



**USA**

U.S. ANTI-DOPING AGENCY

# PROTOCOL

FOR OLYMPIC AND PARALYMPIC  
MOVEMENT TESTING

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# UNITED STATES ANTI-DOPING AGENCY PROTOCOL FOR OLYMPIC AND PARALYMPIC MOVEMENT TESTING

*Effective as revised January 1, 2019*

The provisions of the United States Anti-Doping Agency (“USADA”) Protocol for Olympic and Paralympic Movement Testing (as amended from time to time, the “Protocol” or “USADA Protocol”) are intended to implement the requirements of the World Anti-Doping Code (the “Code”)<sup>1</sup> on a national basis within the United States. As required by the Code and United States Olympic Committee (“USOC”) National Anti-Doping Policies (“NADP”), all United States National Governing Bodies (“NGBs”)<sup>2</sup> must comply, in all respects, with this Protocol and shall be deemed to have incorporated the provisions of this Protocol into their rulebooks as if they had set them out in full therein.

## **1. USADA’s Relationship with the United States Olympic Committee**

USADA is an independent legal entity not subject to the control of the USOC and for purposes of the Code and various World Anti-Doping Agency (“WADA”) *International Standards*, including the International Standard for Testing and Investigations (the “ISTI”), is the *National Anti-Doping Organization* (“NADO”) for the United States of America. The USOC has contracted with USADA to conduct drug *Testing*, manage test results, investigate potential violations of anti-doping rules, and adjudicate disputes involving anti-doping rule violations for *Participants* in the Olympic and Paralympic movements and to provide educational information to those *Participants* who are affiliated with NGBs. For purposes of transmittal of information by USADA, the USOC is USADA’s client. However, the USOC has authorized USADA to transmit information simultaneously to the relevant NGB, International Federation (“IF”), International Olympic Committee (“IOC”), International Paralympic Committee (“IPC”), WADA and the involved *Athlete* or other *Person*, as appropriate. USADA’s jurisdiction is not limited by its contract with the USOC and USADA has full authority to undertake all activities permitted by its Articles of Incorporation and Bylaws.

## **2. USADA’s Relationship with Other Clients**

In addition to providing services to the USOC and *Participants* in the Olympic and Paralympic movements within the United States, USADA also provides *Doping Control* services for Olympic movement and non-Olympic movement sporting bodies on a contract basis.

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<sup>1</sup> Capitalized and italicized terms have the meaning set forth in the Definitions Sections of the Code and the ISTI.

<sup>2</sup> For the purposes of this Protocol, the term “NGB” includes national governing bodies of individual sports recognized by the USOC, Olympic Sport Organizations, Pan American Sport Organizations and Paralympic Sport Organizations recognized by the USOC and High Performance Management Organizations that have contracts with the USOC to administer Paralympic Sports.

### 3. *Athletes Subject to Testing by USADA and the USADA Protocol*

The USOC, NGBs, other sports organizations and the *Code* authorize USADA to test, investigate and conduct other anti-doping activities concerning the following *Athletes*:

- a. Any *Athlete* who is a member or license holder of a NGB;
- b. Any U.S. *Athlete* who is a member of, or the recipient of a license from an IF or other *Code Signatory* or a member of a *Signatory*,
- c. Any *Athlete* by virtue of participation in (including registration for) an *Event* or *Competition* in the United States or which is organized or sanctioned by the USOC or NGB;
- d. Any *Athlete* by virtue of application for (including participation in any qualifying *Event* or other step in the selection process), or selection to, a U.S. national, Olympic, Paralympic, Pan American, Parapan American, Youth Olympic team or other team representing the USOC or NGB in international *Competition*;
- e. Any *Athlete* who has applied for a change of sport nationality to the United States;
- f. Any foreign *Athlete* who is present in the United States;
- g. Any *Athlete* by virtue of receipt of benefits from the USOC or NGB;
- h. Any *Athlete* by virtue of registration for or use of any USOC training center, training site or other facility;
- i. Any *Athlete* who has given his/her consent to *Testing* by USADA;
- j. Any U.S. *Athlete* who has submitted a *Whereabouts Filing* to USADA or an IF within the previous twelve (12) months and has not given his or her NGB and USADA written notice of retirement;
- k. Any *Athlete* who is included in the USADA *Registered Testing Pool* (“RTP”) or the USADA Clean Athlete Program (“CAP”);
- l. Any U.S. *Athlete* or foreign *Athlete* present in the United States who is serving a period of *Ineligibility* on account of an anti-doping rule violation and who has not given prior written notice of retirement from all sanctioned *Competition* to the applicable NGB and USADA, or the applicable foreign anti-doping agency or foreign sport association;
- m. Any *Athlete* USADA is *Testing* under authorization from the USOC, NGB, IF, any NADO, WADA, the IOC, the IPC, any other *Anti-Doping Organization* (“ADO”), any other sports organization, or the organizing committee of any *Event* or *Competition*; or
- n. Any *Athlete* whom USADA is entitled to test under the rules of any ADO or sports organization.

