



International Va'a Federation

ANTI-DOPING CONTROL REGULATION



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INTRODUCTION

The International Va'a Federation (IVF) prohibits drug abuse in va'a racing. The IVF anti-doping regulations were adopted to protect paddlers' fundamental right to participate in doping-free competitions, and thus promote health, fairness and equality. IVF events are held in compliance with the World Anti-Doping Agency (WADA) code. In keeping with the code, paddlers are forbidden to use any of the prohibited substances or prohibited methods referred to in the most current WADA code.

Paddlers are responsible for knowing what constitutes an anti-doping rule violation and the substances and methods, which are included on the WADA prohibited list. Every paddler who participates in an IVF sanctioned event is required to complete the IVF Anti-Doping Declaration Form. Additionally, it is each paddler's personal duty to ensure no prohibited substances enters his or her body. Paddlers are responsible for any prohibited substances or its metabolites or markers found to be present in their test samples. However, it is not necessary that intent, fault, negligence or knowing use, on the paddler's part, be demonstrated in order to establish an anti-doping violation.

REGULATION 1: PRINCIPLES

1.01 The following categories of conduct are prohibited:

1.01.1 The presence of a prohibitive substance or its metabolites or markers in a paddler's test sample or methods appearing on the most recent list of prohibited agents and methods as published by WADA is forbidden. Unless otherwise stipulated in the list, none of the drugs belonging to a forbidden category may be used. The use of a prohibited drug shall constitute an infringement of these regulations regardless of the method of administration and the intent of the user.

1.01.2 The use of substances that might influence the result of an analysis is also prohibited, and shall be deemed to be drug abuse.

1.01.3 The assisting inciting of others to use prohibited drugs is an infringement of these regulations.

1.02 Should a drug test be conducted at any event it shall be governed by these regulations.

1.03 The cost of administering the drug test shall be borne by the IVF and such costs shall be shared 50/50 with the host nation. This shall not include expenses incurred by a paddler or nominated representative in attending the testing of sample 'B'.

1.04 To the extent of any conflict between the provisions of these regulations for drug control and any other statutes of the IVF these regulations for drug control shall prevail.



REGULATION 2: ANTI-DOPING CONTROL

- 2.01 Any paddler who is participating in an IVF sanctioned World Elite Competition (Sprint or Distance) and is 18 year old or older, may be subject to in-competition drug testing. The IVF may require any in-competition paddler to submit to one or more drug tests. The IVF will decide on the methods of selection of paddlers for drug testing.
- 2.02 For those who are subject to anti-doping drug testing, failure to submit to a drug test, at the place and time required, shall be an offence under these regulations and the paddler will be deemed to have recorded a positive result from a drug test.
- 2.03 The IVF in conjunction with a WADA affiliated agency shall be responsible for the organization of the drug tests. The IVF and WADA affiliated agency, shall ensure that all personnel, all necessary facilities and all equipment required are present so that the tests may proceed in accordance with these regulations.
- 2.04 All doping control shall be under the supervision of the IVF Medical Committee, which shall be established by the IVF. The IVF Medical Committee shall include:
- i) Qualified registered medical practitioners.
 - ii) An experienced and if necessary qualified sports administrator being a board Member of the IVF.
- 2.05 The IVF in conjunction with a WADA affiliated agency shall ensure that facilities for testing are:
- i) Secure from intruders.
 - ii) Not accessible to general public or press, and;
 - ii) Clearly marked with posted signs.
- 2.06 The following provisions shall apply in respect of the giving of notice of a drug test selection:
- i) The paddler selected for testing will be informed of their selection, verbally by an anti-doping control official and via a hand delivered notification. The notification shall specify the date and time of notice. The notice shall specify the penalties for failure to comply. The paddler shall acknowledge receipt on the relevant section of the notice. When appropriate an interpreter will accompany the anti-doping control official at the time of notification and throughout the process.
 - ii) The notice of a test shall be handled to the paddler as soon as possible after the completion of the event. The service of this notice shall be carried out as discreetly as possible. The time of reporting for the drug test shall be not more than 60 minutes following the completion of the event. The paddler shall submit to supervision by an anti-doping control official from the completion of the event to the time of the test.



