

BJJAGB RECREATIONAL DRUGS POLICY

Effective Date: 1st June 2019

1. DEFINITIONS

The term “Recreational Drug” includes but not limited to, any of the following:

Amphetamine, Cannabinoids (for example, hashish and marijuana), Cocaine, Diamorphine (heroin), Lysergic Acid Diethylamide (LSD), Mephedrone, Methadone, Methylamphetamine, Methylenedioxyamphetamine (MDMA or ecstasy) and Methylenedioxyethylamphetamine (MDEA).

The BJJAGB may at any time designate further substances as “Recreational Drugs” for the purposes of this Recreational Drugs Policy.

Any changes to the list of Recreational Drugs after the Effective Date will be published on the BJJAGB Anti-Doping website (www.bjjagbanti-doping.com) and will take effect from the date of such publication.

The BJJAGB’s designation of a substance as a Recreational Drug is final and may not be challenged on any basis.

2. PURPOSE

This Recreational Drugs Policy is not concerned with the presence, Use, etc. of Recreational Drugs during the In Competition period or with the illicit enhancement of sports performance.

Such concerns are addressed solely and exclusively by BJJAGB Anti-Doping Policy.

To that end, nothing in this Recreational Drugs Policy is intended or should be interpreted or applied in a manner that undermines the strict application and enforcement of the BJJAGB Anti-Doping Policy in accordance with their terms. In particular, if any conduct that would constitute a breach of this Recreational Drugs Policy also constitutes a breach of the BJJAGB Anti-Doping Policy, it shall be pursued as a breach of the Anti-Doping Policy, and not as a breach of this Recreational Drugs Policy.

Instead, this Recreational Drugs Policy has been adopted because experience shows that, due to their age, spare time, disposable income, etc., athletes are at risk of being exposed to Recreational Drugs while Out of Competition, with the following potential consequences:

Damage to the physical and /or mental health, welfare and general well-being of an athlete using Recreational Drugs, both in the short- term and because of the addictive effects of Recreational Drugs in the long-term.

Athletes under the influence of Recreational Drugs risk injuring themselves or others during training, due to the negative effect that Recreational Drugs can have on both mental and physical functioning such as motor skills, reaction time, altered perception, concentration, judgment, and decision-making.

Athletes testing positive immediately after a competition or training session for a Recreational Drug taken Out of Competition (because metabolites of the drug remain in the system for several days or even weeks), and consequently being banned from the sport for a lengthy period under the BJJAGB Anti-Doping Policy.

Harm to public health where Athletes use of Recreational Drugs is replicated by younger athletes and followers who see them as role models.

Damage to the image and reputation of the sport, with parents potentially being deterred from permitting their children to participate in the sport and /or potential commercial partners being deterred from associating their brands with the sport.

To prevent these damaging consequences to the health and welfare of athletes and/or of those who regard athletes as role models, and also to protect the image and reputation of the sport, by providing for (i) courses of education, counselling and treatment, where appropriate, to rehabilitate Athletes who have become involved with Recreational Drugs while Out of Competition; and (ii) the imposition of proportionate sanctions when necessary to address such conduct and to deter similar conduct in the future.

3. PROHIBITED CONDUCT

Each of the following shall constitute a breach of this Recreational Drugs Policy (whether or not it takes place in connection with a training session or other activity organised by a Club or Association)

- a. The presence of a Recreational Drug or its Metabolite(s) or Marker(s) in a Sample provided by an athlete while they are Out of Competition.
- b. Such presence is a strict liability offence, no proof is required that the Player ingested the Recreational Drug intentionally, recklessly, negligently or even knowingly; and nor is proof of lack of such intent, recklessness, negligence or knowledge a defence
- c. The following evidence shall be sufficient to establish the presence of a Recreational Drug or its Metabolite(s) or Marker(s) in a Sample collected from the Athlete while they were Out of Competition: an Adverse Analytical Finding for the Recreational Drug or its Metabolite(s) or Marker(s) in the A Sample, where either (a) the athlete waives analysis of the B Sample or (b) analysis of the B Sample confirms the Adverse Analytical Finding made in respect of the A Sample.
- d. The Use or Attempted Use of a Recreational Drug by an athlete while they are Out of Competition.
- e. Such use is a strict liability offence, i.e., to establish the offence of Use of a Recreational Drug by an athlete while they are Out of Competition, no proof is required that the athlete used the Recreational Drug intentionally, recklessly, negligently or even knowingly; and nor is proof of lack of such intent, recklessness, negligence or knowledge a defence to a charge of Use
- f. In contrast, to establish the offence of Attempted Use of a Recreational Drug by an Athlete while Out of Competition, the BJJAGB must prove intent on the part of the athlete.
- g. Possession of a Recreational Drug by a Player while they are Out of Competition.