Of all of the *Athletes* falling within the scope of section 3 above, the *Athletes* included in subsection (k) shall be deemed *National-Level Athletes* for purposes

of these Anti-Doping Rules. However, if any such *Athletes* are classified by their respective IFs as *International-Level Athletes*, they shall be considered *International-Level Athletes* (and not *National-Level Athletes*) for purposes of these Anti-Doping Rules as well.

Pursuant to Article 5.2.4 of the *Code*, WADA shall also have *In-Competition* and *Out-of-Competition Testing Authority* over any of the above-mentioned *Athletes*.

USADA will not allow the *Testing* process to be used to harass any *Athlete*.

***Athletes* subject themselves to USADA's authority through their participation in sport as set forth in the USOC NADP and as provided in the Code and the rules of various sports organizations.**

#### **4. Application of USADA Protocol to Athlete Support Personnel and Other Persons**

*Athlete Support Personnel* subject themselves to USADA's authority through their participation in sport as set forth in the USOC NADP and as provided in the *Code* and the rules of various sports organizations. Furthermore, USADA has authority to conduct anti-doping activities, including, but not limited to, information processing and disclosure, investigation and results management in relation to any other *Person* without limitation.

- a. In light of the foregoing, this Protocol shall also apply to:
  - i. All *Athlete Support Personnel* and other *Persons* who are employed or credentialed by the USOC or who are members of any NGB and/or of member or affiliate organizations or licensees of any NGB (including any clubs, teams, associations or leagues);
  - ii. All *Athlete Support Personnel* or other *Persons* participating in any capacity in *Events*, *Competitions* and other activities organized, authorized or recognized by the USOC, any NGB or any NGB member, affiliate organization or licensee (including any clubs, teams, associations or leagues), wherever held;
  - iii. Any *Athlete Support Person* or other *Person* who is assisting any *Athlete*, team or *Athlete Support Person* in connection with any *Event* or *Competition* in which USADA is conducting *Doping Controls* or in connection with any sport in which USADA has authority to conduct *Out-of-Competition* or *In-Competition Testing*;
  - iv. Any *Athlete Support Person* or other *Person* who is subject to USADA's investigatory authority and/or USADA's results management authority by operation of the rules of any IF or other sports organization; and
  - v. Any other *Athlete Support Person* or other *Person* who, by virtue of a contractual arrangement or otherwise, is subject to the jurisdiction of any NGB or USOC for purposes of anti-doping; whether or not such individual is a citizen or resident of the United States.

- b. To be a member of any NGB and/or of member or affiliate organizations or licensees of any NGB, or to be eligible to assist any participating *Athlete* in any *Event*, *Competition* or other activity organized, authorized or recognized by the USOC, any NGB or any NGB member, affiliate organization or licensee (including any clubs, teams, associations or leagues), a *Person* must agree to be bound by and to comply with this Protocol. Accordingly, by becoming such a member or by so assisting, an *Athlete Support Person* shall be deemed to have agreed:
  - i. To be bound by and to comply strictly with this Protocol;
  - ii. To submit to the authority of the USOC, the NGB and USADA to apply, police and enforce this Protocol;
  - iii. To provide all requested assistance to the NGB, USOC and USADA (as applicable) in the application, policing and enforcement of this Protocol, including (without limitation) cooperating fully with any investigation, results management and exercise, and/or proceeding being conducted pursuant to this Protocol in relation to any potential anti-doping rule violation(s);
  - iv. To submit to the jurisdiction of any hearing body convened under this Protocol to hear and determine the existence of any potential anti-doping rule violation(s) and related issues arising under this Protocol;
  - v. To submit to the jurisdiction of any appellate body convened under this Protocol to hear and determine appeals made pursuant to this Protocol; and
  - vi. Not to bring any proceedings in any court or other forum that are inconsistent with the foregoing submission to the jurisdiction of the hearing or appellate bodies referenced in subsections 4(b)(iv) and 4(b)(v) above.

