



PROHIBITED ASSOCIATION: A NEW ANTI-DOPING RULE VIOLATION EXPLAINED

As has been explained thoroughly in past IPOD Editions, further to the adoption of the revised World Anti-Doping Code, the ISSF Anti Doping Rules were also modified to reflect the implemented changes. The revised Code and ISSF Anti-Doping Rules have been in effect since January 2015. One of the provisions significantly altered as a result of this regulatory revision process was Article 10 of the ISSF Anti-Doping Rules, which deals with sanctions.

It is well-known that most cheating athletes do not give into the entanglement of doping unaided. There are people alongside them encouraging and enabling them to cheat. Yet, more often than not, if an athlete is caught cheating, that athlete's enablers (or enabler) are never held accountable for their actions. Over the years, there have been several high-profile examples of athletes continuing to work with coaches or other personnel who were banned or criminally convicted for offences involving performance enhancing drugs.

As a result, a new anti-doping rule violation called "Prohibited Association" was introduced in Article 2.10 of the World Anti-Doping Code in 2015. Of course, because the ISSF's Anti-Doping Rules respect and comply with the World Anti-Doping Code, Article 2.10 of the ISSF Anti-Doping Rules replicates this new anti-doping rule violation.

Under the Prohibited Association rule, "athletes and other persons" are prohibited from knowingly working or associating with individuals who are currently sanctioned for an anti-doping rule violation or other type of penalty involving performance enhancing drugs. If the sanctioned individual is playing a support role (in varying degrees) in the athlete's life, sporting or training regimen it could result in sanctions for the athlete.

ARTICLE 2.10 OF THE ISSF ANTI-DOPING RULES

For ease of reference the Prohibited Association rule reads as follows.

Article 2 Anti-Doping Rule Violations

The following constitutes and anti-doping rule violation (...):

2.10 Prohibited Association

Association by an Athlete or other Person

subject to the authority of an *Anti-Doping Organization* in a professional or sport-related capacity with any *Athlete Support Person* who:

2.10.1 If subject to the authority of an *Anti-Doping Organization*, is serving a period of *Ineligibility*; or

2.10.2 If not subject to the authority of an *Anti-Doping Organization* and where *Ineligibility* has not been addressed in a results management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

2.10.3 Is serving as a front or intermediary for an individual described in Article 2.10.1 or 2.10.2.

In order for this provision to apply, it is necessary that the Athlete or other Person has previously been advised in writing by an *Anti-Doping Organization* with jurisdiction over the *Athlete* or other Person, or by WADA, of the *Athlete Support Person's* disqualifying status and the potential *Consequence* of prohibited association and that the *Athlete* or other *Person* can reasonably avoid the association. The *Anti-Doping Organization* shall also use reasonable efforts to advise the *Athlete Support Person* who is the subject of the notice to the *Athlete* or other *Person* that the *Athlete Support Person* may, within 15 days, come forward to the *Anti-Doping Organization* to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 18, this Article applies even when the Athlete Support Person's disqualifying conduct occurred prior to the effective date provided in Article 21.7.) The burden shall be on the *Athlete* or other *Person* to establish that any association with *Athlete Support Personnel* described in Article 2.10.1 or 2.10.2 is not in a professional or sport-related capacity.

Anti-Doping Organizations that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1, 2.10.2, or 2.10.3 shall submit that information to WADA.

MAIN RATIONALE FOR THE PROHIBITED ASSOCIATION RULE

As stated by WADA President, Sir Craig Reedie "WADA is increasingly of the belief that athletes do not dope alone, and that often there is a member of their entourage encouraging them to cheat".

As stated above, we are all aware that anti-doping rule violations committed by athletes frequently involve athlete support personnel and that often these individuals are out of an anti-doping organization's control. Therefore, they often go on without being sanctioned, and worst they often go on coaching, or practicing, or advising other unsuspecting athletes with impunity.

The world-wide consensus was that such situations needed to be avoided or addressed and remedied. As a direct result, the Prohibited Association anti-doping rule violation was created with the advent of the revised Code in 2015.

The new 'Prohibited Association' rule sends a clear message to athletes: "do not associate with individuals that have breached anti-doping rules as they could encourage you to cheat the system and to rob your fellow athletes of their right to clean sport".

Further, this new anti-doping rule violation widens the scope of the ISSF Anti-Doping Rules. It strengthens the accountability and legitimacy of the fight against doping and increases the likelihood of thwarting cheaters and enablers from achieving their warped objectives.

PROHIBITED ASSOCIATION EXPLAINED

There are two types of prohibited association.

1. Professional:

This type of association can best be explained as when an athlete or other person associates with a professional, whether it is medical staff, therapy, managers etc. who is serving any type of legal, administrative or

professional sanction related to performance enhancing drugs.

2. Sport-related:

This type of association is when an athlete or other person associates with a coach, trainer or athlete who is serving a period of ineligibility as a result of an anti-doping rule violation or other type of legal sanction involving performance enhancing drugs.

There are three disqualifying statuses.

Under the Prohibited Association rule, an athlete or other person cannot associate with an individual who:

1. Is serving a period of ineligibility under any World Anti-Doping Code compliant anti-doping rules. (Article 2.10.1)
2. Has been convicted or has been found, in a criminal, disciplinary or professional proceeding, to have engaged in conduct which would have constituted a violation of anti-doping rules. (Article 2.10.2)
3. Is serving as a front or intermediary for an individual described in Article 2.10.1 or 2.10.2. (Article 2.10.3)

If an athlete or other person is associating professionally or in a sport related way with any individual whose status falls into the above three categories, then said association is therefore prohibited and must not only cease, but must be directly addressed in accordance with established processes.

