



Anti-doping sch2 3rd para has EKC as does Sch 3 b), Sch 5 b), Sch 2 funding e and f
Health and Safety Title should read "Health and Safety Policy"?
Instructors Guide-lots of appendices with Feb 2020-do we have?
Novices guide Safety & Welfare say EK has adopted Sport England and S& RA codes
etc
last sentence and further info refer to EKC website not EK.

ANTI-DOPING RULES AND REGULATIONS

EK condemns the use of prohibited substances and/or prohibited methods in sport. The use of such substances and/or methods is considered contrary to the spirit and ethics of sport.

The following Rules and Regulations are designed to promote fairness and exemplary ethical standards in competition and participation in Karate.



Preface:

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The following Rules and Regulations (the Rules) constitute the anti-doping policy of EK

Participant eligibility for any event or activity that has been organised, conducted, approved, or held by the EK, any EK member or affiliated organisation must comply with the Rules.



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1. **Glossary of terms:**

Blood Doping	–	the administration of blood, red blood cells and related blood products, which may be preceded by withdrawal of blood from the person who continues to train in such a blood-depleted state.
EK	–	England Karate
IOC	–	International Olympic Committee
Masking agent	–	any substance or procedure used for the purpose of or having the effect of altering or suppressing the integrity of urine or other samples used in doping controls.
Prohibited method	–	as defined within these “Rules” and any other such reference as herein deferred to
Prohibited substance	–	as defined within these “Rules” and any other such reference as herein deferred to
The “Rules”	–	the rules and regulations contained within this and other documents herein referred
WADA	–	World Anti-Doping Agency

2. RULES AND REGULATIONS

PART ONE.

Article I.

Sch. 1 Anti-doping offences

The following circumstances constitute an anti-doping offence when a person;

- a. is found to have present in his/her body tissue and/or body fluids a prohibited substance; and/or
- b. is found to have present in his/her body a biotechnological performance enhancement structure (refer Appendix A); and/or
- c. is found to have used a prohibited method; and/or
- d. admits to using or attempting to use a prohibited substance and/or prohibited method and/or a biotechnological performance enhancement structure (refer Appendix A); and/or
- e. admits to or is found to have assisted, procure, induce, another to use or attempt to use a prohibited substance and/or prohibited method and/or a biotechnological performance enhancement structure (refer Appendix A); and/or
- f. is convicted of a criminal offence involving the use of a prohibited substance and/or prohibited method and/or a biotechnological performance enhancement structure (refer Appendix A); whether committed within the jurisdiction of the United Kingdom and/or any other sovereign territory; and/or
- g. fails or refuses to comply with any provision of the Rules; and/or



- h. either obstructs or hinders or attempts to obstruct or hinder with the application and/or interpretation of any part of the Rules

Sch. 2 Investigations

- a. EK will seek to conduct investigations and enquiries into the activities of any person it has reasonable cause to believe may have committed, is about to commit, or attempts to commit any offence under the Rules.

All persons shall be expected to co-operate fully with such investigations.

Article II.

Sch. 1 Anti-doping testing

- a. Where requested by an authorised sampling officer, all or any person must make themselves available for and submit to anti-doping testing
- b. Anti-doping testing may be conducted both within and beyond the United Kingdom and its territories
- c. Selection for anti-doping testing may be either random or specific
- d. Anti-doping testing may be conducted without prior notice

Sch. 2 The Register

- a. EK shall keep a register of those who are subject to out of competition testing and any person entered in the register will be notified of that fact.
- b. On receipt of notification a person must keep EK or anyone whom it directs) informed of their current contact details, specifically their address and telephone number where they can be contacted without delay.

EK will take every reasonable effort to avoid unnecessary inconvenience to the person being tested, however, liability for any loss resulting from such inconvenience will not be accepted by EK or any person or duly authorised organisation acting on its behalf.

Sch. 3 Duty to notify retirement



- a. A person who retires from any event or activity shall promptly notify EK in writing of their retirement. Thereafter, anti-doping testing of that person shall cease two weeks from the date "EK" receives the retirement notification. After retirement, a person who subsequently wishes to participate in any events or activities must make themselves available for anti-doping testing under the Rules for a period of 3 months they will be eligible to enter events or competition.
- b. UK Sport may act as agent for EK for the collection of samples for anti-doping testing and EK shall provide all reasonable assistance to UK Sport and its sampling officers in that process.

Only those bodies approved and/or accredited in accordance with the requirements of the International Standard for Doping Control will be authorised to carry out sample collection and laboratory sample analysis.

