

International Island Games Association

Anti-Doping Rules



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Explanations Accompanying These Rules

The International Island Games Association (“the IIGA”) whilst not at this time an accepted signatory to the World Anti-Doping Association (“WADA”) has determined to adopt the WADA principles and therefore to accept these Rules which are largely based on the WADA Code and which also comply with the IIGA Constitution (the Constitution).

The WADA rules were first written in 2003 to ensure a harmonized approach to anti-doping. Following the revisions made to the World Anti-Doping Code and its related International Standards, entering into effect on 1 January 2009, the WADA Model Rules have now been updated to reflect these changes.

All provisions contained in the WADA Rules are mandatory and the IIGA have decided to adopt these principles to ensure compliance as far as possible with the WADA Code.

ANTI-DOPING RULES

INTRODUCTION

Preface

These Anti-Doping Rules are adopted and implemented by the IIGA so as to adopt the WADA Principles in furtherance of the IIGA's continuing efforts to eradicate doping in sport.

Anti-Doping Rules, like other guidelines, are sport rules governing the conditions under which sport is played. *Athletes* and other *Persons* accept these rules as a condition of participation and shall be bound by them. These sport-specific rules and procedures, aimed at enforcing anti-doping principles in a global and harmonised manner, are distinct in nature and, therefore, not intended to be subject to, or limited by any national requirements and legal standards applicable to criminal proceedings or employment matters. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of the anti-doping rules in the WADA Code and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

Fundamental Rationale for the Anti-Doping Rules

Anti-doping programmes seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport"; it is the essence of Olympism; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other participants
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.

Scope

These Anti-Doping Rules shall apply to each *Participant* in the activities of the IIGA

All athletes competing in the Games must comply with these Anti-Doping Rules.

These Anti-Doping Rules shall apply to all *Doping Controls* over which the IIGA has jurisdiction.

ARTICLE 1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.7 of these Anti-Doping Rules.

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

Athletes and other *Persons* shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the *Prohibited List*.

The following constitute anti-doping rule violations:

[Comment to Article 2: The purpose of Article 2 is to specify the circumstances and conduct which constitute violations of anti-doping rules. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules has been violated.]

2.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*

- 2.1.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping violation under Article 2.1.

[Comment to Article 2.1.1: For purposes of anti-doping violations involving the presence of a Prohibited Substance (or its Metabolites or Markers), IIGA's Anti-Doping Rules adopt the rule of strict liability which was found in the Olympic Movement Anti-Doping Code ("OMADC") and the vast majority of WADA pre-Code anti-doping rules. Under the strict liability principle, an Athlete is responsible, and an anti-doping rule violation occurs, whenever a Prohibited Substance is found in an Athlete's Sample. The violation occurs whether or not the Athlete intentionally or unintentionally used a Prohibited Substance or was negligent or otherwise at fault. If the positive Sample came from an In-Competition test, then the results of that Competition are automatically invalidated (Article 9 (Automatic Disqualification of Individual Results)). However, the Athlete then has the possibility to avoid or reduce sanctions if the Athlete can demonstrate that he or she was not at fault or significant fault.

The strict liability rule for the finding of a Prohibited Substance in an Athlete's Sample, with a possibility that sanctions may be modified based on specified criteria, provides a reasonable balance between effective anti-doping enforcement for the benefit of all "clean" Athletes and fairness in the exceptional circumstance where a Prohibited Substance entered an Athlete's system through No Fault or Negligence or No Significant Fault or Negligence on the Athlete's part. It is important to emphasize that while the determination of whether the anti-doping rule has been violated is based on strict liability, the imposition of a fixed period of Ineligibility is not automatic. The strict liability principle set forth in the IIGA's Anti-Doping Rules has been consistently upheld in the decisions of CAS.]

- 2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not

analysed; or, where the *Athlete's B Sample* is analysed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*.

[Comment to Article 2.1.2: IIGA may in its discretion choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample.]

2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the *Prohibited List*, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.

2.1.4 As an exception to the general rule of Article 2.1, the *Prohibited List* or *International Standards* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method

[Comment to Article 2.2: As noted in Article 3 (Proof of Doping), it has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. Unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where IIGA provides a satisfactory explanation for the lack of confirmation in the other Sample.]

2.2.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation for *Use* of a *Prohibited Substance* or a *Prohibited Method*.

2.2.2 The success or failure of the *Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.

[Comment to Article 2.2.2: Demonstrating the "Attempted Use" of a Prohibited Substance requires proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the strict liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method.]

An Athlete's "Use" of a Prohibited Substance constitutes an anti-doping rule violation (unless such substance is not prohibited Out-of-Competition and the Athlete's Use takes place Out-of-Competition). The presence of a Prohibited Substance or its Metabolites or Markers in a Sample

collected In-Competition will be a violation of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers) regardless of when that substance might have been administered.))

2.3 Refusing or failing without compelling justification to submit to Sample collection after notification as authorized in these Anti-Doping Rules, or otherwise evading Sample collection.

[Comment to Article 2.3: Failure or refusal to submit to Sample collection after notification was prohibited in almost all WADA pre-Code anti-doping rules. This Article expands the typical pre-Code rule to include "otherwise evading Sample collection" as prohibited conduct. Thus, for example, it would be an anti-doping rule violation if it were established that an Athlete was hiding from a Doping Control official to evade notification or Testing. A violation of "refusing or failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" Sample collection contemplates intentional conduct by the Athlete.]

