

## **LBB STRATEGIES**

### **A Consultation Regarding Doping in the Sport of Cycling in Canada**

#### **TERMS OF REFERENCE**

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#### **I Purpose of the Present Terms of Reference**

1. The present Terms of Reference (ToR) are intended to set out the mandate of LBB STRATEGIES (LBB) to conduct a Consultation regarding doping in the sport of cycling in Canada.
2. The present ToR were drafted taking into account the LBB Proposal dated April 11, 2014 (LBB 08-10-118) and any other agreements entered into between LBB and the Canadian Centre for Ethics in Sport (CCES) or Cycling Canada Cyclisme (CCC) concerning LBB and its mandate to conduct this Consultation.

#### **II Mandate of LLB**

##### ***A. In General***

3. LBB was retained by CCES (acting on behalf of both CCES and CCC) to conduct an independent Consultation into the prevalence and causes of doping within the sport of cycling in Canada. The consultation process which will lie at the core of the Consultation will consist of a series of interviews (conducted primarily by means of phone calls or by in-person meetings) designed to gather information regarding the prevalence, actual or perceived, of past and present doping activity in the sport. The focus will be on road, mountain and para-cycling disciplines. Critically, the source of the information being sought will remain fully anonymous and thus protected from sanction or retribution of any description. All information will be gathered by an independent third party (the "interviewer"). The interviewer shall represent LBB and shall be totally unconnected and unaffiliated with either CCES or CCC.
4. The focus of the Consultation shall be directed toward understanding and learning from the past to improve the future of the sport. LBB will try by means of the consultation process to determine the roots and mechanisms of doping in cycling. The Consultation is not intended to discover and punish anti-doping offences by single riders. Rather, it seeks to uncover and tackle the practices and networks that may have instigated and/or facilitated doping in cycling over the Consultation Period.

5. The mandate of LBB is temporary in nature. It is expected that LBB will have accomplished its task and submitted the final report by July 31, 2014.

**B. Issues to be Canvassed**

6. LBB shall enjoy wide discretion in conducting the Consultation in order to be as effective as possible, particularly given the limited financial resources and the limited time available.
7. LBB will canvass the following issues:
  - a) Whether there is a culture of doping in cycling in Canada and, if so, are there specific historical reasons explaining the development of such a culture in Canada;
  - b) How athletes in cycling typically make the decision to use performance enhancing drugs (PEDs), how they get introduced to PEDs and how they are encouraged to continue to use PEDs;
  - c) Who have been the main providers and facilitators of doping in cycling in Canada;
  - d) Can anti-doping education and other prevention efforts be improved upon to more effectively eliminate doping in cycling in Canada;
  - e) How might target testing, investigations and the use of 'substantial assistance' sanction reductions be improved upon to more effectively eliminate doping in cycling in Canada?
8. LBB shall be bound and constrained by the five issues identified above and may not extend the scope of its Consultation to any other issue.

**C. Report By LBB**

9. LBB will produce and deliver to the CCES and CCC by July 31, 2014 a final report (LBB Report). The main purpose of the LBB Report shall be to summarize the findings from the consultation process, identify trends and conclusions and provide recommendations for the future regarding the issues listed in paragraph 9 above. Prior to the final release of the LBB Report to CCES and CCC a draft version shall be provided to both CCES and CCC so that CCES and CCC may review the draft version for the sole purpose of ensuring that the anonymity of all interview subjects is respected and that no interview subject can be identified by inference from the LBB Report. The conclusions and recommendations of LBB contained in the LBB Report are not subject to CCES' or CCC's editorial authority. In particular, the LBB Report shall endeavour to assist the Canadian cycling community in gaining knowledge and understanding of the past, and making the changes necessary to avoid repeating similar mistakes in the future. The LBB Report will be made public by CCES and CCC at a time and in a fashion to be determined by CCES and CCC, acting jointly. LBB shall not itself publically release the LBB Report nor may LBB or its representatives at any time publically comment on the LBB Report.

#### **D. Consultation Period**

10. The LBB Consultation and the resulting LBB Report shall focus on the time period between January 1, 1998 and December 31, 2013 (the Consultation Period).

#### **E. Budget**

11. The CCES and LBB have agreed on a budget, the allocation of which will be independently governed by LBB.
12. The CCES and LBB will hold informal monthly budget reviews to ensure that the expenditures connected to the Consultation are consistent with the agreed upon budget and that the Consultation is progressing in a timely fashion.
13. The CCES and LBB will discuss and resolve any budgetary issue in good faith.