For purposes of the Prohibited Conduct rules, in addition, the term "Possession" shall also encompass circumstances where Athlete Support Personnel or other third party are holding Recreational Drugs on behalf of the athlete while they are Out of Competition, at the direction of the athlete and/or with the athlete's knowledge and acquiescence.

For the avoidance of doubt, any Athlete Support Personnel who holds a Recreational Drug on behalf of an athlete while the Athlete is Out of Competition may be charged with a breach of the Recreational Drugs Policy

- h. Possession of a Recreational Drug by Athlete Support Personnel on behalf of an Athlete while the Athlete is Out of Competition.
- i. Administration or Attempted Administration of a Recreational Drug by an Athlete or Athlete Support Personnel to a(nother) Athlete (with or without his knowledge) while the (other) Athlete is Out of Competition.
- j. Trafficking or Attempted Trafficking of one or more Recreational Drugs by an Athlete or Athlete Support Personnel.
- k. Assisting, encouraging, aiding, abetting, conspiring to commit, covering up, or any other type of intentional complicity by an Athlete or Athlete Support Personnel in a breach by another Athlete or Athlete Support Personnel of this Recreational Drugs Policy.

All Athlete's and Athlete Support Personnel are responsible for ensuring that they know what substances have been designated as Recreational Drugs and what conduct is prohibited under this Recreational Drugs Policy.

Professed ignorance of this Recreational Drugs Policy shall not be a defence to a charge of breach of this Recreational Drugs Policy. Nor shall it be a defence that the breach did not have any effect on any Athlete's sports performance.

An Athlete with a documented medical condition may apply in advance in writing to the BJJAGB Technical Committee for permission to Use a Recreational Drug for a defined period to treat that condition. Such application must be accompanied by accurate and complete medical evidence justifying such Use. The Technical Committee may grant or deny such application, conditionally or otherwise, in its absolute discretion. Any permission granted must be in writing in order to be valid for these purposes.

Any presence of a Recreational Drug in a sample, or any Use, Possession, Administration or supply of a Recreational Drug that is consistent with such permission shall not amount to a breach of this Recreational Drugs Policy.

An application for permission to use a Recreational Drug will not be considered for retroactive approval except in cases where the emergency treatment or treatment of an acute medical treatment was necessary or due to exceptional circumstances, or where there was insufficient time or opportunity for an Athlete to submit an application prior to drug testing.

4. MONITORING/INVESTIGATING COMPLIANCE

In accordance with its general power to monitor compliance with its rules and regulations, the BJJAGB may monitor compliance with this Recreational Drugs Policy.

Impose Regulations as it sees fit, including (without limitation) by having Samples that are collected Out of Competition pursuant to the Anti-Doping Policy analysed for the presence of Social Drugs.

Samples may be collected for this purpose at any time and place during Out of Competition periods, without any advance notice, including (without limitation) in reliance on whereabouts information provided pursuant to the Anti-Doping Policy.

The procedures set out in the Anti-Doping Regulations for the collection and analysis of Samples, altered as necessary to reflect the different context, shall apply to Samples that are collected Out of Competition and analysed for the presence of Recreational Drugs.

The BJJAGB may also exercise its powers of inquiry to investigate possible instances of breach of this Recreational Drugs Policy.

The private testing/screening of Athlete's for Recreational Drugs by any Participant is prohibited, and amounts to Misconduct.

Any Club may refer any good faith concerns that it has about an Athlete or Athlete Support Personnel's compliance with this Recreational Drugs Policy to The Technical Committee, which shall address such concerns as it sees fit.

Where The Technical Committee has evidence that it considers may justify a charge of Misconduct based on a breach of this Recreational Drugs Policy, prior to issuing any charge, the Technical Committee may inform the Athlete or Athlete Support Personnel in question of that evidence, and give them the opportunity to provide a written explanation within a designated time.