Sch. 4 Minor irregularities

Minor irregularities in sample collection or analysis, which cannot reasonably be considered to have affected the reliability of results of otherwise valid tests, shall have no effect on such results. Minor irregularities do not include:

- a. A breach in the chain of custody of the sample, such as the improper sealing of the sample bottles or containers;
- b. A failure to request the signature of the person being tested either at notification or completion of sample collection.
- c. A failure to provide that person with an opportunity to be present or be represented at the opening and analysis of the B sample if he/she disputes the results of the A sample analysis and if the B sample analysis is requested.

Sch. 5 Anti-doping testing reports

- a. Following the collection and testing of samples UK Sport will notify EK in writing of the names and addresses of all persons tested indicating those tests which are negative, positive, or those persons who failed to comply with the requirement to provide a sample as a consequence of refusing or not being available to undergo anti-doping testing.

- b. Negative results will be processed and notified to EK within 4 working days of receipt by UK Sport. Findings or other reports of (non-minor) irregularities will normally be processed and notified to Karate England within 1 working day of receipt by UK Sport. EK will notify those tested their anti-doping test results.
- c. In the event of a positive result UK Sport will send a written report to EK. The report will contain, where existing, any laboratory analysis report, chain of custody documentation, sample collection forms, and any other relevant supporting documentation that would likely affect or influence EK management of the case.
- d. In the event that the report relates to a failure or refusal to submit to anti-doping testing the relevant Sampling Officer's report will be made available in place of the analytical report.

Article III.

Sch. 1 Positive Anti-doping Test results

- a. Should a tested person dispute a positive anti-doping test result of an A sample, and within 7 days of his/her receiving the relevant report, he/she may in writing to EK request to be present and/or represented at the analysis of his/her B sample.
- b. Thereafter, UK Sport will submit the B sample for analysis to be conducted by the same laboratory that tested the A sample.
- c. On submission of the B sample UK Sport, in consultation with the testing laboratory, will propose two dates on which analysis of the sample can be conducted. Those dates will be communicated to EK and the testing subject upon which they will either accept or reject them. Where reasonably rejected, UK Sport will seek to secure alternative dates.
- d. Upon receipt of analysis of the B sample UK Sport will in writing notify EK of the same. Where that analysis indicates a positive



anti-doping test outcome EK will in writing confirm the action it has taken in respect of that analysis report.

- e. Where a person disputes the finding of the analysis of either A or B samples his/her objections must be made out in writing and sent to EK by first class recorded delivery within 7 days of being notified of that analysis. In the event of proven postal strike action all written objections must be sent by an alternative delivery method and in such circumstances an authorised EK official must receipt delivery.

Failure to raise such objection within 7 days of being notified will not preclude a person from raising the matter of objection at a subsequent disciplinary hearing.

PART TWO.

Article IV.

Sch. 1 Review Panel and Pre-hearing Review

- a. Where a positive A sample analysis has been returned; and/or a written report of a failure to submit to anti-doping testing; and/or a written report of a breach of any Rule or Regulation herein stated; EK will convene a Review Panel to examine the available evidence for the purpose of determining whether there is a case to answer.

The Review Panel shall consist of appropriately qualified persons who themselves shall possess the necessary expertise to undertake the task of evidentiary review.



The examination by the Review Panel of the presented evidence shall neither form a part of the disciplinary process nor constitute a hearing for the purposes of determining whether an anti-doping offence has been committed. As such the processes of the Review Panel will be conducted in closed session.

Article V.

Sch. 1 Review Panel procedure

- a. Should a tested person submit a written objection, in accordance with Art 3 above, to the test analysis of either sample A or B the Review Panel will in their deliberations give full consideration to those issues raised by that person.
- b. Where the Review Panel determines, on the basis of its examination of the available evidence, there is a case to answer the matter will be referred to full hearing before the Disciplinary Committee. In such circumstances EKC will in writing notify the person concerned.
- c. Where the Review Panel determines, on the basis of its examination of the available evidence, there is no case to answer the matter will be discharged. In such circumstances EKC will in writing notify both the person concerned and UK Sport.

In the event the tested person accepts the finding of a positive A sample analysis:

- d. The Review Panel shall consider whether it is necessary to confirm the finding by requesting the analysis of a B sample.
- e. Where a B sample analysis is ordered a representative from EKC or an authorised person will attend the laboratory to observe the testing process.

The Disciplinary Committee will formally convene to hear all the available evidence with the purpose of determining whether or not a doping offence has been committed.

The Review Panel may exercise its discretion to decline to issue any statement of its findings until such time it has had a reasonable opportunity to examine any such evidence as it has called for.

UK Sport may initiate further and additional enquiries of its own volition.



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Article VI.

