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Policy issue: <b>Test Pool</b>	Date: June 9, 2015
Lead Person: Duncan Barclay	Approved date: June 9, 2015
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***Definitions;***

**Anti-Doping Organisation (ADO)** means a signatory to the **Code** that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes for example the International Olympic Committee (**IOC**), International Federations (**IF**) **WADA** and **NADOs**.

**Anti Doping Rule Violation (ADRV)** is defined pursuant to Article 2 of the **Code**.

**Athlete** means as defined by the WADA **Code** 2015.

**BOA** means Bermuda Olympic Association.

**BSADA** means Bermuda Sport Anti-Doping Authority and is the NADO for Bermuda.

**BSADA Rules** is a term used that includes both the **Anti-Doping Rules** and the Illicit Drug Testing policies and standards for testing and results management. The **Anti Doping Rules** are specific to Bermuda and conform with and are based on the Code. They contain all of the details necessary to conduct an effective anti-doping programme.

**Categorisation of Sport Process** is the risk assessment the test pool panel conducts annually in grading each sport. Using 3 criteria (risk, sport profile and doping trends) each sport is scored and placed on a scale (from 1-5) to determine the appropriate category (high, medium or low risk) and therefore the relevant leveling of testing for each sport.

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

**CWG** means Commonwealth Games.

**Doping Control** means all steps and processes from and including test distribution planning through to ultimate disposition of any appeal including all steps and processes in between, such as provision of whereabouts information, sample collection and handling, laboratory analysis, therapeutic use exemptions, results management and hearings.

**Doping Control Manager** is the person who selects athletes for testing, schedules and trains Doping Control Officers.

**DTP** means the Domestic Test Pool.

**In-Competition** means the period commencing twelve hours before a competition in which an **Athlete** is scheduled to participate through to the end of the competition and the sample collection process related to the competition.

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**Ineligibility** means the **Athlete** or other person is barred for a specified period of time from participating in any competition or other activity or funding as provided in **Code** Article 10.12.

**International Federation (IF)** means the international governing body for a particular sport.

**International Standard (IS)** means a standard adopted by **WADA** in support of the **Code**. Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly. There are 4 IS including the **ISTI (International Standard for Testing and Investigations)**, the **ISL (International Standard for Laboratories)**, the **ISTUE (International Standard for Therapeutic Use Exemptions)** and the **ISPPP (the International Standard for the Protection of Privacy and Personal information)**.

**Ministry** means the Government Ministry to whom responsibility for sport is assigned.

**National Anti-Doping Organisation (NADO)** means 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 test results, and the conduct of hearings, all at the national level.

**National Sport Governing Bodies (NSGB)** means; in respect of any country, a sporting organisation that is recognized by the relevant international sporting federation as being the organisation responsible for administering the affairs of the sport in that country; or in respect of Bermuda, a sporting organisation that is recognized by the Government as being responsible for all or a substantial part or section of the sport in Bermuda whether or not there exists an international sporting federation in relation to that sport.

**NTP 1** means the National Test Pool 1.

**NTP2** means the National Test Pool 2.

**Out of Competition Test** means any doping control which is not conducted **In-Competition**.

**Prohibited List** means the **WADA** Prohibited List identifying the prohibited substances and prohibited methods as amended from time to time, which is published and revised by **WADA** as described in Article 4 of the **Code**.

**Prohibited Substances/Methods** means the substances and methods listed in the Prohibited List.

**Results Management Committee** is the body of individuals charged with the responsibility of conducting pre hearing administration for potential violations of the **BSADA Rules**.

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**RTP** means the Registered Test Pool.

**WADA** means the body founded by the International Olympic Committee and constituted as a foundation in Lausanne, Switzerland by an instrument of foundation dated 10 November 1999.

**World Anti-Doping Programme** encompasses all the elements needed in order to ensure optimal harmonization and best practice in international and national doping programmes.

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## Overview

Each NADO with testing jurisdiction must develop a plan for the efficient and effective allocation of its testing resources across the different sports under its jurisdiction. Such a plan must be monitored, evaluated, modified and updated periodically as required. In addition to this plan, each NADO shall create a Registered Testing Pool of Athletes meeting specified criteria. In fixing its Registered Testing Pool the NADO is entitled to bear in mind the ability to create other pools of athletes who are subject to different whereabouts requirements (see International Standard for Testing and Investigations 4.8).

Basic Principles:

- Every athlete is in principle subject to testing at any time and any place
- Unannounced Out-of-Competition Testing is at the core of effective Doping Control.
- A practical, workable approach to the application of this Policy and effective sanction for non-compliance with this Policy is imperative.
- The NADO shall exercise its discretion to target priority Athletes and to marshal resources efficiently and effectively.

