

Anti-Doping Awareness in Sports

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Result Management as per WADA Code

Dear students, welcome to this important topic on result management. We will talk about what is result management and what is the process behind the result management as per the WADA code. First, I like to introduce myself. My name is Jay Singh. I am Assistant Project Officer in National Anti-Doping Agency and the Head of the Education and TUE Department. In the result management is the one of the key document and key process in the anti-doping program which outline how a sanction part be imposed on athlete who violate the anti-doping rule violations.

So, We'll talk what is WADA, about National Anti-Doping Agency in India, about the World Anti-Doping Code and the international standards. We will also talk about the World Anti-Doping Agency's international standards of result management, the important and the mandatory document. What are the findings we came across in the result management process? The type of suspensions imposed on athletes during result management process. We will also discuss about the process of adverse analytical finding.

We also discuss about the process, result management process of non-analytical cases. We will also talk on the result management process of whereabouts failure cases. What are the anti-doping rule violations? What are the sanctions imposed? And to whom the sanctions are imposed? It may be athlete, it may be athlete support personnel or it may be other personnel. And what are the chances of getting the reduction to athletes? How an athlete can get the reduction of the sanctions? So, first I like to tell about the World Anti-Doping Agency. World Anti-Doping Agency, we call it WADA, was established in 1999 to promote and coordinate and monitor the fight against doping in sports in all forms at the international level.

So, it is a global body which regulates the anti-doping program at international level. It is funded by the national government and the International Olympic Committee. So, World Anti-Doping Agency is an international body. So, in India, we have National Anti-Doping Agency, NADA. As NADA, other countries also have their anti-doping agencies which run the anti-doping program.

So accordingly, similarly, we have National Anti-Doping Agency which runs, promotes, coordinates and monitors the anti-doping doping control program in sports in all its forms in India. NADA adopts and implements all the anti-doping rules and policies which conform with the WADA Act. Cooperate with other anti-doping organizations and promote anti-doping research and education. So, basically the National Anti-Doping Agency implements, adopts and implements all the anti-doping code, the international standards, the guidelines and implements in India in all forms at the national level. So first, we'll just briefly talk about what is the World Anti-Doping Code.

Code is a very important code document that provides the framework for harmonized anti-doping policies, rules, and regulations within sports organizations and among the public authorities. So it is the main important document which provides harmonized policies all across the globe. So, it cannot be like that some policies are different in India and it may be different in others, for example in Japan. So, the policies, the rules and regulations in the anti-doping program are equal and in a similar way to be adopted at global level. In addition to this, to the code, there are eight international standards, mandatory standards, which are integral part of the code.

Even though they are published as a separate document. So, this is the main document, the code, and in addition to this code, we have other eight mandatory documents also. So, the code and the document needs to be implemented at the national level by the agencies, at the national level. So, we will see what are the standards and what are the guidelines in place. So, in total there are eight standards starting from international standard for protection of privacy and personal information, international standard for code compliance by signatories.

It is a standard where all signatories have to be compliant with all mandate standards. It is written in the document. Then comes the international standard of education where all policies and documents are given in the document how the program runs, an education program run in the country. Then comes the prohibited list. It is released annually by the world anti-doping agencies.

So, currently we have a 2024 prohibited list in place. So, next year we are going to have

a 2025 prohibited list in place. This prohibited list is revised annually by the World Anti-Doping Agency. It carries the names of all prohibited substances, methods which are applicable in the sports. So any laboratory has to analyze a sample, they have to check these prohibited substances in the samples collected from the athletes.

Then comes the important document is the therapeutic use international standards for therapeutic use exemption. What is therapeutic use exemption? If any athletes are just like a normal person any athlete can also get injured. So, in that case an athlete has to be very careful whether unknowingly or knowingly he is going to take any prohibited drugs for his treatment. So, in this document, we have to make sure that if any athlete requires any prohibited drug for his treatment, then he or she should have proper TUE certificate, therapeutic use exemption certificate from the anti-doping organization. Then comes testing and investigation, international standard of testing and investigation.