Sch. 1 **Disciplinary procedure**

- a. Where it has been found that there is a case to answer the tested person will be invited to attend and/or be represented at the disciplinary hearing.
- b. The disciplinary hearing shall normally convene within 4 weeks of the Review Panel's finding of a case to answer.
- c. During the 4 week period, as at b above, the tested person must submit in writing any relevant evidence which he/she wishes to put before the Disciplinary Committee.
- d. The admissibility of evidence falls within the discretion of the Disciplinary Committee, however the discretion to exclude evidence will only be exercised after careful and advised consideration.
- e. Application to adjourn the hearing can be made to the Disciplinary Committee. However, the power of adjournment is discretionary and will only be exercised after all the relevant factors have been considered.
- f. In making application for adjournment, the applicant will have to prove extenuating circumstances became extant since being notified that the disciplinary hearing is to proceed.
- g. The Disciplinary Committee's decision will be notified in writing to the tested person within 7 days of the formal conclusion of the disciplinary hearing. That decision will also be communicated to UK Sport.
- h. The notice of Disciplinary Committee's decision will explain the reasons supporting its findings and, where appropriate, the sanction it imposes upon the tested person.

Sch. 2 **Funding**

- a. Where the Review Panel determines there is a case to answer, and the matter has been referred to the Disciplinary Committee, Sport England may immediately suspend funding to the person or persons concerned until the conclusion of the disciplinary process including any matter of appeal.

- b. If at the conclusion of the disciplinary process, including any matter of appeal, it has been determined no offence has been committed, the suspended payments will be paid in full and normal payments will resume under the original terms of grant.
- c. Where a person is found to have committed an anti-doping offence and/or anti-doping method and/or failure to comply with a request to submit to anti-doping testing, Sport England will make no payments to that person or to any association in respect of that person.
- d. Any further funding will be subject to successful reapplication by the person found to have committed an anti-doping offence.
- e. EK shall not propose for Sport England lottery funding at any time any person found to have committed an doping offence as defined in Article IX(b) of the Sports Councils' Statement of Anti-Doping Policy.
- f. EK shall not propose a person for Sport England lottery funding for any such periods as referred to in Art IX of the Sports Council's Statement of Anti-Doping Policy where they have been determined to have committed an anti-doping offence as herein referred.
- g. Any such person found guilty of an anti-doping offence and/or method shall not be eligible to use lottery funded facilities, and may not participate in any lottery funded training sessions, or receive any available support services via the World Class Performance Programme, except where their use forms part of an agreed rehabilitation programme.

Sch.3 Periods of suspension and fines

- a. In the case of doping the penalties for a first offence are as follows, and where the Prohibited Substance used is ephedrine, strychnine or related substances:
 - i. a warning;
 - ii. a ban on participation in one or several competitions or other karate participative event in any capacity whatsoever;
 - iii. a fine of up to £2,000;
 - iv. suspension from any competition or other karate participative event for a period of one to six months.
- b. If the Prohibited Substance is one other than those referred to in paragraph a) above:

- i. a ban on participation in one or several competitions or other karate participative event in any capacity whatsoever;
- ii. a fine of up to £3,000;
- iii. suspension from any competition or other karate participative event for a minimum period of two years.

In the case of:

- Intentional doping
- The use of a Masking Agent
- The use of manoeuvres or manipulation that may prevent or distort any test contemplated in the Rules
- Refusal and/or avoidance to undergo any anti-doping testing under the Rules
- Doping for which responsibility is imputable to an official or a participant's entourage
- Complicity or other forms of involvement in an act of doping by members of a medical, pharmaceutical, or related profession
- The implementation of and/or attempting to use and/or assist, procure, induce, another to use or attempt to use a prohibited method.

The sanctions are as follows:

- c. Where the Prohibited Substance used is ephedrine, strychnine or related substances:
 - v. a ban on participation in one or several competitions or other karate participative event in any capacity whatsoever;
 - vi. a fine of up to £3,000;
 - vii. suspension from any competition or other karate participative event for a period of two to eight years.
- d. Where the Prohibited Substance used is one other than those referred to in paragraph a) above or if it is a repeat offence (a repeat offence being constituted by a further case of doping perpetrated within a period of ten years after the preceding sanction, whatever form it took and whatever the reason for it, became final)
 - viii. a life ban on participation in any sports competition or other karate participative event in any capacity whatsoever;
 - ix. a fine of up to £10,000;



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- x. suspension between four years and life from participation in any sports competition or other Karate participative event in any capacity whatsoever.
- e. Any case of doping during a competition automatically leads to invalidation of the result obtained (with all its consequences, including forfeiture of any medals and prizes), irrespective of any other sanction that may be applied.
- f. The penalty for an offence committed by a participant and detected on the occasion of an out-of-competition test shall be the same, and shall take effect from the date the positive result was recorded or the date on which the final judgement further to an appeal is pronounced, whichever is the more recent.
- g. The period of suspension from participation in any sports competition or other karate participative event may continue until such time all fines have been satisfied and/or reinstatement has been sanctioned.