### **III Composition and Organization of LBB**

14. Pursuant to the LBB Proposal, the independent interviewers shall be Benoit Girardin, Rose Mercier and Jean Gosselin. In addition, Jo-Annie Charbonneau will assist LBB to organize the interviews and conduct research on the interview subjects. Cory McAdam will act as content editor.
15. LBB will act at all times in a pragmatic way taking into account the resources available, but always in a fair manner.
16. LBB will act independently during the consultation process, with no influence whatsoever from CCES or CCC or any of its officials and/or employees, past or present, and will receive no instructions whatsoever either from the CCES or CCC with regard to the consultation process and the substantive content of the LBB Report.

### **IV Sources of Information**

17. CCC will identify a 'pool' of possible interview subjects given the scope and goals of the Consultation, the Consultation Period and CCC's knowledge of the sport and its history. The final decision regarding who to interview will be made solely in the discretion of LBB and this information will be given to the relevant interviewer.
18. LBB shall be allowed to rely on any type of information it deems relevant, credible and reliable for inclusion in the LBB Report.
19. LBB may in its sole discretion conduct interviews and hear information from:

- a) individuals on the 'pool' list of potential interview subjects generated by CCC;
  - b) individuals 'of interest' unilaterally selected by LBB as it follows leads flowing from information previously disclosed to LBB; and
  - c) individuals who respond to the CCC's invitation to contact LBB with relevant information and who wish to provide information to the Consultation.
20. It shall remain the sole responsibility of LBB to design and manage the interview selection process so that:
- a) suitable interview subjects are selected;
  - b) the desired information regarding the five issues is obtained;
  - c) that the total number of planned interviews (about 35-40) are not exceeded; and
  - d) the LBB Report is completed by July 31, 2014.
21. LBB will encourage every interview subject to disclose to the interviewer all information that he or she possesses as it relates to the five issues to be canvassed, including but not limited to disclosing anti-doping rule violations. The CCES and CCC will provide to LBB in advance of any interviews being conducted themes and topics of interest associated with the five issues of concern which may then be used, if desired, as a guide by LBB and the interviewers.
22. In every case the interviewer shall have the sole and exclusive responsibility to make initial contact with the athlete or other person to be interviewed, arrange the interview, execute the Cooperation Agreement and conduct the interview as deemed suitable by the interviewer. The interview will not be recorded but detailed interview notes may be taken.

## **V Procedural Rules**

### ***F. In General***

23. For matters which are not governed by the LBB Proposal or the ToR, LBB shall have discretion to conduct the proceedings and/or approach the matter in question as it deems fit.
24. In exercising its discretion, LBB shall endeavour to act in line with the purpose of its mandate as set out in these ToR and always proceed in accordance with the commonly accepted principles of due process.

### **G. Confidentiality**

25. LBB will conduct the Consultation and all consultation with interview subjects on a strictly confidential basis and will take all procedural measures it deems necessary to guarantee such confidentiality and will at all times protect the anonymity of the interview subjects.
26. The interviewer will keep all sources of information anonymous, will ensure that any details that could be used to identify a person will not be disclosed and, finally, will ensure that no individual is named or becomes identifiable in the LBB Report.
27. All interviews will be subject to a detailed Cooperation Agreement between the athlete or other person and the interviewer that must be signed prior to any interview commencing. The interviewer will also be bound by strict confidentiality obligations consistent with this ToR and the LBB Proposal which shall be imposed and enforced by LBB as against the interviewer.

### **H. Additional Procedural Rules**

28. The CCES and LBB will resolve any dispute regarding the present ToR through good faith negotiations. If need be the ToR may be amended and/or supplemented by the CCES with the consent of LBB.
29. LBB shall inform CCES and CCC in advance when it will deliver the LBB Report.
30. There is no obligation on LBB or its interviewers to store any documentation obtained in the course of the mandate for longer than six months after the termination of its mandate. All interview notes shall be retained and safely stored for a period of six months after the LBB Report is publically disclosed.

## **VI Miscellaneous Provisions**

31. LBB and its representatives conducting the interviews will apply their best efforts to fulfil the mandate and the goals of the Consultation. They are liable to the CCES only for intentional or reckless misconduct.
32. Any dispute arising out of or in connection with the ToR between the CCES, its members or staff and LBB and its representatives that cannot be settled according to paragraph 29 shall be resolved by the SDRCC according to its Procedural Code then in effect. The arbitration shall be conducted in Ottawa Ontario before a single arbitrator. The arbitration shall be conducted in English. The CCES and LBB shall share equally the arbitration costs.