**For the avoidance of doubt, nothing in this Protocol shall be interpreted as limiting the functions and obligations of USADA as a *Signatory* to the *Code*. Nothing in this Protocol prevents USADA from undertaking *Doping Control*, results management and/or any other anti-doping activity in accordance with any agreement or arrangement with any other *ADO*, *IF*, or other *Code Signatory*, or in accordance with any right or obligation arising under the *Code*.**

## **5. Choice of Rules**

In conducting *Testing* and results management under this Protocol, USADA will apply the following rules and principles:

- a. Articles of the *Code* set forth in **Annex A**, which is incorporated by reference into the USADA Protocol, shall apply in all cases.
- b. The selection and collection procedures set forth in sections 6, 7 & 9 herein shall apply to all *Testing* conducted by USADA unless different procedures are agreed to between USADA and the party requesting the test.

- c. USADA shall be responsible for results management of the following: (1) tests initiated by USADA, unless otherwise referred by USADA to a foreign sports organization having jurisdiction over the *Athlete* or other *Person*, (2) all other tests for which the applicable IF rules require the initial adjudication to be done by a domestic body (if responsibility for results management is accepted by USADA), and (3) other potential violations of **Annex A**, the applicable IF's anti-doping rules, the USOC NADP, or the USADA Protocol involving any *Athlete* described in section 3 of this Protocol, or any *Athlete Support Personnel* or other *Persons* described in section 4 including, without limitation, all potential violations discovered by USADA, unless otherwise referred by USADA to a foreign sports organization having jurisdiction over the *Athlete* or other *Person*. Where, pursuant to an agreement, USADA executes tests initiated by an IF, regional or continental sports organization or other Olympic movement sporting body, other than the USOC or NGB, then results management shall be governed by the USADA Protocol unless otherwise specified in the *Testing* agreement.
- d. Any procedural rule of any entity for which USADA is conducting *Testing* or results management which is inconsistent with this Protocol shall be superseded by this Protocol.
- e. The USOC has adopted the USOC NADP which affects *Athletes'* or other *Persons'* eligibility for USOC teams and benefits.

## **6. Selection of Athletes to be Tested In-Competition**

Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3 of the *Code*, USADA shall have the authority to determine which *Athletes* will be selected for *Testing* in all *Events* or *Competitions* tested by USADA. In making this determination, USADA may follow NGB or IF selection criteria when available and will include, at a minimum, the selection formulas or requests for target selection of particular *Athletes* which are proposed by the USOC or a particular NGB or IF. Notwithstanding the foregoing sentence, but subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3 of the *Code*, USADA retains the right to test any *Athlete* subject to *Testing* as provided in section 3 of this Protocol that it chooses with or without cause or explanation.

## **7. Selection of Athletes to be Tested Out-of-Competition**

In addition to WADA's right to conduct *Out-of-Competition Testing* as provided in Article 5.2.4 of the *Code*, USADA shall have the authority to determine which *Athletes* will be selected for *Out-of-Competition Testing* by USADA. In making this determination, USADA will carefully consider selection formulas or requests for target selection of particular *Athletes* which are proposed by the USOC or a particular NGB. USADA retains the right to test any *Athlete* subject to *Testing* as provided in section 3 that it chooses, with or without cause or explanation.



## 8. USADA Testing Pools

Unless otherwise agreed by USADA, at specified deadlines, each NGB will provide USADA with updated contact information of *Athletes*, proposed by USADA or agreed upon with the NGB, to be included in the RTP and CAP. The NGB will provide USADA with initial contact information which shall, at a minimum, include accurate residential, mailing and email addresses (if available), date of birth, and phone numbers for each *Athlete* designated for inclusion in the RTP and CAP. After USADA notifies the *Athlete* to inform him or her of the *Athlete's* inclusion in the RTP or CAP, it shall be the responsibility of each individual *Athlete* to submit to USADA his or her *Whereabouts Filing* and thereafter to provide USADA with updated information specifying his or her whereabouts. USADA shall also inform *Athletes* when they are removed from the RTP or CAP.

- a. For *Athletes* included in the RTP the information provided on each *Whereabouts Filing*, whereabouts update and/or change of plan form must comply with requirements set forth in the ISTI. These requirements include:
  - i. Overnight location (e.g. home, temporary lodgings, hotel, etc.)
  - ii. Training, work, and or regularly scheduled activity (e.g. school)
  - iii. Competition schedule
  - iv. Daily 60-minute time slot
  - v. Submission of each *Whereabouts Filing* shall be accomplished electronically via USADA's website or through an alternative means provided or approved by USADA.
- b. For *Athletes* included in the CAP the information provided on each *Whereabouts Filing* is required to be updated if at any point the information provided becomes inaccurate. Submission of each *Whereabouts Filing* shall be accomplished electronically via USADA's website or through an alternative means provided or approved by USADA.

