

**WORLD CONFERENCE
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SESSION 9

The International Standard for Results Management (ISRM)

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What is Results Management?



- **No definition in the current World Anti-Doping Code or International Standards**
 - “...a process for the pre-hearing administration of potential Anti-Doping Rule Violations...” (Code Article 7)
 - Results Management Authority: *“The organization that is responsible, in accordance with Code Article 7.1, for the management of the results of Testing (or other evidence of a potential anti-doping rule violation) and hearings...”* (ISTI Definition)

- **Definition in the 2021 Code**
 - *“The process encompassing the timeframe between notification as per Article 5 of the International Standard for Results Management, or in certain cases (e.g., Atypical Finding, Athlete Biological Passport, Whereabouts Failure), such pre-notification steps expressly provided for in Article 5 of the International Standard for Results Management, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).”*

ISRM Genesis



- One of the last key areas without an International Standard
- Results Management (RM) Guidelines (2014): positive feedback
- Stakeholders' comments during first round of consultation for 2021 Code
 - Proposal made by the Code Drafting Team
- De-clutter the Code and bring together the RM provisions
- Compliance perspective
 - Improve accountability of Anti-Doping Organizations with respect to athletes' right to due process
 - Monitoring by WADA's internal Compliance Taskforce and independent Compliance Review Committee

ISRM Genesis (Cont'd)

- Idea approved by WADA Executive Committee in May 2018
- **First Draft ISRM presented to WADA Executive Committee in November 2018**
→ [Version 1.0](#)
- **First Consultation Phase:**
10 December 2018 – 4 March 2019
→ [Version 2.0](#)
- **Second Consultation Phase:**
27 May 2019 – 8 July 2019
→ [Version 3.0](#)



Approach to ISRM

- Avoid the procedural straitjacket – not regulate every possible aspect of RM, however establish **minimal but mandatory requirements**
- Minimum requirements fleshed out by more detailed comments
- To complement RM requirements in Code and Technical Documents, etc.
- To co-exist with updated RM Guidelines
 - Respect the ISRM and consult the Guidelines





What remains in the Code?

- **Responsibility for conducting Results Management (Art. 7.1):**
 - Jurisdiction and applicable procedural rules
 - Mechanism to settle disputes
 - WADA's role (designation of an ADO, etc.)
- **Main principles related to:**
 - Provisional suspensions (Art. 7.4)
 - RM decisions (Art. 7.5 and 7.6)
 - Fair hearing, waiver of hearing and notice of decisions (Art. 8)
 - Appeal procedure (Art. 13)
- **Reporting of anti-doping information in ADAMS:**
 - Whereabouts Failures (Art. 7.1.6)
 - Testing, Therapeutic Use Exemptions, RM (Art. 14.5)



Content – Overview

- **General Principles** (Section 4.0)
 - Confidentiality/public disclosure
 - Timeliness
- **Initial Review and Notification** (Section 5.0)
- **Provisional Suspensions** (Section 6.0)
- **Charging the Anti-Doping Rule Violation** (Section 7.0)
- **Hearings** (Section 8.0)
- **Decisions** (Section 9.0)
- **Appeals** (Section 10.0)
- **Violation of the Prohibition of Participation during Ineligibility** (Section 11.0)

Content – Overview (Cont'd)



Three Annexes taken over (in full or part) from the ISTI; see Code Definition of “*Results Management*” (pre-adjudication phases):

- **Annex A – Review of a possible Failure to Comply**
 - Definition: possible Evading, Refusing or Failing to submit to sample collection (Code Article 2.3) and/or Tampering or Attempted Tampering with any part of Doping Control (Code Article 2.5)
 - No material amendment

- **Annex B – Results Management for Whereabouts Failures**
 - One major change in Article B.1.3: date of occurrence of a Filing Failure
 - “A Filing Failure will be deemed to have occurred (i) where the Athlete fails to provide complete information in due time in advance of an upcoming quarter, on the first day of that quarter, and (ii) where any information provided by the Athlete (whether in advance of the quarter or by way of update) transpires to be inaccurate, on the (first) date on which such information can be shown to be inaccurate.”

