

Anti-Doping Awareness in Sports

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Lecture -13

Rights and Responsibilities

Good morning friends and welcome to this edition of the anti-doping course brought to you by NPTEL and IIT Madras. I am Professor Dobson Dominic, a sports medicine doctor. Today we will be discussing the rights and responsibilities of athletes during the anti-doping process. This is a continuation of our anti-doping rule violations lectures. This is Week 3, Lecture 3. In this week, we have already looked into the different anti-doping rule violations by athletes and support staff.

We also looked into the 11 articles under which anti-doping rule violations fall. In this lecture, we will look into the rights and responsibilities of athletes during the anti-doping process. Now, the first one is athlete rights. Athletes have several rights throughout the anti-doping process.

The first one is equality of opportunity. Athletes have the right to compete at the highest level in training and competition without the presence of dopers or others who breach the anti-doping code. Therefore, equality of opportunity is a core right. Equitable and fair testing programs are also part of this. All athletes in all countries have the right to fair and equitable testing programs that comply with the WADA Code and international standards.

Medical treatment and protection of health rights. Athletes have the right to be free from doping-related physical and emotional stress. The code and the International Therapeutic Use Exemption (TUE) allow athletes to obtain TUEs for genuine medical conditions. So, if an athlete is genuinely suffering from a medical ailment, they can apply for a therapeutic use exemption prior to competition, which will be reviewed and validated.

Next is the right to justice. Athletes have the right to justice, including the right to be heard, the right to a fair hearing within a reasonable timeframe, and a fair, impartial, and operationally independent hearing panel. A timely and reasoned decision must be provided, including an explanation of the reasons behind the decision. For example, if an

athlete tests positive on their A sample, they have the right to request a B sample test. If both come back positive, a hearing process begins, where the athlete can defend themselves with legal support familiar with WADA laws. It is essential that the athlete is treated without bias, as anti-doping rule violations result in sanctions and time away from the sport. A fair hearing is therefore critical.

Right to accountability: Athletes have the right to expect that any anti-doping organization (ADO) with jurisdiction over them will be accountable for its actions or omissions through the applicable compliance system. Athletes shall have the ability to report any compliance issues they believe exist to the relevant personnel or anti-doping officer. That means if there is an error in the testing or sample collection process, the athlete should not be penalized. Doping control officers (DCOs) are accountable too, and athletes have the right to file complaints.

Whistleblower rights are also provided. Athletes have the right to access anonymous or confidential mechanisms to report any potential doping behavior by other athletes, support staff, or any non-compliance by anti-doping officers. Athletes must have a channel to raise concerns without fear. Right to education is very important. Athletes have the right to receive anti-doping education and information from anti-doping organizations.

Right to data protection: Athletes have the right to the fair, lawful, and secure handling of their personal information by anti-doping officers. This includes how data is collected, used, and shared, and the right to be informed about processing, access a copy of the data, and request its deletion once it no longer serves an anti-doping purpose. For example, if an athlete gives a blood or urine sample, it cannot be used for purposes like research without their consent. The integrity and confidentiality of their samples must be protected.

Right to compensation: Athletes have the right to pursue damages from another athlete or person whose actions caused them harm through an anti-doping rule violation. Pursuing such damage claims will depend on the national laws or regulations in the athlete's country. If the athlete is certain they have suffered due to someone else's fault or conspiracy, they have the right to seek justice and compensation through appropriate legal channels.

Protected person rights: Athletes classified as "protected persons" under the WADA Code, typically minors or those lacking legal capacity, are granted further protection. This includes leniency in assessing fault and exemption from mandatory public disclosure. For example, junior athletes unaware of the WADA code, if caught with a banned substance or method, may receive protection from public identification.

Rights during a sample collection session: When undergoing sample collection, an athlete has the right to verify the identity of the doping control officer (DCO). They also have the right to ask for additional information about the collection process. The DCO must explain the process thoroughly. The athlete has the right to know the authority under which the collection is being conducted, the type of sample required, and the conditions to be followed prior to sample collection. This ensures transparency.

During sample collection, athletes have the right to hydrate unless their previous sample did not meet the specific gravity requirements. They also have the right to be accompanied by a representative, especially for female athletes. The right to delay reporting to the DCO for valid reasons is also allowed. Athletes must be informed of their rights and responsibilities. They can document any concerns about the process and must receive a copy of the records from the sample collection session.

Right to B sample analysis: If an athlete's A sample returns positive, the athlete has the right to request B sample analysis. This must be done within a defined time frame. The athlete has the right to be present at the opening of the B sample, ensuring no tampering. If the athlete cannot be physically present, they may appoint a representative such as a coach or support staff. If no representative is available, the athlete may request an independent observer to ensure that the B sample is opened and tested without bias or manipulation.

So far, we have looked into several rights of the athlete. Now, we will look into their responsibilities. What are they? Athletes have the responsibility to comply with the rules and guidelines of the National Anti-Doping Agency (NADA) in India and the World Anti-Doping Agency (WADA).

Athletes are responsible for ensuring that no prohibited substances enter their body and that they do not use any prohibited methods. Another responsibility is to be available for sample collection when required, report immediately after notification, and remain under the direct observation of the DCO until the sample collection process is complete. Athletes are not allowed to leave the sample collection area once they are notified.

Athletes must provide identification when requested during the sample collection process. They are also responsible for accurately completing the Doping Control Form (DCF), and for ensuring any treatment they receive complies with the WADA prohibited list. If in doubt, athletes should consult qualified sports medicine doctors or contact NADA before taking any medications.

Athletes must also avoid association with ineligible support personnel. If a support person, such as a coach or doctor, has been banned due to anti-doping rule violations, athletes must not continue working with them.

Now that we've looked into the athlete's rights and responsibilities, what about athlete support staff? They also have responsibilities. Support staff are expected to positively influence athletes' values and behaviors, ensuring clean sport is practiced at all times. They must understand and comply with all anti-doping rules and policies.

Support staff are responsible for cooperating with doping control programs and with anti-doping officers. They must disclose any anti-doping rule violations they have committed in the past 10 years to relevant authorities or NADA. They must not use or possess any prohibited substance or method unless they have valid medical justification. For example, traveling sports medicine doctors must not carry banned drugs unless they have a valid Therapeutic Use Exemption (TUE).

To conclude with the take-home message: several drugs and methods have been used for the purpose of enhancing sports performance. Doping is prevalent across all levels of competition. Almost all methods are harmful to the athlete's health. Regulation and testing by WADA and the International Olympic Committee aim to reduce the incidence of doping and eliminate its presence in sport.

These are the major references: the National Anti-Doping Agency, WADA, the McLaren Report on Russian Doping, and the WADA Code.

Thank you. Thank you for listening. Jai Hind.