2.4 Tampering or Attempted Tampering with any part of Doping Control.

[Comment to Article 2.4: This Article prohibits conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. For example, altering identification numbers on a Doping Control form during Testing, breaking the B Bottle at the time of B Sample analysis or providing fraudulent information to IIGA.]

2.5 Possession of Prohibited Substances and Methods

2.5.1 Possession by an Athlete In-Competition of any Prohibited Method or any Prohibited Substance unless the Athlete establishes that the Possession is pursuant to a therapeutic use exemption ("TUE") granted in accordance with Article 4.4 (Therapeutic Use) or other acceptable justification.

[Comment to Article 2.5.1 and 2.5.2: Acceptable justification would not include, for example, buying or possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., buying Insulin for a diabetic child.]

2.6 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.

2.7 Administration or Attempted administration to any Athlete In-Competition of any Prohibited Method or Prohibited Substance, or administration or Attempted administration to any Athlete or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation.

[Comment to Article 2: The WADA Code does not make it an anti-doping rule violation for an Athlete or other Person to work or associate with Athlete Support Personnel who are serving a period of Ineligibility. However, IIGA may adopt its own specific policy which prohibits such conduct.]

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

The IIGA shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether IIGA *has* established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Rules place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

[Comment to Article 3.1: This standard of proof required to be met by IIGA is comparable to the standard which is applied in most countries to cases involving professional misconduct. It has also been widely applied by courts and hearing panels in doping cases. See, for example, the CAS decision in N., J., Y., W. v. FINA, CAS 98/208, 22 December 1998.]

3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:

[Comment to Article 3.2: For example, IIGA may establish an anti-doping rule violation under Article 2.2 (Use of a Prohibited Substance or Prohibited Method) based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples.]

- 3.2.1** WADA-accredited laboratories are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard* for Laboratories. The *Athlete* or other *Person* may rebut this presumption by establishing that a departure from the *International Standard* occurred which could reasonably have caused the *Adverse Analytical Finding*.

If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the *International Standard* occurred which could reasonably have caused the *Adverse Analytical Finding*, then the IIGA shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

[Comment to Article 3.2.1: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to the IIGA to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

- 3.2.2** Departures from any other *International Standard* or other anti-doping rule or policy which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such results. If the *Athlete*

or other *Person* establishes that a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused the *Adverse Analytical Finding* or other anti-doping rule violation occurred, then the IIGA shall have the burden to establish that such a departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

- 3.2.3** The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrefutable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.
- 3.2.4** The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the tribunal) and to answer questions either from the hearing panel or from the *Anti-Doping Organisation* asserting the anti-doping rule violation.

[Comment to Article 3.2.4: Drawing an adverse inference under these circumstances has been recognised in numerous CAS decisions.]

ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the *Prohibited List*

These Anti-Doping Rules incorporate the *Prohibited List* which is published and revised by WADA as described in Article 4.1 of the WADA Code. Each *Member Island* shall ensure that the current *Prohibited List* is available to its participants.

[Comment to Article 4.1: The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published by WADA every year whether or not changes have been made. The Prohibited List in force is available on WADA's website at www.wada-ama.org. The Prohibited List is an integral part of the International Convention against Doping in Sport.]

4.2 *Prohibited Substances and Prohibited Methods* Identified on the *Prohibited List*

4.2.1 *Prohibited Substances and Prohibited Methods*

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three months after publication of the *Prohibited List* by WADA without requiring any further action by the IIGA.

[Comment to Article 4.2.1: There will be one Prohibited List. The substances which are prohibited at all times would include masking agents and those substances which, when Used in

training, may have long term performance enhancing effects such as anabolics. All substances and methods on the Prohibited List are prohibited In-Competition. There will be only one document called the "Prohibited List."

4.2.2 Specified Substances

For purposes of the application of Article 10 (Sanctions on Individuals), all *Prohibited Substances* shall be "Specified Substances" except (a) substances in the classes of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. *Prohibited Methods* shall not be Specified Substances.

4.3 Criteria for Including Substances and Methods on the *Prohibited List*

As provided in Article 4.3.3 of the WADA Code, WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List* and the classification of substances into categories on the *Prohibited List* is final and shall not be subject to challenge by an *Athlete* or other *Person* based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

[Comment to Article 4.3: The question of whether a substance meets the criteria in Article 4.3 (Criteria for Including Substances and Methods on the Prohibited List) in a particular case cannot be raised as a defense to an anti-doping rule violation. For example, it cannot be argued that the Prohibited Substance detected would not have been performance enhancing in that particular sport. Rather, doping occurs when a substance on the Prohibited List is found in an Athlete's Sample. Similarly, it cannot be argued that a substance listed in the class of anabolic agents does not belong in that class.]

4.4 Therapeutic Use

4.4.1 *Athletes* with a documented medical condition requiring the use of a *Prohibited Substance* or a *Prohibited Method* must first obtain a TUE. The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (Article 2.1), *Use* or *Attempted Use* of a *Prohibited Substance* or a *Prohibited Method* (Article 2.2), *Possession* of *Prohibited Substances* or *Prohibited Methods* (Article 2.5) or administration of a *Prohibited Substance* or *Prohibited Method* (Article 2.7) consistent with the provisions of an applicable TUE issued pursuant to the *International Standard* for Therapeutic Use Exemptions shall not be considered an anti-doping rule violation. In addition, for all *athletes* the use of inhaled Beta-2 Agonists should be declared through ADAMS when reasonably feasible as soon as the product is used and must as well be declared on the Doping Control Form at the time of testing (Art. 7.13 *International Standard* for TUEs). While not prohibited, the use of Glucocorticosteroids by non systemic routes namely, intraarticular, periarticular, peritendinous, epidural, intradermal injections and inhaled route requires the filling of a Declaration of Use.

