



Bye Law to Sub Article 5.11 of the Constitution of OCM

The OCM's Commitment to Anti-Doping

The Olympic Council of Malaysia (OCM) has accepted the World Anti-Doping Code (the Code) on 24th February 2004. These Anti-Doping rules are adopted and implemented as a result of the OCM's commitment to the purposes of the World Anti-Doping programmes. They are in conformance with the OCM's commitment under the Code, and in furtherance of the OCM's continuing efforts to eradicate doping in Malaysia.

Fundamental Rationale for the Code and the OCM's Anti-Doping Rules

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport"; it is the essence of Olympism; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other Participants
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.

1. The World Anti-Doping Code

1.1 The OCM is a Signatory to the Code and, as such, is responsible for assisting The Anti-Doping Agency of Malaysia (ADAMAS) in initiating, implementing and enforcing the Doping Control process.

1.1. Under the Code, the Olympic Council of Malaysia (OCM) as the National Olympic Committee for Malaysia has roles and responsibilities including the following:



- (1) To ensure its anti-doping policies and rules conform to the Code,
- (2) To require as a condition of membership or recognition that National Sports Associations' anti-doping policies and rules are in compliance with the applicable provisions of the Code,
- (3) To require all Athletes who are not regular members of a National Sports Association to be available for Sample collection and provide accurate and up-to-date whereabouts information on a regular basis, if required, during the year before the Olympic Games as a condition of participation in the Olympic Games as a member of the Malaysian Olympic Contingent.
- (4) To cooperate with ADAMAS the National Anti-Doping Organization of Malaysia
- (5) To withhold some or all funding, during any period of his or her Ineligibility, to any Athlete or Athlete Support Personnel who has violated anti-doping rules.
- (6) To withhold some or all funding to the National Sports Association who are not in compliance with the Code.

2. Application of Anti-Doping Rules

2.1 These rules apply to:

- (1) The OCM
- (2) Athletes,
- (3) Team Members,
- (4) Athlete Support Personnel, and
- (5) National Sport Associations

2.2 Sanctions are applicable in the event of any Anti-Doping Rule Violation or Doping Offence or other breach of these rules.

3. Obligations

3.1 All Athletes must:

- (1) be knowledgeable of and comply with all anti-doping policies and rules applicable to them, namely the Code, these rules, and the policies and



rules of Anti-Doping Organizations and their National Sports Associations or International Federations;

- (2) take responsibility, in the context of anti-doping, for what they ingest and use; and
- (3) inform medical personnel of their obligation not to Use Prohibited Substances and Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate the anti-doping policies and rules applicable to them.

3.2 All Athletes who are not regular members of a National Sports Association must be available for Sample collection conducted according to the Code and provide accurate and up-to-date whereabouts information on a regular basis, if required, during the year before the Olympic Games as a condition of participation in the Olympic Games as a member of the Malaysian Olympic Contingent.

3.3 All Athlete Support Personnel must:

- (1) be knowledgeable of and comply with all anti-doping policies and rules applicable to them or Athletes whom they support, namely the Code, these rules and the policies and rules of Anti-Doping Organizations and their National Sports Association;
- (2) co-operate with the Athlete Testing programme; and
- (3) use their influence on Athlete values and behaviour to foster anti-doping attitudes.

3.4 Each National Sports Association must:

- (1) comply with these rules;
- (2) cooperate with and assist ADAMAS to fulfill its obligations under the Code;
- (3) adopt and implement an anti-doping policy that conforms with the Code;
- (4) cooperate with and assist its International Federation conduct its day-to-day anti-doping programmes;



- (5) require Persons who:
 - (a) participate in sport under its authority; or
 - (b) are registered as an athlete or competitor (however described) or as an Athlete Support Personnel with it or with a club recognized by it;
 - (c) to recognize and be bound by its anti-doping policy, the Code and these rules;

- (6) require Persons who:
 - (a) participate as an athlete or competitor (however described) in a sport under its authority; or
 - (b) are registered as an athlete or competitor (however described) with it or with a club recognized by it;
 - (c) to be available for Sample collection and provide accurate and up-to-date whereabouts information;

- (7) require as a condition of membership that the policies, rules and programmes of its members or clubs recognized by it are in compliance with the Code; and

- (8) take appropriate action to discourage non-compliance with the Code and its Anti-Doping Policy.

3.5 Notwithstanding paragraph 3.4 a National Sport Association will also:

- (1) recognize and respect a finding of an Anti-Doping Rule Violation by its International Federation or other Signatory or other National Sports Association without the need for a hearing provided the finding is consistent with the Code and within the authority of the body concerned; and

- (2) require Athletes who are not regular members to be available for Sample collection and provide accurate and up-to-date whereabouts information on a regular basis, if required, during the year before the Olympic Games as a condition of participation in the Olympic Games as a member of the Malaysian Olympic Contingent.

