



Illicit Drug Results Management Standard

1. Introduction

The purpose of the Results Management Standard is to ensure coordination of the results management procedures from the time of the initial finding(s) of the test through to the closing of a case, including procedures for Disciplinary and Appeal Hearings.

Compliance with the Results Management Standard is mandatory for those sports included in BSADA's Illicit Drug Programme. Exceptions to any time limits will not invalidate the test.

2. Results Management Procedure for Illicit Drug Screening

All illicit drug testing results are given to the BSADA Results Manager. NSGBs should note that the requirement to submit lists of athletes 4 weeks prior to the start of competition allows for enough time for verification analysis to be completed by the laboratory designated by BSADA, and the results returned to the NSGB and athlete. Therefore, failure to provide lists by the four (4) week timeline may result in not having sufficient time to conduct screening and verification analysis before travel or competition.

2.2 Negative Analytical Result

When a sample returns a negative analytical finding, the relevant NSGB will be informed by BSADA in writing and no further action shall be taken.

2.3 Positive Analytical Result

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

- 2.3.1 If the results from screening the sample show a positive result on any panel of the drug technology used, the DCO shall sign the Chain of Custody Form and ensure that the sample is secured in the BSADA storage refrigerator, in preparation for being transported to an approved laboratory on the next business day, by BSADA, for verification analysis.

- 2.3.2 The BSADA Results Manager will notify the relevant NSGB contact person in writing and inform them of the result and the pending verification from the BSADA approved laboratory. The notification will happen within one (1) business day of the DCO obtaining the initial finding. The letter will include the substance found in the athlete's sample and the fact that the sample will need to undergo verification analysis by the laboratory.
- 2.3.3 The NSGB shall inform the athlete within one (1) business day of their apparent drug breach and their status of eligibility pursuant to section 11 (Sanctions) of the Illicit Drug Policy.
- 2.3.4 The BSADA Results Manager or designate signs the Chain of Custody Form taking custody of the sample and transports it in a secure mode to the designated approved laboratory for analysis.
- 2.3.5 The BSADA Results Manager or designate signs the Chain of Custody Form again denoting that they are transferring responsibility of the sample to the lab. The receiving laboratory will confirm the receipt of the sample by signature on the Chain of Custody Form to maintain a record of the security and continuity of the sample.
- 2.3.6 The approved laboratory shall, whenever possible, complete the confirmation analysis within ten (10) business days of receipt of the sample.
- 2.3.7 Upon completion of verification analysis, the approved laboratory shall make its report available to BSADA.
- 2.3.8 The BSADA approved laboratory sample findings will be final.
- 2.3.9 Where an approved laboratory reports that a sample is not positive after verification analysis is complete, no further measures shall be taken by BSADA and the NSGB shall be notified in writing by BSADA of the negative result. This notification will be provided at the latest by the end of the next business day following receipt of the analysis verification from the lab.

NOTE 1:

It is possible for a positive result to be returned on a sample during initial screening but a negative result to be returned on the same sample when undergoing verification analysis by the laboratory. Such occurrences may be the result of a false positive being initially reported during the initial screening process or the amount of the illicit substance found in the sample being recorded below a threshold as defined under SAMHSA guidelines. If a NSGB fails to provide lists of athletes by the four (4) week deadline mentioned in Section 2 of this Standard, then they run the risk of having athletes unavailable for competition whose positive screening is actively undergoing verification analysis but may return a negative result during verification analysis.

Such situations will be the result of the NSGBs actions and BSADA will bear no responsibility of such situations.