These important documents provide the guidelines and the procedures how the testing, dope testing procedures go through and investigations proceed. Next comes the laboratories, international standards for laboratories. This is an important document for WADA accredited laboratories where the sample was analyzed. How are the samples analyzed? What is the mechanism behind it? So, each WADA accredited laboratory has to follow this guideline, standards. Otherwise, they will not get the certification from, accreditation from WADA. Then comes the important document, result management. This important document result management carries the guideline, it covers the guideline, the responsibilities for any anti-doping organization or the result management authority, how they will proceed in the case where the athlete was reported positive. for anti-doping rule violations or any athlete support personnel or coaches. So, how will they be sanctioned? So, all the guidelines and the procedures are given in detail in the international, this international standard of results management.

As we are talking about the result management. So, we will discuss in detail about the result management procedure. As I already told you, the international standard of result management is one of the mandatory international standards of WADA. The purpose of the international standard of result management is to set out the core responsibilities of anti-doping organizations like NADA, in India with respect to result management. How do the results have to be managed? The result management authority or ADO manages the results of anti-doping rule violations committed by an athlete, athlete support personnel or other person that fall under its jurisdiction.

So it is very important to know the line falls under its jurisdiction. So, it is not like that I will impose or manage the results of any other nation. Only the anti-doping organization or result-minded authority can manage the results of the athlete, athlete support person

and other persons who are under their jurisdictions. For example, suppose in the case of anti-doping agency NADA India, we manage the results of all the Indian athletes who come under our jurisdiction. So, we will now talk about the findings.

What are the types of findings we came across when any report came positive? Once samples collected by an athlete, collected by doping control officers, empanel doping control officers, the samples being couriered to the WADA accredited laboratory, then the laboratory gives the results of the samples being collected. So four different type of results we came across. Findings are, what are the findings? the negative findings where the sample has no prohibited drug reported. Atypical finding, we will talk about what are the atypical, small traces of prohibited drugs reported in the finding. Then comes the adverse analytical.

There is a clear case of presence of prohibited findings, samples reported of prohibited substances are reported in the sample. Then comes non-analytical. It is not linked with the samples being collected and the sample has been reported. It is non-analytical. Suppose during the sample correction process, if an athlete evades the sample correction process or he tampers with any part of the doping culture, any whereabouts failure. So, these types of analytical findings are called non-analytical findings, where direct presence of a prohibited substance is not there.

So, other than direct presence of a prohibited substance, it is called a non-analytical findings. So, we will go one by one. First, as I told you about the negative findings, if no prohibited substance or methods or evidence of the use of prohibited method is detected in the sample, then the laboratory the WADA Accredited Laboratory will issue a negative test result. So any finding, primarily finding reported by the World Anti Doping Agency within 21 days of the sample being deposited at the WADA's laboratory. So if there is no presence of a prohibited substance, then report it as a negative finding.

Then comes the atypical finding. In certain circumstances, the presence of a prohibited substance in the sample may constitute an atypical finding, a merely small presence as and as per the instructions or as per the guidelines provided in the international standards of laboratories or related technical documents. So, in such cases, we cannot say it is totally negative or totally positive, it is just in between both of them, we call it an atypical finding. But it needs to be processed, it may be processed or thoroughly investigated to come to the final conclusion by the anti doping organization whether it may be totally negative or it is being or it may be an adverse analytical finding. So, how will we proceed for these types of atypical findings? First, if the report is received, we review the case whether any applicable therapeutic use exemption has been granted.

Is there any TUE has been granted for the finding? Second, then we see if there is any departure from the international standard of testing and investigation or international standard of laboratories that may cause the atypical finding. It is apparent that atypical findings are caused by the ingestion of prohibited substances by a permitted route. So, these are the three important steps we check, or review if; first we come across any atypical finding. If we are sure, if we are confirmed that the review does not reveal atypical, does not reveal a TUE or departure or ingestion of a permitted route that causes the atypical finding, further investigation will take place.