- 4.4.2** Some Athletes competing in the Games may have already secured a TUE through their International Federation or NADO. This TUE should cover the Athlete for the entire Games period.
- 4.4.3** Where an Athlete has an existing TUE in place, they must advise the IIGA Medical Commission of this fact at least 30 days prior to the start of the Opening Ceremony of the Games. Such notification shall be made through the Athlete's IGA to the IIGA Medical Commission on the form provided in Appendix 2. Notification should include a copy of the TUE certificate issued and the Athlete must bring the original TUE certificate to the Games so that it can be inspected at any time upon request by a member of the IIGA Medical Commission.
- 4.4.4** Where the IIGA Medical Commission has received notification of an existing TUE, it will provide a receipt of notification to the Athlete.
- 4.4.5** Subject to Article 4.4.6, *Athletes* participating in the Games must obtain a TUE. The application for a TUE must be made on the form provided in Appendix 3 as soon as possible and in any event no later than 30 days before the Opening Ceremony of the Games.
- 4.4.6** As an exception to Article 4.4.5, in accordance with Article 7.13 of the WADA *International Standard* for Therapeutic Use Exemptions, Athletes who inhale formoterol, salbutamol, salmeterol or terbutaline to treat asthma or one of its clinical variants do not need a TUE in advance of participating in the Games unless so specified by the IIGA. Instead, any such athlete should declare this use when reasonably feasible at the same time as the use starts and must be declared at the time of testing. Any such Athlete may apply for a Retroactive TUE after the Event in accordance with Article 7.13 of the WADA *International Standard* for Therapeutic Use Exemptions and Article 7.13 of these Anti-Doping Rules. As a further exception, Athletes using Glucocorticosteroids by non systemic routes namely, intraarticular, periarticular, peritendinous, epidural, intradermal injections and inhaled route will be required to file a declaration of use at the same time the use starts.
- 4.4.7** The IIGA Executive shall appoint a panel of physicians referred to as the IIGA Medical Commission to consider requests for TUE's. Upon the IIGA's receipt of a TUE request, the Chair of the IIGA Medical Commission shall appoint one or more members of the IIGA Medical Commission (which may include the Chair) to consider such request. The IIGA Medical Commission member(s) so designated shall promptly evaluate such request in accordance with the WADA *International Standard* for Therapeutic Use Exemptions and render a decision on such request, which shall be the final decision of the IIGA.
- 4.4.8** TUE's granted by the IIGA Medical Commission will be for the duration of the Games period only.

4.4.9 Applications received by the IIGA Medical Commission after the period of 30 days prior to the Opening Ceremony of the Games will only be considered in cases where:

- . emergency treatment or treatment of an acute medical condition is necessary;

or

- . due to exceptional circumstances there was insufficient time or opportunity for an athlete to submit an application prior to that date.

ARTICLE 5 TESTING

5.1 Authority to Test

All *Athletes* competing in the Games shall be subject to *In-Competition Testing* by the IIGA, and any other *Anti-Doping Organisation* responsible for *Testing at an IIGA event*.

5.2 Responsibility for IIGA Testing

The IIGA Medical Commission, in consultation with the Host Island Organising Committee shall be responsible for drawing up a test distribution plan for the Games in accordance with the WADA *International Standard for Testing*, and the Host Island Organising Committee shall then be responsible for the implementation of that plan, including overseeing all *Testing* conducted by or on behalf of IIGA. *Testing* shall be conducted by accredited drug testing officers.

5.3 Testing Standards

Testing conducted by the Host Island Organising Committee shall be in substantial conformity with the *International Standard for Testing* in force at the time of *Testing*.

5.4 Coordination of Testing

The IIGA shall promptly report completed tests through the WADA clearinghouse to avoid unnecessary duplication in *Testing*.

5.5 Selection of Athletes to be Tested

- 5.5.1** At *the Games*, the Host Island Organising Committee, after consultation with the IIGA Honorary Medical Officer shall determine the number of tests to be performed and in the event of any disagreement, the decision of the IIGA Honorary Medical Officer shall be final.

5.6 The IIGA and the Host Island Organising Committee shall provide access to *Independent Observers* at *the Games* as directed by an International Federation.

ARTICLE 6 ANALYSIS OF SAMPLES

Doping Control Samples collected under these Anti-Doping Rules shall be analysed in accordance with the following principles:

6.1 Use of Approved Laboratories

For the purposes of Article 2.1, the Host Island Organising Committee shall send *Doping Control Samples* for analysis only to WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-accredited laboratory (or other laboratory or method approved by WADA) used for the *Sample* analysis shall be determined by the Host Island Organising Committee after consultation with the IIGA Honorary Medical Adviser.

6.2 Purpose of Collection and Analysis of Samples

Samples shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* to assist in the relevant parameters in an *Athlete's* urine for anti-doping purposes.

6.3 Research on Samples

No *Sample* may be used for any purpose other than as described in Article 6.2 without the *Athlete's* written consent. *Samples* used (with the *Athlete's* consent) for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular *Athlete*.

6.4 Standards for Sample Analysis and Reporting

Laboratories shall analyse *Doping Control Samples* and report results in conformity with the WADA *International Standard* for Laboratories.

6.5 Retesting Samples

A *Sample* may be reanalysed for the purposes described in Article 6.2 at any time exclusively at the direction of the IIGA or WADA. The circumstances and conditions for retesting *Samples* shall conform to the requirements of the WADA *International Standard* for Laboratories.