If the Athlete or Athlete Support Personnel is also an Athlete, the letter may also be sent to a senior representative of his Club and his personal representative.

Instead of or in addition to any written explanation, the Technical Committee may require the Athlete or Athlete Support Personnel to attend a personal interview. They may be accompanied at the interview by one representative of his Club, a legal adviser, and/or a personal representative. Such interview may be recorded, and the recording may be used by the Technical Committee in any disciplinary proceedings brought against such Athlete or Athlete Support Personnel

If the BJJAGB has evidence that it considers may justify a charge against an Athlete of Misconduct based on a breach of this Recreational Drugs Policy, it may at any time require that athlete to meet with a specialist in drug misuse and addiction for assessment and evaluation, the report shall be provided to the Technical Committee.

The Technical Committee may at any time order an Athlete charged with breach of this Recreational Drugs Policy to meet with a specialist in drug misuse and addiction for assessment and evaluation, in order to assist the Technical Committee in deciding whether to exercise Disciplinary Proceedings under this Recreational Drugs Policy.

5. DISCIPLINARY PROCEEDINGS

A breach of this Recreational Drugs Policy shall constitute Misconduct.

Accordingly, The BJJAGB Technical Panel may bring disciplinary proceedings for Misconduct against the Athlete or Athlete Support Personnel involved in the breach.

Disciplinary Action shall apply to such proceedings, as amended/supplemented below.

- a. The BJJAGB Technical Panel may provisionally suspend an Athlete or Athlete Support Personnel on or at any point after the date that it notifies them of an Adverse Analytical Finding, on or after the date that they admit to a breach of this Recreational Drugs Policy (before being charged), or on or after the date that it charges him with a breach of this Recreational Drugs Policy.
- b. No appeal shall lie against the imposition of a Provisional Suspension, but the Athlete or Athlete Support Personnel who is the subject of the Provisional Suspension shall be entitled to an expedited hearing and determination of the charge against them.
- c. Where an Adverse Analytical Finding is reported for the presence of a Recreational Drug in an Athlete's A Sample collected Out of Competition, the BJJAGB shall afford the Athlete involved the same rights in respect of confirmatory analysis of the B Sample as they would have if the Adverse Analytical Finding had been issued under the BJJAGB Anti-Doping Policy. The Athlete may exercise or waive those rights as they see fit. If analysis of the B Sample does not confirm the presence of a Recreational Drug or its Metabolite(s) or Marker(s) in the B Sample, then the entire test shall be considered negative, any charge based on the Adverse Analytical Finding shall be withdrawn, and any Provisional Suspension that has been imposed based on the Adverse Analytical Finding shall be lifted.
- d. The BJJAGB must prove an alleged breach of this Recreational Drugs Policy on the balance of probabilities. It may prove facts establishing that breach by any reliable means. Where it relies on an Adverse Analytical Finding and/or other analytical evidence from the testing of Samples collected under the BJJAGB Anti-Doping Policy, the BJJAGB Anti-Doping Policy shall apply, reading in the alterations that are required to reflect the different context.

6. SANCTIONS

For breaches of this Recreational Drugs Policy:

- a. Presence in a Sample
- b. Use or Attempted Use
- c. Possession
- d. Trafficking
- e. Complicity
- f. Private testing for Recreational Drugs

The following Sanctions will be imposed

If it is the Athletes or Athlete Support Personnel's first breach of this Recreational Drugs Policy, then the Technical Committee shall issue a warning and/or require the Athlete to undergo a course of assessment/evaluation, education, counselling and/or treatment.

The Technical Committee may also impose a period of suspension on the Athlete within the range 0 to 3 months.

The Technical Committee shall consider the following factors when determining whether or not to impose a suspension:

- (i) The credibility of The Athlete's or Athlete Support Personnel's account of the events leading to the finding;
- (ii) Any assessment report produced by a specialist in drug misuse and addiction;
- (iii) Any factors which indicate the Athlete or Athlete Support Personnel may be a risk to other Participants and/or himself should he train and/or compete;
- (iv) Any aggravating factors;
- (v) Any mitigating factors.

