

# Dealing with a crisis

## Guide for NSOs

**Imagine the scenario: your athlete has been notified of a positive doping test on the eve of an international competition, and they've had to withdraw.**

The media are chasing the story, you - the national sports organisation - are trying to deal with the anticipated bad publicity, and the athlete feels like their sports career is imploding in front of their eyes. How do you respond?

Below we've outlined the process that follows a positive test, and the recommended steps you can take to mitigate a crisis.

## **A positive test is returned - what happens next?**

### **Positive test result**

If a positive test result, known as an Adverse Analytical Finding (AAF) is received, we will first check whether the athlete has an approved Therapeutic Use Exemption (TUE), or is eligible to apply for one retroactively. A TUE is conditional permission to use, for medical reasons, an otherwise banned substance or method.

At this stage, the positive test is treated as a piece of evidence and we will conduct a thorough investigation to establish whether there is other evidence that an Anti-Doping Rule Violation (ADRV) has occurred.

### **Notification**

Assuming the positive test result has led to a suspected ADRV, we will notify the athlete of the test result and ask for an explanation. The athlete can request that the "B" sample is analysed.

The national sports organisation, the Sports Tribunal of New Zealand, the sport's International

Federation, and WADA will also be notified of the result.

At the same time, we will apply to the Sports Tribunal for the athlete to be provisionally suspended from sport. This means that the athlete can't train with their team, coach others, or participate in any sport while this process is ongoing.

### Confidentiality

We treat all test results in strict confidence. This is important to ensure the process of natural justice, and to allow the athlete the opportunity to explain without the public judgement that might result from early media exposure. This means that we will not publicly name the athlete.

We do not normally make public statements on potential or existing cases at this stage. In rare occasions, we may respond if public comments are made by the athlete or their representative.

### Our recommendations

Prepare and have a plan ready for any crisis event.

- > Have an internal escalation policy in place. Know who you need to report to, communicate with or involve. This might include the CEO, board, commercial partners, coach, high performance manager, Players' Association and of course the athlete or their representative.
- > Identify who internally has lead responsibility for dealing with this issue, who has the capacity to manage the crisis process and relevant stakeholders.
- > Establish a line of communication with Sport Integrity Commission Te Kahu Raunui to facilitate information exchange and help resolve any matters which may not be clear.
- > Ensure you have a single external spokesperson, it is imperative that you remain consistent with your general messaging.
- > Consider what you would say should an athlete have to 'pull out' of a competition.
- > Don't lose sight of the athlete's point of view: no

matter what they may or may not have done the process is likely to be stressful and they may need support from their NSO.

## When does the formal process begin?

### Proceeding to a hearing

Proceeding to a hearing can take several weeks or even months. This process is managed by the Sports Tribunal and allows time for each side to make their submissions and respond.

Alongside the Sports Tribunal, we typically won't make details of an ADRV public until the completion of the hearing process. This is because our view is that athletes have a general right to privacy and natural justice.

Again, we do not normally make public statements on potential or existing cases during the hearing process. In rare occasions we may respond if public comments are made by the athlete or their representative.

We encourage athletes to seek legal representation, and the Sports Tribunal has a legal assistance panel who provide access to high quality and affordable legal representation.

### Our recommendations

We believe this is the critical time when media or stakeholders might become aware of the issue, either inadvertently, by accident or even a leak. In this case we recommend that you stick to the crisis management plan, manage your internal communications and very carefully consider your approach. During this time, it is more important than ever to continue offering support to your athlete, if required.

If this happens in a team sport, it may result in the team being linked to the issue. This can change the communication dynamic for the NSO, but for us, the situation of the specific athlete remains

critical. In this case, we recognise that the communication strategy may need to be rethought, although we will normally continue with our existing communication position.

If you ever need help understanding the process or what happens next, call us.

## What happens when a decision is made?

### Sports Tribunal releases its decision

After the hearing process has concluded, the Sports Tribunal will make its decision. It will subsequently provide us, the athlete and the NSO with a copy of its decision, usually 24 hours prior to its release on the Sports Tribunal website.

Where an ADRV is established, we are required by provisions in the WADA Code to publicise the name of the athlete and specify the rule violation and substances involved. We may also make a comment on the wider lesson of the case for the benefit of other athletes.

This is usually done by issuing a media statement once the decision is made public. We will normally share an early draft of that statement with the relevant NSO and discuss any potential for a joint statement or comment.

If at any point the Sports Tribunal (or the Commission) find there are no grounds for an ADRV, the provisional suspension is lifted, and no comment is made by the Sports Tribunal or ourselves.

### Our recommendations

- > Stick to your crisis management plan.
- > Be aware that a doping story might be handled by the main news desk, not the sports journalists with whom you've built relationships.
- > Consideration should again be given at this stage to what support the athlete might need through what is a very difficult time.

> It is important to remember, that we all have a duty of care to the affected athlete as a person first and foremost. But in addition to this, there is an overriding responsibility to protect clean athletes and competitors in preserving the spirit of sport.

## What else can you do to prepare?

- > If you haven't already, make your crisis management plan.
- > Have an induction process for your new athletes before they compete at the top level.
- > Include discussions on a potential future crisis, talk through the different roles and what could happen.
- > NSOs know the risks of social media, but particularly in a crisis how easy it is to lose control of the narrative. Build a relationship of trust with your athletes, so regardless of the situation they know that they can talk honestly with you.
- > If you find the athlete is in the wrong, in some circumstances it may be best to own the issue and reduce any possibility of rumour. Provide information in laypersons' terms to help the media evaluate the issue. Their job is to inform the public, who may feel either let down or outraged if the athlete involved is a much-loved public figure.
- > What works for one NSO may differ from another. Consider your approach based on the profile of your sport, the profile of the athlete, your audience, and the resources and skills available.