This Policy outlines the process followed by BSADA in:

1. Categorising each NSGB on the Anti-Doping Programme through risk assessment;
2. Determining the composition of the RTP
3. Determining the composition of the NTP1
4. Determining the composition of the NTP2
5. Determining the Composition of the DTP
6. Communicating the RTP and NTP1 to ADOs and Athletes
7. Including Athletes with ADRV into the pools
8. Reinstating Athletes during periods of ineligibility
9. Removing Athletes from the pools
10. Considering requests by (NSGBs) to remove Athletes from the Pools
11. Facilitating Athlete Retirement

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## 1. Categorising each National Sports Governing Body on the Anti-Doping Programme through risk assessment

A NSGB will be deemed eligible for the national anti-doping programme in the following circumstances:

- a) If it is recognised by the Ministry responsible for sport in Bermuda as an NSGB.
- b) If it is in receipt of funding by the Ministry; or uses premises owned by the Government of Bermuda.
- c) If it has received funding or its athlete has received recognitions by the BOA or requires sanctioning for competition by the BOA.

Once it has been determined that a particular NSGB is in the National Anti-Doping Programme, BSADA will undertake a risk assessment (Categorisation of Sport Process). Using the following three criteria, each NSGB is scored and placed on a scale to determine the appropriate category for that sport and assist with developing a Test Distribution Plan.

**(I) RISK:** The potential risk of doping by an Athlete within the sport. Factors to be considered include:

- a) the physical demands of the sport
- b) the financial incentive/gain
- c) the potential for abuse of Prohibited Substances or Prohibited Methods
- d) any additional factors that may be relevant

**(II) SPORT PROFILE:** The profile of the sport. Factors for consideration include:

- a) the success of the sport on an international and national stage (e.g. the success of the national team and the success of national leagues)
- b) the competition calendar
- c) the public and media impact of a doping violation in the sport
- d) the general national participation in the sport
- e) the significance of role models within the sport
- f) any additional factors that may be relevant

**(III) DOPING TRENDS:** The evidence/research available on doping trends/practices within the sport. Factors to be considered include:

- a) available doping analysis statistics (national & international)
- b) documented history of doping within the sport (i.e. to reflect the non-analytical evidence of doping, e.g. the Marion Jones case)
- c) available research/information on possible doping trends/practices
- d) any additional factors that may be relevant

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Following the Categorisation of Sport Process, the outcome will establish whether a sport warrants a place in the RTP.

## **2. Determining the Composition of the Registered Testing Pool (RTP)**

The Code gives BSADA, as the designated NADO for Bermuda, the authority to determine which sports and athletes in the anti-doping Programme warrant inclusion in the RTP.

It is acknowledged that whilst BSADA is well placed to make these determinations, consultation with the NSGB will take place and there may be information held elsewhere that may generate the further consideration of Athletes' for inclusion in the RTP. Where a discrepancy exist between BSADA and a NSGB whether an athlete should be included in a specific pool, BSADA will ultimately have the authority to make the final decision.

There are sport specific criteria used by BSADA when determining inclusion of athletes from particular sports/NSGBs into the RTP. The criteria are primarily weighted to those sports where the benefits gained from doping Out-of-Competition is greater, however this may be determined by other factors as outlined below.

### **The criteria used to determine which athletes should be included in the RTP are:**

- Senior, top level athletes competing regularly at International Level Events
- Funded athletes, athletes competing at Olympic, Paralympic and Commonwealth Games (CWG) disciplines.
- Athletes who are in their International Federations (IF) RTP.

#### Other factors

In addition to the above, and to demonstrate the flexible nature of test pools, Athletes may be included in the RTP based on any one or a combination of the following justifications:

- injury;
- behaviour/association leading to suspicion of doping
- sudden improvements in athletic performance
- test history
- abnormal biological parameters
- reliable information from a third party or
- competition or absence from competition at a level determined to meet eligibility for the RTP
- Athletes with an ADRV
- Athletes serving a suspension from an ADRV
- Athletes returning from retirement as determined by BSADA

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### **3. Determining the composition of the National Testing Pool 1 (NTP1)**

- Athletes who have the potential to participate in International Level Events
- Other factors

In addition to the above, and to demonstrate the flexible nature of NTP1, athletes may be included in the NTP1 based on any one of the following justifications:

- Injury
- Behaviour/association leading to suspicion of doping
- Sudden improvements in athletic performance
- Test history
- Abnormal biological parameters
- Reliable information from a third party
- Competition or absence from competition at a level determined to meet eligibility for the NTP1
- Athletes with an ADRV
- Athletes serving a suspension from an ADRV
- Athletes returning from retirement as determined by BSADA

### **4. Determining the Composition of the National Test Pool 2 (NTP2)**

The NTP2 will include national level athletes, as identified by the relevant NSGB, who are not in the RTP or NTP1, but do represent Bermuda or have the potential to represent Bermuda at a national level in competition.

### **5. Determining the Composition of the Domestic Test Pool (DTP)**

Athletes included in the DTP are all Athletes who do not fall within the RTP, NTP1 or NTP2. These Athletes are those that compete solely in Bermuda and do not represent Bermuda in national or international competition. Such athletes are still subject to anti-doping and illicit drug testing and procedures.