The information provided on each *Whereabouts Filing* and/or change of plan form must comply with requirements set forth in the ISTI. Submission of each *Whereabouts Filing* shall be accomplished electronically via USADA's website or through an alternative means provided or approved by USADA.

Within the timeframe established by USADA after notification of inclusion within the RTP or CAP and thereafter prior to the submission of the *Whereabouts Filing* for the first quarter in each calendar year, each *Athlete* in the RTP or CAP must successfully complete the USADA online education module or an alternative education program provided or approved by USADA before completing their next required *Whereabouts Filing*.

USADA shall make available to the USOC a list of all U.S. *Athletes* in the RTP and CAP, and shall make available to NGBs a list of the U.S. *Athletes* in their respective sports who are enrolled in the RTP or CAP.

## 9. **Sample Collection**

*Sample* collection by USADA, and third parties authorized by USADA to collect *Samples* for USADA, including other ADOs pursuant to bilateral or multilateral agreements, will conform to the standards set forth in the ISTI. As provided in the *Code* and ISTI, a departure from the ISTI standards will not necessarily invalidate a *Sample* or other related evidence.

## 10. **Laboratory Analysis**

*Samples* collected by USADA shall be analyzed in WADA-accredited laboratories or as otherwise approved by WADA for anti-doping purposes only. In analyzing *Samples* for USADA, WADA-accredited laboratories shall follow Article 6 of the *Code* set forth in **Annex A** and the established WADA International Standard for Laboratories (“ISL”). As provided in the *Code* and ISL, a departure from the ISL standards will not necessarily invalidate a *Sample* result or other related evidence.

## 11. **Notification**

USADA will provide the following notification with respect to each *Sample* collected by USADA:

- a. Upon receipt of a negative laboratory report USADA will promptly make that result available to the USOC, and NGB, as applicable, or to the sports organization, *Event* organizer or ADO for which USADA conducted the test. The result will also be made available to the *Athlete* at the address on the *Whereabouts Filing* on file or if no form is on file to the address on the Doping Control Official Record (“DCOR”) or other form signed by the *Athlete* at the time of notification for *Doping Control* and/or at the time of *Sample* collection and processing.
- b. Upon receipt from the laboratory of an A *Sample Adverse Analytical Finding* USADA will promptly conduct a review to determine whether an applicable Therapeutic Use Exemption (“TUE”) has been granted or will be granted or there is any apparent departure from the ISTI or ISL that caused the *Adverse Analytical Finding*. If this review does not reveal an applicable TUE or departure from the applicable standards, USADA will promptly notify, as appropriate, the USOC, NGB, IF, WADA and other sports organization, *Event* organizer or ADO for which USADA conducted the test and the *Athlete* at the address on the *Whereabouts Filing* on file, or if no form is on file, at the address on the DCOR and shall advise the *Athlete* of the date, time and place on which the laboratory will conduct the B *Sample* analysis. The *Athlete* may attend the B *Sample* analysis accompanied by a representative or may have a representative appear on his or her behalf, at the expense of the *Athlete*. Except as provided in sections 14 and 15 of this Protocol, prior to the B *Sample* opening, USADA shall provide to the *Athlete* the A *Sample* laboratory documentation as set forth in **Annex B**, and copies of the Protocol and the *Code*. In any correspondence offering the *Athlete* the opportunity to waive *Testing* of the B *Sample*, USADA shall include the language set forth in **Annex E**.

As more fully explained in section 14 below, in all cases where an *Athlete* has been notified of an anti-doping rule violation that does not result in a mandatory *Provisional Suspension* under Article 7.9.1 of the Code, the *Athlete* shall be offered the opportunity to accept a *Provisional Suspension* pending the resolution of the matter.