[Comment to Article 6.5: Anti-Doping Organisations have always had the authority to reanalyse Samples. The International Standard for Laboratories or a new technical document which is made a part of the International Standard will harmonise the protocol for such retesting.]

ARTICLE 7 RESULTS MANAGEMENT

7.1 Results Management for Tests Initiated by the Host Island Organising Committee

Results management for tests initiated by the Host Island Organising Committee (including tests performed by WADA pursuant to agreement with the Host Island Organising Committee) shall proceed as set forth below:

- 7.1.1** The results from all analyses must be sent to the IIGA in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted in confidentiality and in conformity with ADAMS, a database management tool developed by WADA. ADAMS is consistent with data privacy statutes and norms applicable to WADA and other organisations using it.

7.1.2 Upon receipt of an *A Sample Adverse Analytical Finding*, the IIGA Medical Commission shall conduct a review to determine whether: (a) the *Adverse Analytical Finding* is consistent with an applicable TUE (or whether other special requirements set forth in the *International Standard for Therapeutic Use Exemptions* applicable to Glucocorticosteroids and Beta-2 Agonists apply), or (b) there is any apparent departure from the *International Standard for Testing* or *International Standard for Laboratories* that caused the *Adverse Analytical Finding*.

[**7.1.2.1** The IIGA Medical Commission shall report to the IIGA Court in case of a refusal to submit to a test or any person suspected of having broken these rules. The IIGA Court shall then act in accordance with the Constitution and Guidelines of the IIGA.]

7.1.3 When the *Adverse Analytical Finding* is for formoterol, salbutamol, salmeterol or terbutaline then before the matter is referred to the IIGA Court the *Athlete* shall be given an opportunity to apply to the IIGA Medical Commission for a Retroactive TUE in accordance with these rules. The result of that application shall be forwarded to the IIGA for consideration in its review of adverse analytical findings.

7.1.4 If the initial review of an *Adverse Analytical Finding* under Article 7.1.2 does not reveal an applicable TUE, or departure from the WADA *International Standard for Testing* or the WADA *International Standard for Laboratories* that caused the *Adverse Analytical Finding*, the Host Island Organising Committee shall promptly notify the *Athlete* of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Athlete's* right to promptly request the analysis of the *B Sample* or, failing such request, that the *B Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the *B Sample* analysis (which shall be within the time period specified in the WADA *International Standard for Laboratories*) if the *Athlete* or the IIGA chooses to request an analysis of the *B Sample*; (e) the opportunity for the *Athlete* and/or the *Athlete's* representative to attend the *B Sample* opening and analysis at the scheduled date, time and place if such analysis is requested; and (f) the *Athlete's* right to request copies of the *A* and *B Sample* laboratory documentation package which includes information as required by the WADA *International Standard for Laboratories*. The Host Island Organising Committee shall also notify the *Athlete's National Anti-Doping Organisation* and WADA. If the IIGA Medical Commission decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Athlete*, the *Athlete's National Anti-Doping Organisation* and WADA and the IIGA Executive.

7.1.5 Where requested by the *Athlete* or the IIGA Medical Commission, arrangements shall be made for *Testing* the *B Sample* within the time period specified in the *International Standard for Laboratories*. An *Athlete* may accept the *A Sample* analytical results by waiving the requirement for *B Sample* analysis. The IIGA Medical Commission may nonetheless elect to proceed with the *B Sample* analysis.

- 7.1.6** The *Athlete* and/or his representative and a member of the IIGA Medical Commission shall be allowed to be present at the analysis of the B *Sample* within the time period specified in the *International Standard* for Laboratories. Also a representative of the *Athlete's National Federation* shall be allowed to be present.
- 7.1.7** If the B *Sample* proves negative, then (unless the IIGA Medical Commission takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the *Athlete*, his *National Federation*, the athlete's Member Island and the IIGA shall be so informed.
- 7.1.8** If a *Prohibited Substance* or the *Use of a Prohibited Method* is identified, the findings shall be reported to the *Athlete*, his *National Federation*, the athlete's Member Island, the IIGA, and to WADA.
- 7.1.9** For apparent anti-doping rule violations that do not involve *Adverse Analytical Findings*, the IIGA Medical Commission shall conduct any necessary follow-up investigation and, at such time as it is satisfied that an anti-doping rule violation has occurred, it shall then promptly notify the *Athlete* of the anti-doping rule which appears to have been violated, and the basis of the violation.

7.2 Results Management for Atypical Findings

- 7.2.1** As provided in the WADA *International Standards*, in certain circumstances laboratories are directed to report the presence of *Prohibited Substances* that may also be produced endogenously as *Atypical Findings* that should be investigated further.
- 7.2.2** If a laboratory reports an *Atypical Finding* in respect of a *Sample* collected from an *Athlete* by or on behalf of the IIGA Medical Commission, the IIGA Medical Commission shall conduct a review to determine whether: (a) the *Atypical Finding* is consistent with an applicable TUE that has been granted as provided in the *International Standard* for Therapeutic Use Exemptions, or (b) there is any apparent departure from the *International Standard* for *Testing* or *International Standard* for Laboratories that caused the *Atypical Analytical Finding*.
- 7.2.3** If the initial review of an *Atypical Finding* under Article 7.2.2 reveals an applicable TUE or departure from the *International Standard* for *Testing* or the *International Standard* for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative [and the *Athlete*, his *National Federation*, and the IIGA shall be so informed].
- 7.2.4** If the initial review of an *Atypical Finding* under Article 7.2.2 does not reveal an applicable TUE or departure from the WADA *International Standard* for *Testing* or the *International Standard* for Laboratories that caused the *Atypical Finding*, the IIGA Medical Commission shall conduct the follow-up investigation required by the *International Standards*. If, once that investigation is completed, it is concluded that the *Atypical Finding* should

be considered an *Adverse Analytical Finding*, the IIGA Medical Commission shall pursue the matter in accordance with Article 7.1.

