

Hearing Panel

Professional Standard

The professional standard aims to support the anti-doping industry by providing a benchmark of competence for a specific role. Anti-Doping Organizations (ADOs) can use the professional standard to support the evaluation of competence and importantly to support practitioner development by identifying professional development needs.

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The professional standard:

- describes the main functions for a given anti-doping role
- details the expected standard of competence for each of these functions (using performance criteria)
- details the knowledge and skill requirements for the role

KEY PURPOSE

Hear and determine whether a Person* subject to anti-doping rules has committed an anti-doping rule violation* and, if applicable, impose the relevant consequences

Primary functions

Organize and prepare for the holding of the hearing

Sub-Functions

1.1 Direct and control how the hearing is to be conducted in accordance with relevant rules and procedures

1.2 Review the case details before the hearing

1.3 Conduct a provisional hearing on provisional suspension, if applicable

Conduct the hearing of the case

Sub-Functions

2.1 Decide on any procedural issues during the hearing

2.2 Allow parties to present their cases and take initiative to ensure that all relevant legal/factual issues are heard

2.3 Explore the evidence and scrutinize the legal positions presented by the parties

Make a reasoned decision



Sub-Functions


3.1 Identify and evaluate the key legal/factual issues and apply the relevant rules to them

3.2 Give a fully reasoned written decision within the applicable timelines



3.3 Decide on any post-hearing procedural matters which may arise

Organize and prepare for the holding of the hearing

	Performance Criteria You must be able to:	Knowledge and understanding
 1.1 Direct and control how the hearing is to be conducted in accordance with relevant rules and procedures	<p>PC1 Agree a framework for how the Results Management Authority (RMA) will present its case and when it will disclose the evidence* that it has, to support the charge(s) (if not already specified in the hearing panel's procedural rules)</p> <p>PC2 Agree a framework for how the RMA and the accused person* will exchange their evidence* and provide a pre-hearing submission that explains their case (if not already specified in the hearing panel's procedural rules)</p> <p>PC3 Agree on the format and the schedule of the hearing most suitable to the case</p>	<p>K1 Any existing procedural rules applicable to the hearing panel</p> <p>K2 The applicable timelines for procedures</p> <p>K3 The applicable rules of confidentiality and privacy</p> <p>K4 The importance for the accused person* to understand the evidence* that is being relied upon by the RMA and practical implications thereof</p> <p>K5 How to determine the most suitable format for the hearing of the case</p>
 1.2 Review the case details before the hearing	<p>PC1 Evaluate and agree whether the Hearing Panel has jurisdiction to determine the case being brought</p> <p>PC2 Evaluate and agree whether the charge(s) has/ve been properly laid under the correct rules</p> <p>PC3 Identify and review all initiating and required supporting documentation received regarding a case and request additional documentation where needed</p> <p>PC4 Ensure parties have been given sufficient time to prepare to reply to the charge(s)</p> <p>PC5 Identify and agree on the key legal/factual issues of dispute between the parties</p>	<p>K1 Applicable rules</p> <p>K2 The importance for the accused person* to understand the evidence* that is being relied upon by the RMA and practical implications thereof</p> <p>K3 Applicable timelines for the pre-hearing phase</p> <p>K4 How to identify key legal/factual issues in a ADRV case</p>

 1.3 Conduct a provisional hearing on provisional suspension, if applicable	<p>PC1 Ensure both parties have the opportunity to present all the evidence* they want to rely on to argue that a provisional suspension should be imposed or lifted</p> <p>PC2 Evaluate and decide whether the provisional suspension may be imposed or lifted based on applicable rules and the evidence presented</p> <p>PC3 Ensure the provisional hearing is held in an expediate manner (or timely) according to applicable procedures and timelines</p>	<p>K1 Applicable rules for provisional suspensions</p> <p>K2 Admissible evidence*</p> <p>K3 Burden of proof</p> <p>K4 Relevant jurisprudence to provisional suspension</p> <p>K5 Applicable timelines and procedures for provisional suspension hearings</p>
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Conduct the hearing of the case

	Performance Criteria You must be able to:	Knowledge and understanding
 2.1 Decide on any procedural issues during the hearing	PC1 Review any procedural issues raised by the parties PC2 Decide on the procedural issues, and give reasons for directions given on the procedure	K1 Procedural issues that may arise K2 Admissible evidence* K3 Rules of evidence* K4 Any existing procedural rules applicable to the hearing panel
 2.2 Allow parties to present their cases and take initiative to ensure that all relevant legal/factual issues are heard	PC1 Ensure organizational procedures are followed PC2 Ensure that all parties have the opportunity to present all the relevant evidence and statements on their position on the case PC3 Ensure that all parties have the opportunity to cross-examine the other parties' evidence and position PC4 Ensure that the witnesses and experts are not influenced by the evidence presented by others PC5 Communicate in ways that can be understood by the parties, responding to their different needs, abilities, and preferences	K1 Admissible evidence* K2 Burden of proof K3 Hearing framework as determined in the pre-hearing phase K4 Roles and responsibilities of hearing panel members K5 Rules of evidence* K6 Importance of witnesses and experts not influencing each other K7 How to communicate in a manner that is adapted to the parties' needs, abilities, and preferences