- c. Upon receipt of the laboratory's B *Sample* report USADA shall promptly give notice of the result to the *Athlete*, the USOC, NGB, IF, WADA and other sports organization, *Event* organizer or ADO for which USADA conducted the test. If the B *Sample* analysis confirms the A *Sample* analysis USADA shall then provide to the *Athlete* the B *Sample* documentation package as set forth in **Annex C**. The laboratory shall not be required to produce any documentation in addition to that provided for in **Annexes B and C** unless ordered to do so by an arbitrator(s) during adjudication.
- d. Upon receipt from the laboratory of an *Atypical Finding*, USADA will promptly conduct a review to determine whether an applicable *TUE* has been granted or will be granted, whether there is any apparent departure from the ISTI or ISL that caused the *Atypical Finding* and whether further investigation is required should the aforementioned review not reveal an applicable *TUE* or departure that caused the *Atypical Finding*. Except as provided below, USADA is not required to provide notice of an *Atypical Finding* until after USADA has completed its investigation to determine whether the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*. Prior to a determination concerning whether the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding* USADA may provide notice to other sport organizations of an *Atypical Finding* and of the current progress of any investigation pertaining to the *Atypical Finding* in the following situations:
  - i. If USADA determines that the B *Sample* should be analyzed prior to the conclusion of USADA's investigation, USADA will provide notice to the *Athlete*, USOC, NGB, IF, WADA and other sports organization, *Event* organizer or ADO for which USADA conducted the test as applicable and permit the same opportunity to attend the B *Sample* opening and analysis as if the A *Sample* finding had been an *Adverse Analytical Finding*;
  - ii. If USADA receives a request from the USOC, NGB, or another sport organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, or from a *Major Event Organization* shortly before one of its *International Events* to disclose whether any *Athlete* identified on a list provided by the *Major Event Organization* or USOC, NGB or other sport organization responsible for meeting an imminent deadline for selecting team members has a pending *Atypical Finding*, USADA may identify any such *Athlete* with an *Atypical Finding* after first providing notice of the *Atypical Finding* to the *Athlete*.
- e. In circumstances where USADA is conducting *Testing* for an IF, ADO, regional or continental sports organization, other Olympic movement sporting body or other sports organization or *Event* organizer, the notification described in this section shall be made as provided herein unless specified otherwise in the *Testing* agreement.

- f. Before giving an *Athlete* or other *Person* notice of an asserted anti-doping rule violation, USADA shall refer to ADAMS or another system approved by WADA and contact WADA and other relevant ADOs to determine whether any prior anti-doping rule violation exists.
- g. If USADA determines that an *Athlete* or other *Person* may have committed an anti-doping rule violation as described in **Annex A** other than a positive test, then at such time as USADA initiates the Anti-Doping Review Board (“Review Board”) process under section 13 of the Protocol, seeks an involuntary *Provisional Suspension* pursuant to section 14 of the Protocol, or commences results management pursuant to section 15 or 16 of the Protocol, USADA shall provide notice of such potential violation to the *Athlete* or other *Person*, and as appropriate, to the USOC, NGB, IF, WADA and other sports organization, *Event organizer* or *ADO*.
- h. In the event that USADA decides not to proceed upon any potential anti-doping rule violation either prior or subsequent to submission to the Review Board or decides not to bring forward any *Adverse Analytical Finding* or *Atypical Finding* as an anti-doping rule violation, USADA shall so notify the *Athlete*, and as appropriate, the USOC, NGB, IF, WADA and other sports organization, *Event organizer* or *ADO* as set forth in Article 14.2 of the *Code*.
- i. Notice to an *Athlete* or other *Person* may be accomplished either through actual notice or constructive notice. Constructive notice is sufficient for all purposes for which notification is required under this Protocol.
  - i. Actual notice may be accomplished by any means that conveys actual knowledge of the matter to the *Athlete* or other *Person*, provided the *Athlete* or other *Person* acknowledges receipt of the notice. Actual notice shall be effective upon delivery.
  - ii. Constructive notice may be accomplished by third party courier, U.S. Postal mail or by email. Notice via third party courier or U.S. Postal mail shall be sent to the *Athlete* or other *Person*’s most recent mailing address on file with USADA or on file with the *Athlete* or other *Person*’s NGB. Also, if the *Athlete* or other *Person* has provided USADA with the *Athlete* or other *Person*’s designated representative, notice may be sent to that *Person*’s most recent mailing address. Notice shall be achieved if the third-party courier indicates delivery or if the U.S. Postal mail is not returned. Notice via email shall be sent to the *Athlete* or other *Person*’s most recent email address on file with USADA or on file with the *Athlete* or other *Person*’s NGB. Also, if the *Athlete* or other *Person* has provided USADA with the *Athlete* or other *Person*’s designated representative, notice may be sent to that *Person*’s most recent email address. Notice shall be achieved if USADA does not receive a return communication notice indicating that the email was not delivered. Constructive notice shall be effective three (3) business days after delivery by the third-party courier, five (5) business days after depositing the notice with the U.S. Postal Service, or three (3) business days after sending the email.

- iii. If constructive notice cannot be accomplished pursuant to section 11(i)(ii) above, then notice may be achieved by actual notice to the *Athlete* or other *Person's* NGB. Such notice shall be effective three (3) business days after delivery.

