because it does not satisfy pH or Specific Gravity requirements, the CDCO will request the athlete to return for another Doping Control session within 24 hours of the current session. This will conclude the first doping control session.
3. The CDCO, in the presence of the athlete, will seal, label correctly and store securely both samples from the first Doping Control session pending the outcome of the second Doping Control session.
4. Where the sample(s) from the second session is valid and subsequently renders a negative result for illicit drugs, the samples from the first Doping Control session will, in the presence of the athlete, be discarded appropriately.

5. Where the sample(s) from the second Doping Control session are also deemed invalid or render a positive result for illicit drugs, the CDCO, in the presence of the athlete, will seal, label and secure all samples collected from the two Doping Control sessions for transport to the BCDS approved laboratory for confirmation analysis.

6. The CDCO will complete both Doping Control forms and both the CDCO and athlete will sign both forms indicating that the procedure was conducted properly according to SOP guidelines.

#### **4.3 Not a True Sample**

If the CDCO has reason to suspect that the sample is not a true sample from the athlete, he/she may require the athlete to provide a second sample. If this happens, the CDCO must submit a report explaining the reason for his/her suspicions to the Chairperson of the BCDS Results Management Committee. The sample collection process remains the same.

#### **4.4 Illicit Substance Screen – A Negative Result**

If the technology used indicates that the Specific Gravity and pH of the sample are within the acceptable ranges, the CDCO, in the presence of the athlete, will complete the sample process for illicit drugs.

If the results from screening the sample are negative, the CDCO will record the result on the Doping Control Form and inform the athlete that he/she is deemed to be free of illicit substances and is able to continue participating in his/her chosen sport.

The CDCO, in the presence of the athlete, disposes of the samples.

The athlete, CDCO and the witness will sign the Doping Control Form(s) verifying that the sample collection procedure has been carried out according to the SOP guidelines with any exceptions noted, if necessary.

#### **4.5 Illicit Substance Screen – A Positive Result**

1. If the technology indicates that the Specific Gravity and pH of the sample are within the acceptable ranges, the CDCO, in the presence of the athlete, will complete the sample process for illicit drugs.

2. If the results from screening the sample show a positive result on any panel of the drug technology used, thus indicating the presence of an illicit drug, the CDCO shall inform the athlete and his/her representative (if present) of the result, inform him/her of the need for a confirmation analysis of the sample and explain the confirmation procedure.

3. The CDCO, in the presence of the athlete, will pour a portion of the urine into the required vessels provided by the BCDS approved laboratory, and complete the confirmation form recording a special confidential number in place of the athletes' name in order to protect his/her confidentiality. The vessel is sealed using the seal provided and the athlete initials the seal to confirm that he/she is satisfied that the sample has been sealed correctly

4. The CDCO, in the presence of the athlete, disposes of the residual urine sample.

5. The athlete, CDCO and the witness will sign the Doping Control Form(s) verifying that the sample collection procedure has been carried out according to the SOP guidelines with any exceptions noted, if necessary. The CDCO signs the Chain of Custody transferring the sample to the BCDS.

6. If the athlete refuses to sign the Doping Control Form(s) then the CDCO, the witness and the NSGB representative (if present) shall sign the form and make note that the athlete refused to sign. This action

by the athlete is itself a drug related infraction and provided circumstances allow the athlete should be informed of this.

7. When a representative of the NSGB is not present, the BCDS will immediately notify the NSGB contact person and inform them of the result and the pending confirmation from the BCDS approved laboratory.

8. All persons involved in the screening process shall maintain strict confidentiality concerning the initial result of the analysis of the sample.

9. The athlete shall immediately be ineligible to compete internationally pending the outcome of the analysis of the sample. This shall apply to all athletes involved in Bermuda sport regardless of the jurisdiction of screening or the athlete's location. In the event that the athlete has previously had a positive test result, he/she shall be ineligible to compete in domestic competition pending the outcome of the analysis of the sample.

#### **4.6 Transportation of Samples to the Laboratory**

The BCDS signs the chain of custody form as taking responsibility for the sample in preparation for transport to the BCDS approved laboratory.

The samples requiring confirmation analysis are transported in a secure mode to the designated, accredited laboratory for analysis. The BCDS signs the Chain of Custody form again denoting that they are transferring responsibility to the lab.

The receiving laboratory will confirm the receipt of the samples by signature on the chain of Custody in order to maintain a record of the security and continuity of those samples.

#### **4.7 Modifications for athletes with disabilities**

The BCDS may be required from time to time, to conduct sample collection from athletes with disabilities. The following variations to the sample collection procedures may therefore occur, as required. The CDCO or the athlete's designated representative may assist in obtaining the sample and may handle the sample if the athlete is unable.

