**HUMAN RESOURCES MANAGEMENT POLICIES**

**SECTION 1: PLAYER POLICIES**

**POLICY 5: DRUG POLICY**

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| **Policy Rationale** | Badminton New Zealand works in partnership with Drug Free Sport New Zealand to promote and manage compliance with the Sports Anti-Doping Rules made by Drug Free Sport New Zealand, and any amendments to or replacements of those Rules.  1.1. Badminton New Zealand adopts the Sports Anti-Doping Rules (“SADR”) made by Drug Free Sport New Zealand pursuant to the Sports Anti-Doping Act 2006, and any amendments to or replacements of those Rules, as its Anti-Doping Policy.  1.2. Badminton New Zealand agrees to be bound by the SADR and any amendments to or replacements of those Rules. All members of Badminton New Zealand agree to be bound to the SADR through their membership of Badminton New Zealand. |
| **Policy** | **1. Prohibited Drugs**  Badminton NZ shall from time to time set down a list of banned categories of substances and doping methods. In default of such a list being established, the list of banned substances and doping methods shall be those set down in the current IOC Medical Commission list.  **2. NZ Sports Drug Agency**   1. Drugs testing in New Zealand is carried out by the NZ Sports Drug Agency in terms of the NZ Sports Drug Agency Act 1994. 2. Badminton NZ will provide to NZSDA from time to time a list of international and potential international players. 3. NZSDA shall require badminton players to submit to testing both during competition and out of competition.   **3. Positive Test**   1. In the event that the NZSDA makes a determination that a doping offence has occurred, it will advise Badminton NZ of the name of the player and the substances and/or doping methods for which the player has tested positive. 2. The player has no appeal to Badminton NZ about the testing procedures or the NZSDA determination. Badminton NZ must take any determination by NZSDA that an offence has been committed as an absolute.   **4. Disciplinary Panel**   1. Within 48 hours of notification of a doping offence by NZSDA, Badminton NZ shall convene a Panel to decide the penalty. 2. Each Panel shall consist of 3 persons being: 3. one member who shall be a member of the Badminton NZ Management Committee, and who shall be the Chairperson of the Panel; 4. ii) one member who shall be a member of the Executive or Management Committee of the District Badminton Association to which the player is affiliated; and 5. one member who shall be a lawyer with previous experience in sports drugs matters.   **5. Hearing**   1. The Panel shall be required to set a time, place and method for a Hearing, and this shall be notified forthwith to the player. 2. Hearings may be held: 3. in person; 4. by telephone conference; 5. by video conference   as the Panel shall see fit.  **6. Notice of Hearing**  The player must be given a minimum of five and a maximum of 10 business days notice of the time, place and method of the Hearing.  **7. Representation**  The player shall be entitled either in person or by a representative;   1. To make an oral presentation to the Panel; and/or 2. To make a written presentation to the Panel.   **8. Expert Evidence**  The Panel may at its discretion call and hear evidence from suitably qualified persons as to the likely effect of the substances and/or doping methods for which the player has tested positive on the player’s performance.  **9. Penalties**  After hearing from the player the Panel shall determine the penalty to be applied.   1. For any offence against the drug rules, the Panel shall determine an appropriate penalty, subject to the following minimums, which periods shall commence as from the date of the Hearing: 2. for offences involving the use of ephedrine or its derivatives “minor offences” 3. for a first offence - 3 months 4. for a second or subsequent offence - 2 years 5. for offences other than minor offences “major offences” 6. for a first offence - 2 years 7. subsequent offence – life 8. for failure to comply with request by NZSDA for testing 9. for a first offence - 2 years 10. subsequent offence – life 11. Where a player tests positive at a competition, they shall be disqualified as from the start of the event, up to and including the date of the hearing. 12. Where a player tests positive out of competition, they shall be disqualified from the date of the test to the date of the hearing.   **10. Defects in Timing**  Failure by Badminton NZ and the Panel to comply with the time restrictions of clauses 4 (convening of Panel) and 6 (the maximum period of notice of hearing) shall not invalidate the penalty determined by the Panel.  **11. Appeals**  The player has no appeal against the penalty imposed.    **Draft Decision**  *ABC* returned a positive test for *(substance/method)* in a test taken on *(date)* by the NZ Sports Drug Agency  during *(event)*  or *(out of competition)*  A Panel consisting of (........................), (.........................) and ( ) has met and heard submissions from *ABC* regarding the circumstances of the offending.  The Panel has also heard evidence from (..........................) an expert in ( ).  This was ABC’s *(first/second/third)* offence.  The Panel considers these offences to be *(minor/serious/very serious).*  The Panel has determined the penalty to be suspension for *(period)* as from *(date).*  This penalty *(is the minimum/compares with the minimum penalty of (time))* laid down in Badminton NZ’s Rules.  *ABC* is also disqualified from all competition that occurred from *(test date)* to *(decision date).* Any matches that *ABC* has played in during that period are hereby deemed to have been lost.  Panel:  Date: |
| **Review Protocol** | Policy Owner: Joe Hitchcock  Policy Reviewed By: Joe Hitchcock, Chief Executive  Date Reviewed: 19th November 2019  Next Review Date: November 2020 |