### **6. Communicating the RTP and NTP1**

#### International Federations

On determining the composition of the RTP with each sport, BSADA will ensure that the IF is notified of the athletes selected for the RTP. BSADA will propose taking custody of any athletes it selects that are also to be included in the IF's RTP unless requested otherwise by the IF. This is essential so that an athlete is not notified by both the NADO and IF of this requirement.

#### Athlete Communication

BSADA will be responsible for ensuring that an athlete selected for inclusion in either the RTP or NTP1 is notified of this fact in writing, in accordance with article I.2.1 of the ISTI. This letter will be emailed, posted by recorded delivery, or handed directly to the athlete by a member of BSADA during an induction session. Athletes will be offered the support and education outlined in the Athlete Whereabouts Policy.

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### Other Anti-Doping Organisations

BSADA will make the list of athletes in the RTP available to other Anti-Doping Organisations (ADO) with the jurisdiction to test the athlete. In such circumstances BSADA must be satisfied that the ADO can meet the requirements of the ISPPP e.g. WADA, the IF or, another NADO.

### **7. Inclusion of an athlete with an ADRV into the RTP or NTP1**

Following the conclusion of a Disciplinary and/or Appeals hearing it is the responsibility of the Results Manager to advise the Doping Control Manager in writing of those Athletes who will be required to submit whereabouts for either the RTP or NTP1. At all times BSADA reserves the discretion to put an Athlete into the RTP or NTP1.

Athletes that have returned to sport having fulfilled the requirements of their sanction following successful re-instatement testing will remain in their assigned pool at a minimum or a period of at least 6 months from the date the sanction term expires.

### **8. Reinstatement during a period of Ineligibility**

When an Athlete is subject to a period of ineligibility in connection with an ADRV sanction they remain eligible for testing during this period and may, at any time, be asked to provide athlete whereabouts information, a responsibility they must comply with.

If an Athlete commits an ADRV while he/she is in either the RTP, NTP1, or NTP2 the Athlete must remain in the respective pool until such time as he/she retires from the sport or on returning from their period of ineligibility the Athlete no longer fulfils the criteria for inclusion in such pool.

Where a period of ineligibility following an ADRV has been imposed on an Athlete by way of sanction, the following guidelines should be followed:

#### Reinstatement testing on current RTP and NTP1 Athletes

Where an Athlete in the RTP is serving a period of ineligibility due to an ADRV sanction, this Athlete will remain in the RTP and will be required to maintain their whereabouts information throughout the relevant period of their ineligibility. Should the Athlete choose to retire from the sport, Article 5.7 of the BSADA Anti-Doping Rules will apply.

#### Reinstatement testing on NTP2 and DTP Athletes

For Athletes that are in the NTP2 and DTP and were not providing whereabouts information at the time of the ADRV, the reinstatement meeting will determine the Athlete's responsibilities with regards to the provision of whereabouts information, i.e. whether the Athlete should enter the NTP1.

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## **9. Removing athletes from pools**

The Results Manager will liaise with the relevant NSGB when reviewing the status of an Athlete in the RTP or NTP1 and will ensure that the NSGB has been informed of the decision. The NSGB will then be asked to communicate the decision to the Athlete.

## **10. Request by an NSGB to remove an Athlete from the RTP or NTP**

If it is determined that an Athlete is to be removed from either the RTP or NTP1, following such a request from a NSGB, the Athlete must continue to provide whereabouts information until such time as BSADA has formally communicated this decision to the relevant NSGB. If an athlete fails to fulfil his/her responsibilities at all times while in the RTP or NTP1, the Athlete will risk receiving a Filing Fault or Filing Failure.

If an NSGB notifies an Athlete of their removal from either the RTP or NTP without consulting BSADA, the NSGB will be required to reinstate the Athlete to the respective pool immediately. Removing an Athlete without BSADA approval may render the NSGB in breach of their NSGB responsibilities in regards to compliance.

Athletes must be aware that whether or not they are in the RTP or NTP1, they are subject to the applicable anti-doping rules of their sport and are therefore eligible for testing by BSADA at anytime and anywhere.

## **11. Athlete Retirement**

The definition of retirement in the Code is to retire from 'active participation in sport'. An Athlete may retire from any sport at any time however if they choose to do so such Athlete should not take part in the relevant sport competitively.

An Athlete who has been identified by BSADA for inclusion in BSADA's RTP or NTP1 shall continue to be subject to the BSADA Anti-Doping Rules, including the obligation to comply with the whereabouts requirements of the ISTI, unless and until the Athlete gives written notice to BSADA that he or she has retired or until he or she no longer satisfies the criteria for inclusion in BSADA's RTP or NTP1 and has been so informed by BSADA.

Should an Athlete, that was in either the RTP or NTP1 at the time of retirement, wish to return to competitive sport from retirement, then the athlete must notify BSADA pursuant to article 5.7 of the BSADA Anti-Doping Rules.

If it is determined, on return to sport, that the Athlete does not meet the criteria for inclusion in either the RTP or NTP1, then the Athlete may be tested Out-of-Competition by BSADA through other means rather than through whereabouts information.