The BCDS has responsibility for ensuring, when possible that the CDCO has information and Sample collection Equipment necessary to conduct a Sample Collection session with an athlete with a disability.

All athletes with mental impairment shall be accompanied by the official representatives of the athlete or team concerned.

##### **4.7.1. Cerebral Palsy Athletes**

In the case of an athlete with significant spasticity or lack of coordination, a larger collection vessel may be used and this vessel may not necessarily be selected at random, but it will be a clean, unused container.

##### **4.7.2. Paraplegic and Quadriplegic Athletes**

Athletes who use condom drainage or indwelling catheter drainage shall separate tubing from the collection bag and the system shall be drained. The sample will be taken as a fresh sample from the drainage tubing before the tubing is reattached to the collection bag. Drainage collection bags shall not be used to collect the sample. Athletes using self-catheterization are permitted to use their own catheters or a catheter provided at the Doping Control Session.

### 4.7.3. Visually Impaired Athletes

It is acceptable for the athlete's representative to sign the Doping Control Form on behalf of the athlete provided that the individual signing has witnessed the whole process.

## 5. LABORATORY ANALYSIS AND RESULTS MANAGEMENT FOR DOMESTIC ILLICIT DOPING CONTROL

The Collection of the sample shall be conducted according to the guidelines described in Section 4.0 of these SOPs.

### 5.1 Confirmation Analysis Procedure for Illicit Substance Screening

1. The CDCO shall ensure that the sample is secured for onward transport to the BCDS approved laboratory for the confirmation analysis.
2. The designated laboratory shall, whenever possible, complete the confirmation analysis within (5) five business days of the CDCO obtaining the initial sample screen result. Exceptions to this time limit will not invalidate the test.
3. Upon completion of the laboratory sample analysis, the laboratory shall make available to the BCDS a certificate of analysis.
5. The BCDS Approved lab sample findings will be final.
6. Where the BCDS approved lab sample analysis is negative for illicit drugs, no further measures shall be taken and the NSGB shall be notified in writing by the BCDS of the negative result.
7. Where the lab sample analysis confirms the result of the positive screening conducted by the CDCO, the BCDS shall provide written notification by letter to the president of the athlete's NSGB, and other NSGB's of which the BCDS is aware that the athlete is a member of, at the latest by the end of the next business day following receipt of the analysis confirmation from the lab.
8. The NSGB shall undertake its obligation to notify their athlete forthwith that the positive confirmation has been reported to the BCDS Results Management Committee. The NSGB will advise the athlete of his/her rights, responsibilities, and consequences.

## 6. DETERMINATION OF DRUG USE RELATED INFRACTIONS

### 6.1 Athlete

An athlete's refusal or failure to comply with Doping Control procedures shall, **without reasonable excuse, constitute a drug use related infraction.**

The following are examples:

When an athlete refuses or fails to comply with any drug screening appointment such as a refusal to participate in drug use control, or refusing to sign relevant forms

Avoiding drug use control and detection of banned substances, such as the use of adulterants or more than one request to reschedule;

**Failing to co-operate as requested in any request to report for a screening.**

**These and other examples which fall into this category will result in a drug use related infraction, the decision of which may be appealed by the athlete. See Domestic Appeal Process – Drug Use Related Infractions.**

**The BCDS shall decide whether an excuse is, or is not, reasonable. The burden of establishing a reasonable excuse will remain with the athlete.**

## **6.2 Athlete and Athlete Support Personnel**

**An athlete or persons other than an athlete (this includes but is not limited to: coaches, managers, medics, doctors, assistants) who brings the policies into disrepute with the intent of violating the anti-drug use rule in any of the following may constitute a drug-use related infraction:**

- 1. Counseling or advising others to use banned substances or practices;**
- 2. Aiding in avoiding drug use control and detection of banned substances or practices;**
- 3. Securing, supplying or administering banned substances or practices;**
- 4. Possession of illicit substances;**
- 5. Importing or selling banned substances or materials intended for use in a manner contrary to anti drug use rules e.g. in their use for the adulteration a urine sample;**
- 6. Failing to cooperate as requested in any BCDS or sport- club or governing body investigation of a possible drug use infraction.**