MANDATORY PROCEDURE

When an Anti-Doping Organization (such as, for example, the ISSF, or a National Anti-Doping Organization, or WADA) becomes aware of a potential case where Prohibited Association may be taking place, the relevant Anti-Doping Organization ("ADO") must follow specific procedures in order to ensure that the rights of every individual involved are respected.

First, the ADO must inform the athlete or other person in writing of:

1. The disqualifying status of the athlete support personnel. In other words the ADO must ensure the athlete becomes aware of the person's current sanction or period of ineligibility.
2. The potential consequences of the prohibited association. In other words, the ADO must inform and /or remind the athlete about the Prohibited Association rule and its potential ramifications with regards to sanctions.
3. The athlete's possibility to avoid the association. In other words the ADO must provide the athlete with the option of avoiding contact with that individual in the present and future.

Second, the ADO must inform the athlete support person, or at least try to inform that person using reasonable efforts, that they can - within 15 days - explain that they do not meet any of the three criteria. In other words, the ADO must try, within reasonable means, to contact the person that the athlete has been "associating" with, in order to provide him or her with the possibility to explain why he or she should not be prohibited from associating with the athlete or, alternatively, the ADO

must provide the person with the possibility of explaining that the athlete really has not been associating with him or her.

Further to the above procedural steps, if after being contacted by his or her ADO, the athlete can successfully establish that,

- The athlete's support person does not meet any of the article 2.10 criteria, or
- That the athlete cannot reasonably avoid the association, or
- That the association is not professional and/or sport-related,

then no further measures will be taken against the athlete.

This step in the process essentially grants the athlete the right to explain that, in fact, no prohibited association is taking place and that he or she has not committed any anti-doping rule violation.

However, if the explanations provided by the athlete are not satisfactory and the prohibited association continues, then the ADO shall proceed with results management of the anti-doping rule violation. Of course, once the matter proceeds to results management, the disciplinary process looms and sanctions may or may not be imposed in accordance with the applicable Anti-Doping Rules.

THE PROHIBITED ASSOCIATION LIST

In September 2015, WADA published a global list of athlete support personnel who are currently suspended and disqualified from working with athletes or other persons under the 2015 World Anti-Doping Code's new 'Prohibited Association' (ISSF Anti-Doping Rules Article 2.10) rule.

The Prohibited Association List (not to be confused with the Prohibited List) currently contains the names of 114 people worldwide and will be updated on WADA's website on a quarterly basis, or more frequently as new information is provided by various ADOs world-wide.

Under the Prohibited Association rule, athletes and other persons are prohibited from working with any person on the List of athlete's support personnel who are currently sanctioned, or have been sanctioned within the previous six years, for an anti-doping rule violation. As explained above, for an athlete or other person to be found in violation of the Prohibited Association rule, they must have previously been advised in writing of the person's "disqualifying status", in accordance with the applicable ADO's procedure or by WADA.

By publishing this List, WADA is helping athletes become aware of which individuals to keep away from if they are to avoid violating the rules themselves. This List will also assist ADOs in their responsibility of advising their athletes on the support personnel that have "disqualifying status" and the consequences of such association.

Finally, and perhaps most importantly, by preventing athletes from working with banned athletes, coaches, doctors, and other support personnel, a strong negative doping influence in the sport environment should, effectively, be shut out.

ISSF NOTICE

ISSF hereby alerts the shooting sport community that every person named on the Prohibited Association List has a "disqualifying status." The List can be downloaded off the WADA website <https://www.wada-ama.org/en/resources/the-code/prohibited-association-list>.

Athletes should be aware that associating in a professional or sport-related capacity with anyone named on the Prohibited Association List can have serious consequences, including the possibility of a four-year ban from participating in sport.

What does this mean?

Athletes must not work with coaches, trainers, doctors or others who are ineligible because of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping.

Some examples of this type of prohibited association include obtaining training, strategy, nutrition or medical advice, therapy, treatment or prescriptions. Moreover, the "athlete support person" may not serve as an agent or representative to any athlete.

Please note that Prohibited Association need not involve any form of compensation.

Please also note that Prohibited Association does not apply in circumstances where the association is not in a professional or sport-related capacity, like for example a parent-child or husband-wife relationship.

CLOSING WORDS

It must never be forgotten that individuals who enable doping are also cheaters. Clean athletes should not be associating with such shady individuals. There have been several high-profile examples where athletes have continued to work either with coaches who have been banned, or with other individuals who have been criminally convicted for providing performance enhancing drugs. Thanks to Article 2.10 of the ISSF Anti-Doping Rules it is now an anti-doping rule violation for athletes to associate with this sort of "athlete support person" once they have been specifically warned not to engage in that association.

ISSF encourages all athletes, and athlete support personnel to be aware of who they associate with and to cooperate with each other in respecting the Prohibited Association Rule so as to ensure that our sport remains clean and free of both cheaters and enablers.

The integrity of our shooting sport, our athletes, our member federations and our International Shooting Sport Federation depends upon it.

Time flies by!

This is the last IPOD Edition for 2015.

The 2015 ISSF Anti-Doping Report will be provided to you in the first edition of the 2016 IPOD.

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