However, if the Athlete or Athlete Support Personnel refuses or fails to complete the course of assessment/evaluation, education, counselling and/or treatment to the satisfaction of the BJJAGB, then

- (i) any suspended period of suspension imposed by the Technical Committee shall be enforced with immediate effect; or
- (ii) where no suspended period of suspension was previously imposed by the Technical Committee, will determine what (if any) further consequences should apply;

If it is the Athlete's or Athlete Support Personnel's second breach of this Recreational Drugs Policy – a suspension in the range of 6 to 12 months;

If it is the Athlete's or Athlete Support Personnel's third breach of this Recreational Drugs Policy – a suspension in the range of 18 to 24 months;

If it is the Athlete's or Athlete Support Personnel's fourth breach of this Recreational Drugs Policy – 24 months to a lifetime suspension.

The BJJAGB Technical Committee may choose to suspend any suspension it has imposed in accordance with this Recreational Drugs Policy

Any sanction imposed shall be in addition to any provisional suspension, the Athlete or Athlete Support Personnel is, or has been subject to.

Where this Recreational Drugs Policy provides for imposition of a suspension within a specified range, the Technical Committee shall fix a period of suspension within that range by reference to the degree of fault of the Athlete or Athlete Support Personnel, and by reference to what is required to achieve the purposes of this Recreational Drugs Policy.

In Addition, any Administration or Attempted Administration or Trafficking or Attempted Trafficking to a Minor shall be treated as a serious aggravating factor.

Notwithstanding any other provision in this Recreational Drugs Policy:

If an Athlete or Athlete Support Personnel establishes in any case that they bear No Fault or Negligence for the breach in question, any otherwise applicable period of suspension will be eliminated. No Fault or Negligence will only be found in exceptional circumstances.

Where an Athlete or Athlete Support Personnel voluntarily admits to having committed a breach of this Recreational Drugs Policy before receiving notice that the BJJAGB is investigating such breach or notice of a Sample collection that could establish such breach, and that admission is the only reliable evidence of the breach at the time of admission, then the otherwise applicable period of suspension may be reduced by up to one half, even if that takes it below the minimum period specified.

Generally, a period of suspension shall start running from the date that such suspension is imposed. However, the Athlete or Athlete Support Personnel will be given credit for any period of Provisional Suspension that he has served.

Where the Athlete or Athlete Support Personnel admits the breach promptly after being notified of it by the BJAAGB, the Technical Committee may deem the period of suspension to have started on or at any time after the date that the breach occurred.

This discretion may not be exercised, however, where the period of suspension has been reduced in any case that is brought before the Technical Committee for breach by an Athlete or Athlete Support Personnel of this Recreational Drugs Policy.

The Technical Committee may refer the Athlete or Support Personnel for evaluation and assessment by one or more specialists in drug misuse and addiction, in order to determine whether it is appropriate to require the Athlete to attend a course of education, counselling and/or treatment designed to assist in their rehabilitation.

The Technical Committee may order that the Athlete or Athlete Support Personnel be tested with or without prior notice, including during any period of suspension and/or any course of education, counselling and/or treatment, in order to monitor his ongoing compliance with this Recreational Drugs Policy.

7. DISCIPLINARY DECISIONS

Any decision by the Technical Committee to uphold or not to uphold a charge for breach of this Recreational Drugs Policy, and/or imposing consequences or failing to impose consequences for such a breach, may be appealed by the Athlete or Athlete Support Personnel in question and/or The BJJAGB to an Appeal Board, in accordance with the Regulations for BJJAGB Appeals.

In addition to its powers of publication the BJJAGB shall decide in its absolute discretion whether or not to publish any detail or information relating to a charge brought for breach of this Recreational Drugs Policy and/or all or part of any decision issued by the Technical Committee and/or Appeal Board under this Recreational Drugs Policy.

In addition, the BJJAGB may respond to public comments on the matter attributed to the Athlete or Athlete Support Personnel or their representatives.

Cases arising under this Recreational Drugs Policy shall be kept confidential by all involved.

8. MISCELLANEOUS

Each Athlete and Athlete Support Personnel acknowledges that any of their personal information that is provided to the BJAAGB by them or on their behalf shall be processed for the purposes of carrying out this Recreational Drugs Policy and ensuring the integrity of the sport.

The BJJAGB may report any breach of this Recreational Drugs Policy that may also constitute a breach of non-sporting laws and/or regulations to the competent authority.

If that authority decides to investigate and/or bring charges against an Athlete or Athlete Support Personnel in relation to the matter so reported, the BJJAGB may stay any related investigation and/or proceedings that it has previously commenced for breach of this Recreational Drugs Policy.



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