- 2.07 Upon selection for drug testing, the paddler must declare, in writing, any recent blood transfusions as well as any medications and other substances including vitamins, minerals, herbs and other dietary supplements.
- 2.08 If a Therapeutic Use Exemptions (TUE) has been approved for the current competition, the paddler must declare the substance or medication being used when filling out the doping control form and specify that a TUE had been granted.
- 2.09 In addition to the paddler and any accompanying team official, only the following persons may be present in the control station:
- i) A designated member of the IVF Medical Committee;
 - ii) WADA affiliate officials taking the samples (Testing Official);
 - iii) An interpreter (when required);
 - iv) A gender appropriate chaperone.
- 2.10 The procedure for the collection of test samples shall be as described below.
- 2.10.1 The paddler shall provide at the time of testing, under the personal supervision of the Testing Official(s), a minimum of 80mls of urine, which shall be divided into two approximately equal samples. Both samples shall be coded so as to be easily distinguishable from other samples and between themselves. One sample shall be clearly labelled as being for the reserve test (i.e. sample 'B')
- 2.10.2 Only the selected paddler shall be present in the examination room when urine is collected. The Testing Official(s) shall also be present for the duration of the procedure.
- 2.10.3 The paddler must:
- i) select the containers for the samples from the containers available; and,
 - ii) personally verify the sealing and identification of the containers.
- 2.10.4 The written confirmation of the paddler and the member of the IVF Medical Committee and/or the WADA affiliated agency representative shall be obtained to the effect that the prescribed guidelines have been substantially carried out. A copy of the confirmation shall be handed to the paddler. Any variation from such procedures shall be endorsed on such confirmation.
- 2.10.5 The paddler shall be handed, upon completing the test, a receipt with the details of the container coding, date and time taken, and examining officer endorsed thereon. This receipt may be incorporated in the written confirmation referred to in 2.10.4 above. The WADA affiliated agency, on behalf of the IVF Medical Committee, will restrict access to samples at the Doping Control Center during transportation and in the Laboratory.



- 2.11 The sample shall be forwarded to a laboratory accredited by WADA affiliated agency for analysis forthwith.
- 2.12 If the result of sample 'A' is indicative of a prohibited substance the IVF shall promptly notify both the paddler and the paddler's governing body accordingly in writing. The paddler must notify the IVF within 5 working days as to whether or not the paddler or the paddler's representative will attend the analysis of sample 'B'. Upon receipt of this notification sample 'B' shall be held at the laboratory which carried out sample 'A' analysis and shall be arranged as soon as practicable and the time promptly notified to the paddler in writing. The cost of arranging the attendance of the paddler or the paddler's representative shall be met by the paddler.
- When the result of sample 'B' is received the IVF shall promptly notify the paddler in writing as set out in 2.15 below and also notify the paddlers governing body. The IVF will revise any race results accordingly.
- 2.13 The IVF shall take all reasonable steps to ensure that all details concerning the testing are kept confidential unless the paddler is found guilty of drug abuse and advised accordingly under these regulations.
- 2.14 In respect of an alleged infringement of regulations 1.01.2 and 1.01.3, which fall within the scope of Regulation 1.10.1, the IVF shall notify the paddler concerned of details of the alleged infringement. The IVF shall conduct a hearing to determine whether an infringement has been committed. The hearing shall be conducted in accordance with Regulation 4. Until the IVF has rendered its decision it may suspend the paddler concerned.
- 2.15 The WADA list of prohibitive and restrictive substances and prohibited methods will be used by the IVF.

REGULATION 3: THERAPEUTIC USE EXEMPTION

- 3.01 The IVF has insured that there is a process in place for any paddler who chooses to enter an IVF sanctioned World Elite competition, whereby, elite paddlers with documented medical conditions requiring the use of a prohibited substance or a prohibited method may request a Therapeutic Use Exception (TUE).
- 3.02 Such requests shall be evaluated in accordance with the International Standard for Therapeutic Use Exemptions (ISTUE).
- 3.03 The criteria granting a therapeutic use exemption are:
- i. The athlete would experience significant health problems without taking the prohibited substance or method,
 - ii. The therapeutic use of the substance would not produce significant enhancement of performance, and
 - iii. There is no reasonable therapeutic alternative to the use of the otherwise prohibited substance or method.