## 12. Results Management

The results management process is designed to balance the interest of clean *Athletes* in not competing against another *Athlete* or *Athletes* facing an unresolved doping charge with the opportunity of *Athletes* and other *Persons* who have been charged with an anti-doping rule violation to have an opportunity for a hearing prior to being declared *Ineligible* to participate in sport. Recognizing that athletic careers are short and the interest in the prompt resolution of anti-doping disputes is strong, the procedures in this Protocol are intended to facilitate the prompt and fair resolution of anti-doping matters.

Similarly, the interest of *Athletes*, other affected *Persons* and sports organizations in resolving pending anti-doping matters prior to a "Protected Competition"<sup>3</sup> is frequently strong. Therefore, the results management process in this Protocol includes an Expedited Track providing for the prompt handling of expedited cases and provides that USADA may shorten any time period set forth in this Protocol and require that any hearing be conducted or the results of any hearing be *Publicly Reported* on or before a certain date or time where doing so is reasonably necessary to resolve an *Athlete's* or other *Person's* eligibility before a Protected Competition or other significant *Competition*.

As provided for in the *Code*, after an *Athlete* receives notice of an *Adverse Analytical Finding* for a *Prohibited Substance* other than a *Specified Substance* in his or her *A Sample* or that a case is being brought forward on the basis of an *Atypical Analytical Finding*, an *Atypical Passport Finding* or *Adverse Passport Finding*, a *Provisional Suspension* must be imposed promptly upon the *Athlete* after notice and an opportunity to request a *Provisional Hearing*, which may be held after the *Provisional Suspension* is imposed. Therefore, in the event an *Athlete* with an *Adverse Analytical Finding* for a *Prohibited Substance* other than a *Specified Substance* in his or her *A Sample*, or an *Atypical Passport Finding* or *Adverse Passport Finding* does not promptly and voluntarily accept a *Provisional Suspension* the results management process in this Protocol provides for a *Provisional Hearing* or an expedited hearing process or both.

## 13. Results Management/Anti-Doping Review Board Track

Except as provided in sections 14 and 15 of this Protocol, when USADA receives a laboratory report confirming an *Adverse Analytical Finding* or concludes after investigation that an *Atypical Finding* was the result of the *Administration* of a *Prohibited Substance* or *Use of a Prohibited Method*, or when USADA has otherwise determined that an anti-doping rule violation may have occurred, such as admitted doping, refusal to test, evasion of *Doping Control*, *Use*, *Possession*, *Administration*,

<sup>3</sup> The term "Protected Competition" shall have the meaning set forth in the USOC's Bylaws.

*Trafficking, Complicity, Prohibited Association, a Whereabouts Failure* or other violation or attempted violation of **Annex A**, IF rules or the USOC NADP, then USADA shall address the case through the following results management procedures:

- a. The Review Board shall be comprised of experts independent of USADA with medical, technical and legal knowledge of anti-doping matters. The Review Board members shall be appointed for two-year terms by the USADA Board of Directors and shall, unless notified otherwise, remain members until their successors have been duly appointed.
- b. In accordance with section 13(d)(i) below, and except as provided in sections 14, 15 and 16 of this Protocol, the Review Board shall review all *Sample* test results reported by the laboratory as an *Adverse Analytical Finding* or as an *Atypical Finding* and as to which USADA determines that there exists no valid *TUE*, or other sufficient reason not to bring the case forward as a potential anti-doping rule violation. Such review shall be undertaken by between three and five Review Board members appointed in each case by USADA's Chief Executive Officer ("CEO") and, in cases involving a positive A and B *Sample*, composed of at least one technical, one medical and one legal expert.
- c. Except as provided in sections 14, 15 and 16 of this Protocol, the Review Board shall also review all potential anti-doping rule violations, including violations of **Annex A**, IF rules or the USOC NADP, not based on *Adverse Analytical Findings*, which are brought forward by USADA. Review of potential violations other than *Adverse Analytical Findings* shall be undertaken by three Review Board members appointed in each case by USADA's CEO.
- d. Upon USADA's receipt of a laboratory B *Sample* report confirming an *Adverse Analytical Finding* (or immediately when analysis of the B *Sample* has been expressly waived by the *Athlete* or other *Person*), or when USADA determines that a potential violation of other applicable anti-doping rules has occurred, the following steps shall be taken:
  - i. USADA's CEO shall appoint a Review Board as provided in sections 13(b) or 13(c) above.
  - ii. The Review Board shall be provided the laboratory documentation and any additional information that USADA deems appropriate. Copies of the laboratory documentation and additional information shall be provided simultaneously to the *Athlete* or other *Person*. The *Athlete's* or other *Person's* name will not be provided to the Review Board by USADA and will be redacted from any documents submitted to the Review Board by USADA.
  - iii. The *Athlete* or other *Person* shall be promptly notified that within ten (10) days of the date of notice (or within such reasonable shorter time period as USADA may set) he or she may submit to the Review Board, through USADA, any written materials for the Review Board's consideration.
  - iv. The *Athlete* or other *Person* shall also be provided the name, telephone number, email address and website URL of the USOC Athlete Ombudsman.