2.3



Explore the evidence* and scrutinize the legal positions presented by the parties

- PC1 Consider and assess all the evidence* which is relevant to the charge(s)
- PC2 Ask questions to the witnesses or experts, where necessary
- PC3 Challenge the parties' legal positions, where relevant and consider any relevant jurisprudence
- PC4 Assess credibility of witnesses or experts and analyze corroborated or differing versions of events
- PC5 Maintain a record of the proceedings

- K1 Admissible evidence*
- K2 Burden of proof
- K3 Hearing framework as determined in the pre-hearing phase
- K4 Roles and responsibilities of hearing panel members
- K5 Rules of evidence*
- K6 How to maintain a record* of the proceedings

Make a reasoned decision

	Performance Criteria You must be able to:	Knowledge and understanding
 3.1 Identify and evaluate the key legal/factual issues and apply the relevant rules to them	PC1 Determine which anti-doping rules apply to the case	K1 Applicable anti-doping rules
	PC2 Identify the key facts of the case, and the issues for determination	K2 Applicable rules of jurisdiction
	PC3 Confirm that the hearing panel has jurisdiction to deal with the case based on the applicable rules	K3 ADRVs
	PC4 Evaluate whether the alleged ADRV(s) has/ve been established, and if so, determine which anti-doping rule(s) has/ve been violated	K4 Circumstances, or evidence* that meet the required standard of proof to establish that an ADRV has occurred
	PC5 Determine any applicable consequences or regime of consequences for the ADRV(s) in question	K5 Applicable consequences
	PC6 Consider whether there are circumstances which could justify a reduction, a suspension, or an increase in the consequences, and if so, decide on the consequences to be ultimately imposed	
	PC7 Determine the date on which the period of ineligibility starts and whether any period of provisional suspension is credited	
	PC8 Determine the relevant period of disqualification of the results, if applicable	

<p> 3.2</p> <p>Give a fully reasoned written decision within the applicable timelines</p>	<p>PC1 Issue a decision as agreed by the panel according to applicable procedures and within applicable timelines</p> <p>PC2 Issue written reasons on applicable rules, detailed factual background, ADRV(s) committed, applicable consequences, commencement of the period of ineligibility and justifications for any reduction or increase to the sanction, appeal routes and deadline to appeal</p> <p>PC3 Notify the decision in a manner that is consistent with applicable rules of confidentiality and privacy</p>	<p>K1 ADRVs</p> <p>K2 Applicable consequences</p> <p>K3 Provisions of the 2021 Code and applicable anti-doping-rules</p> <p>K4 Relevant anti-doping jurisprudence</p> <p>K5 Burden of proof in anti-doping.</p> <p>K6 The required content to be included in a decision</p> <p>K7 Appeal routes and deadlines for appeal</p> <p>K8 Applicable procedures for issuing and notifying a decision</p> <p>K9 The applicable timelines for procedures</p> <p>K10 The applicable rules of confidentiality and privacy</p>
<p> 3.3</p> <p>Decide on any post-hearing procedural matters which may arise</p>	<p>PC1 Allow parties to address any post-hearing procedural issues</p> <p>PC2 Decide on the post-hearing procedural issues, and give reasons for decision</p>	<p>K1 Post-hearing procedural issues that may arise</p> <p>K1 Applicable Consequences</p>

Skills

Based on the results of a survey that was circulated among results management practitioners across the anti-doping industry in 2021, a list of skills was identified as necessary for the profession. The following list details skills deemed as essential by 70% of respondents. Such skills should be assessed in candidates applying for a hearing panel member position:

- Critical thinking
- Decision making
- Ability to work in compliance with code, standards, ethics
- Ability to work with sensitive information and maintain confidentiality
- Speaking
- Listening
- Ability to present complex technical content & topics in engaging plain language/formats
- Teamwork collaboration
- Ability to deal with internal and external stakeholders
- Analytical and logical thinking
- Attention to detail
- Ability to record processes in detail and with accuracy
- Emotional intelligence
- Willingness and ability to learn
- Inductive and deductive reasoning
- Research skills
- Ability to develop, write and edit legal documents
- Ability to give and receive feedback
- Writing
- Interviewing

Glossary

(The definitions included in this glossary are either extracted from, or align with the World Anti-Doping Code 2021 and the International Standard for Results Management 2021).

