

Issued Decision

UK Anti-Doping and Douglas Steele

Disciplinary Proceedings under the Anti-Doping Rules of the Scottish Rugby Union

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules ('ADR') of the Scottish Rugby Union ('SRU'). It concerns Anti-Doping Rule Violations ('ADRVs') committed by Mr Douglas Steele contrary to the ADR.

Capitalised terms used in this Decision shall have the meaning given to them in the ADR unless otherwise indicated.

Background and Facts

1. The SRU is the national governing body for the sport of rugby union in Scotland. UKAD is the National Anti-Doping Organisation ('NADO') for sport in the United Kingdom. The SRU has adopted both the UK Anti-Doping Rules¹ ('UK ADR') and World Rugby Regulation 21 as its own ADR. The UK ADR are issued by UKAD and are subject to updates made by UKAD, as necessary and in accordance with the World Anti-Doping Code, and are the applicable ADR in these proceedings.
2. Mr Steele is a 32-year-old rugby union player who, at the time of the ADRVs, played for Marr RFC. At all material times in this matter, Mr Steele was subject to the jurisdiction of the SRU and bound to comply with the ADR. Pursuant to ADR Article 7.2, UKAD has results management responsibility in respect of all players that are subject to the jurisdiction of the SRU.
3. On 27 January 2022, UKAD Doping Control Personnel collected a urine Sample from Mr Steele at an Out-of-Competition squad test at a Marr RFC training session at Marr Rugby Football Club.
4. Assisted by a member of UKAD Doping Control Personnel in attendance, Mr Steele split the urine Sample into two separate bottles which were given reference numbers A1172557 (the 'A Sample') and B1172557 (the 'B Sample').
5. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory in London, the Drug Control Centre, King's College (the 'Laboratory'). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories and Technical

¹ (Version 1.0, in effect as from 1 January 2021)

Document TD2022MRPL. Analysis of the A Sample returned Adverse Analytical Findings for a metabolite of dehydrochloromethyltestosterone ('DHCMT'), namely, 4 α -chloro-18-nor-17 β -hydroxymethyl, 17, α -methyl-5 α -androst-13-en-3 α -ol, and the following metabolites of oxandrolone:

- a) 17 α -hydroxymethyl-17 β -methyl-18-nor-2-oxa-5 α -androst-13-en-3- one; and
 - b) 17 β -hydroxymethyl-17 α -methyl-18-nor-2-oxa-5 α -androst-13-en-3- one.
6. Dehydrochloromethyltestosterone and oxandrolone are both listed under S1.1 of the 2022 WADA Prohibited List as Anabolic Agents. Dehydrochloromethyltestosterone and oxandrolone are non-Specified Substances that are prohibited at all times.
 7. Mr Steele does not have a Therapeutic Use Exemption ('TUE') for dehydrochloromethyltestosterone and / or oxandrolone.
 8. On 12 May 2022, UKAD sent Mr Steele a letter (the 'Notice Letter'). The Notice Letter confirmed the imposition of a Provisional Suspension and formally notified Mr Steele, in accordance with ADR Article 7.8, that he may have committed ADRVs pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and ADR Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or Prohibited Method).
 9. On 18 May 2022, Mr Steele responded to the Notice Letter and admitted that from around March to October 2021 he had taken oxandrolone.
 10. On 5 August 2022, UKAD proceeded to issue Mr Steele with a Charge Letter in accordance with ADR Article 7.11.2. The Charge Letter asserted the commission of ADRVs pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or Prohibited Method).

Admission and Consequences

11. ADR Article 2.1 provides that the following is an ADRV:

2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, unless the Athlete establishes that the presence is consistent with a TUE granted in accordance with Article 4.

12. ADR Article 2.2 provides that the following is an ADRV:

2.2 Use or Attempted by an Athlete of a Prohibited Substance or a Prohibited Method, unless the Athlete establishes that the Use or Attempted Use is consistent with a TUE granted in accordance with Article 4.

13. ADR Article 10.2 provides:

10.2 Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of a Prohibited Substance and/or a Prohibited Method.

The period of Ineligibility for an Anti-Doping Rule Violation under Article 2.1, 2.2 or 2.6 that is the Athlete's or other Person's first anti-doping offence shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:

10.2.1 Save where Article 10.2.4(a) applies, the period of Ineligibility shall be four (4) years where:

(a) The Anti-Doping Rule Violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the Anti-Doping Rule Violation was not intentional.

(b) [...]

10.2.2 If Article 10.2.1 does not apply, then (subject to Article 10.2.4(a)) the period of Ineligibility shall be two (2) years.

