

**IN THE MATTER OF RUGBY FOOTBALL UNION DISCIPLINARY
PROCEEDINGS CONCERNING REGULATION 20 OF THE RUGBY
FOOTBALL UNION AND REGULATION 21 OF THE INTERNATIONAL RUGBY
BOARD**

BETWEEN

THE RUGBY FOOTBALL UNION

-and-

HARRISON PICKETT

DECISION OF THE DISCIPLINARY PANEL

Panel: Dr Julian Morris

Siobhan Abrahams

Tom Rees

Decision

1. The Panel has imposed a two year period of ineligibility on Harrison Pickett commencing on 9 October 2013. The period expires at midnight on 8 October 2015. The Player's status during the period of ineligibility is as provided by IRB Regulation 21.22.13.

Factual background

2. Harrison Pickett is a registered player at Drybrook RFC (registration number 1370357) and has represented Hartpury College. Mr Pickett was selected for a squad doping control test conducted at Hartpury College on 3 October 2013.
3. On the 4 October 2013 Mr Pickett informed the Director of Elite Sport at Hartpury College, Phil De Glanville, that he had been taking WINSTROL

for approximately two weeks prior to being tested and therefore expected to fail the drug test.

4. Mr De Glanville immediately and correctly informed both UK Anti-Doping and the RFU detailing his discussion with Mr Pickett.
5. On the 9 October 2013 the RFU informed Mr Pickett that he was being investigated for potential anti-doping rule violation and that he was provisionally suspended under IRB Regulation 21.19.1.
6. On the 18 October 2013 the RFU was notified by UK Anti-Doping that assessment of the Player's 'A Sample', conducted by the Drug Control Centre at Kings College London, had highlighted the presence of Oxymetholone, an Exogenous Anabolic Androgenic Steroid, a prohibited substance.
7. The RFU wrote to Mr Pickett on 22 October 2013 to notify him of these findings. The letter informed him that in accordance with RFU Regulation 20.11.4. RFU Director of Legal and Governance, Karena Vleck had charged him under IRB Regulations 21.2.1 and 21.2.2.

21.2.1 *The presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample*

It is each player's personal duty to ensure that no Prohibited Substance enters his body. Players are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Player's part to be demonstrated in order to establish an anti-doping rule violation under Regulation 21.2.1

21.2.2 *Use of Attempted Use by a Player of a Prohibited Substance or a Prohibited Method*

(a) *It is each Player's personal duty to ensure that no Prohibited Substance enters his body. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an anti-doping violation for Use of a Prohibited Substance or Prohibited Method.*

(b) *The success or failure of the Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.*

8. Mr Pickett was informed of his right to have his 'B Sample' analysed and the RFU requested that he provide a written response taking in any additional information that he would like to be known.

9. Under cover of his letter 3 November 2013 Mr Pickett responded as follows:

"I obtained what I believe to be Windstrol from a person who's identity I am unsure of following an injury which I was nursing in the hope it would allow me to train whilst recovering as I felt under a huge amount of pressure to be fit for the forthcoming season. I didn't fully research the product which I now understand wasn't even what I thought it was. On reflection this was naïve foolish thing to do as I only took the product for eight days. I accept that I am responsible for what I consume but my judgment was clouded by the pressure that I felt that I had placed myself under. A decision I bitterly regret".

10. The RFU responded to Mr Pickett's letter and requested confirmation on how he wished to proceed in terms of an oral hearing or a decision to be made on the papers only.

11. On 5 November 2013 Mr Pickett responded stating;

“hello Stephen I do not wish to attend and I am happy for what I have said to cover in my absence, following this when will the set ban be set?”

12. The Panel considered whether it was content to consider the matter in Mr Pickett’s absence and decided it was. The Panel determined that in light of the evidence and Mr Pickett’s admission he is guilty of a Doping Offence. The Panel therefore went on to consider the question of penalty.

The Regulatory Regime

13. Under IRB Regulation 21.22.1 the period of ineligibility in cases involving a positive finding for Oxymetholone is two years unless the conditions for eliminating or reducing it as provided in IRB Regulations 21.22.4 (No Fault or Negligence) or 21.22.5 (No Significant Fault or Negligence) are met.