- 3.04 The Therapeutic Use Exemption Committee (TUEC) shall consist of a chairperson who is a member of the IVF Medical Committee, a licensed medical physician, and other healthcare professionals. Additionally, when necessary the appropriate medical specialist may be consulted.
- 3.05 The IVF's Medical Committee's TUEC is responsible for granting or declining all TUE applications. Applications must be received, via email, by the TUEC no later than 70 days prior to the first day of competition.
- 3.06 The TUE is used for any treatment involving a substance or method on the Prohibited List that is not admissible for an abbreviated TUE.
- 3.07 The TUE will be reviewed by the IVF Medical Committee's TUEC.
If approved, paddler can continue treatment, with the approval to compete, after receiving the authorization notice from the IVF (except in rare cases of an acute life threatening condition for which a retroactive approval may be considered).
- 3.08 TUEs are granted for a specific medication with a defined dosage. They are also granted for a specific period of time and expire at the conclusion of the event. The paddler needs to comply with all the treatment conditions outlined in the TUE application. Once a TUE has been approved by the IVF's Medical Committee's TUEC the paddler's shall be notified, in writing, via email. The Area Coordinator will then notify, in writing, the paddler.
- 3.09 If a paddler granted a TUE is randomly selected for testing and the approved prohibited substance is detected during the analysis the TUEC will verify that the TUE was in effect for the duration of the competition, and that the results of the analysis are consistent with the TUE granted (nature of substance, route of administration, dose, time frame of administration, etc.). If the review proves satisfactory, the result of the test will be recorded as negative.

REGULATION 4: PENALTIES

- 4.01 Where a paddler has infringed Regulation 1.01.1 the paddler shall be automatically disqualified from any competition under the IVF provisions, such disqualification to take effect (subject to Regulation 3.02) from and inclusive of the date that the sample was procured from the paddler and to continue until such time as the IVF reinstates the paddler.

The IVF shall determine the period of disqualification shall be:

- i. 1st offence: 2 years
- ii. 2nd offence: 4 years
- iii. 3rd offence: 6 years

- 4.02 If the result of sample 'A' is positive, the paddler shall be suspended from competition provided that the IVF shall first give the paddler the opportunity to be heard. Where a paddler's test is positive in sample 'A' the paddler's governing body will be informed.



- 4.03 Where a paddler has infringed Regulation 1.01.1 at any competition event the disqualification shall take effect from the commencement of such event. For the purposes of this regulation a 'competition event' includes a competition or competitions held over more than one day and / or consisting of more than one individual event.
- 4.04 Where a paddler has infringed either of regulations 1.01.2 or 1.01.3 of these regulations, that paddler shall be liable to disqualification in the same manner as if the paddler had infringed regulation 1.01.1 with the disqualification to take effect from the date the IVF Medical Committee determines the infringement to have taken place.

The IVF shall notify its decision concerning the infringement to the paddler and the paddler's governing body, via his/her Area Coordinator.

REGULATION 5: Disciplinary Tribunal

- 5.01 Upon notification to IVF from the accredited WADA lab or WADA directly of a positive test, a Tribunal will be established to review the results and the circumstances surrounding the paddler's test. The Tribunal shall be created by the IVF Medical Committee and consist of at least three members with the following backgrounds:
- i. A member of the IVF Medical Committee;
 - ii. An medical practitioner with experience in paddling and/or sports medicine and having a full knowledge of the classes of pharmacological agents;
 - iii. Va'a Association administrator or someone familiar with va'a racing;
 - iv. Other individual the Medical Committee deems a benefit to the proceedings.

The Tribunal may retain legal counsel for review of all relevant documents related to the actions of the Tribunal.