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## **7. DISCIPLINARY PROCESS FOR A DRUG USE RELATED INFRACTION**

- 1. If the BCDS consider that an athlete or other person(s) is guilty of a drug-use related infraction they shall inform the NSGB representative at the latest by the end of the next business day of the athlete's refusal or failure to comply, or as soon as possible if any other offence is brought to their notice. The athlete shall be immediately ineligible for international competition, and unless this is the first offence for an athlete he/she shall also be ineligible for domestic competition.**
- 2. The NSGB shall undertake its obligation to notify their athlete forthwith that the refusal or failure to comply, or other offence has been reported to the BCDS Results Management Committee. The NSGB will advise the athlete of his/her rights, responsibilities, and consequences. Further it is the responsibility of the NSGB to assist the athlete in preparing his/her response to the notification of the infraction.**
- 3. Within ten (10) business days after receiving notice as set out above, the BCDS shall request that the athlete provide the grounds, if any, as to the reasonable excuse(s) being relied upon. The athlete may lodge a notice wishing to proceed containing full grounds of his excuse. The BCDS will appoint a chairman to form a BCDS Disciplinary Panel to consider the notice in accordance with the provisions hereunder;**

4. The NSGB may also make written submissions to the BCDS Disciplinary Panel
5. The athlete's written grounds referred to above shall be delivered to the BCDS within ten (10) business days of the athlete's notice to proceed. Within ten (10) business days of lodgment of the said notice, the BCDS Disciplinary Panel shall be assembled for reviewing the matter.
6. This panel is responsible for analyzing initial information to determine if there is a case to be heard and subsequently to hear the case. The Panel shall be comprised of five individuals as follows:
  - two persons named by the BCDS;
  - two persons named by the involved NSGB of the athlete; and
  - a chairperson chosen by the BCDS.
7. Meetings and/or hearings shall progress if any three of the five panel members are present, of which at least two must be individuals appointed by the BCDS.
8. The Disciplinary procedure will consist primarily of interviewing the person accused of a drug-use related infraction, the BCDS along with other individuals and reviewing any relevant documentation that exists in the NSGB, BCDS and other files. Target screening may also be conducted as part of, or as a consequence of, the Disciplinary.
9. The Disciplinary hearing will be conducted in the strictest confidence possible.

#### **7.1 Preliminary Disciplinary – No Case to be Heard**

1. The BCDS Disciplinary Panel will decide if there is sufficient evidence of a drug use related infraction for the Disciplinary to continue.
2. If the BCDS Disciplinary Panel decides that there is no case to be heard, the matter will be closed; and
  - i. the athlete subject to the Disciplinary will be advised in writing by the Chairperson of the Disciplinary Panel that the matter has been closed; and
  - ii. the relevant sport governing body and other relevant bodies will be notified in writing by the Chairperson of the Disciplinary Panel that the matter has been closed.
3. The BCDS Disciplinary Panel may, within 12 months of closing a case, reopen a “No Case to be Heard” case if it receives new information.

#### **7.2 Preliminary Disciplinary – A Case to be Heard**

1. If the BCDS Disciplinary Panel decides that there is sufficient evidence of a drug use related infraction for the case to be heard, the individual who has been the subject of the Disciplinary action shall be so advised in writing by the Chairperson of the Disciplinary Panel. This letter shall include the following That the initial review of evidence indicates sufficient need for a hearing based on the reasons identified by the Panel:
2. A proposed hearing date, time and location which must be within 15 business days of the date on the notification letter;
3. Requirement for the athlete to respond in writing within 5 business days from the date of the letter if he is unable to attend the hearing and/or if the athlete wishes to present further evidence either in writing or by witness.
4. Notification that the NSGB will also be advised that a hearing will be held.
5. The BCDS Disciplinary Panel will so communicate the decision to hold a Disciplinary hearing in writing to the relevant NSGB, with reasons forthwith.

### **7.3. The Disciplinary Hearing**

- 1. A Disciplinary hearing will be commenced within 15 business days of the decision by the Disciplinary Panel to conduct a hearing.**
- 2. A Disciplinary hearing will be conducted in the strictest confidence and all participants will be expected to DECLINE any opportunity to discuss the case until after a decision has been rendered by the Disciplinary Panel.**
- 3. Subject to the requirements set out below, the BCDS Disciplinary Panel shall be the master of its own procedures and make all preliminary and procedural rulings necessary to conduct the Disciplinary hearing.**
- 4. The Disciplinary Panel may consider hearsay evidence but shall give hearsay and any other evidence the weight it deems appropriate.**
- 5. The individual in question shall have the opportunity to question the Disciplinary Panel.**
- 6. The individual subject to an investigation may submit evidence in writing and by the testimony of witnesses. Witnesses shall give their evidence under oath or affirmation. The Disciplinary Panel may question the evidence, including any witnesses.**
- 7. The individual subject to the Disciplinary may make final submissions once he/she has called his/her evidence.**
- 8. The Disciplinary Panel shall determine if there has been a drug use related infraction.**
- 9. The Disciplinary Panel shall make its rulings and its decision by majority. The decision shall be communicated within 5 business days and render a written decision within 10 business days of the completion of the Disciplinary hearing. The original of the written decision shall be sent to the BCDS, with copies sent to the individual subject to the Disciplinary and to the relevant sport governing body. The decision of the Disciplinary Panel for a drug related infraction is liable to appeal by the athlete, the NSGB or the BCDS.**