21.22.4 No Fault or Negligence

If a Player or other Person establishes in an individual case that he bears No Fault or Negligence, the otherwise-applicable period of Ineligibility shall be eliminated. When a Prohibited Substance or its Markers or Metabolites is detected in a Player’s Sample in violation of Regulation 21.2.1 (presence of a Prohibited Substance or its Metabolites or Markers), the Player must also establish how the Prohibited Substance entered his system in order to have the period of Ineligibility eliminated. In the event this Regulation 21.22.4 is applied and the period of Ineligibility otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for multiple violations under Regulation 21.22.10.

21.22.5 No Significant Fault or Negligence

If a Player or other Person establishes in an individual case that he bears No significant Fault or Negligence, the otherwise-applicable period of Ineligibility may be reduced, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this section may be no less than eight years. When a Prohibited Substance or its Markers or Metabolites is detected in a Player's Sample in violation of Regulation 21.2.1 (presence of Prohibited Substance or its Metabolites or Markers), the Player must also establish how the Prohibited Substance entered his system in order to have the period of Ineligibility reduced.

14. Mr Pickett has not made any representation to demonstrate his suitability for a reduction of the period of Ineligibility pursuant to IRB Regulation 21.22.4 and 21.22.5, and the Panel has determined there is therefore no potential of a reduction in the circumstances of this case.
15. The Panel was also asked to consider the question of aggravating factors for the purpose of IRB 21.22.9.

21.22.9 Aggravating Circumstances Which May Increase the Period of Ineligibility

If the Judicial Committee (or the judicial body of the Unions or Tournament Organisers) established in an individual case involving an anti-doping rule violation other than violations under Regulation 21.2.7 (Trafficking or Attempted Trafficking) and 21.2.8 (Administration or Attempted Administration) that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable

shall be increased up to a maximum of four years unless the Player or other Person can prove to the comfortable satisfaction of the Judicial Committee that he did not knowingly commit the anti-doping rule violation.

A Player or other Person can avoid the application of this Regulation by admitting the anti-doping rule violation as asserted promptly after being confronted with the Anti-Doping Organisation.

15. Submissions provided by the RFU considered that the Player had given a prompt admission and that therefore there were no aggravating factors a fact with which the Panel concurred.
16. The Panel has therefore determined that the period of Ineligibility in this case should be two years commencing on the date of the official suspension namely 9 October 2013.
17. The Panel takes the opportunity of reminding the Player of the activities prohibited during a period of Ineligibility in accordance with IRB Regulation 21.22 and specifically IRB Regulation 21.22.13 A:

21.22.13 Status During Ineligibility

A. Prohibition Against Participating During Ineligibility

- (i) *No Player or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Match and/or Tournament (International or otherwise) or activity (other than authorised anti-doping education or rehabilitation programmes) authorised or organised by the Board or any Union or Tournament Organiser. Such participation includes but is not limited to coaching, officiating, selection, Team management, administration or promotion of the Game, playing, training as part of a Team or squad, or involvement in the Game in any other capacity in any Union in membership of the IRB.*

- (ii) *Subject to the paragraph (iii) below, no Player or other Persons who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in any athletic contest or any activity in any sport (other than authorised anti-doping education or rehabilitation programmes) authorised or organised by any Signatory or any Signatory's member organisation, or in any athletic contest in any sport authorised or organised by any professional league or any international or national level event organisation.*
- (iii) *A Player or other Person subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility, participate in local sport events in a sport other than rugby football, but only so long as the local sport event is not a level that could otherwise qualify such Player or other Person directly or indirectly to compete in (or accumulate points toward) a national championship or International Event (as defined in the Code).*
- (iv) *A Player or other Persons subject to a period of Ineligibility shall remain subject to Testing.*

18 The Player has a right to an appeal as provided by the RFU Regulation 20.12. No Order for costs was sought or made.

Dr Julian Morris
19 November 2013