In such a type of atypical finding, we do not notify an athlete. We investigate through our investigation wing and decided whether to bring this atypical finding towards an adverse analytical finding. On the conclusion of the investigations, once we have concluded with an investigation, we will advise the athlete as to whether or not there is evidence of administration of a prohibited substance or method. If there is no evidence, then no further action will be taken. If there is evidence of administration, we will report the atypical finding as an adverse analytical finding.

So, atypical findings will be converted into adverse analytical findings. Then accordingly the process of result management will take place as an adverse analytical finding. So, this is the atypical finding. So, now next we will talk about what is adverse finding? So, as per the code article 2.1, the presence of any prohibited substance in an athlete sample is reported as called adverse analytical finding, a presence of a prohibited substance in the athlete sample.

In the case of non-ethical cases, Article 2.2, use or attempted the use by an athlete of a prohibited substance. Code Article 2.3, evading, suppose any athlete evades, refused or fails to provide the sample collection.

Then comes the article 2.4, where about failure, where any allied level of athlete, what is where about failure. Where about has to be provided by registered testing pool athletes, a pool of elite athletes in any country or any federation. These elite level athletes are in registered testing pool. So, all the athletes who come in the register testing pools have to provide their whereabouts information three months in advance, where they will stay, where they will trained and where they will compete. And on each day of their whereabouts information, they have to provide a one hour slot, 60 minute time slot to anti-doping organization where they can be tested by them in that one hour slot.

So, all registered testing pool athletes have to provide, it is mandatory for them to provide the whereabouts information in advance, three months in advance. So in that case, if any athlete failed to provide whereabouts information or missed the test when any

anti doping organizations come to collect the sample in the provided one hour slot, if they miss, then it constitutes a missed test. So any combination of missed tests or filing failure within the 12 month period by an athlete in a registered testing pool constitutes a whereabouts failure, which comes in Article 2.4. Then comes Article 2.5, tampering or attempted tampering with any part of the doping control process. So, it is also a rule violation. Then comes article 2.6, possession of any prohibited drug or method with you, an athlete if any possesses. Then comes article 2.7, trafficking or attempted to trafficking any prohibited substance or methods. Then comes 2.8, administration or attempted administration of an athlete, by an athlete of any prohibited substance or method. This also constitutes a rule violation.

Then comes Article 2.9; assisting, encouraging, aiding, abiding and conspiracy, covering up any other type of intentional complicity and attempted complicity involving an ADRV or any attempted ADRVs. Then comes Article 2.10; associating in a professional or sports-related capacity with a person such as coach, doctor, physio, trainer, who served a ban, who has been found guilty of a criminal and disciplinary offense equivalent to a doping violation. Article 2.11 acts that threaten or seek to intimidate another to discourage them from sharing information about doping also refer to a whistleblower.

If somebody provides information for other athletes in such cases or relates to retaliating against another for doping doing so, so this comes the truth violation. So, there are 11 articles where an athlete, athlete support person or other person can be sanctioned. So, these are 11 anti-doping rule violations. So, article 2.1 covers the adverse analytical findings and then from article 2.2 to 2.11 covers the non-analytical finding part of the result management. Apart from the anti-doping rule violation, provisional suspensions are also been imposed on athlete. If any athlete has been reported for prohibited drug, which is a specified category. What is the specified category? Like steroids, which have long-term effects on the body. In that case and in that heavy drugs or we can say that specified category of drugs, the sanctions are on a higher side.

In those cases, if any report came positive for specified drugs, then mandatory provisional suspension is imposed immediately on the athlete. If an athlete comes positive for a non-specified category of drug, then voluntary provisional suspension is imposed. Or athletes can also opt themselves a provisional suspension. Then they will get the benefit of sanctions or the benefit when the final verdicts come to them. So, there are types of provisional suspension laws also imposed till the final hearing concluded for that particular athlete.

