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SPORT
IRELAND
ANTI-DOPING

IRISH SPORT ANTI-DOPING DISCIPLINARY PANEL PROCEDURES

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1. Interpretation

- 1.1. These Disciplinary Procedures are the *Irish Sport Anti-Doping Disciplinary Panel Procedures* made under section 42(2) of the *Act*.
- 1.2. References to “a Party” or “the Parties” shall be construed as *Persons* who are parties to the case in accordance with the Rules. Any function or step to be carried out by a Party may be carried out by the Party’s legal representatives.
- 1.3. An “ADRV” shall mean an anti-doping rule violation.
- 1.4. “Registrar” shall mean the person appointed by *Sport Ireland* to assist the *Irish Sport Anti-Doping Disciplinary Panel*.
- 1.5. Unless otherwise indicated, references to an Article are to an Article of the *Rules*.
- 1.6. Italicised terms with an initial capital letter are as defined in the *Rules*.
- 1.7. Unless otherwise indicated, references to a rule are to a rule of the Disciplinary Procedures.
- 1.8. In the case of any conflict between the Articles and the rules in these Disciplinary Procedures, the Articles in the *Rules* shall prevail.

2. Jurisdiction

- 2.1. The *Irish Sport Anti-Doping Disciplinary Panel* has the power to hear and determine all issues arising from any matter which is referred to it pursuant to the *Rules*. In particular, the *Irish Sport Anti-Doping Disciplinary Panel* has the power to hear and determine:
 - 2.1.1. a case referred to it under the *Rules* by *Sport Ireland* as to whether an ADRV has been committed and/or the *Consequences* to be imposed pursuant to the Rules; and
 - 2.1.2. a *Provisional Hearing* brought by an *Athlete* or other *Person* offered the opportunity for same under Article 7.5.3, such *Provisional Hearing* to be heard by the Chair of the *Irish Sport Anti-Doping Disciplinary Panel* or a Vice-Chair appointed by the Chair for that purpose;
- 2.2. As provided therein, the *Rules* constitute an agreement to arbitrate and proceedings under the *Rules* shall constitute arbitration proceedings with a seat or legal place in Ireland to which the Arbitration Act 2010, as may be amended from time to time, shall apply.
- 2.3. Where the *Rules* confer jurisdiction over a matter on the *Irish Sport Anti-Doping Disciplinary Panel*, the *Persons* who are parties to the

matter in accordance with the *Rules* shall be taken to have agreed that such matter shall be heard and resolved in accordance with the *Rules* as amended from time to time.

- 2.4. The *Rules* including these Disciplinary Procedures may be amended from time to time, by *Sport Ireland*, in order to reflect any changes made to the *Code* or *International Standards* and otherwise as required to ensure they remain fit for purpose. Any amendments shall be published by *Sport Ireland*, which shall confirm the date upon which such amendments shall come into effect, as well as any transitional arrangements.

3. Composition

- 3.1. An independent nominations committee appointed by *Sport Ireland* shall review applications and appoint the members of the *Irish Sport Anti-Doping Disciplinary Panel*, which shall comprise the following:
- 3.1.1. A Chair and up to nine Vice-Chairs, each of whom is a appointed based on their legal expertise;
 - 3.1.2. Up to ten members, each of whom is appointed based on their medical or scientific expertise; and
 - 3.1.3. Up to ten members, each of whom is appointed for their sports experience.
- 3.2. *Sport Ireland* shall ensure that the members appointed to the *Irish Sport Anti-Doping Disciplinary Panel* are *Operationally Independent*.
- 3.3. Members of the *Irish Sport Anti-Doping Disciplinary Panel* shall:
- 3.3.1 be appointed for a term of 4 years, which may be renewed by the independent nominations committee;
 - 3.3.2 not be removed from their position before the end of their term unless there is an objective and/or overriding legal reason (including, for example, legal incapacity, involvement in doping or criminal activities, violation of their duties such as a breach of confidentiality or an intentional non-disclosure of a conflict of interest);
 - 3.3.3 not take any instructions regarding a case from *Sport Ireland* or any of the parties to the case;
 - 3.3.4 adhere to rules 4.4-4.6 a regards conflicts of interest and to *Sport Ireland's* conflict of interest policy for members of the *Irish Sport Anti-Doping Disciplinary Panel*; and
 - 3.3.5 may resign at any time from their position due to personal and/or professional reasons.