- 7.2.5** The IIGA Medical Commission will not provide notice of an *Atypical Finding* until it has completed its investigation and has decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless the following circumstances exist:

If the IIGA Medical Commission determines the B *Sample* should be analysed prior to the conclusion of its follow-up investigation, it may conduct the B *Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.1.4.

7.3 Provisional Suspensions

- 7.3.1** If analysis of an A *Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a Specified Substance, and a review in accordance with Article 7.1.2 does not reveal an applicable TUE or departure from the *International Standard for Testing* or the *International Standard for Laboratories* that caused the *Adverse Analytical Finding*, the IIGA Court shall *Provisionally Suspend* the *Athlete* pending the hearing panel's determination of whether he/she has committed an anti-doping rule violation.
- 7.3.2** In any case not covered by Article 7.3.1 where the IIGA Court decides to take the matter forward as an apparent anti-doping rule violation in accordance with the foregoing provisions of this Article 7, the IIGA Association Court, after consultation with the IIGA Medical Commission may *Provisionally Suspend* the *Athlete* pending the hearing panel's determination of whether he/she has committed an anti-doping rule violation.
- 7.3.3** Where a *Provisional Suspension* is imposed, whether pursuant to Article 7.3.1 or Article 7.3.2, the *Athlete* shall be given either (a) an opportunity for a *Provisional Hearing* before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a *Provisional Suspension*.
- 7.3.4** If a *Provisional Suspension* is imposed based on an *Adverse Analytical Finding* in respect of an A *Sample*, and any subsequent analysis of the B *Sample* analysis does not confirm the A *Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1 of the Code (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers*). In circumstances where the *Athlete* (or the *Athlete's* team as may be provided in the rules of the IIGA) has been removed from the Games based on a violation of Article 2.1 and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, if, without otherwise affecting the Games, it is still possible for the

Athlete and/or team to be reinserted, the *Athlete* or team may continue to take part in the *Games*.

[Comment to Article 7.3: Before a Provisional Suspension can be unilaterally imposed by an Anti-Doping Organisation, the internal review specified in the WADA Code must first be completed. In addition, the Court imposing a Provisional Suspension is required to give the Athlete an opportunity for a Provisional Hearing either before or promptly after the imposition of the Provisional Suspension, or an expedited final hearing under Article 8 promptly after imposition of the Provisional Suspension. The Athlete has a right to appeal under Article 13.2.]

In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the Athlete who had been provisionally suspended will be allowed, where circumstances permit, to participate in subsequent Competitions during the Games. Similarly, depending upon the relevant rules of the IIGA in a Team Sport, if the team is still in the Games, the Athlete may be able to take part in future events.

7.4 Retirement from Sport

If an *Athlete* or other *Person* retires while a results management process is underway, the Host Island Organising Committee retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun and the Host Island Organising Committee would have had results management jurisdiction over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, the Host Island Organising Committee has jurisdiction to conduct results management.

[Comment to Article 7.4: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organisation would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organisation.]

ARTICLE 8 RIGHT TO A FAIR HEARING

8.1 Hearings arising out of *Testing* at the Games

- 8.1.1** The IIGA Executive shall appoint the IIGA Court in accordance with its Constitution and Guidelines.
- 8.1.2** When it appears, following the Results Management process described in Article 7, that these Anti-Doping Rules have been violated in connection with *Testing* at the Games then the case shall be assigned to the IIGA Court for adjudication.
- 8.1.3** The appointed members shall have had no prior involvement with the case and shall not have the same nationality as the *Athlete* or other *Person* alleged to have violated these Anti-Doping Rules.
- 8.1.4** Hearings pursuant to this Article shall be completed expeditiously following the completion of the results management process described in Article 7. Hearings may be conducted on an expedited basis.

- 8.1.5** The *National Federation* of the *Athlete* or other *Person* alleged to have violated these Anti-Doping Rules may attend the hearing as an observer.
- 8.1.6** The IIGA Court shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.
- 8.1.7** An *Athlete* or other *Person* may forego a hearing by acknowledging the Anti-Doping Rule violation and accepting *Consequences* consistent with Articles 9 and 10 as proposed by the IIGA Court. The right to a hearing may be waived either expressly or by the *Athlete's* or other *Person's* failure to challenge the IIGA Medical Commission's assertion that an anti-doping rule violation has occurred within 24 hours. Where no hearing occurs, the IIGA Court shall submit to the persons described in Article 13.2 a reasoned decision explaining the action taken.
- 8.1.8** Decisions of the IIGA Court may be appealed to the IIGA Drug Appeal Court, in accordance with the Guidelines.

8.2 Principles for a Fair Hearing

All hearings pursuant to Article 8.1 shall respect the following principles:

- a timely hearing;
- fair and impartial hearing panel;
- the right to be represented by counsel at the *Person's* own expense;
- the right to be informed in a fair and timely manner of the asserted anti-doping rule violation;
- the right to respond to the asserted anti-doping rule violation and resulting *Consequences*;
- the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone or written submission);
- the *Person's* right to an interpreter at the hearing, with the hearing panel to determine the identity, and responsibility for the cost of the interpreter; and
- a timely, written, reasoned decision, specifically including an explanation of the reason(s) for any period of *Ineligibility*.]