- v. The Review Board shall be entitled to request additional information from either USADA or the *Athlete* or other *Person*.
  - vi. Notwithstanding the foregoing, the process before the Review Board shall not be considered a “hearing.” The Review Board shall only consider written submittals. The Review Board shall only consider whether there is sufficient evidence of an anti-doping rule violation to proceed to an arbitration hearing. All inferences and conflicts in the evidence shall be resolved in favor of the case proceeding to an arbitration hearing. No matters regarding jurisdiction, USADA’s investigation or proposed sanction length, or alleged degree of *Fault* or lack of *Fault* of the *Athlete* shall be considered by the Review Board. Submittals to the Review Board shall not be used in any further hearing or proceeding without the consent of the party making the submittal. No evidence concerning the proceeding before the Review Board, including but not limited to the composition of the Review Board, what evidence may or may have not been considered by it, its deliberative process or its recommendations shall be admissible in any further hearing or proceeding. Notwithstanding the foregoing, submittals to the Review Board may be used in further hearings or proceedings without the consent of the party making the submittal for purposes of impeachment of any prior inconsistent statements.
  - vii. The Review Board shall consider the written information submitted to it and shall, by majority vote, make a signed, written recommendation to USADA whether or not there is sufficient evidence of an anti-doping rule violation to proceed to an arbitration hearing. USADA shall then communicate the Review Board’s recommendation to the *Athlete* or other *Person*.
  - viii. USADA shall also communicate the Review Board’s recommendation to the USOC, NGB, IF and WADA.
  - ix. The *Athlete* or other *Person* may elect to waive the Review Board process at any time and upon such an election USADA may waive the Review Board process if USADA concurs in the waiver.
- e. The Review Board’s recommendation shall not be binding on USADA.
  - f. Following receipt of the Review Board recommendation, or if the Review Board process was waived, USADA shall notify the *Athlete* or other *Person*, WADA and any sports organization(s) with a right to appeal pursuant to Article 13.2.3 of the *Code* in accordance with Article 14.2 of the *Code*, within ten (10) business days, in writing, whether USADA considers the matter closed or alternatively that an alleged anti-doping rule violation has occurred and that the matter will proceed pursuant to the adjudication process. The notice shall indicate what specific charges or alleged violations will be adjudicated and what sanction, consistent with **Annex A**, the IF rules, the USOC NADP, or the USADA Protocol, USADA is seeking to have imposed. The notice shall also include all of the information required by Article 14.1.3 of the *Code*, as well as a copy of the USADA Protocol and the American Arbitration Association (“AAA”) Supplementary Procedures for the Arbitration of Olympic Sport Doping Disputes (the “Supplementary Procedures”) attached as **Annex D** or a web link to those documents.

- g. Within ten (10) days following the date of such notice, the *Athlete* or other *Person* must notify USADA in writing if he or she desires an arbitration hearing to contest the sanction sought by USADA. The *Athlete* or other *Person* shall be entitled to a five (5) day extension if requested within such ten (10) day period. If the sanction is not contested in writing within such ten (10) or fifteen (15) day period, then the sanction shall be communicated by USADA to the *Athlete* or other *Person*, USOC, NGB, IF and WADA and thereafter imposed by the NGB or other appropriate sporting body.
- h. Such sanction shall not be challenged, reopened or subject to appeal unless the *Athlete* or other *Person* can demonstrate by a preponderance of the evidence that he or she did not receive either actual or constructive notice of the opportunity to contest the sanction. A claim that notice was not received must be raised within twenty-one (21) days of USADA's *Public Disclosure* of the sanction pursuant to section 18 of this Protocol and shall be heard by the AAA.
- i. An *Athlete* or other *Person* may also elect to avoid the necessity for a hearing by accepting the sanction proposed by USADA. In all cases where USADA has agreed with an *Athlete* or other *Person* to the imposition of a sanction without a hearing, USADA shall give notice thereof as set forth in Articles 14.1 and 14.2 of the *Code* to other ADOs with a right to appeal under Article 13.2.3 of the *Code*.
- j. If the sanction is contested by the *Athlete* or other *Person*, then a hearing shall be conducted pursuant to the procedures set forth below in sections 16 and 17.

