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# IMMAF ANTI-DOPING ATHLETES RIGHTS ACT

2021

A large, abstract graphic design on the right side of the page. It consists of several dark blue, rounded, overlapping shapes that resemble stylized waves or a series of connected curves. The shapes are positioned against a background that is split horizontally into a cyan top half and a white bottom half.

# Purpose

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To ensure that athlete rights within Anti-Doping are clearly set out, accessible, and universally applicable.

# Preamble

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The purpose of the IMMAF Anti-Doping Policy is to protect the athletes' fundamental right to participate in doping-free sport and thus promote and protect health, fairness and equal opportunity for MMA athletes worldwide.

Making sure that athletes' rights are clearly stated, that athletes are aware of those rights, and can exercise those rights is vital to the success of clean sport. Athletes' rights in Anti-Doping are set out within the World Anti-Doping Code.

It does not articulate all athletes' rights and is not a legal document; athletes' legal rights in the context of Anti-Doping are only those rights that are set forth in the IMMAF Anti-Doping Policy regardless of how they are described in this Act.

This IMMAF Anti-Doping Athletes' Rights Act is approved by the IMMAF Executive Board upon the recommendation of the IMMAF Athlete Committee and the IMMAF Anti-Doping Committee. This Act is made up of two parts. Part one sets out rights that are found in the IMMAF Anti-Doping Policy. Part two sets out recommended athletes' rights in practice.

# Part 1

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## 1. Equality of Opportunity

Athletes have the right to equal opportunity in their pursuit of sport to perform at the highest level in both training and competition, free of participation by other athletes who dope, or athlete support personnel, or other persons or Anti-Doping Organisations that otherwise violate Anti-Doping rules and requirements.

## 2. Equitable and Fair Testing Programs

Athletes have the right to equitable and fair testing programs implemented in a manner that ensures that all athletes in all countries are tested in compliance with the IMMAF Anti-Doping Policy.

## 3. Medical Treatment and Protection of Health Rights

Athletes have the right to be free from any pressure that jeopardizes their health, be that physical or emotional, through doping. Athletes have the right to obtain a Therapeutic Use Exemption (allowing athletes with a medical condition to use a prohibited substance or prohibited method) in accordance with the IMMAF Policy on Therapeutic Use Exemptions.



## 4. Right to Justice

Athletes have the right to justice, including the right to be heard, the right to a fair hearing within a reasonable time by a fair, impartial and operationally independent hearing panel, with a timely reasoned decision specifically including an explanation of the reasons of the decision. On appeal, an athlete has a right to a fair, impartial, operationally and institutionally independent hearing panel, the right to be represented by counsel at the athlete's own expense and a timely, written, reasoned decision.

## 5. Right to Accountability

Athletes have the right that any Anti-Doping Organisation that has jurisdiction over them will be accountable for its action or omissions through the applicable compliance systems, and an athlete shall have the ability to report any compliance issue that they believe exists to relevant personnel or to an Anti-Doping organisation.

## 6. Whistleblower Rights

Athletes have the right to access an anonymous and confidential mechanism to report any potential doping behaviour by athletes, athlete support personnel, and other persons, or any non-compliance by Anti-Doping organisations.

Athletes have the right to report potential Anti-Doping Rule Violations (ADRV) or non-compliance through a whistleblower mechanism and not be subjected to threats or intimidation designed to discourage them from reporting in good faith, and they have the right not to be retaliated against for providing such evidence or information in good faith.



## 7. Right to Education

Athletes have the right to receive Anti-Doping education and information from Anti-Doping organisations.

## 8. Right to Data Protection

Athletes have the right to the fair, lawful, and secure handling of their personal information by Anti-Doping organisations that collect, use and share it, including the right to be kept informed about its processing, to access a copy of it and to request its deletion once it no longer serves an Anti-Doping purpose.

