

Case 17 – Anti-Doping Rule Violations committed by Athlete Support Personnel

Key words

Athlete Support Personnel; CEO; Tampering; Aiding and Abetting; Complicity; false evidence; non-player related activities; [Doping](#)

Summary

MR U who, at the relevant time, was a CEO of a Rugby League club was charged with conduct that violated Article 2.5 of the RFL Anti-Doping Rules (*Tampering or Attempted Tampering with Doping Control*) and/or Article 2.8 of the RFL Anti-Doping Rules (*assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation*). The case was referred to the National Anti-Doping Panel for resolution by arbitration.

Background Facts

MR U gave witness evidence, oral and written, before the NADP Tribunal of an NADP hearing for an RFL club athlete (“the Athlete”). The Athlete and another witness also gave evidence and U prepared statements on their behalf. Later, it transpired that the evidence given to the NADP Tribunal in that hearing on behalf of the Athlete and the other witness was materially false. The Athlete and the other witness alleged that Mr U instigated, and was complicit, in their giving of that false evidence.

Reasoning and Decision of the Tribunal

UKAD brought charges under Article 2.5 and 2.8 of the RFL Anti-Doping Rules against MR U on the basis that MR U had knowingly made and/or encouraged the Athlete and other witness to make factual assertions in evidence/submissions to the NADP Tribunal that heard the Athlete's case that MR U knew to be false in several material aspects. MR U fell under the jurisdiction of the NADP Tribunal for the alleged violations of the RFL Anti-Doping Rules on the basis that he was an "Athlete Support Personnel". Mr U contested both charges and denied all of the factual allegations on which those charges were based.

The matter was eventually resolved by agreed Consent Order between the parties, subject to approval of the NADP Tribunal convened to hear the matter. Mr U did not contest the charges brought under Article 2.5, and UKAD did not pursue the charge of violation under Article 2.8. A period of Ineligibility of two years was imposed given that this was MR U's first anti-doping rule violation. During the period of Ineligibility MR U was prohibited from performing all "Athlete Support Personnel" functions but was able to perform functions considered "non-player related activities in sport" i.e. marketing and communications, retail and lottery.

The Tribunal approved the terms of the Consent Order agreed between the parties.

Learning points

- Individuals who have statements prepared on their behalf should ensure that the facts are true to the best of their knowledge prior to submission before a tribunal
- For the purposes of UK ADR, Athlete Support Personnel is likely to be construed widely to include individuals in clubs/institutions such as board members and CEOs, who will therefore be subject to the ADR.