PART THREE.

Article VII.

Sch. 1 Right of Appeal against decision

- a. Where a party disputes the decision of the Disciplinary Committee he/she must in writing submit to the EK Appeal Committee an application to appeal. The application must be made within 14 days from being notified of the Disciplinary Committee's decision.
- b. The application must clearly state the reasons why and on what grounds an appeal is sought.
- c. Such application will be considered on the papers alone.
- d. New evidence will not be considered unless it is such as to overwhelmingly bring into question the safety of the Disciplinary Committee's decision.

Sch. 2 Right of Appeal against sanction

- a. Where a party disputes the sanction of the Disciplinary Committee he/she must in writing submit to the EK Appeal Committee an application to appeal. The application must be made within 14 days from being notified of the Disciplinary Committee's sanction.
- b. The application must clearly state the reasons why and on what grounds an appeal is sought.
- c. Such application will be considered on the papers alone.
- d. New evidence will not be considered unless it is such as to overwhelmingly bring into question the integrity of the Disciplinary Committee's sanction.



Where an application for appeal has been granted the Appeal Panel will normally convene within 4 weeks of being granted.

Sch. 3 Right to be heard, and notification of decision

- a. Each party is entitled to be heard, whether in person or by representation, at the Appeal Hearing.
- b. The outcome of an Appeal Hearing will be communicated to the parties concerned in writing within 7 days of the final day of the hearing.
- c. A copy of the Appeal Panel's decision will be communicated to Sport England.



PART FOUR.

Article VIII.

Sch. 1 Standards

- a. Regardless of the type of hearing the burden of proof shall rest with the party that asserts. At all times the United Kingdom civil standard of proof, on a balance of probability, is to be adopted.

Article IX.

Sch. 1 Costs

- a. The Disciplinary Committee and Appeal Panel shall have the discretionary power to make a contribution order against costs. Such an award may require the relevant parties to contribute in part or otherwise to the costs and expenses incurred by any party concerned.
- b. The Appeal Panel shall have the discretionary power to adjust, amend, alter, endorse, or repeal any contribution order so made.



Article X.

Sch. 1 Reinstatement

- a. EK shall, where applicable, publish conditions of eligibility for reinstatement, including whether a person is required to participate in a programme of no notice testing, and/or rehabilitation, and/or involvement in education programmes.
- b. Where applicable the reinstatement requirements shall be presented to the person concerned at the time of his/her being notified of the Disciplinary Committee's decision.
- c. A person that has been subject to sanction in regard to an anti-doping offence may apply for reinstatement either during or at the conclusion of the sanction period wherever appropriate.
- d. Where an application for reinstatement has been made, EK shall appoint an independent Tribunal Panel to consider the application. Any such application should, where appropriate, be accompanied by evidence of full compliance with any prior sanction conditions and/or orders.
- e. The Tribunal Panel shall be constituted of individuals that have not been involved in any matter or dispute formulating the process from which the applicant wishes to be reinstated.



- f. UK Sport shall be notified of all applications for reinstatement, and also the subsequent decision made by the independent tribunal in relation to those applications.

3. GENERAL

UK Sport

All persons are to recognise that UK Sport is entitled to report to the British Olympic Association, and/or relevant Commonwealth Games Association, and/or other comparable organisation regarding the progress of an anti-doping matter in so far as it is relevant to the eligibility of any person to represent the United Kingdom and/or any other sovereign territory.

EK has agreed that UK Sport can observe any disciplinary hearing or appeal arising from the matters herein determined.

EK has agreed to provide UK Sport with a written report concerning the investigation and/or prosecution of any anti-doping offence within 5 working days of a decision being made.



Information privacy

In the context of this Anti-Doping Policy data subject information is only used in so far as is necessary to give efficacy to the overriding purpose of ensuring fair and exemplary ethical standards in EK, UK Sport, IOC, and the World Anti-Doping Agency, for the above purposes is implied by membership of EKC

Miscellaneous

Effective date January 2009

The Rules are to be determined in accordance with United Kingdom law.

APPENDIX A

Prohibited substances and prohibited methods are the substances and methods included in the latest WADA list of prohibited substances and methods including substances prohibited in specific sports (as amended from time to time).

EK has and will from time to time expand the following list of such substances and methods in accordance with the considered best interests of all participants of Karate.

Sample collection and analysis will be conducted in accordance with the recommended procedures of the WADA International Testing Standard and the International Standard for Doping Control.



Biotechnological performance enhancement

Any genetically modified structure systemically utilised, other than for an independent verifiable medical therapeutic purpose, and that has been introduced into a person in order to enhance their performance by whatever means.