**In the event that the BCDS Disciplinary Panel accepts that there was reasonable excuse, or no case to answer it shall notify the athlete in writing of the finding and if relevant the BCDS shall contact the athlete with another appointment for drug screening.**

**In the event that the BCDS Disciplinary Panel rejects the athlete's excuse, the provisions of Section 10 shall apply. The decision of the BCDS Disciplinary Panel shall be in writing and sent to the Chairman of the BCDS Results Management Committee as well as the athlete and the NSGB via the NSGB office.**

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## **8. DOMESTIC APPEAL PROCESS**

### **8.1. Letter of Appeal following a Positive Result**

**1. The BCDS is responsible for the scientific validation of Doping Control screen results. The SOP is designed as a guideline to ensure the security, integrity and identity of the sample and to avoid deviations which may render the screen results unreliable. For the purposes of the BCDS Doping Control program for the Full List of illicit drugs and substances from the Ministry responsible for the National Drug Control list, only BCDS approved laboratories will be selected for illicit drug analysis. A certificate of**

analysis from an approved laboratory is Prima Facie evidence of the Doping Control screen results and is proof of the statements contained in the certificate.

2. An athlete must serve the relevant penalty from the moment a positive screening result of the BCDS sample is communicated to the athlete. Since drug use is defined as the deliberate or inadvertent use, by an athlete, of a BCDS banned substance, protests and appeals are limited to evidence or information concerning the Doping Control procedures or laboratory analysis which brings into question the identity, security, integrity, and validity of the screen sample and/or screen result.

3. Questions of inadvertence or intention in the use of a banned substance are only relevant under Section 9 dealing with reinstatement.

4. With regard to drug use infractions, in the event of an appeal, the BCDS reserves the right to conduct target screening of the athlete to obtain additional information with which to evaluate the protest or appeal.

5. An athlete may **ONLY** appeal the actual screening process of the BCDS or the laboratory. The confirmation results from the laboratory may not be brought into disrepute. The appeal must:

- i.) Be in writing;
- ii.) State the grounds of the appeal (where the procedure used failed to insure the identity, security, integrity and/or validity of the screen sample or result).
- iii.) Be delivered to the BCDS within ten (10) working days of the NSGB being notified by the BCDS of the laboratory confirmation of a positive screen,

## 8.2 Letter of Appeal to for a **drug-use related** infraction

1. Within ten (10) business days after receiving notice from the Disciplinary Panel of a determination of a drug-use related infraction as set out above the athlete and persons other than an athlete may lodge a notice wishing to appeal containing the grounds.

The appeal must:

- i) Be in writing;
- ii) State the grounds of the appeal
- iii) Be delivered to the BCDS within ten (10) working days of the date of the person being served with a penalty

2. The athlete's written grounds referred to above shall be delivered to the BCDS within ten (10) business days of the athlete's notice to proceed. Within ten (10) business days of lodgment of the said notice, the BCDS Appeal Panel shall be assembled for reviewing the matter.

3. The NSGB may also make written submissions to the BCDS Appeal Panel.

## 9. BCDS APPEAL PROCESS

### 9.1 BCDS Appeal Panel

This panel is responsible for analyzing initial information to determine if there is a case to be heard and subsequently to hear the case. The Panel shall be comprised of five individuals as follows:

two persons named by the BCDS;

**two persons named by the involved NSGB of the athlete; and  
a chairperson chosen by the BCDS.**

**Meetings and/or hearings shall progress if any three of the five panel members are present, of which at least two must be individuals appointed by the BCDS.**

## **9.2. A Case to be Heard**

**The Chairperson of the Appeal Panel shall, by way of letter to the BCDS, the athlete and the relevant NSGB, convey the following information:**

- 1. A proposed hearing date, time and location which must be within 10 business days of the date on the Letter of appeal**
- 2. The requirement for the athlete to respond in writing within 5 business days of receiving the appeal hearing notification if she/ he is unable to attend the hearing and/or if the athlete wishes to present further evidence either in writing or by witness.**