14. In accordance with ADR Article 10.2.1(a), since this matter concerns non-Specified Substances, the period of Ineligibility to be imposed shall be four (4) years, unless Mr Steele can establish on a balance of probability, that the ADRVs were not intentional.
15. Within his responses to UKAD, Mr Steele has accepted responsibility for the Prohibited Substances detected in his Sample and admits the ADRVs. At no stage has Mr Steele sought to adduce evidence to establish that his ADRVs were not intentional (as that term is defined within ADR Article 10.2.3). Accordingly, Mr Steele is not entitled to a two (2) year period of Ineligibility pursuant to ADR Article 10.2.2 or any reduction pursuant to ADR Article 10.5 (No Fault or Negligence) or ADR Article 10.6 (No Significant Fault or Negligence) thereafter.
16. For the purposes of imposing a sanction, the ADRVs will be considered together as a single first violation, pursuant to ADR Article 10.9.4 which states as follows:

10.9.4 Additional rules for certain potential multiple offences:

(a) For the purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.4(b) and 10.9.4(c) an Anti-Doping Rule Violation will only be considered a second (or third, as applicable) Anti-Doping Rule Violation if UKAD can establish that the Athlete or other Person committed the additional Anti-Doping Rule Violation after they received notice, or after UKAD or its designee made a reasonable attempt to give notice, of the first (or the second, as applicable) Anti-Doping Rule Violation. Otherwise, the first and second Anti-Doping Rule Violations (or the second and third Anti-Doping Rule Violations as applicable) shall be considered as one

single first Anti-Doping Rule Violation, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the most severe sanction...

17. The applicable period of Ineligibility is therefore four (4) years.

Application of ADR Article 10.8.1

18. ADR Article 10.8.1 provides:

10.8.1 One (1) year reduction for certain Anti-Doping Rule Violations based on early admission and acceptance of sanction:

Where UKAD sends an Athlete or other Person a Charge Letter for an Anti-Doping Rule Violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Article 10.4), if the Athlete or other Person admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving the Charge Letter, they shall receive a one (1) year reduction in the period of Ineligibility asserted by UKAD. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article.

19. Mr Steele admitted the ADRVs and accepted the asserted period of Ineligibility of four (4) years on 9 August 2022; being four days after he received the Charge Letter. Accordingly, ADR Article 10.8.1 applies and Mr Steele shall receive a one (1) year reduction to the applicable period of Ineligibility of four (4) years. The period of Ineligibility to be imposed is therefore three (3) years.

Commencement of the period of Ineligibility

20. ADR Article 10.13 requires that the period of Ineligibility starts on the date Ineligibility is accepted or otherwise imposed where there is no hearing.

21. However, ADR Article 10.13.2 allows for credit to be given against the total period of Ineligibility to be served where an Athlete has been provisionally suspended and has respected the terms of that Provisional Suspension.

22. Mr Steele was Provisionally Suspended on 12 May 2022 and as far as UKAD is aware, he has respected the terms of that Provisional Suspension.

23. The period of Ineligibility is therefore deemed to have commenced on 12 May 2022 and will expire at midnight on 11 May 2025.

Status during Ineligibility

24. During the period of Ineligibility, in accordance with ADR Article 10.14.1, Mr Steele shall not be permitted to participate in any capacity (or assist any Athlete participating

in any capacity) in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by:

- a) The SRU;
 - b) Any Signatory;
 - c) Any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation;
 - d) Any professional league or any international or national-level Event organisation; or
 - e) Any elite or national-level sporting activity funded by a governmental agency.
25. Mr Steele may return to train with a team or to use the facilities of a SRU club or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 11 March 2025) pursuant to ADR Article 10.14.4(b).

Summary

26. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.12.2 and records that:
- a) Mr Steele has committed ADRVs pursuant to ADR Articles 2.1 and 2.2;
 - b) In accordance with ADR Article 10.9.4(a) the ADRVs are considered as one single ADRV for the purposes of imposing a sanction;
 - c) This constitutes Mr Steele's first ADRV and in accordance with ADR Article 10.8.1, Mr Steele is entitled to a one (1) year reduction to the applicable period of Ineligibility of four (4) years. A period of Ineligibility of three (3) years is therefore imposed;
 - d) Acknowledging Mr Steele's Provisional Suspension, the period of Ineligibility is deemed to have commenced on 12 May 2022 and will expire at midnight on 11 May 2025; and
 - e) Mr Steele's status during the period of Ineligibility shall be as detailed in ADR Article 10.14.
27. Mr Steele, the SRU, World Rugby and WADA have a right to appeal against this Decision or any part of it in accordance with ADR Article 13.4.
28. This Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

19 October 2022