4. Disciplinary Proceedings

- 4.1. When it is alleged that an *Athlete* or other *Person* has committed an ADRV, save as provided in Articles 8.4.1 and 8.4.2 (including where an *Athlete* or other *Person* benefits from a *Results Management* agreement under the conditions set out in Article 10.7 of the *Rules*), *Sport Ireland* shall refer the matter to the *Irish Sport Anti-Doping Disciplinary Panel* for adjudication as to whether the *Athlete* or other *Person* has committed an ADRV and if so what *Consequences* should be imposed.
- 4.2. The Chair of the *Irish Sport Anti-Doping Disciplinary Panel* or if they are unavailable, a Vice-Chair, shall determine the size and composition of the *Hearing Panel* to hear and decide each case, depending on the nature of the charge and the evidence put forward. The Chair, or if they is unavailable, a Vice-Chair, may appoint three members from the panel or a single arbitrator (who must be the Chair or a Vice-Chair) to hear and determine the case. Where a three person *Hearing Panel* is appointed, at least one person shall be the Chair or a Vice-Chair (who shall act as chair of the *Hearing Panel*). A *Provisional Hearing* shall be heard by the Chair or a Vice-Chair appointed by the Chair.
- 4.3. The appointment of the *Hearing Panel* shall respect the requirements as indicated in the definitions of *Operational Independence*, as well as the requirements indicated in the *Code* and in the *International Standard for Results Management*.
- 4.4. The appointed members and the Registrar shall have had no involvement in the investigation of, or decision to proceed with, the case. Each member, prior to appointment to a *Hearing Panel*, shall disclose to the Chair any circumstances likely to affect their independence or impartiality with respect to any of the Parties to the case.
- 4.5. Upon appointment to a *Hearing Panel*, each hearing panel member shall sign a declaration that there are no facts or circumstances known to them which might call into question their impartiality in the eyes of any of the Parties, other than any circumstances disclosed in the declaration. If such facts or circumstances arise at a later stage of the hearing process, the relevant *Hearing Panel* member shall promptly disclose them to the Parties.
- 4.6. The Registrar to the *Irish Sports Anti-Doping Disciplinary Panel* shall advise the Parties of the identity of the members of the *Hearing Panel* appointed to hear and determine the case and provide them with a copy of the declarations. The Parties shall also be informed of their right to challenge the appointment of any *Hearing Panel* member if there are grounds for potential conflicts of interest. Any Party seeking to challenge such appointment(s) must communicate their objection to the Chair via the Registrar to the *Irish Sport Anti-Doping Disciplinary Panel* within seven days from the ground for the challenge having become known. The Chair, or if they are

unavailable, a Vice-Chair, shall rule on the legitimacy of any such objection and their decision shall be final. If the challenge is to the Chair, the challenge shall be decided upon by the Vice-Chair who has been longest on the *Irish Sport Anti-Doping Disciplinary Panel* who has no conflict of interest.

- 4.7. *Sport Ireland* shall ensure that *Hearing Panels* are in a position to conduct the hearing and decision-making process without interference from *Sport Ireland* or any third party.
- 4.8. If a member, appointed by the Chair to hear a case, is unwilling or unable, for whatever reason, to hear the case, the Chair shall revoke that member's appointment and may appoint another member to the *Hearing Panel*.
- 4.9. Subject to the *Rules* including these Disciplinary Procedures, the *Hearing Panel* shall have the power to regulate its procedures.
- 4.10. Where a Party requires to contact the Chair of a *Hearing Panel*, such contact shall be made via the Registrar to the *Irish Sport Anti-Doping Disciplinary Panel*, copying all other Parties.