- **Annex C – Results Management requirements and procedures for the Athlete Biological Passport**
 - No material amendment

Content – Key Elements

Timeliness

- 6 months from initial review/notification to decision (“Should”)
 - Compliance consequences only in cases of severe and/or repeated failures
- “Short” deadline for explanation from first notification
- 20 days from charge to accept the violation/consequences or request hearing
- Decisions within 2 months of end of written submissions



Content – Key Elements (Cont'd)

Initial review process

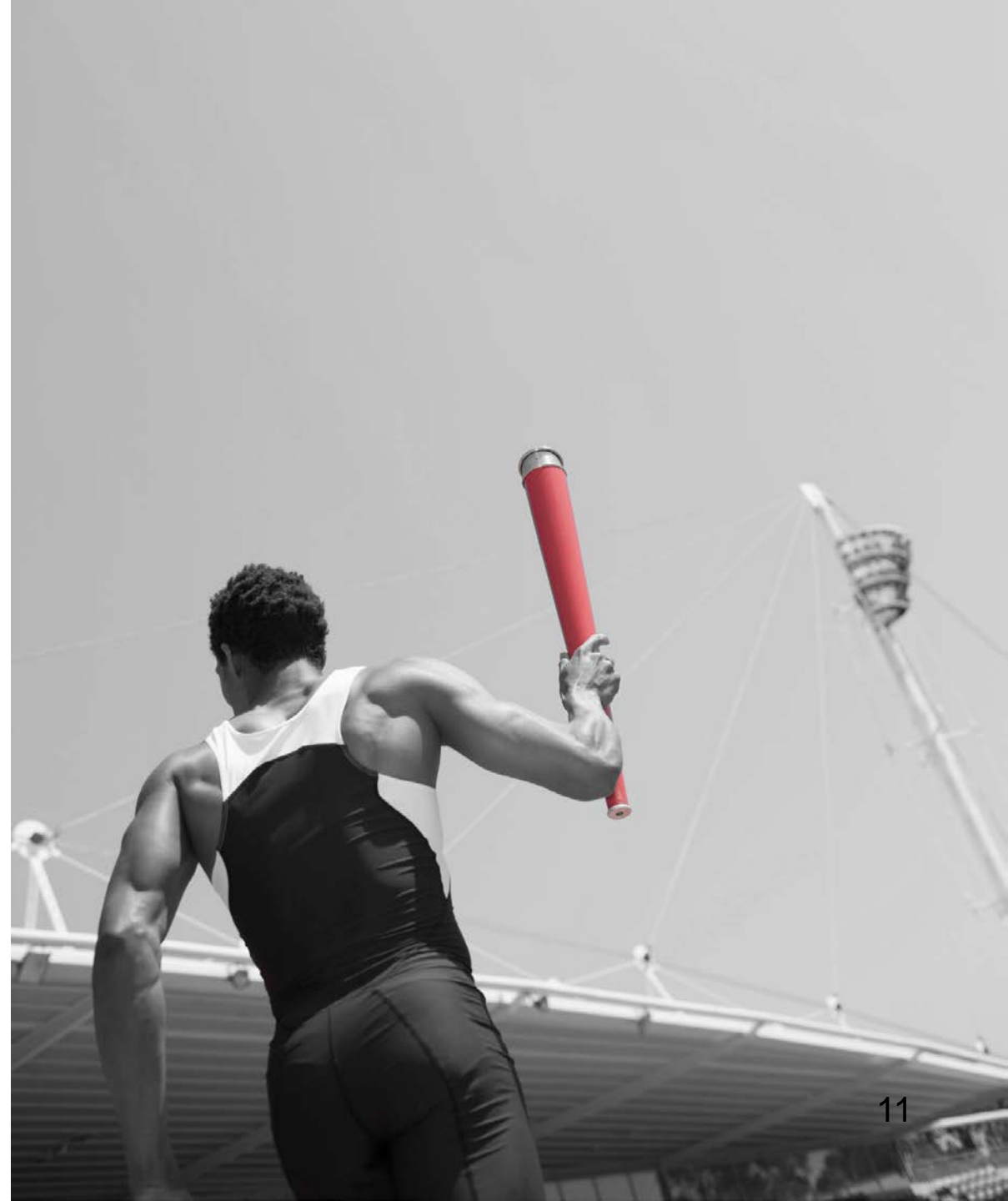
- Adverse Analytical Findings (Articles 5.1.1 and 5.1.1.3): Third limb added, pertaining to prohibited substances with a permitted route (e.g. glucocorticoids) and describing investigative steps Results Management Authorities shall follow
- Atypical Findings (Article 5.2.1): Similar provision added to reflect WADA's Notice on Meat Contamination and to cover any similar situation that may arise in the future



