

DRAGON BOAT CANADA

ANTI-DOPING POLICY

1. Preamble

- a. Sport Canada and The Canadian Centre for Ethics in Sport publishes the Canadian Policy on Doping in Sport (the “Policy”). The latest version is dated January 1, 2000. Dragon Boat Canada (“DBC”) adopts the Policy in the form herein.
- b. Pursuit of drug-free sport is a matter of public interest. This Policy reflects the common interest and consensus of Athletes, coaches, DBC, other Sport Governing Bodies, Sport Organizations, and governments in Canada.

2. Purpose

- a. The purpose of this Policy is to provide a consistent and effective response to the use of Banned Substances and Practices in Canadian sport in order to deter those who might engage in the use of Banned Substances and Practices and protect those who commit themselves to sport based on the principles of fair play.
- b. This Policy ensures that appropriate penalties are imposed on Athletes, coaches and on others who use or condone the use of Banned Substances, or engage in or condone Banned Practices. The Policy sets out procedures for determining Infractions, dealing with individuals and organizations found to have committed Infractions, handling protests and appeals relating to Doping Control Procedures and the determination of Infractions, and reinstating those individuals sanctioned as a result of such Infractions.

3. Definitions

In this Policy the following terms shall have these meanings, and shall be capitalized:

- a. *Accredited Laboratory* shall mean a laboratory accredited by the International Olympic Committee (“IOC”), or a laboratory recognized by the Canadian Centre for Ethics in Sport (“CCES”) in accordance with laboratory standards established by the Standards Council of Canada or an equivalent national or international standardization authority.
- b. *Admission* shall mean a written acknowledgement of a Doping Infraction or a Doping-Related Infraction. Where the Admission pertains to the use of a Banned Substance or Practice, the specific substance or practice must be identified in the acknowledgement. Where the Admission pertains to activities other than Doping which are in contravention of this Policy, the specific activities must be identified in the acknowledgement.
- c. *Athlete* shall mean members of DBC, and individuals who participate as an athlete in any activity conducted or sanctioned by DBC. DBC recognizes that from time to time it may sanction an event that conducts both sport races and recreational races. Notwithstanding

anything else in this Policy, with respect to such events, an *Athlete* shall include an individual participating in a sport race, but not an individual participating only in a recreational race. With respect to any such events, DBC will set out in advance which races are sport races.

- d. *Banned Substances or Practices* shall mean those substances and practices identified by CCES, and as updated from time to time, as being banned or restricted. In identifying such substances and practices, CCES shall have regard to the categories of banned and restricted substances and methods published by the IOC.
- e. *DBC* shall mean the Dragon Boat Racing Council of Canada / Conseil de la Course de Bateau Dragon de Canada, incorporated pursuant to Part II of the *Canada Corporations Act*.
- f. *Doping* shall mean the presence in the body of Banned Substances as determined by a Positive Test Result, or evidence of the use of Banned Practices.
- g. *Doping Control Procedures* shall mean the activities carried out by CCES, an Accredited Laboratory or any independent authority under this Policy and shall include identification and notification of individuals to be tested, preparation for and conduct of sample collection, handling and transportation of samples, laboratory analysis, results management, determination of infractions, deciding on protests and appeals, conducting investigations, reviewing requests for reinstatement and overall management of the doping control process.
- h. *Doping Infraction* shall mean Doping which is in contravention of this Policy.
- i. *Doping-Related Infraction* shall mean an Infraction other than a Doping Infraction which is in contravention of this Policy and which has occurred any time in the previous four (4) years. Doping-Related Infractions shall include an individual or Sport Governing Body:
 - i. acknowledging a Doping Infraction or Doping-Related Infraction by means of an Admission;
 - ii. refusing or failing to comply with Doping Control Procedures;
 - iii. condoning the use of Banned Substances or Practices;
 - iv. counseling or advising others to use Banned Substances or Practices;
 - v. avoiding or aiding in avoiding Doping Control Procedures and detection of Banned Substances or Practices;
 - vi. securing, supplying or administering Banned Substances or Practices;
 - vii. possessing Banned Substances without valid medical reason;
 - viii. importing or selling Banned Substances;
 - ix. failing to cooperate as requested in any CCES or Sport Governing Body investigation into a possible Doping Infraction or Doping-Related Infraction; or
 - x. failing to recognize or adhere to sanctions imposed under this Policy.
- j. *Federal Sport Funding* shall mean any direct financial support provided by the federal government to an individual regardless of the method of payment (that is, direct payment to the individual or indirect payment to the individual through DBC) and includes, but is not limited to, monthly financial support through the Athlete Assistance Program, coaching or

professional staff salaries, honoraria for the provision of professional services, or coaching internships or apprenticeships.