5. Powers and Procedures

- 5.1. The *Irish Sport Anti-Doping Disciplinary Panel* has the power to hear and determine all issues arising from any matter which is referred to it pursuant to the *Rules*. In particular, the *Irish Sport Anti-Doping Disciplinary Panel* has the power to hear and determine a case arising under the *Rules* and to determine whether an ADRV has been committed and/or the *Consequences* to be imposed pursuant to the *Rules* for an ADRV found to have been committed.
- 5.2. The *Irish Sport Anti-Doping Disciplinary Panel* (including its *Hearing Panels*) has all powers necessary for, and incidental to, the discharge of its responsibilities under the *Rules* including (without limitation) the power, whether on the application of a Party or of its own motion:
 - 5.2.1. to appoint an expert to assist or advise the *Hearing Panel* on a specific issue or issues, such expert to be and remain impartial and independent of the parties;
 - 5.2.2. to expedite or to adjourn, postpone or suspend its proceedings, upon such terms as it shall determine, where fairness so requires;
 - 5.2.3. to extend or abbreviate any time-limit provided by the *Rules*, by the *Disciplinary Procedures*, or by the *Hearing Panel's* own orders;
 - 5.2.4. to conduct such enquiries as appear necessary or expedient in order to ascertain the facts;
 - 5.2.5. to direct one or more Parties to supply it and/or the other

Party or Parties with further particulars of the case of that Party, including details of all witnesses that Party intends to call at any hearing together with details of the evidence to be given by those witnesses and that Party shall comply with that direction;

- 5.2.6. to require one or more of the Parties to produce relevant documents and/or other relevant materials in the possession or control of that Party, provided that, save for good cause shown, no documents and/or other materials shall be ordered to be disclosed in relation to the laboratory analysis resulting in an *Adverse Analytical Finding* beyond the documents that the *International Standard* for Laboratories requires to be in the laboratory documentation package and that Party shall comply with that requirement;
- 5.2.7. to consider matters arising under section 10 of the Arbitration Act 2010, as may be amended from time to time;
- 5.2.8. to order that preliminary questions be heard and determined in advance of other issues in the case;
- 5.2.9. subject to the consent of the Parties, to consolidate the proceedings with other substantially similar or related proceedings and/or order that concurrent hearings be held in relation to such proceedings;
- 5.2.10. to rule on its own jurisdiction.

6. Registrar

- 6.1. *Sport Ireland* shall appoint a Registrar who, in addition to assisting the *Irish Sport Anti-Doping Disciplinary Panel* administratively, for the purposes of their functions in this rule 6 shall have the powers and functions referred to in the Disciplinary Procedures.
- 6.2. As soon as practicable after a case is referred to the *Irish Sport Anti-Doping Disciplinary Panel*, the Registrar shall issue directions to the Parties in relation to the procedure and time-table to be followed. Where the Registrar deems appropriate, he or she shall hold a directions hearing prior to issuing such directions. The directions hearing may be held in person or by telephone or video conference call. The non-attendance of any Party or their representative at the directions hearing, after proper notice of the directions hearing has been provided, shall not prevent the Registrar from proceeding with the meeting in such Party's absence, whether or not written submissions are made by or on behalf of that Party. The directions issued by the Registrar may:
 - 6.2.1. fix the date, time and venue of the hearing;
 - 6.2.2. establish a schedule for the exchange of written submissions and evidence, including witness statements and/or expert reports, in advance of the hearing, including

confirmation by *Sport Ireland* or the *National Governing Body* of the details of the case to answer, confirmation by the *Athlete* or other *Person* of the details of their defence and/or mitigation, and provision for *Sport Ireland* or the *National Governing Body* to reply to the *Athlete's* or other *Person's* defence and/or mitigation; and