Content – Key Elements (Cont'd)

Two-stage notification process

- Initial Notification: seek and investigate explanations
- B-Sample Analysis: flexibility regarding date and time (either in first notification or Charge)
- Charge: detailed facts and underlying evidence; propose appropriate Consequences
- Draw attention to Substantial Assistance and Code Articles 10.8.1 and 10.8.2 (Admissions & Case Resolution Agreements)



Content – Key Elements (Cont'd)



Hearing process – General principles

- **Fair and impartial** (right to counsel, right to present submissions and evidence, to examine witnesses, etc.)
- **Accessible and affordable**
- Reasonable **timeframe**
- **Right to request a public hearing**, see ISRM Article 8.8(e):
See Comment to Article 8.8 (e): “*The Athlete or other Person’s request may be denied by the hearing panel in the interest 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 questions of law.*”

Content – Key Elements (Cont'd)

Hearing process – Panels

- **Panel composition**
 - Selected from wider pool
 - Relevant expertise (continuing education)
 - At least one person with legal background
 - Administrators and commission members cannot sit
- **Declaration of impartiality/disclosure & right to challenge**
 - Recusal process of panel members
- **Provision of adequate resources**



Content – Key Elements (Cont'd)



Hearing process – First instance panels

- “**Operational Independence**” is required by Code Article 8.1
 - “...the *Anti-Doping Organization* with responsibility for *Results Management* shall provide, at a minimum, ... Operationally Independent hearing panel in compliance with the *WADA International Standard for Results Management*...”
- **Code Definition:**
 - (1) board members, staff members, commission members, consultants and officials of the Results Management Authority or its affiliates (e.g., member federation or confederation), as well as any Person involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision); and
 - (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the Anti-Doping Organization or any third party.
- **Objective:**
 - To ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

Content – Key Elements (Cont'd)



Hearing process – Appeal panels

- “***Institutional Independence***” is also required by Code Article 13.2:
 - International-Level Athletes; see Court of Arbitration for Sport;
 - Other Athletes: “...*the decision may be appealed to an appellate body in accordance with rules established by the National Anti-Doping Organization. The rules for such appeal shall respect the following principles: ... a fair, impartial, and Operationally Independent and Institutionally Independent hearing panel*”

- **Code Definition:**
 - Hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organization* responsible for *Results Management*. They must therefore not in any way be administered by, connected or subject to the *Anti-Doping Organization* responsible for *Results Management*

Content – Key Elements (Cont'd)

Decisions (ISRM Article 9)

- To be rendered within two months of parties' written submissions
- Stipulations as to minimum content (i.e., jurisdiction, applicable rules, detailed background, reasoning as to Anti-Doping Rule Violation, applicable consequences, appeal routes and deadline)
- Notification requirements (addressees, content, requirements during ineligibility, case file)