- 2.3.10 Where the lab sample analysis verifies the positive result, BSADA shall provide written notification to the designated person of the relevant NSGB outlining any sanction issued due to the positive finding and the athlete's right to a fair hearing. This notification will be provided at the latest by the end of the next business day following receipt of the analysis verification from the lab.
- 2.3.11 The NSGB shall undertake its obligation to notify their athlete forthwith of the positive verification. The NSGB will advise the athlete of his/her rights, responsibilities, and consequences.
- 2.3.12 If the athlete accepts the sanction issued to them in the notification letter, BSADA may notify other NSGBs that the athlete is a member of, that a drug breach has occurred and the sanction imposed against the athlete.
- 2.3.13 If the athlete wishes to exercise their right to a fair hearing, and dispute the sanction imposed on them, they must provide a written request to BSADA within 21 business days of receipt of the sanction letter.

N.B. At a minimum, an athlete is prohibited from travelling to represent Bermuda from the moment an initial screening returns a positive result and until the verification analysis is reported to BSADA.

2.4 Non-Analytical Drug Breach

Initial Review

- 2.4.1 In the case of an alleged non-analytical drug breach as outlined in the Illicit Drug Policy, the Results Manager should check all documentation and procedures, relating to the selection and notification of the athlete or athlete support personal, for any irregularities or departures from the Testing Standards.
- 2.4.2 If the non-analytical drug breach is related to a failure to comply, the Results Manager shall check with the NSGB in question to establish why they did not present themselves for drug screening. The burden of establishing a reasonable excuse will remain with the athlete. The BSADA Results Committee shall decide whether a response is, or is not, satisfactory.
- 2.4.3 If there are any irregularities or departures from the Testing Standards, the Results Committee shall determine if the irregularity can reasonably be considered to undermine the possibility of an illicit drug breach. If irregularities or departures can be reasonably

considered to undermine the possibility of a non-analytical drug breach the Results Committee shall declare that there has been no illicit drug breach.

2.4.4 If the BSADA Results Committee determines that there was no departure or irregularity from the Testing Standards and that the response given was not reasonable then the Results Manager will notify the athlete or athlete support personnel and the relevant NSGB in writing of the following:

- Their non-analytical drug breach in accordance with the policy and any details pertaining to the case.
- Their right to a hearing; including timelines to request a hearing.
- The potential sanctions and penalties for the drug breach.
- The potential consequences of any further drug breaches.

NOTE 2:

An athlete may ONLY appeal the actual screening process of BSADA or the laboratory with regards to an analytical drug breach. The confirmation results from the laboratory may not be disputed.

3. Disciplinary Hearing Process

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. Subject to the requirements set out below, the Disciplinary Panel shall be the master of its own procedures and make all preliminary and procedural rulings necessary to conduct the disciplinary hearing.

3.1 If an athlete wishes to exercise their right to a fair hearing they must notify BSADA in writing within twenty-one (21) days of being notified of their illicit drug breach. BSADA will then notify the Disciplinary Panel of the request.

3.2 The Disciplinary Panel should set a date, time and location within fourteen (14) days of receipt of the above request. Also, included should be the names of the participating members of the hearing panel in the case.

3.3 If the athlete is unable to attend the hearing on the arranged date or disputes the participation of one of the panel members they should notify BSADA in writing within five (5) days of the hearing date notification.

- 3.4 The Disciplinary Panel shall be comprised of at least three (3) individuals from the Disciplinary Panel appointed by the Ministry responsible for Sport as set out in the Anti-Doping in Sport Act 2011.
- 3.5 The Disciplinary Panel shall determine:
- i. In the case of an analytical drug breach, if the identity, security, integrity and/or validity of the screen sample or result was compromised.
 - ii. In the case of a non-analytical drug breach, if there were mitigating circumstances that should now be considered in overturning the decision of the Results Management Committee.
- 3.6 The disciplinary procedure will consist of interviewing the person accused of a drug breach, BSADA and other relevant individuals and reviewing any relevant documentation that exists in the NSGB, BSADA and other files.
- 3.7 The Disciplinary Panel may consider hearsay evidence but shall give hearsay and any other evidence the weight it deems appropriate.
- 3.8 The individual subject to an investigation and BSADA may submit evidence in writing and by the testimony of witnesses. Witnesses shall give their evidence under oath or affirmation. All parties including the Disciplinary Panel may question the evidence including any witnesses.
- 3.9 The individual subject to the Disciplinary hearing may make final submissions once he/she has called his/her evidence.
- 3.10 The Disciplinary Panel shall make its rulings and its decision by majority. The Disciplinary Panel shall render a written decision within 15 days of the completion of the Disciplinary hearing. The original of the written decision shall be sent to BSADA, with copies sent to the individual subject to the Disciplinary Hearing and to the relevant NSGB. The decision of the Disciplinary Panel for a drug breach is liable to appeal by the athlete, the NSGB or BSADA.
- 3.11 The decision of the Disciplinary Panel shall be in writing and sent to the Chairman of BSADA's Results Management Committee, the athlete and the NSGB.