- 5.02 The Tribunal has the power to hear and determine all matters arising from any matter, which is referred to it by the IVF Medical Committee in accordance with these regulations. In particular, it has the power to impose the penalties provided for in these regulations.
- 5.03 No proceedings heard by the Disciplinary Tribunal shall be held invalid by reason only of any defect; irregularity, omission or other technicality provided there has been no miscarriage of justice.
- 5.04 Subject to these Regulations, a paddler who receives notice from the IVF Medical Committee in relation to a positive drug test result shall appear before the Disciplinary Tribunal at a venue, date and time as determined by the Tribunal. The paddler may waive their right to appear. Interpreters may be present at Tribunal hearings where the Tribunal considers it necessary or desirable.
- 5.05 For the purposes of the Regulations, all of the paddler's costs associated with any proceedings before the Tribunal shall be borne by the paddler.



- 5.06 Autonomy of the Tribunal constituted under these Regulations shall exercise its functions independently of both the IVF and its Area Governing Bodies. The Tribunal shall be fully autonomous, and any decision it makes shall be binding on the IVF and its Area Governing Bodies, none of whom shall have the power to affirm, revoke or alter any decision.
- 5.07 At the conclusion of the hearing by the Tribunal, a written report shall be prepared and forwarded to the Chairman of the IVF Medical Committee detailing comprehensively the relevant circumstances to the case, the outcome of the hearings and any penalties imposed by the Tribunal and making any recommendations it deems appropriate.
- 5.08 Six weeks shall be the maximum duration in which any hearing and final outcome shall be completed. The period shall commence from the time the paddler is informed of a positive result.

REGULATION 6: Disciplinary Appeal Tribunal

- 6.01 Provision is made for a Disciplinary Appeal Tribunal (DAT) to be established as and when an appeal of a decision of the Disciplinary Tribunal is required to be heard.
- 6.02 This Tribunal shall consist of three new members as defined in Regulation 4(4.0.1) Disciplinary Tribunal. The Disciplinary Appeal Tribunal shall have the power to hear and determine appeals from any decision of the Disciplinary Tribunal.
- 6.03 Where any question of fact arises on an appeal before the Appeal Tribunal, it shall be determined by reference to the recording of proceedings before the Disciplinary Tribunal. The Disciplinary Appeal Tribunal may rehear in whole or any part of the evidence given before the Disciplinary Tribunal, as it considers appropriate.
- 6.04 The Appeal Tribunal shall have the full discretionary power to hear and receive such further evidence on an appeal as it thinks fit provided it is established that such evidence was not, on reasonable inquiry, available at the time of the original hearing. The Appeal Tribunal shall be entitled to receive such evidence as it thinks fit notwithstanding that the evidence may not be legally admissible in a court of competent jurisdiction.
- 6.05 In exercising its jurisdiction the Disciplinary Appeal Tribunal shall have the power to overturn, suspend, vary the penalty imposed, subject to the mandatory nature of any penalties provided for in Regulation 4.
- 6.06 No proceedings heard by the Disciplinary Appeal Tribunal shall be held invalid by reason only of any defect; irregularity, omission or other technicality provided there has been no miscarriage of justice.
- 6.07 The venue for such a rehearing shall be determined by the Disciplinary Appeal Tribunal, which shall state the venue, date and time in which the rehearing will take place. Interpreters may be present at Appeal Tribunal hearings where the Appeal Tribunal considers it necessary or desirable.



- 6.08 All of the paddler's costs associated with any proceedings before the Disciplinary Appeals Tribunal shall be borne by the paddler.
- 6.09 The Disciplinary Appeal tribunal shall exercise its function independently of the IVF and its Area Governing Bodies and shall be fully autonomous and in particular any decision it makes shall be binding on the IVF and its Area Governing Bodies none of whom shall have the power to affirm, revoke or alter any decision.

REGULATION 7: Host Country Responsibilities

There shall be a host medical committee for any IVF sanctioned event as arranged between the IVF Medical Committee and the host organizing committee.

7.01 The responsibilities of the host include:

- i. Working with the IVF Medical Committee on all aspect of anti-doping enforcement.
- ii. Making arrangements for doping control with regional WADA affiliated anti-doping program.
- iii. Establishing and maintaining a staffed medical care facility for the paddlers and their officials throughout the event.
- iv. Maintaining medical confidentiality.
- v. Understanding and complying with the site obligations for anti-doping control.
- vi. Providing security for the anti-doping test area.
- vii. Producing a report for the IVF Medical Committee providing a full accounting of the services rendered during the event, as well as any recommendations to improve future events.