Anti-doping rule violations

The World Anti-Doping Code specifies the circumstances and conduct which constitute anti-doping rule violations, listing the following as constituting anti-doping rule violations:

- (1) Presence of a prohibited substance or its metabolites or markers in an athlete's Sample;
- (2) Use or attempted use by an athlete of a prohibited substance or a prohibited method;
- (3) Evading, refusing or failing to submit to sample collection by an athlete;
- (4) Whereabouts failures by an athlete;
- (5) Tampering or attempted tampering with any part of doping control by an athlete or other person;
- (6) Possession of a prohibited substance or a prohibited method by an athlete or athlete support person;
- (7) Trafficking or attempted trafficking in any prohibited substance or prohibited method by an athlete or other person;
- (8) Administration or attempted administration by an athlete or other person to any athlete in-competition of any prohibited substance or prohibited method, or administration or attempted administration to any athlete out-of-competition

of any prohibited substance or any prohibited method that is prohibited out-of-competition;

(9) Complicity or attempted complicity by an athlete or other person;

(10) Prohibited association by an athlete or other person;

(11) Acts by an athlete or other person to discourage or retaliate against reporting to authorities.

Applicable procedures, requirements, rules and timelines

Any procedure, requirement, rule and timeline as prescribed with the World Anti-Doping Code, the International Standard for Result Management and associated Guidelines, the organizational specifications, and/or national laws and regulations.

Consequences

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 on account of an anti-doping rule violation for a specified period of time from participating in any Competition or other activity or funding as provided in Article 10.14.1 of the Code;

(c) Provisional Suspension means the Athlete or other Person is barred temporarily from participating in any Competition or activity prior to the final decision at a hearing conducted under Article 8;

(d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and

(e) Public Disclosure means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14. Teams in Team Sports may also be subject to Consequences as provided in Article 11.

Evidence

Evidence may include testimony (i.e., oral or written statements from witnesses, including expert witnesses) or documentary or other evidence (i.e., video or audio recordings), or a combination thereof.

Person

Any natural person, organization or other entity that is bound by the anti-doping rules, including but not limited to athletes and athlete support personnel.

Collaborators

WADA, while leading the standard setting work to develop the professional standards, works collaboratively with stakeholders and WADA technical teams. The development work for Privacy and Data Protection was conducted by the Technical Working Group composed of:

- Daniel Thomas Kim - FIFA
- James Laing - UK Anti-Doping
- Kataoka Akira - Japan Anti-Doping Agency
- Kevin Bean - Canadian Centre for Ethics in Sport
- Laura Gallo - Athletics Integrity Unit
- Luciana Correa - Autoridade Brasileira de Controle de Dopagem
- Njeri Onyango - ADAK Hearing Panel member

- Tharinda Puth - WADA
- Thomas Delaye - Badminton World Federation
- Zinzi Sitoto - International Paralympic Committee
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This group was chaired by Education practitioners from the anti-doping industry:

- David Müller - NADA Austria
- Erik Duiven - Doping Authority Netherlands

GLDF Overview

One of WADA's six priorities under the World Anti-Doping Agency's 2020-2024 Strategic Plan is to 'Grow Impact'. As one of the key initiatives under this priority, the Agency has committed 'to developing training programs and qualifications standards for anti-doping professionals to improve professionalism and enhance the capabilities of the anti-doping workforce'.

Accordingly, in April 2020, WADA's Education Department commenced development of a Global Learning and Development Framework (GLDF), through which specific, standardized training for a range of anti-doping roles are being developed and made available for Anti-Doping Organizations (ADOs) and other stakeholders worldwide within

the anti-doping ecosystem. The GLDF establishes role descriptors, professional standards and global learning and development activities for practitioner roles in the anti-doping industry.

The role descriptors have been used by WADA to develop competency-based training programs. They can be read alongside:

- (1) the professional standards for the corresponding role, which describe the expected standard of competence for a given role
- (2) the anti-doping core competency framework, which details the values and competencies that are common across the various roles in the anti-doping industry.

Quality Management

Version: 1.0

While WADA will update this document regularly to ensure it remains up-to-date, version 1.0 specifically is published as part of a pilot project and will be reviewed at the conclusion of the pilot.

Endorsed by: WADA Education Committee

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*** The Professional (occupational) Standards are the benchmarks of good practice and describe the expected standard of competence for a given role. They should not be confused with the International Standards, which are a set of documents that, along with the World Anti-Doping Code, seek to harmonize anti-doping policies, rules and regulations among Anti-Doping Organizations (ADOs) for specific technical and operational parts of anti-doping programs.***