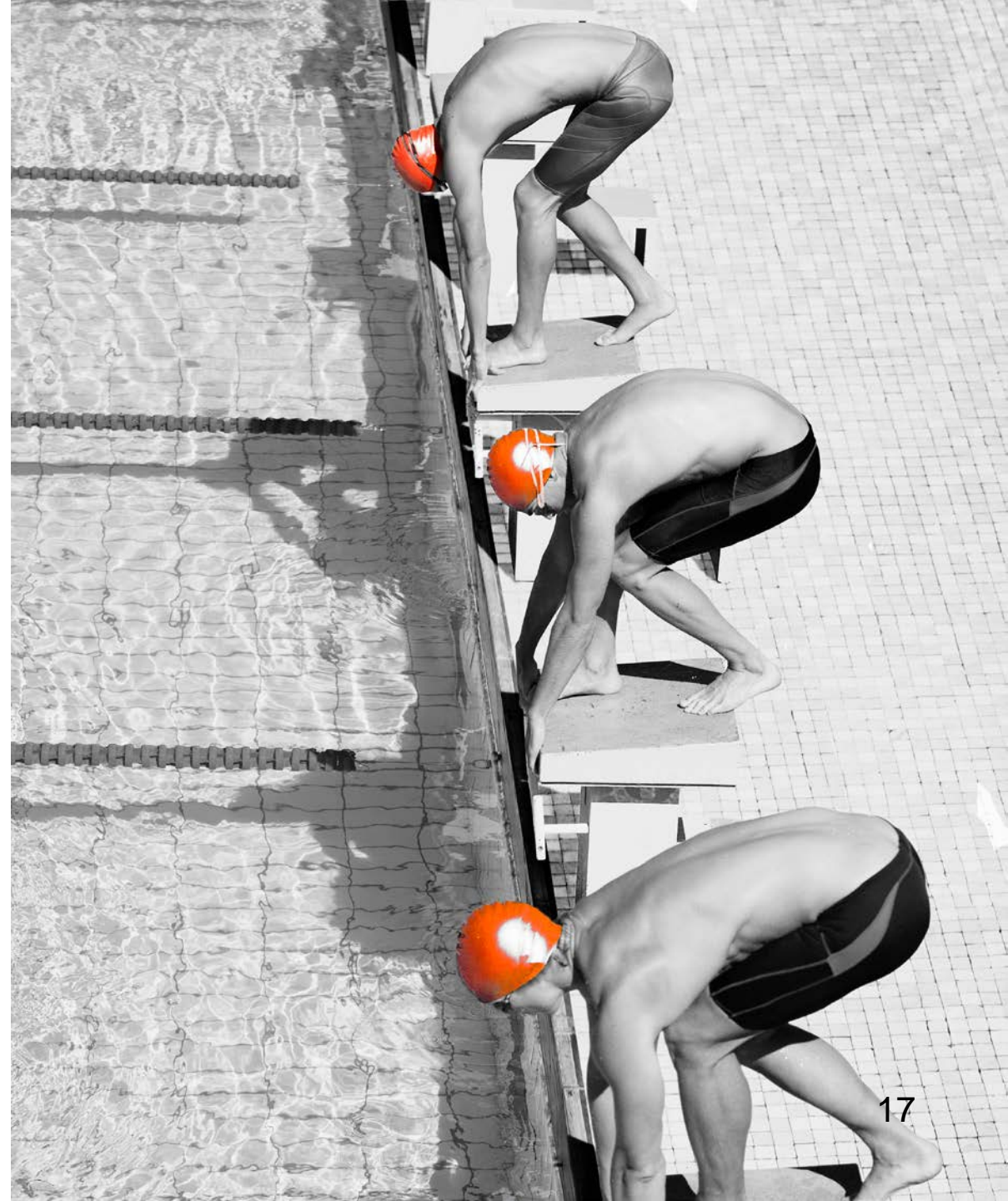
Content – Key Elements (Cont'd)

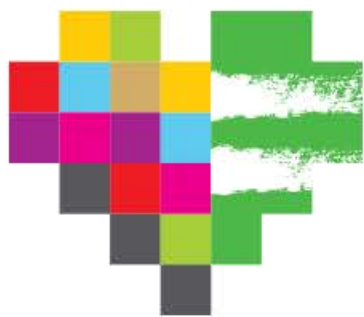
Appeals (ISRM Article 10)

- National Appellate Instances:
 - Operational and institutional independence
 - Decision and notification; see first instance
- Court of Arbitration for Sport (CAS) :
 - WADA given notice of appeals to CAS
 - No settlements of CAS appeals without WADA approval

Violation of the prohibition of participation during ineligibility

- Results Management shall comply with the principles of the ISRM





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