- 6.3. The Registrar shall hold call overs at regular intervals to case manage matters referred to *Irish Sport Anti-Doping Disciplinary Panel* pursuant to the *Rules*:
- 6.3.1. All *Athletes*, other *Persons* or their legal representatives will be invited to attend such call overs for the portion of the call over that relates to their ongoing matter before the *Irish Sport Anti-Doping Disciplinary Panel*. Such call overs may be conducted in person, via telephone conference call or by circulation of papers at the discretion of the Registrar.
- 6.3.2. A letter of invitation to the call over, usually issued by the Registrar, will inform the *Athlete*, other *Person* or their legal representatives and Sport Ireland's solicitors of the date and time of the call over.
- 6.3.3. The Parties shall set out in writing in advance of the call over any applications they wish to make. Such written applications should be furnished to the Registrar copying the other Party pursuant to the time line set out in correspondence from Sport Ireland's solicitors in the letter of invitation to the call over.
- 6.3.4. If an application for an adjournment is to be made at a call over, it should be brought to the attention of the Registrar and the other Parties at the earliest opportunity. The Registrar will hear submissions from any of the Parties who wish to make submissions in relation to such applications. Without prejudice to any decision by the Registrar, the Parties should endeavour to identify alternative suitable hearing dates in advance of any such application.
- 6.3.5. On conclusion of a call over, the Registrar will write to the Parties setting out their decision and / or directions.
- 6.4. A failure by any Party or their representative to attend a call over after notification shall not prevent the Registrar from proceeding with the application in their absence, whether or not written submissions have been made by or on behalf of that Party.
- 6.5. Call overs are envisaged as being held at regular interval as a means to deal with procedural issues with a view to facilitating effective and efficient case management of cases referred to the *Irish Sport Anti-Doping Disciplinary Panel*. However, nothing shall prevent the parties writing to the Registrar and seeking directions / making applications and the Registrar hearing or dealing with such applications (whether in writing or otherwise), other than at the call

over.

- 6.6. The Registrar shall be entitled to consult with the Chair if he or she thinks it necessary or desirable to do so before issuing any directions.
- 6.7. Any power or function of the Registrar as referred to in the Disciplinary Procedures may be carried out by the Chair of the *Hearing Panel* and such Chair shall, in their discretion, be entitled to revoke or amend any directions which may have been issued by the Registrar at any time if the chair considers that it is appropriate in the interests of efficiency, fairness and/or natural justice to do so.
- 6.8. The Registrar shall assist the *Hearing Panel* in the drafting of its decisions as set out in rule 10.3 of these Disciplinary Procedures. The Registrar's role is to assist in the drafting of these decisions and has no role in the making of the decisions.

7. Appeals from a preliminary or procedural rulings

- 7.1. A preliminary or procedural ruling by a *Hearing Panel* or the Registrar shall not be subject to appeal unless such ruling amounts to a final resolution of the case or such ruling is subsequently incorporated into a final decision in which case the ruling may be appealed in accordance with the *Rules*.

8. Hearings

- 8.1. *Sport Ireland* shall provide adequate resources to ensure that *Hearing Panels* are able to fulfil their tasks efficiently and independently and otherwise in accordance with Article 8 of the *International Standard for Results Management*.
- 8.2. Each Party shall have the right to be legally represented at a hearing at their own expense, and to present evidence, make submissions, call witnesses and cross-examine the witnesses of the other Parties.
- 8.3. A Party intending to rely upon the evidence of a witness or expert shall serve a statement or report setting out the proposed evidence of such witness or expert at a date in advance of the hearing that is specified under these Disciplinary Procedures, unless the Chair expressly dispenses with the requirement for a written report.
- 8.4. The *Hearing Panel* shall have the power to allow, refuse or limit the evidence or appearance at the hearing of any witness or expert.
- 8.5. The *Hearing Panel* as the case may be shall have discretion as to whether to receive evidence from witnesses in person, by telephone, by video conference or in writing and shall have the right to question such witnesses and to control the questioning of witnesses by a Party.
- 8.6. The *Hearing Panel* shall have the power to decide on the admissibility, relevance and weight of any evidence (including the

testimony of any fact or expert witness) and shall not be bound by any legal rules in relation to such matters. Facts related to ADRVs may be established by any reliable means, including admissions.