So, we will discuss now in detail about the result management process of adverse analytical finding cases. If any sample reported positive for a prohibited drug. So, the

first step will be to receive a report, then will initial review the case about the TUE, any applicable TUE is granted or not, any international departure from international standard of testing and investigation and laboratories and any drug which is given as a through permitted route. So, the initial review will be the first step. If we are sure we have confirmed that there is no TUE or intentional departure or any permitted route is given then a notification was issued to the athlete.

Then in the notice we give a chance to an athlete whether he wants to test his B sample or not, or then explain. We give two options for the athlete. First is the B sample analysis and second about the explanation. So, if athlete wants to have a B sample tested to confirm the report which is came the prohibited drug which came reported in the sample, if he or she wanted to confirm whether the drug is actually reported in the sample, he can test in the laboratory about the B sample, the second bottle of the samples collected during the sample collection process, which is called as a B sample. Then he can go and analyze the samples. One, if it is confirmed that the prohibited substance is also reported in the B sample also, then of an explanation also received from the athlete, we issue a formal notice of charge to an athlete. Once formal notice of charge is issued to an athlete, then the case is transferred to the hearing panel for further legal hearings. The first case goes to the anti-doping disciplinary panel, a lower sort of legal bench.

The athlete has been called and has given the chance, fair hearing chance to provide the explanation, how the sample has been entered in his body. The athlete has been given a fair chance to represent himself or through a legal counsellor to present his or her case in the, before the anti-doping disciplinary panel. So, first is the discipline panel. Once the decision has come from the anti-doping disciplinary panel, it has been sent to the athlete, it may be 2 years, 4 years also. If an athlete is not satisfied with the decision of the anti-doping disciplinary panel, he can go to the higher legal bench which is called anti-doping appeal panel, where an athlete can represent his case against the decision of the anti-doping discipline panel. If an athlete is an international level athlete, the athlete can go to the international court, a court of arbitration of sports, CAS in Switzerland. If an athlete is a national level athlete, he can report or appeal against the decision in the National Bench which is called an Anti-Doping Appeal Panel. The Anti-Doping panel or Appeal Panel is a separate independent body which is constituted to hear these types of cases about the Anti-Doping Rule Violations. Next, we will see what is the result management process for non-analytical cases.

In non-analytical cases we have seen that we have the cases of tampering, refusal, evading, failing to provide sample collection, whereabouts failures, so those are all non-analytical cases. So, in such cases we receive no laboratory report, we receive the report from our doping control officer in the supplementary form. We are all with all

including all evidence about the cases. We review the cases about all the procedures as per the result panel standards. We review the cases, all the evidence which is enclosed in the cases and we provide suspensions.

It may be mandatory case to case as per the articles. suspension may be mandatory also, voluntary also and optional also. So, once suspension is imposed, notification is issued to the athlete seeking an explanation about the particular case. Once we receive the explanation, if we are satisfied that it is a no, if we are not satisfied with the explanation provided by an athlete, then the notice of charge is issued to the concerned athlete. Once after the notification of notice of charge issued to the athlete, the case transferred to the hearing panel for the legal proceeding as we have talked in the adverse and legal finding cases.

Now comes the result management process for whereabouts cases. Why I am highlighting this result management process for whereabouts cases is because it is different from other non-analytical cases. As we have already seen, if any combination as per Article 2.4 of WADA Code, if any three rules, if any three combinations of whereabouts mis-test or filing failures came across by an athlete in the registered testing pool within 12 months, then the whereabouts failure comes across. So, in such cases, we first provide a letter to the athlete seeking explanation why, whereabouts failure has come across. On the basis of the explanation provided, if we are not satisfied, then we go through the next step of antidoping rule violations.