- (3) promptly notify the OCM of the finding of any Anti-Doping Rule Violation or Doping Offence and the imposition of any sanction for an Anti-Doping Rule Violation or Doping Offence on:



- (a) any Person under its anti-doping policy and rules; or
 - (b) any Athlete, Athlete Support Personnel or other Person under its authority or control under the anti-doping policy and rules of its International Federation.
- (4) provide assistance and information to the OCM as requested by the Secretary General to enable the OCM to properly implement these Rules.

4. Testing

The OCM will recognize the results of accredited laboratory analysis of Testing conducted by Anti-Doping Organizations and the ADAMAS conducted in accordance with the Code.

5. Breaches of These Rules

- 5.1 The commission of an Anti-Doping Rule Violation is a breach of these Rules.
- 5.2 Articles 1, 2, 3, 4, 5, 6 and 17 of the Code apply to determine whether any Anti-Doping Rule Violation has been committed.
- 5.3 It is an infraction of these rules for a National Sports Association to breach any of its obligations to the OCM pursuant to these rules.

6. Recognized Anti-Doping Rule Violations and Doping Offences

The OCM will recognize and respect all determinations by all Anti-Doping Organizations that a Person has committed an Anti-Doping Rule Violation provided the finding is consistent with the Code and within the authority of the body concerned.

7. OCM Imposed Sanctions

- 7.1 Any Person who is found to have committed an Anti-Doping Rule Violation will be ineligible for membership or for selection in any Team, to receive funding from the OCM, or, to hold any position on the OCM,
- 7.2 The period or periods of any sanction will be determined according to Articles 10 and 11 of the Code.



- 7.3 The OCM will recognize previous sanctions imposed by any Anti-Doping Organization or National Sports Association to determine whether the breach is a first or second offence.
- 7.4 For Doping Offences recognized by the OCM pursuant to Article 6.1:
- (1) Any Person found to have committed a Doping Offence will be ineligible for membership or selection in any Team, or to receive funding from or to hold any position on the OCM for a period of two (2) years.
 - (2) Where a Person is found to have committed a Doping Offence other than an Anti-Doping Rule Violation, the Person will be ineligible for membership or selection in any Team, or to receive funding from, or to hold any position on the OCM based on the decision of the disciplinary board and consistent with the WADA code
 - (3) The OCM will recognize previous sanctions imposed by any International Federation or National Sports Association to determine whether the breach is a first or second offence.

8. Disciplinary Procedures

- 8.1 All instances of alleged Anti-Doping Rule Violations will be determined in conformity with the Code and must be established according to the provisions of the Code.
- 8.2 The OCM Disciplinary Committee shall have the power to regulate its procedures so long as they are in conformity with Article 8 of the Code.

9. Notifications

Upon the imposition of a sanction under these rules, the OCM will send details of the sanction imposed to:

- (1) the IOC;
- (2) those Persons entitled to notification under Article 14.1 of the Code;
- (3) the National Sport Association of the Person concerned;
- (4) the ADAMAS;



- (5) WADA; and
- (6) any other Person or organization the OCM believes should be informed.

10. Appeals

- 10.1 Except as provided in the Code, no Person may appeal or challenge any recognition by the OCM of an Anti-Doping Rule Violation unless that Person has first exhausted all his or her rights of appeal and other legal rights (if any) in respect of the hearing and finding of the Anti-Doping Organization or National Sports Association concerned (whether before any tribunal as provided for in the anti-doping policy of the Anti-Doping Organization or National Sports Association concerned or in a court of law). In the event that a Person challenges or appeals the hearing or finding of the Anti-Doping Organization or National Sports Association concerned, the OCM will defer recognition of the Anti-Doping Rule Violation pending the conclusion of the challenge or appeal and will abide by the decision of the tribunal or court concerned.
- 10.2 Decisions under these Anti-Doping Rules may be appealed in conformity with Art 13 of the Code. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

11. Review of Anti-Doping Violation

If a Person recorded as having committed an Anti-Doping Rule Violation is subsequently found not to have committed that Anti-Doping Rule Violation or is otherwise cleared or pardoned of any relevant wrongdoing by CAS or any other Anti-Doping Organization's Appellate Body acting in conformity with the Code, the OCM will overturn the Anti-Doping Rule Violation and any sanction which had been imposed as a result of that Anti-Doping Rule Violation and will report the decision to all those Persons notified of the initial imposition of the sanction pursuant to article 9.

12. Interpretation

All the words utilized in these Rules shall have the same meaning as that ascribed to them in the World Anti-Doping Code.