- k. *Infraction* shall include Doping Infractions and Doping-Related Infractions, as determined in accordance with this Policy.
- l. *Policy* shall mean the *Canadian Policy on Doping in Sport* and shall include its accompanying *Canadian Doping Control Regulations*, as approved by CCES and as amended from time to time.
- m. *Positive Test Result* shall mean the certificate of analysis of the test results of an “A” sample of urine issued by an Accredited Laboratory which indicates Doping. A Positive Test Result does not necessarily indicate that a Doping Infraction has occurred.
- n. *Regulations* shall mean the Canadian Doping Control Regulations accompanying this Policy, as approved by CCES and as amended from time to time.
- o. *Sport Governing Body* shall mean any national, provincial or territorial sport governing body in Canada, including DBC.
- p. *Sport Ineligibility* shall mean being prohibited from participation in any role in any activity organized, convened, held or sanctioned by any Sport Organization which has adopted this Policy, or which is a member of or affiliated with any Sport Organization which has adopted this Policy.
- q. *Sport Organization* shall mean any Sport Governing Body, any international sport governing body, or any governing body’s affiliated members, clubs, teams, associations or leagues.

4. Authority

- a. DBC delegates to the *Canadian Centre for Ethics in Sport* (CCES) the authority and responsibility for carrying out Doping Control Procedures in Canada, and the members of DBC accordingly recognize this authority and responsibility.
- b. More specifically, the role of CCES is to coordinate and implement policies and programs for drug-free sport, including identification and notification of individuals to be tested, sample collection, laboratory analysis, research, education, appeals and reinstatements. CCES’ authority to carry out these activities arises out of the adoption of this Policy by DBC and the corresponding delegation of this authority to CCES.
- c. In administering Doping Control Procedures, CCES operates independently of Sport Governing Bodies and the provincial, territorial and federal governments that contribute to the funding of sport in Canada. CCES may delegate to another authority any of its responsibilities in administering Doping Control Procedures.

- d. Where CCES is a party to, or has intervenor status in any adjudication or arbitration under this Policy, an independent authority shall have the responsibility for appointing adjudicators and arbitrators, managing and coordinating adjudications and arbitrations, and providing administrative and logistical support to adjudicators and arbitrators, as required.

5. Application

- a. By virtue of its adoption by DBC, this Policy shall apply to all individuals who are members of DBC, regardless of where they reside or are situated; and all individuals who participate in any capacity in any activity organized, held, convened or sanctioned by such bodies.
- b. The Policy shall apply to any individual who seeks to become a member of, or who seeks to participate in any activities of DBC. If any such individual is found to have committed a Doping or Doping-Related Infraction, the penalties of this Policy shall apply.
- c. An individual sanctioned under this Policy remains subject to this Policy throughout the duration of the sanction regardless of that individual's membership status in DBC, and this shall include remaining subject to testing.

6. Relationship to Other Policies

- a. An infraction determined by a non-Canadian authority that is recognized by CCES may be deemed to be an Infraction under this Policy, and CCES may carry out further review and investigation of such Infractions.
- b. This Policy recognizes that CCES does not have jurisdiction over international sport federations. This Policy is intended to operate independently of anti-doping policies of international sport federations and any individual sanctioned under this Policy may also be sanctioned under the policy of their international sport federation.

7. Determination of Infractions

- a. A Doping Infraction shall be determined on the basis of a Positive Test Result in accordance with the Regulations. Such an Infraction shall give rise to sanctions unless overturned by the findings of a "B" sample examination and analysis, or a successful protest or appeal.
- b. A Doping-Related Infraction shall be determined in accordance with the Regulations.
- c. Doping and Doping-Related Infractions shall not be deemed to have occurred when an individual takes a substance which is required for treatment or control of a medical condition and for which an exemption has been granted, in writing, by CCES.