- 8.7. Any failure by any Party to the proceedings to comply with any requirement or direction of the Registrar, Chair or *Hearing Panel* including those requirements or directions to be complied with within a truncated time schedule, shall not prevent the *Hearing Panel* from proceeding and such failure may be taken into consideration by the *Hearing Panel* when making its decision.
- 8.8. A failure by any Party or their representative to attend a hearing after notification shall not prevent the *Hearing Panel* from proceeding with the hearing in their absence, whether or not written submissions have been made by or on behalf of that Party.
- 8.9. A *Hearing Panel* shall offer an *Athlete* or other *Person* a right to request a public hearing. *Sport Ireland* may also request a public hearing provided that the *Athlete* or other *Person* has provided their written consent in this regard. Such a request may be denied by a *Hearing Panel* in the interests of morals, public order, national security, where the interests of *Minors* or the protection of the private life of the Parties so require, where publicity would prejudice the interests of justice or where the proceedings are exclusively related to question of law.
- 8.10. Save as provided in rule 8.9, all hearings shall be conducted on a private and confidential basis, attended only by the Parties and their representatives, the *Hearing Panel* members, Registrar and a stenographer, the *National Governing Body* of the *Athlete* or other *Person* alleged to have committed an ADRV if not a Party, and any *Person* permitted to observe under the *Code* or the *Rules*.
- 8.11. Hearings shall be conducted in English. An *Athlete* or other *Person* alleged to have committed an ADRV shall be entitled to have an interpreter provided by *Sport Ireland* at the hearing, if deemed necessary by the *Hearing Panel*. Any Party wishing to rely upon documents written in a language other than English shall produce official English translations of such documents at their own cost.

9. Timelines and Decisions

- 9.1. An *Athlete* or other *Person* who is *Provisionally Suspended* and who has not been given the opportunity for a *Provisional Hearing* pursuant to Article 7.5.3 of the *Rules*, has the right to an expedited hearing which should take place as soon as possible and in any event no later than thirty calendar days from the date the matter is referred to the *Irish Sport Anti-Doping Disciplinary Panel*, save where impractical or fairness requires or the Parties otherwise agree.
- 9.2. Subject to rule 10.1, the hearing should take place no later than ninety calendar days from the date the matter is referred to the *Irish Sport Anti-Doping Disciplinary Panel*, save where impractical or fairness requires or the Parties otherwise agree.

- 9.3. Save with the permission of the Chair of the *Irish Sport Anti-Doping Disciplinary Panel* (which permission shall be notified to the Parties in writing), the *Hearing Panel* shall announce its decision to the Parties in writing, dated and signed by at least the *Hearing Panel* Chair within twenty working days of the end of the hearing of the case. The written decision of the *Hearing Panel* shall address and determine the following issues:
- 9.3.1. The jurisdictional basis and applicable rules;
 - 9.3.2. A detailed factual background¹³;
 - 9.3.3. The ADRV(s) committed¹⁴;
 - 9.3.4. The applicable Consequences¹⁵; and
 - 9.3.5. Appeal routes and the deadline to appeal for the *Athlete* or other *Person*¹⁶.
- 9.4. The *Irish Sport Anti-Doping Disciplinary Panel* shall not have the power to award costs save:
- 9.4.1. in accordance with Article 10.12 of the *Rules*, if the principle of proportionality is satisfied, the *Irish Sports Anti-Doping Disciplinary Panel* has discretion to make an award of costs in respect of the hearing or hearings against the *Athlete* or other *Person*;

¹³ For example, where the ADRV is based on an *Adverse Analytical Finding*, the decision shall set out inter alia the date and place of the *Doping Control* session, the type of *Sample* collection (blood or urine), whether the control was *Out-of-Competition* or *In-Competition*, the *Prohibited Substance* detected, the WADA-accredited laboratory that performed the analysis, if the "B" *Sample* analysis was requested and/or performed as well as the results of the analysis. For any other violation, a full and detailed description of the facts shall be made.