We are satisfied with the explanation provided by an athlete then case can be dropped out with the notification letter issued with reason to with copy to WADA, International Foundation and Anti-Doping Organization. Once, if on the other hand, if we are confirmed and we are not satisfied with the explanation provided by athlete, then we issue a notice to the letter, to the athlete stating that we are not satisfied with the explanation provided by you, then the case is being forwarded to the administrative hearing by the independent person. We give opportunities to athletes whether they will require administrative hearing, administrative review by independent persons. If an athlete agrees and requests an administrative review, then he has to request to NADA that yes, I want administrative review of my case before final record of the procedure.

Then the administrative review is conducted by the independent persons. Once the administrative review is conducted and it is confirmed, then we record as a whereabouts failure. If there is no administrative whereabouts failure, then it has been recorded and notification has been issued to the athlete, WADA, International Federation and NADO. Any such record of whereabouts failure, if an athlete in 12 months period then ADRV was constituted. Next, we will talk about the type of anti-doping rule violations. What are the,

as we have already talked about the 11 anti-doping rule violations, we will see what are the bans period is imposed against each anti-doping rule violation and which is applicable to whom.

For example, Article 2.1, the presence of prohibited substances in athlete samples, a sanction can be imposed up to four years and it is applicable to athletes only. Article 2.2, use or attempted use by an athlete of a prohibited drug, prohibited substance, the sanction may be up to four years and it is applicable to athletes. Evading, refusing or failing to submit sample collection, then the ban is also up to 4 years and it is applicable to athletes only.

Article 2.4 where the whereabouts failure clause violations are there, then it is the ban period is up to 2 years and it is applicable to athletes only. Tampering, Article 2.5, tampering and attempted tampering with any part of the doping control, the sanction will be up to four years and it is applicable to athlete, athlete support personnel. Athlete support person comprises coach, manager or any supporting staff.

It may be a doctor also, physio also and any other person. Article 2.6, possession of any prohibited substance or methods also leads to up to four years of sanctions and it is applicable to athlete and athlete support personnel. Trafficking or attempted trafficking in any prohibited substance or prohibited method is also have up to four years to lifetime eligibility will be imposed and it is applicable to athlete, athlete support personnel and other personnel. Article 2.8, administration or attempted administration of an athlete by to an athlete or any prohibited substance or prohibited method, here also a four years of eligibility to a lifetime eligibility can be imposed to athlete or athlete support personnel assisting article 2.9 assisting encouraging aiding abiding and conspiring or covering up or any other type of intentional complicity and attempt complicity involving an ADRV or attempted ADRV, two years to a lifetime eligibility can be imposed, and it is applicable to athlete, athlete support person and other person.

Article 2.10; in associating in a professional or sports related capacity with a person such as coach, doctor, physio, trainer who is serving a ban or who has been found guilty of a criminal or disciplinary offense equivalent to a doping violation. Sanction up to 2 years can be imposed and it is applicable to athlete, athlete support person and other persons also. Article 2.1; act that threatens or seeks to intimidate another to discourage him from sharing information about doping or retaliate against another two for doing so, a two-year to lifetime manageability can be imposed and it is applicable to athlete, athlete support person and other person also. So, these are ban periods against each anti-doping violation and whom it is applicable to and this is a very important part.

So, during the hearing process an athlete can also get the reduction from the total period, if he voluntarily admitted the anti-doping rule violation in the absence of any evidence. So, there he can get the reduction also. Identifying the athlete's use of a non-specified substance was not intentional. If he proves that it is not intentional, then he also can get the reduction. Establishing no fault or negligence or a significant fault or negligence, if he proves that he or she can get the reduction of sanction. Reaching a result management agreement of ADRV reduction in cases of 4 to or more years ban, if he agrees and he admits the fault and he enters with the result management agreement with ADOs and then he gets the reduction of one year, in the cases where four years or more eligibility is imposed. Reaching a case resolution agreement with WADA and ADOs, here a mutual reduction of sanction can be given to an athlete. So, these are the scenarios where the reduction can be given to a sanctioned athlete.

These are the references I have prepared, the document I have referred to during the preparation of this. So, you can refer to the international standard of ISRM or guidelines also, national anti-doping agency website, you can refer to the resultant process or other anti-doping organization website also.