8. Penalties for Infractions

- a. Athletes

- i. The penalties for a Doping Infraction or Doping-Related Infraction by an Athlete are:
 - *First Infraction* – four (4) years Sport Ineligibility and permanent ineligibility for Federal Sport Funding
 - *Second Infraction* – permanent Sport Ineligibility and permanent ineligibility for Federal Sport Funding
 - ii. In cases where the Infraction occurs at a major sport event such as a Major Games or World or Continental Championships, a four-year Sport Ineligibility penalty shall include the next same major sport event even if the major sport event takes place more than four years after the Infraction.
- b. Individuals Other Than Athletes
- i. The penalty for a Doping Infraction or Doping-Related Infraction by an individual other than an Athlete is:
 - *First Infraction* – permanent Sport Ineligibility and permanent ineligibility for Federal Sport Funding
- c. Sport Governing Bodies
- i. The penalty for a Doping-Related Infraction by a Sport Governing Body is the withdrawal of domestic doping control services as provided by CCES, until such time as the conduct giving rise to the Doping-Related Infraction has been corrected.
- d. Scope of Sanction
- i. Individuals sanctioned under this Policy shall be ineligible to participate in any role or in any activity organized, convened, held or sanctioned by DBC or a Sport Organization, for the duration of the sanction, subject only to the results of a “B” sample examination and analysis, protest, appeal or reinstatement. Such penalties shall be respected by all Sport Organizations and any other authorities or agencies which have adopted this Policy.
 - ii. Where an individual sanctioned under this Policy participates in sport in one or more roles (for example, as both Athlete and coach), the role that the individual was performing at the time of the Infraction shall be the role for which this Policy shall apply.

9. Appeals

- a. Infractions determined under this Policy may be appealed in accordance with the Regulations.

10. Time for Commencement of Penalty

- a. The penalty for a Doping Infraction determined by a Positive Test Result is calculated from the date of sample collection. In all other cases, a penalty is calculated from the date of a decision of the Doping Control Review Board rendered in accordance with the Regulations.
- b. Penalties for Doping-Related Infractions are calculated from the date of refusal to be tested or failure to comply with Doping Control Procedures or, in all other cases, from the decision of the Doping Control Review Board rendered in accordance with the Regulations.

11. Confidentiality

- a. Doping Infractions and Doping-Related Infractions are a matter of public record. However, information concerning a Doping Infraction shall not be disclosed until the Athlete has been notified.
- b. Notwithstanding Section 11(a), if after ten (10) days reasonable attempts to notify the Athlete are unsuccessful, CCES may disclose information concerning a Doping Infraction if it deems such disclosure to be in the interests of drug-free sport.
- c. An Accredited Laboratory may forward a Positive Test Result to the International Olympic Committee (IOC) or to the relevant international sport federation.
- d. No breach of confidentiality by any party shall invalidate the findings of a Positive Test Result or the declaration of an Infraction unless such breach can be shown to cast doubt on the validity of such findings.

12. Reinstatement

- a. Individuals sanctioned under this Policy may request reinstatement of sport eligibility and reinstatement of eligibility for Federal Sport Funding. Reinstatement may be granted only in these situations, in accordance with the Regulations:
 - o *Category I* – where the Infraction is a first Doping Infraction involving Banned Substances in the stimulant class when administered for medical purposes or ingested as part of a nutritional product;
 - o *Category II* – where exceptional circumstances surrounding the Infraction have been proven;
 - o *Category III* – where the requirements for sport reintegration have been met; or *Category IV* – upon completion of a penalty.

Category I Reinstatement

- b. Where the Infraction is a first Doping Infraction involving Banned Substances in the stimulant class when administered for medical purposes or ingested as part of a nutritional product, reinstatement of sport eligibility and eligibility for Federal Sport Funding may be requested in accordance with the Regulations. Such reinstatement shall take automatic effect three (3) months after the date of the Infraction.

Category II Reinstatement

- c. An individual who has committed an Infraction may request reinstatement where there exist exceptional circumstances surrounding to the Infraction, in accordance with the Regulations. The onus of proving exceptional circumstances rests with the sanctioned individual and all requests for reinstatement for exceptional circumstances shall be heard by an independent adjudicator whose decision shall be final and binding.
- d. A request for Category II reinstatement shall be initiated within three (3) months of the date of the Infraction, and may be made only once per Infraction. In the event that reinstatement is granted, reinstatement of eligibility for Federal Sport Funding shall take immediate but not retroactive effect.

Category III Reinstatement

- e. An individual who has committed an Infraction may request reinstatement for sport reintegration, in accordance with the Regulations. The onus for meeting the requirements for sport reintegration rests with the sanctioned individual and all requests for such reinstatement shall be heard by an independent adjudicator whose decision shall be final and binding.
- f. A request for Category III reinstatement may be made only once by an individual, only for a first Infraction, and only after two (2) years of the penalty have been served. In the event that such reinstatement is granted, reinstatement of eligibility for Federal Sport Funding shall take immediate but not retroactive effect.

Category IV Reinstatement

- g. Unless otherwise reinstated, an Athlete who has committed an Infraction with a four-year Sport Ineligibility penalty shall be reinstated to sport eligibility upon the completion of the penalty, in accordance with the Regulations.
- h. An Athlete reinstated upon completion of a penalty shall not be eligible for Federal Sport Funding.