¹⁴ Where the violation is based on an *Adverse Analytical Finding*, the decision shall inter alia set out that there was no departure from the *International Standards*, or that the alleged departure(s) did or did not cause the *Adverse Analytical Finding* and demonstrate that the violation of Article 2 is made out (see Article 2.1.2). For any other violation, the hearing panel shall assess the evidence presented and explain why it considers that the evidence presented by *Sport Ireland* meets or does not meet the required standard of proof. In case the hearing panel considers that the anti-doping rule violation(s) is/are established, it shall expressly indicate the anti-doping rule(s) violated.

¹⁵ The decision shall identify the specific provisions on which the sanction, including any reduction or suspension, is based and provide reasons justifying the imposition of the relevant *Consequences*. In particular, where the applicable rules grant discretion to the hearing panel (e.g. for *Specified Substances* or *Specified Methods* or *Contaminated Products*), the decision shall explain why the period of *Ineligibility* imposed is appropriate. The decision shall also indicate the start date of the period of *Ineligibility* (if any) and provide justifications in the event that this date is earlier than the date of the decision. The decision shall also indicate the period of *Disqualification*, with justification in the event that certain results are not *Disqualified* for reasons of fairness, and any forfeiture of medals or prizes. The decision shall also set if (and to what extent) any period of *Provisional Suspension* is credited against any period of *Ineligibility* ultimately imposed, and set out any other relevant *Consequences* based on the applicable rules, including *Financial Consequences*.

¹⁶ The decision shall indicate whether the *Athlete* is an *International-Level Athlete* for the purposes of the appeal route under Article 13. If this information is not available to the *Hearing Panel*, the *Hearing Panel* shall request *Sport Ireland* to liaise with the relevant *Anti-Doping Organisation* (e.g. the *International Federation* of the *Athlete*). The decision shall then set out the appropriate appeal route (including the address to which any appeal should be sent to) and the deadline to appeal.

- 9.4.2. in accordance with Article 8.3.4.2 of the *Rules*, where the *Irish Sport Anti-Doping Disciplinary Panel*, having found that there has been no ADRV by the *Athlete* or other *Person* concerned, and it considers it appropriate in the particular circumstances of the case to award some or all of their costs to the *Athlete* or other *Person*, having considered all the circumstances of the case.
- 9.5. The Registrar to the *Irish Sport Anti-Doping Disciplinary Panel* shall send copies of the decision to the Parties and to any other *Anti-Doping Organisation* that has a right of appeal against the decision.
- 9.6. Proceedings under the *Rules* are confidential and no arbitrator, Party, observer or witness may disclose any facts or other information relating to the proceedings, save as provided in the *Rules*.

10. Appeals from Hearing Panel Decisions

- 10.1. Decisions of a *Hearing Panel* shall be final and binding, subject to any rights of appeal. The decision being appealed shall remain in full force and effect pending determination of the appeal, unless the CAS orders otherwise.
- 10.2. In accordance with Article 16.4.3, to the greatest extent allowable under applicable law, any challenge to the *Rules* or to a decision made pursuant to the *Rules* shall be made exclusively in accordance with the provisions of Article 13.

11. Miscellaneous

- 11.1. Where a matter arises that is not provided for in the *Rules* or these Disciplinary Procedures, the Chair (or, at the request of the Chair, a Vice-Chair) shall resolve the matter as he or she sees fit.
- 11.2. None of the *Irish Sport Anti-Doping Disciplinary Panel*, its members, the Chair, the Vice-Chairs, the Registrar to the *Irish Sport Anti-Doping Disciplinary Panel* or any expert appointed to assist a *Hearing Panel* shall be liable to any *Person* in any way, in relation to acts done or omitted to be done in good faith in connection with any proceedings conducted under the *Rules* which include these Disciplinary Procedures.
- 11.3. The payment of the fees and expenses of members of a Hearing Panel shall be paid by Sport Ireland on the following basis:
- 11.3.1 An annual budget shall be allocated to the *Irish Sport Anti-Doping Disciplinary Panel*;
- 11.3.2 Such budget shall be a line item in Sport Ireland's budget;
- 11.3.3 Payments to *Hearing Panel* members shall be such fixed amounts as may be set by *Sport Ireland* from time to time, such amounts to be paid in accordance with the European

Communities (Late Payment in Commercial Transactions)
Regulations 2012.