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

A violation of these Anti-Doping Rules in *Individual Sports* in connection with an *In-Competition* test automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting consequences, including forfeiture of any medals, points and prizes.

[Comment to Article 9: When an Athlete wins a gold medal with a Prohibited Substance in his or her system that is unfair to the other Athletes in that Competition regardless of whether the gold medalist was at fault in any way. Only a "clean" Athlete should be allowed to benefit from his or her competitive results.

For Team Sports, see Article 11 (Consequences to Teams).

In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the IIGA.]

ARTICLE 10 SANCTIONS ON INDIVIDUALS

10.1 Disqualification of Results in Event during which an Anti-Doping Rule Violation Occurs

An *Anti-Doping Rule* violation occurring during or in connection with any event in the Games may lead to *Disqualification* of all of the *Athlete's* individual results obtained in those Games with all consequences, including forfeiture of all medals, points and prizes.

[Comment to Article 10.1: Whereas Article 9 (Automatic Disqualification of Individual Results) Disqualifies the result in a single Competition in which the Athlete tested positive, this Article may lead to Disqualification of all results in all races during the Games. Factors to be included in considering whether to Disqualify other results in the Games might include, for example, the severity of the Athlete's anti-doping rule violation and whether the Athlete tested negative in the other Competitions.]

10.1.1 The IIGA Court or the IIGA Drug Appeal Court shall have the power to impose such penalty on the Athlete as prescribed from time to time in the Constitution and/or Guidelines and shall then report the breach of the Rules to the relevant International Federation.

The IIGA Court and the IIGA Drug Appeal Court shall have the right to consider all factors submitted by the Athlete in mitigation before deciding upon the penalty to be imposed.

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 If a member of a team is found to have committed a violation of these Anti-Doping Rules during the Games, the IIGA Court may impose penalties on the member and/or team guilty of the violation, in accordance with the Constitution.

ARTICLE 12 COSTS ASSESSED IN THE EVENT OF A VIOLATION

12.1 The IIGA Court or the IIGA Drug Appeal Court shall have the power to order that any costs or expenses incurred by either the Host Island or the IIGA Association Court or the IIGA Drug Appeal Court in relation to drug testing or any hearing shall be paid by the person found guilty of such violation and/or the IGA of such guilty person.

ARTICLE 13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed to the IIGA Drug Appeal Court in accordance with the Constitution. Such decisions shall remain in effect while under appeal.

13.2 Persons Entitled to Appeal

The following parties shall have the right to appeal to the IIGA Drug Appeal Court: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the IGA of that athlete referred to in (a) above; (c) the IIGA Medical Commission.

13.3 Time for Filing Appeals

The time to file an appeal to the IIGA Drug Appeal Court shall be twenty-four hours from the time of the receipt of the decision by the appealing party.

ARTICLE 14 INCORPORATION OF IIGA ANTI DOPING RULES, REPORTING AND RECOGNITION

14.1 Incorporation of IIGA Anti-Doping Rules

All Island Members shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into the Constitution and Guidelines. Each Island Member shall obtain the written acknowledgement and agreement, on the form referred to in the Constitution and Guidelines of the IIGA and set out as part of the Entry Form for a Games, of all *Athletes* subject to *Doping Control*. Notwithstanding whether or not the required form has been signed, these Rules shall specifically provide that all *Athletes* under the jurisdiction of the *IIGA* shall be bound by these Anti-Doping Rules.

14.2 Statistical Reporting

- 14.2.1** The Host Island Organising Committee shall report to the IIGA Honorary Medical Officer within 14 days of the completion of the Games the results of all *Doping Controls* within their jurisdiction sorted by *Athlete* and identifying each date on which the *Athlete* was tested and the entity conducting the test.

14.3 Doping Control Information Clearinghouse

When the IIGA has received an *Adverse Analytical Finding* on one of its *Athletes* it shall report the following information to the International Federation of the sport involved and *WADA* within fourteen (14) days of the process described in Article 7.1: the *Athlete's* name, country, sport and discipline within the sport, the date of *Sample* collection and the analytical result reported by the laboratory. The *IIGA* shall also regularly update the International Federation and *WADA* on the status and findings of any review or proceedings conducted pursuant to Article 7 (*Results Management*), Article 8 (*Right to a Fair Hearing*) or Article 13 (*Appeals*), and comparable information shall be provided to IF and *WADA* within 14 days of the notification described in Article 7.1.9, with respect to other violations of these Anti-Doping Rules.

14.4 Public Disclosure

- 14.4.1** The IIGA shall not publicly identify *Athletes* whose *Samples* have resulted in *Adverse Analytical Findings*, or who were alleged to have violated other Articles of these Anti-Doping Rules until it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged or the *Athlete* has been *Provisionally Suspended*. Once a violation of these Anti-Doping Rules has been established, it may be publicly reported within 20 days. The IIGA may also report within 20 days appeal decisions on an anti-doping rule violation. The IIGA may also, within the time period for publication, send all hearing and appeal decisions to *WADA*.
- 14.4.2** In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be disclosed publicly only with the consent of the *Athlete* or other *Person* who is the subject of the decision. The IIGA shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.
- 14.4.3** The IIGA shall not publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete*, other *Person* or their representatives.

ARTICLE 15 STATUTE OF LIMITATIONS

No action may be commenced under these Anti-Doping Rules against an *Athlete* or other *Person* for a violation of an anti-doping rule contained in these Anti-Doping Rules unless such action is commenced within eight years from the date the violation occurred.