## **9.3 The Appeal Hearing**

- 1. An Appeal hearing will be commenced within 10 business days of the notification letter to conduct a hearing issued by the Appeal Panel.**
- 2. An Appeal hearing will be conducted in the strictest confidence and all participants shall decline any opportunity to discuss the case until after a decision has been rendered by the Appeal Panel.**
- 3. Subject to the requirements set out below, the BCDS Appeal Panel shall be the master of its own procedures and make all preliminary and procedural rulings necessary to conduct the Appeal hearing.**
- 4. The Appeal Panel may consider hearsay evidence but shall give hearsay and any other evidence the weight it deems appropriate.**
- 5. The Appeal Panel will commence the hearing by considering the merits of the athletes protest. The individual in question shall have the opportunity to address the Appeal Panel.**
- 6. The individual subject to an investigation may submit evidence in writing and by the testimony of witnesses. Witnesses shall give their evidence under oath or affirmation. The Appeal Panel may question the evidence, including any witnesses.**
- 7. The individual subject to the Appeal action may make final submissions once he/she has called his/her evidence.**
- 8. The Appeal Panel shall determine:**
  - In the case of a screening appeal if the identity, security, integrity and/or validity of the screen sample or result was compromised.**
  - In the case of the drug-use related infraction if there were mitigating circumstances that should now be considered in overturning the decision of the Disciplinary Committee.**
- 9. The Appeal Panel shall make its rulings and its decision by majority within 5 business days of completion of the Appeal. The decision shall be communicated within 5 business days and a written confirmation be rendered within 10 business days of the completion of the Appeal hearing. The written decision shall be sent to the relevant NSGB(s), with copies sent to the BDCS. The decision of the Appeal Panel is final and binding.**

## **10. POLICY ON PENALTIES**

**The objective of this policy is to provide a consistent and effective response to the use of banned drugs and practices in Bermuda sports so as to deter those who might engage in drug use and protect those who commit themselves to drug free sport. This policy ensures that appropriate penalties are imposed both on athletes and on others in sport found in violation of drug use rules and represents essential standards. Therefore, more stringent measures may be applied by sport organizations in a manner consistent with the spirit and intention of this policy.**

**It is understood that the intent of this policy is not to have a Drug Use infraction acted upon by any other sanctioning body unless a penalty is imposed by virtue of this policy.**

**1. 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 (e.g. an athlete involved as a coach in a related infraction will not be treated as an athlete but as a “person” for the purposes of this policy).**

**2. 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.**

**3. All persons who have committed a previous Drug Use Infraction, as defined by this Policy, will have the penalties outlined in herewith applied.**

**4. Subject only to the provisions for reinstatement - Section 11: an athlete or a person *other than* an athlete, proven to have committed a drug use or (*related*) infraction may be ineligible for sport funding. An appeal of the Determination of a Drug Use or (*Related*) Infraction may be brought in accordance with Section 9. For the purposes of this policy, sport funding is defined as any financial support provided by the government or other source in respect of a person by name regardless of the method of payment, (e.g. directly to the individual or via a NSGB, monthly financial support through the Athlete Assistance Program, coaching or professional staff salaries, honoraria for the provision of professional services, coaching apprenticeships, etc.).**

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

**6. These penalties shall be applied to any person (athlete or non-athlete) who wishes to participate in (or for) Bermuda whether or not they are affiliated with a local sport body.**

7. The penalty for a drug use infraction proven by a positive laboratory screen result is usually calculated from the date of sample collection. Otherwise, a penalty is calculated from the time of decision of the BCDS Drug Use Control Review Panel.

### 10.1 Penalties - Drug Use & Related Infractions

#### **ATHLETE ONLY:**

Subject only to the provisions for reinstatement, the penalties for a drug use or related infraction by an athlete (other than: supplying and/or selling 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 the BCDS 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- one year ineligibility

Domestic participation - one year ineligibility from Domestic Play

3. 3rd infraction:

National representation - Life from National participation

Domestic participation - three years ineligibility from Domestic Play

4. 4<sup>th</sup> infraction –

Domestic participation - Life ineligibility from Domestic Play

#### **ATHLETE AND ATHLETE SUPPORT PERSONNEL**

Penalties for a drug use or related infraction by a person other than an athlete, and by an athlete involved in supplying and/or selling illicit drugs to others, counseling and encouraging others to use illicit drugs are:

1st infraction:

National participation - life ineligibility

Domestic participation - 5 years ban

2<sup>nd</sup> infraction:

Domestic participation – life ineligibility

In accordance with the SOP, a person charged with a drug use related infraction 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 to be screened, or in all other cases the date of the decision of the BCDS pending protest or appeal.