## 9. Rights to Compensation

An athlete has the right to pursue damages from another athlete or other person whose actions have damaged that athlete by the commission of an Anti-Doping Rule Violation. The pursuit of damages shall be in accordance with any laws or regulations in their country outside of the WADA Code.

Any prize money that has been recovered by an Anti-Doping organisation from a sanctioned athlete shall, subject to the reasonable efforts of the Anti-Doping organisation, be redistributed to athletes who would have been entitled to it had the forfeiting athlete not competed.

## 10. Protected Persons Rights

Athletes that are defined as protected persons under the Code shall have further protections because of their age or lack of legal capacity, including in the assessment of their fault, and mandatory public disclosure shall not be required.



## 11. Rights during a Sample Collection

When subject to a sample collection session, an athlete has the right to see the identification of the Doping Control Officer, the right to ask for additional information about the sample collection process, the right to be informed of the authority under which the sample collection is to be conducted, the type of sample collection and any conditions that need to be adhered to prior to the sample collection, the right to hydrate (unless they have provided a sample that does not meet the requirement for suitable specific gravity for analysis), the right to be accompanied by a representative, the right to delay reporting to the doping control station for valid reasons, the right to be informed of their rights and responsibilities, the right to document any concerns about the process, and the right to receive a copy of the records of the sample collection session.

## 12. Right to B Sample Analysis

An athlete has the right, when analysis of their A sample results in an Adverse Analytical Finding (AAF), to request analysis of their B sample as provided in the IMMAF Anti-Doping Policy.

Where the B sample analysis does not confirm the A sample finding, the athlete who was provisionally suspended is allowed, where circumstances permit, to participate in subsequent competitions during the event, and depending upon the relevant rules of the international federation in a team sport, if the team is still in competition, the athlete may be able to take part in future competitions.



## 13. Other Rights and Freedoms not Affected

An existing right or freedom shall not be held to be abrogated or restricted by reason only that the right or freedom is not included in this Act or is included only in part.

## 14. Application and Standing

Nothing in this Act shall change in any way the application of the WADA Code, or the standing of athletes under those documents.

# Part 2

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## Recommended Athlete Rights

These are rights adopted and implemented by IMMAF to further enhance the fight against doping, the integrity of the Anti-Doping system and athletes' rights within IMMAF.

### 15. Right to Participate in MMA and Anti-Doping systems free of Corruption and Manipulation

Athletes should have the right to to be free from doping-related or other corruption e.g. harassment, abuse, safeguarding, health and safety, and data protection.

### 16. Right to Participate in Governance and Decision-making

Athletes shall have a voice and right to contribute to improving the governance of sports organisations and Anti-Doping organisations that they are subject to.

### 17. Right to Legal Aid

Athletes should have the right to access legal aid for hearings and appeal process in doping cases.



## 18. Right to Safe and Fair Participation



Athletes should have the right to preparatory and competition medical checks and support from IMMAF to ensure their fitness to participate and the safety of themselves and of their opponents. Athletes should recognise their responsibilities to submit to medical examination and be truthful in their declaration of medical information. Athletes should have the right to fair and respectful treatment by officials in the cage and outside.

Athletes have the right to compete and train in an environment free of all forms of abuse and/or harassment in line with IMMAF policies and procedures. IMMAF has a zero tolerance approach and will act speedily to independently investigate any allegation received.

## 19. Right to Privacy

Athletes should have the right to privacy of personal information, this is balanced with legal rights and the promotion of athlete performances. Athletes should have the right to privacy during Anti-Doping testing procedures, including the recognition of gender specific arrangements.

## 20. Right to Weight Management Support

Athletes should have the right to manage their weight in preparation for competition without pressure to cut weight in any manner that could affect their overall health. Athletes should choose their weight category mindful of realistic weight management strategies (i.e. walk around weight) and the safeguarding monitoring processes adopted by IMMAF. Coaches should be mindful of weight category issues in their preparation training.