NOTE 3:

Target screening may also be conducted as part of or as a consequence of the Disciplinary process.

4. Appeals Hearing Process

An Appeals 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 Appeals Panel. Subject to the requirements set out below, BSADA's Appeals Panel shall be the master of its own procedures and make all preliminary and procedural rulings necessary to conduct the Appeals hearing.

- 4.1 Within fourteen (14) days after receiving notice from the Disciplinary Panel of a determination of a drug breach the athlete and persons other than an athlete may lodge a notice wishing to appeal containing the grounds. The appeal must:
 - Be in writing
 - State the grounds of the appeal
 - Be submitted to BSADA within fourteen (14) days of the date of the person being served with a penalty
- 4.2 BSADA will notify the Appeals Panel which is appointed by the Ministry responsible for Sport in accordance with the Anti-Doping in Sport Act 2011.
- 4.3 The Chairperson of the Appeals Panel shall, by way of letter to BSADA, the athlete and the relevant NSGB, convey the following information:
 - a. A proposed hearing date, time, location and the names of the participating Appeals Panel members which must be within fourteen (14) days of the date on the letter of appeal.
 - b. The requirement for the athlete to respond in writing within five (5) days of receiving the appeal hearing notification if they are unable to attend the hearing or if they dispute the participation of an Appeals panel member in the hearing.

The decision of the Appeals Panel is final and binding.

- 4.4 The Appeals Panel may consider hearsay evidence but shall give hearsay and any other evidence the weight it deems appropriate.
- 4.5 The individual in question shall have the opportunity to address the Appeals Panel who will consider the merits of the individual's protest and if there are any mitigating circumstances that warrant the case to be heard.
- 4.6 If there is a case to be heard 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 Appeals Panel may question the evidence including any witnesses.

- 4.7 The individual subject to the appeal action may make final submissions once he/she has called his/her evidence.
- 4.8 The Appeals Panel will decide if the decision of the Disciplinary Panel should be overturned.
- 4.9 The Appeals Panel shall make its decision by majority and written confirmation shall be rendered within 15 days of the completion of the appeal hearing. The written decision shall be sent to the relevant NSGB(s), with copies sent to BSADA.

DEFINITIONS

ANALYTICAL DRUG BREACH: a verification from a **BSADA** approved laboratory that, consistent with the **Testing Standard**, a **Sample** contains the presence of an **Illicit Substance**.

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

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

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

DCO (Doping Control Officer): an individual who is certified to collect a urine **Sample** from an athlete or athlete support personnel.

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

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

NON-ANALYTICAL DRUG BREACH: a drug breach as defined in the Illicit Drug Policy that is not analytical.

NSGB (National Sports Governing Body); a sporting organization that is recognized by the Government as being responsible for all or a substantial part or section of the sport in Bermuda whether or not there exists an international sporting federation in relation to that sport.

RESULTS COMMITTEE is the body of individuals charged with the responsibility of conducting pre-hearing administration for potential violations of the Illicit Drug Policy and Standards.

RESULTS MANAGER is the person charged with the responsibility of receiving results and convening meetings with the **Results Committee**.

SAMPLE means any biological material collected for the purposes of Doping Control.

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