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## **11. REINSTATEMENT FOR LOCAL COMPETITION**

- 1. This section deals with conditions and procedures through which reinstatement of sport eligibility and eligibility for sport funding may be granted.**
- 2. In all cases, the onus of proof of mitigating, exceptional or demonstrable circumstances for reinstatement rests with the sanctioned person.**
- 3. Applications for reinstatement shall only be considered for drug use and drug use related infractions as defined by the BCDS.**
- 4. In the event that reinstatement of sport eligibility is granted, reinstatement of eligibility for sport funding may be granted.**
- 5. A person who has committed an infraction and who desires to be reinstated may apply to the BCDS through their NSGB for reinstatement prior to the expiry of the (minimum) penalty.**
- 6. The NSGB, in consultation with the BCDS, will determine any conditions which must be fulfilled during the remaining time period leading up to a prospective reinstatement (e.g. treatment, rehabilitation, involvement in *no notice screening*, etc.).**
- 7. This reinstatement shall apply to local competition ONLY and shall NOT include any games, events, competitions etc. where the reinstated athlete would be representing Bermuda**
- 8. The provisions for reinstatement contained herein are limited to sanctions imposed under the Bermuda Policy on Penalties for Drug Use in Sport.**
- 9. Factors such as age and good citizenship will not, in and of themselves, constitute sufficient grounds for automatic consideration, or granting, of early reinstatement. The determination of what constitute exceptional circumstances rests with the BCDS.**

### **11.1 Reinstatement Criteria**

- 1. Written applications for reinstatement shall only be considered for drug use and drug use related infractions as defined by the BCDS.**

2. Application can be considered for early reinstatement in domestic competition for persons serving penalties for a drug use or related infraction by an athlete (other than: supplying and/or selling illicit drugs to others, counseling and encouraging others to use illicit drugs). The opportunities are as follows:

On a second infraction, an individual may apply at any time to his/her NSGB, to return to domestic competition only, after three months.

On a third infraction, an individual may apply at any time to his/her NSGB, to return to domestic competition only, after 18 months.

On a fourth infraction, there is no opportunity to apply for early reinstatement.

3. Application can be considered for early reinstatement in domestic competition for persons OTHER than an athlete, AND by an athlete involved in supplying and/or selling illicit drugs to others, counseling and encouraging others to use illicit drugs who are serving specified penalties. The opportunities are as follows:

On a first infraction an individual may apply at any time to his/her NSGB, to return to domestic competition only, after two years and six months.

## 11.2 Considerations Regarding Lifetime Ineligibility

1. An individual who has committed an infraction with a Lifetime sport eligibility penalty and who wishes to apply for domestic reinstatement must, in all cases, notify the relevant NSGB and the BCDS, in writing, of his/her desire for reinstatement of sport eligibility.

2. Notice of intention to apply for reinstatement must be given at least 18 months prior to the desired date of reinstatement, and no sooner than 60 months after the original infraction in the event of a Lifetime sport eligibility penalty.

3. The NSGB, in consultation with the BCDS, may recommend to the Appeal Panel any conditions which must be fulfilled during the remaining time period leading up to reinstatement (e.g. treatment, rehabilitation, involvement in no notice screening, etc.).

4. The application process when considering an applicant with a lifetime ineligibility ban will follow the procedures as set out in Section 12

5. In the event that reinstatement of sport eligibility is granted, reinstatement of eligibility for sport funding may not be granted.

6. Any decision to allow early reinstatement to sport eligibility on the grounds of exceptional circumstances may be conditional upon the athlete fulfilling certain requirements for the balance of the original sanction.

## 11.3 Process for Reinstatement

The Panel shall be comprised of three individuals as follows:

one persons named by the BCDS;

one persons named by the involved NSGB of the athlete; and

a chairperson chosen by the BCDS.

**None of the people on the Panel can have sat on Appeals or Disciplinary Panels involving the person applying for reinstatement.**

**This Section provides that persons may apply to their NSGB for appeal for reinstatement. In the event there is no NSGB principally connected to the applicant, the application shall be submitted directly to the BCDS.**

**Written applications shall be forwarded ONLY by the NSGB to the BCDS for submission.**

**The review shall be conducted in private. All public queries will be referred to the BCDS.**

### **11.3.1 Grounds for Review**

- i) Reviews are limited to the suspension of sport eligibility for those individuals who have committed a drug use or drug use related infraction in any role, in any sport which is a member of the BCDS.**
- ii) The Panel will make their determination in accordance with the Criteria for Reinstatement detailed below.**
- iii) The Panel is authorized to hear and consider an application by the applicant to lift suspension of local sport eligibility in any role, in any sport.**
- iv) The applicant bears the onus of proving, on a balance of probabilities, exceptional circumstances justifying reinstatement.**

### **11.3.2 Criteria for Reinstatement**

**i) Exceptional circumstances consist, inter alia, of the following:**

- a) Age.**
- b) Remorse.**

**Circumstances surrounding the infraction, including any factors that may have caused or contributed to the applicant's diminished capacity.**

- c) The applicant's experience in sport.**
- d) The applicant's favourable prospects for rehabilitation.**
- e) The applicant's prior, and post-infraction, conduct.**
- f) The applicant's contributions to (the) sport.**
- g) The applicant's cooperation with investigating bodies.**
- h) The length of suspension served by the applicant at the time of hearing.**

**ii) Additional factors advanced by or on behalf of the applicant and determined by the adjudicator to be relevant.**

### **11.3.3 Just and Reasonable Cause**

The Panel may give such weight as they decide appropriate in the circumstances to each of the factors set out above.

