

October 2017 NF Conference - Agenda Item 4

The Council seeks comments and feedback about the proposal to slightly adapt the approach to its Anti-Doping operations. Member federations are invited to send comments to info@fisa.org leading up to a discussion period at the 2017 FISA Ordinary Congress on 2 October 2017.

DRAFT Towards a more Independent Anti-Doping operations in FISA 020817

FISA seeks to adopt and maintain the highest ethical and moral standards of governance and, in particular, its Anti-Doping operations have been examples for the world of sport up to now. FISA's strict Anti-Doping-policies and its consistency in decision-making, education, control, and enforcement has been generally respected.

However, two of the largest scandals that have hit the sport world are related to anti-doping activities and were caused by corruption in one international sport federation related to anti-doping and the other was an institutional manipulation of a national anti-doping agency and laboratory. The independence of hearing panels has also been placed in public question as well as the consistency and neutrality of therapeutic exemption decisions. Another important issue that has been raised is the independence of the TUE Committees at national or international levels as some TUE authorisations in other international federations and some national anti-doping agencies have been questioned.

All this has caused great public discussion about the independence of anti-doping activities by sports federations and national anti-doping agencies. FISA has to also take appropriate steps to minimise perceived and actual conflicts of interest and exposure to possible manipulation or even corruption in future. FISA seeks to continue the highest standards and has decided to consider the following changes in its anti-doping operations:

- 1. Anti-Doping Administrative Structure** – These concerns give rise to the following proposal for an Anti-Doping-Department that would carry out its duties independent of elected or appointed officials (who are nominated by or have a close connection to national federations) being involved in operations or decisions.

The functions will be for administration (as has been previously the case) the Anti-Doping Co-ordinator, the new functions will be a FISA Anti-Doping Legal Advisor (part-time) and a Medical and Scientific Advisor (part-time).

Anti-Doping-Department still reports to the Executive Director with full oversight of the FISA Anti-Doping Committee, provides regular updates to the Sports Medicine Commission, is accountable to the Executive Committee, and works in accordance with policies in FISA's Rules and Regulations. It will produce an annual report each year to be included in FISA's Annual Congress Agenda Papers.

- 2. FISA Anti-Doping Committee** – This Committee is described on page 211 of the FISA Rule Book. Its membership is made up of the chair of the Sports Medicine Commission, the FISA Executive Director and two other members, one of which is a medical doctor who is a member of the Sports Medicine Commission and the other is a member of the FISA Council. It receives regular written and verbal reports from the Anti-Doping-Department about the activities and outcomes. Its duties are described on pages 211

and 212 of the Rule Book. The Anti-Doping Committee holds regular meetings, at least yearly in person and reports to the Executive Committee.

- 3. Independent Doping Hearing Panels** - A step towards more independence is to operate the doping hearing panels with individuals who do not hold an elected or appointed position in FISA or a National Federation (Doping Hearing Panels are described on page 231 of the FISA Rule Book). A further step would require that the panel does not include a person with the same nationality as the athlete. Conflicts of interest are documented for each case (Article 64 of FISA statutes).

The Doping Hearing Panel remains a judicial body of FISA according to Article 63 of FISA Statutes and Bye-Laws to Rule 100, and adheres to the guidance of Article 8 of the FISA Anti-Doping Bye-Laws – Right to a Fair Hearing.

However, with the addition of a FISA Anti-Doping Legal Advisor and of a Medical and Scientific Advisor, new independent functions are in place. They will prepare all cases for the anti-doping hearing panels and provide appropriate documentation. This means that international rowing specific knowledge, FISA Rules and international evidence are taken into consideration.

- 4. Review of decisions** - Legal Advisor and Medical and Scientific Advisor will review all anti-doping decisions and report to the FISA Executive Committee. FISA will reserve the right to appeal to the Court of Arbitration for Sport on a decision it believes does not conform to the World Anti-Doping Code or is inconsistent to precedent set in previous FISA rulings.
- 5. Independent TUE decisions** - There are now independent TUE services available to International Federations that can be taken advantage of to obtain independent and consistent decisions. However, FISA will maintain its TUE Committee (described on page 206 of the FISA Rule Book) and will review all national and international TUE decisions (as described on page 208 of the FISA Rule Book). The FISA TUE Committee consults with the FISA Sports Medicine Commission and reports to the FISA Executive Committee. FISA will reserve the right to appeal any TUE decision that it believes does not conform to the World Anti-Doping Code or is inconsistent to precedent set in previous FISA TUE decisions.

6. Description of offices and duties

Medical and Scientific – Medical and Scientific Advisor

- Liaison for the Athlete Passport Management Unit
- Analysis and follow up on biological passports
- Determination of the make-up of the Registered Testing Pool
- Preparation of medical documentation for TUE Committee
- Medical and scientific preparation for Hearing Panels
- Ensuring FISA is Code-compliant on medical and scientific matters

Legal – Anti-Doping Legal Advisor

- Assistance with the preparation of Hearing Panels
- Assistance to the Hearing Panels with finalisation of their decisions

- Ensuring FISA is Code-compliant on legal matters

Administration – Anti-Doping Co-ordinator

- Organisation of Testing (in and out of competition)
- Contracting and contact with NADOs
- Contact with Organising Committees relevant to testing
- Contact with Testing agencies
- Results management
- Whereabouts Management and follow up on missed tests
- Preparation of the documentation for Hearing Panels
- TUE management
- Updating Rules and Bye-Laws
- Budget

Management - Executive Director

7. **FISA Bodies involved**

Executive Committee – Oversight

Anti-Doping-Committee: oversight, review reports, providing consultation and policy development

TUE Committee: oversight of TUE decisions

Sports Medicine Commission – Receiving reports, providing consultation, policy development, oversight at FISA events.

Time line – Initial discussions with Council in July, comments and suggestions August and September, discussion at the 2017 FISA Ordinary Congress leading to a final Council decision in time for implementation on 1 January 2018.