ARTICLE 16 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

- 16.1** These Anti-Doping Rules may be amended from time to time by the *IIGA*.
- 16.2** Except as provided in Article 18.5, these Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 16.3** The headings used for the various Parts and Articles of these Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.
- 16.4** The INTRODUCTION and the APPENDIX I DEFINITIONS shall be considered integral parts of these Anti-Doping Rules.
- 16.5** These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *WADA Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *WADA Code*. The comments annotating various provisions of the *WADA Code*

Code may, where applicable, assist in the understanding and interpretation of these Anti-Doping Rules.

16.6 Notice to an *Athlete* or other *Person* may be accomplished by delivery of the notice to that members' IGA.

16.7 These Anti-Doping Rules shall come into full force and effect on 1 April 2009 (the "**Effective Date**"). They shall not apply retrospectively.

16.7.1 Subject always to Article 10 anti-doping rule violations committed under rules in force prior to the Effective Date shall be taken into account as prior offences for purposes of determining sanctions under Articles 10 and 11.

APPENDIX 1 - DEFINITIONS

Adverse Analytical Finding. A report from a laboratory or other approved *Testing* entity that identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use of a Prohibited Method*.

Anti-Doping Organisation. An *Organisation* 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, the International Paralympic Committee, and other *Major Event Organisations* that conduct *Testing* at their *Events*, WADA, International Federations, and *National Anti-Doping Organisations*.

Athlete/Athletes. Any *Person* or persons who participate(s) in the Games.

Athlete Support Personnel. Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other *Person* working with, treating or assisting an *Athlete* participating in or preparing for sports *Competition*.

Attempt. Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an *Attempt* to commit a violation if the *Person* renounces the attempt prior to it being discovered by a third party not involved in the *Attempt*.

Atypical Finding. A report from a laboratory or other WADA-approved entity which requires further investigation as provided by the *International Standard* for Laboratories or related Technical Documents prior to the determination of an *Adverse Analytical Finding*.

CAS. The Court of Arbitration for Sport.

Competition. A single race, match, game or singular athletic contest held in the Games.

Consequences of anti-doping rule violations. An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred for a specified period of time from participating in any *Competition* or any *future Games*; and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing).

Constitution. The *Constitution* adopted by the IIGA

Doping Control. All steps and processes from 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, TUE's, results management and hearings.

Games. Any Island Games.

Host Island Organising Committee. The Committee appointed under clause 2.3 of the Operational Guidelines.

IGA: An Island Games Association of a Member Island

IIGA: The International Island Games Association

IIGA Court The International Island Games Association Court appointed under the Constitution.

IIGA Drug Appeal Court The appeal court appointed under the Constitution

IIGA Executive. The Committee appointed under Section 12 of the Constitution.

IIGA Medical Commission: The panel of physicians appointed by the IIGA Executive under the Constitution

In-Competition: Any event taking place within the Games.

Independent Observer Programme. A team of observers, under the supervision of WADA, who observe and may provide guidance on the *Doping Control* process at the Games and report on their observations.

Individual Sport. Any sport that is not a *Team Sport*.

International Federation or (IF): The International governing body of a particular sport played at the Games

International Standard. A standard adopted by WADA in support of the WADA 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. *International Standards* shall include any Technical Documents issued pursuant to the *International Standard*.

Island Members / Member Islands. An Island who has membership of the IIGA under Section 1 of the Constitution.

Marker. A compound, group of compounds or biological parameter(s) that indicates the *Use* of a *Prohibited Substance* or *Prohibited Method*.

Metabolite. Any substance produced by a biotransformation process.

Minor. A natural *Person* who has not reached the age of majority as established by the applicable laws of his or her country of residence.

National Anti-Doping Organisation or (NADO). The entity(ies) designated by the country of each Member Island 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. This includes an entity which may be designated by multiple countries to serve as regional *Anti-Doping Organisation* for such countries.

No Advance Notice. A *Doping Control* which takes place with no advance warning to the *Athlete* and where the *Athlete* is continuously chaperoned from the moment of notification through *Sample* provision.

No Fault or Negligence. The *Athlete's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method*.

No Significant Fault or Negligence. The *Athlete's* establishing that his or her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping rule violation.

Opening Ceremony. The Ceremony referred to in Section 23 of the Operational Guidelines.

Operational Guidelines. The *Operational Guidelines* adopted by the IIGA as part of its *Constitution*

Participant. Any *Athlete* participating in the Games.

Person / Persons. A natural *Person* or *persons* or an organisation or other entity.

Possession. The actual, physical possession, or the constructive possession (which shall be found only if the person has exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists); provided, however, that if the person does not have exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists, constructive possession shall only be found if the person knew about the presence of the *Prohibited Substance/Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on possession if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have possession and has renounced possession by explicitly declaring it to an *Anti-Doping Organisation*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes possession by the *Person* who makes the purchase.

[*Comment: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organisation must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over the steroids.*]

Prohibited List. The List produced by WADA identifying the *Prohibited Substances* and *Prohibited Methods*.

Prohibited Method. Any method so described on the *Prohibited List*.

Prohibited Substance. Any substance so described on the *Prohibited List*.

Provisional Hearing. For purposes of Article 7.3.3, an expedited abbreviated hearing occurring prior to a hearing under Article 8 (Right to a Fair Hearing) that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

Provisional Suspension. See *Consequences* above.