The applicant, as a component of the criteria referred above, must satisfy the Panel that the relevant penalty applicable to him or her is excessive in the circumstances.

The Panel does NOT have the authority to:

- i) lift retroactively the suspension of sport eligibility in any role, in any sport;
- ii) to consider or determine whether the applicant is, or ought to be, compensated or lost sport funding or earnings for part or all of the period during which he/she has been subject to withdrawal of access to sport funding;
- iii) make any determination concerning the applicant's employment status, past, recent or future; or
- iv) determine or make recommendations for the payment of part or all of the applicant's legal and other costs incurred for this review.

#### **11.3.4. The Parties**

The applicant and his/her NSGB have the right to present evidence and make submissions. The BCDS shall be present in its capacity as described earlier.

#### **11.3.5. Commencement of Review**

- i) The procedure for reinstatement will commence upon receipt by the BCDS of a written application for reinstatement from the relevant NSGB where one exists or if one does not then the applicant directly.
- ii) Within 10 business days of receiving an application for reinstatement, the BCDS will appoint a Panel.
- iii) Unless otherwise agreed by the applicant and the sport governing body, the hearing will commence within 10 days of the Panel appointment.

#### **11.3.6. Hearing**

- i) Any oral hearing shall be held in private with only the Panel, the applicant, representatives of the sport governing body, their respective agents or counsel, their respective witnesses, and representatives of the BCDS present.
- ii) The Parties may be represented by agent or counsel.
- iii) The Panel has authority to determine the admissibility of and weight to be accorded to evidence, be it in the form of documents or oral testimony. Hearsay evidence is admissible, subject to the weight accorded to it by the adjudicator.
- iv) Evidence shall be taken under oath or affirmation. Affidavit evidence may be received.

- v) Where the applicant fails to attend or be represented at a hearing, the adjudicator may dismiss the application.
- vi) The applicant bears the onus of proof of exceptional circumstances, as more particularly described above.

### **11.3.7 Decision**

- i) The Panel must decide the application based on the evidence and submissions pertinent to Section 11.3.2
- ii) The Panel shall make its rulings and its decision by majority within 5 business days of completion of the Appeal. The decision shall be communicated within 5 business days and a written confirmation be rendered within 10 business days of the completion of the Review hearing. The written decision shall be sent to the relevant NSGB(s), with copies sent to the BDCS.
- iii) The Panel's decision shall be final and binding on the applicant and the NSGB and is NOT subject to any appeal.

## DEFINITIONS

**ATHLETE POOL** consists of an athlete, coach, manager, trainer, etc. who is a member of a National Sport governing Body or a participant in any league or club that is registered with an NSGB. Any individual defined by this pool may be subject to Announced and/or Random doping control screening. Where the term “athlete” is used alone, it refers to anyone whose name is contained in the athlete pool regardless of their function within the NSGB.

**ATHLETE SUPPORT PERSONNEL:** Any coach, trainer, manager, agent, team staff, official, medical or Para-medical personnel working with or treating Athletes participating in or preparing for sports **Competition**.

**ATTEMPT:** Engaging in conduct that constitutes a substantial step in a course of conduct which could or did culminate in the commission of an anti-doping rule violation. Provided, however, there must be no anti-doping rule violation based solely on an **Attempt** to commit a violation if the *Person* renounces the *Attempt* prior to it being discovered by a third party not involved in the **Attempt**.

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

**BERMUDA ANTI-DOPING DISCIPLINARY PANEL:** The panel appointed by the Bermuda Olympic Association to adjudicate on alleged violations of these Anti-Doping Rules.

**COMPETITION, SPORTING EVENT OR TRAINING CAMP** refers to the whole competition. Using the World Rugby Classic example, players in any of the games played during the Classic could be subject to Doping Control screening. Similarly for International Race Weekend, it would refer to any or all of the races contained in the schedule. Where competition is used alone, it refers to competition, sporting event or training camp.

**DISQUALIFICATION:** See *Consequences of Anti-Doping Rules Violations* above.

**CERTIFIED DRUG CONTROL OFFICER (CDCO)** is defined as anyone who has completed successfully a certification programme approved by the BCDS for the collection of samples for Doping Control screening purposes. The CDCO may also act as a witness (see definition below).

**DOPING CONTROL SESSION** is defined as the period of time from the moment an athlete is requested to present him/herself for drug screening until a valid sample is obtained for screening purposes. One session may consist of up to two attempts by an athlete to produce a valid sample.

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

**DRUG USE RELATED INFRACTION:** An infraction other than the presence of banned substances or practices.

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

**ILLICIT SUBSTANCE:** Any substance so described on the **NATIONAL DRUG CONTROL Illicit List**.

**INELEGIBILITY:** The period of time from the initial screening result to the confirmation of the result.

**INVALID SAMPLE** is any sample of urine which is measured to have a specific gravity of less than 1.010 and/or a pH of greater than 7.0 and/or is deemed by the witness not be a true sample.

**MINOR:** A natural **Person** who has not reached the age of majority as established by the applicable laws of their country of residence which, in the case of Bermuda law, is 18

**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 EVENT:** A sport *Event* involving **Athletes** or **National-Level Athletes** that is not an **International Event**.

**NATIONAL LEVEL ATHLETE:** An **Athlete**, other than an **International-Level Athlete**, who is designated by the BCDS as being within the BCDS **Registered Screening Pool**.

**NSGB (National Sports Governing Body):** Any national body or **person** governing sport in Bermuda or part thereof and its affiliated members, clubs, teams, associations and leagues.

**NO ADVANCE NOTICE:** A **Drug Screening** which takes place with no advance warning to the **Athlete** and where the **Athlete** is continuously chaperoned from the moment of notification through **Sample** provision.

**PARTICIPANT:** Any **Athlete** or **Athlete Support Personnel**.

**PERSON:** A natural *Person* or an organization or other entity.

*pH* is the measure of the [acidity](#) or [alkalinity](#) of a [solution](#). It is a measurement of the concentration of hydrogen ions in a solution and as such can be used to screen if there has possibly been any adulteration of the sample.

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

**NATIONAL DRUG CONTROL Illicit List:** The List identifying the *Illicit Substances* included in the Domestic Programme for Pre Event and Random screening.

**PRE-EVENT SCREENING** is the selection of individual athletes or teams by their NSGB to represent Bermuda at international competitions. This is a requirement of the Ministry responsible for governing sport in Bermuda. Pre-event screening will be conducted anytime up to three weeks prior to the event.

**RANDOM DRUG SCREENING** is defined as “out of competition” screening that is administered at any time to determine if the athlete has utilized banned substances as per list from the Ministry responsible for establishing the list of banned illicit drugs in Bermuda. This includes random screening, target screening and pre-event screening whether the event is to take place locally or abroad. This also applies to athletes abroad who are requested by their NSGB, the BCDS or the Ministry responsible for sport to submit for drug screening.

**REGISTERED SCREENING POOL:** The pool of **Athletes** established separately by each NSGB who are subject to both random and pre event screening as part of the BCDS screen distribution plan as mandated by the NDC and Sports Ministry.

**SAMPLE/SPECIMEN:** Any biological material collected for the purposes of **Doping Control**. **SAMPLE** is a quantity of urine collected from any one session (maximum of two attempts by an athlete to expel urine from his/her body)

**SPECIFIC GRAVITY** is defined as the ratio of the [density](#) of a given substance to the density of [water](#), when both are at the same temperature, making it a dimensionless quantity will sink in it, and those with a specific gravity of less than one are less dense than water, and so will float in it. As with the pH level it is an aid to screen if there has possibly been any adulteration of the sample.

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

**TEAM SPORT:** A sport in which the substitution of players is permitted during a **Competition**.

**TRUE SAMPLE** is any sample of urine which is believed by the witness to have been excreted directly from the body of the athlete selected for screening (ie. a true sample does NOT exist when athletes employ various methodologies in an effort to submit another individual's urine as their own, or their own previously collected urine).

**SCREENING:** The parts of the **Doping Control** process involving screen distribution planning, **Sample** collection, **Sample** handling, and **Sample** transport to the laboratory.

**TRAFFICKING:** To sell, give, administer, transport, send, deliver or distribute an Illicit **Substance** or **Masking Agent** to an **Athlete** either directly or indirectly or through one or more third parties.

**USE:** The application, ingestion, injection or consumption by any means whatsoever of any **Illicit Substance** or **Masking agents**.

**VALID SAMPLE** is any sample of urine which is at least 80 ml. in volume, with a specific gravity of at least 1.005 and a pH within the accepted international standards range and which is confirmed by the witness to be a true sample.

**WITNESS** is defined as a mature individual of the same gender as the athlete being screened who observes the athlete as he/she produces a true sample for screening purposes. The witness is trained and authorized by the BCDS to function in this capacity.