Publicly Disclose or Publicly Report. To disseminate or distribute information to the general public or persons beyond those persons entitled to earlier notification in accordance with Article 14.

Retroactive TUE. As defined in the *International Standard* for Therapeutic Use Exemptions and Article 4.4.6.

Sample. Any biological material collected for the purposes of *Doping Control*.

[*Comment to Sample: It has sometimes been claimed that the collection of blood samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.*]

Specified Substances. As defined in Article 4.2.2.

Substantial Assistance. A *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organisation* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

Tampering. Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring; or providing fraudulent information to an *Anti-Doping Organisation*.

Team Sport. A sport in which there is more than one participant on the same team and/or in which the substitution of players is permitted during the Games.

Testing. The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

Trafficking. Selling, giving, transporting, sending, delivering or distributing a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Personnel* or any other *Person* subject to the jurisdiction of an *Anti-Doping Organisation* to any third party; provided, however, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance* used for genuine and legal therapeutic purposes or other acceptable justification unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes.

TUE. As defined in Article 2.5.1.

Use. The utilisation, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

WADA. The World Anti-Doping Agency.

WADA Code. The World Anti-Doping Code.

2 TUE Information

Name of body that granted TUE: _____

Date that TUE was granted: _____

Date that TUE expires: _____

Substance(s) that TUE relates to:

Copy of each TUE certificate MUST be attached to this notification form, including term of TUE and any conditions of TUE.

3 Athlete's declaration

I, _____

certify that the information in this notification is accurate and that I have received approval to use a Substance or Method on the WADA Prohibited List from a recognised TUE Committee. I authorise the release of personal medical information to the IIGA as well as to IIGA Court and IIGA Drug Appeal Court and to other Anti-Doping Organisations under the provisions of the WADA Anti-Doping Code, IIGA Executive Committee or to IIGA Medical Commission. I understand that if I ever wish to revoke the right of these organisations to obtain my health information on my behalf, I must notify my medical practitioner and the IIGA and my ADO in writing of the fact.

Athlete's signature: _____

Date: _____

If the athlete is under 18 years of age or has a disability preventing him/her to sign this form, a parent or guardian shall sign together with or on behalf of the athlete:

Parent's /

Guardian's signature: _____

Date: _____

Incomplete or illegible notification will be returned and will need to be resubmitted.

Please submit the completed form to the IIGA Medical Commission and keep a copy for your records.

This form is to be submitted to:

IIGA Medical Commission - Dr Carl Clinton

Accident and Emergency Jersey General Hospital, Gloucester Street, St Helier, Jersey,

Channel Islands, JE1 3QS

Appendix 3

STRICTLY CONFIDENTIAL



**THERAPUTIC USE EXEMPTION
TUE**

Please complete all sections in capital letters or typing.

1 Athlete Information

Family Name	_____
Given Names	_____
Gender:	Female Male
Date of Birth	_____
	(dd/mm/yyyy)
Address	_____

City	_____
Country	_____
Postal Code	_____
Telephone:	_____
	(include International Dialing Code)
Email:	_____
Sport	_____
Event	_____
International or National Sport Organisation:	_____
If Athlete with a Disability, indicate disability:	_____

2 Medical Information

Diagnosis with sufficient medical information (see note 1):

If a permitted medication can be used to treat the medical condition, provide clinical justification for the requested use of the prohibited medication

3 Medication Details

Prohibited substance(s): <u>Generic name</u>	Dose	Route	Frequency
1			
2			
3			

Intended duration of treatment: (Please tick appropriate box)	<input type="checkbox"/> Once only <input type="checkbox"/> emergency Or duration (week/month):
--	--

Have you submitted any previous TUE applications:	Yes	No
For which substance? _____		
To Whom?	_____	When? _____
Decision:	Approved	Not Approved

4 Medical Practitioner's declaration

I certify that the above mentioned treatment is medically appropriate and that the use of alternative medication not on the prohibited list would be unsatisfactory for this condition.

Name: _____

Medical specialty _____

Address: _____

Telephone: _____ Fax: _____

E-mail: _____

Signature of Medical Practitioner _____ Date: _____

5 Athlete's declaration

I, _____ certify that the information under 1. is accurate and that I am requesting approval to use a Substance or Method from the WADA Prohibited List. I authorise the release of personal medical information to IIGA as well as to IIGA Court and IIGA Drug Appeal Court and to other ADO's under the provisions of the WADA Code, IIGA Executive Committee and the IIGA Medical Commission. I understand that if I ever wish to revoke the right to these organisations to obtain my health information on my behalf, I must notify my medical practitioner and the IIGA and my ADO in writing of that fact.

Athlete's signature _____ Date: _____

Parent's /Guardian's signature: _____ Date: _____

(If the Athlete is a minor or has a disability preventing him/her to sign this form, a parent or guardian shall sign together with or on behalf of the Athlete.)

6 Note:

Note 1	Diagnosis Evidence confirming the diagnosis must be attached and forwarded with this application. The medical evidence should include a comprehensive medical history and the results of all relevant examinations, laboratory investigations and imaging studies. Copies of the original reports or letters should be included when possible. Evidence should be as objective as possible in the clinical circumstances and in the case of non-demonstrable conditions independent supporting medical opinion will assist this application.
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Incomplete or illegible notification will be returned and will need to be resubmitted.

Please submit the completed form to the IIGA Medical Commission and keep a copy for your records.

This form is to be sent to:

IIGA Medical Commission - Dr Carl Clinton
Accident and Emergency Jersey General Hospital,
Gloucester Street,
St Helier,
Jersey,
Channel Islands, JE1 3QS