#### **14. Provisional Suspension**

Pursuant to Article 7.9.1 of the *Code*, in the event that the laboratory reports an *Adverse Analytical Finding* on an A *Sample* for a *Prohibited Substance* other than a "*Specified Substance*" within the meaning of Article 4.2.2 of the *Code*, USADA will notify the *Athlete* or other *Person*, in accordance with Article 7.3 of the *Code* and after it has conducted the review described in Articles 7.3 and 7.5 of the *Code*, that a *Provisional Suspension* shall be imposed unless the *Athlete* challenges the imposition of the *Provisional Suspension* by requesting, in writing, a *Provisional Hearing* within three (3) calendar days of USADA's notice. Such time period may be shortened by USADA if the *Athlete* or other *Person* intends to compete in a *Competition* that is scheduled within the three-day period. For good cause, if established prior to the expiration of the challenge period, USADA may extend the period for a challenge of the *Provisional Suspension* by up to an additional four (4) calendar days. If the *Athlete* does not contest the *Provisional Suspension*, the *Provisional Suspension* will go into effect and the *Athlete's* case will proceed on the Anti-Doping Review Board Track set forth in section 13 above. If the *Athlete* challenges the *Provisional Suspension* proposed by USADA, but a *Provisional Hearing* is not initiated as provided for below, the *Athlete's* case will proceed on the Expedited Track set forth in section 15 below.

- a. In the event that the laboratory reports an *Adverse Analytical Finding* on an



A *Sample* for a *Prohibited Substance* other than a *Specified Substance* and USADA is unaware of a Protected Competition or significant *Competition* in which the *Athlete* may participate within the next forty-five (45) days, USADA may inform the *Athlete* of USADA's determination that a *Provisional Suspension* should be imposed and the *Athlete's* right to request, in writing, that the AAA form an arbitration panel as provided in this Protocol and schedule a *Provisional Hearing* to be held within ten (10) days of USADA's notice or within such shorter time as specified by USADA. *Provisional Hearings* shall be held via conference call within the time frame specified by USADA and the sole issue to be determined by the panel at such a hearing will be whether USADA's decision that a *Provisional Suspension* should be imposed shall be upheld. USADA's decision to impose a *Provisional Suspension* shall be upheld if probable cause exists for USADA to proceed with a charge of an anti-doping rule violation against the *Athlete* or if the *Athlete* is unable to demonstrate that the potential violation resulted from the use of a *Contaminated Product*. To establish probable cause it shall not be necessary for any B *Sample* analysis to have been completed. Prior to any *Provisional Hearing* USADA shall provide to the *Athlete* any and all laboratory documentation in the possession of USADA for the *Sample* in question. If probable cause is found the panel shall uphold USADA's decision to impose a *Provisional Suspension* against the *Athlete*. The *Provisional Suspension* shall make the *Athlete Ineligible* to participate in any *Competition* or *Event* or from membership or inclusion upon any team organized or nominated by the USOC or any NGB and shall be in effect until the final hearing has been held and an award issued by an arbitration panel or until the earlier of one of the following events: USADA and the *Athlete* agree to a sanction, USADA withdraws its case against the *Athlete*, or the *Athlete* withdraws his or her request for arbitration or fails to contest his or her case resulting in imposition of a sanction.

- b. If a *Provisional Suspension* is involuntarily imposed against an *Athlete* pursuant to the *Provisional Hearing* process set forth above, the *Athlete* shall be entitled to have his or her case heard pursuant to the Expedited Track set forth below if a written request for such expedited treatment is made to the *Provisional Hearing* panel within three (3) business days of the panel's decision to uphold USADA's decision to impose a *Provisional Suspension*.
- c. In the event that USADA chooses not to impose a *Provisional Suspension* or if USADA imposes a *Provisional Suspension* and the *Athlete* presents credible evidence that the *Athlete* intends to participate in a Protected Competition or other significant *Competition* within forty-five (45) days, the *Provisional Hearing* process shall be bypassed and the case shall proceed directly to an expedited hearing as provided for in section 15 of this Protocol.
- d. Nothing in this rule shall preclude any *Athlete* or other *Person* from voluntarily accepting a *Provisional Suspension* proposed by USADA for any alleged anti-doping rule violation. Upon acceptance of a *Provisional Suspension* and agreement by USADA a case may be shifted to the appropriate stage of the Anti-Doping Review Board Track at any time.

- e. Pursuant to Article 7.10 of the *Code*, upon the acceptance or imposition of a *Provisional Suspension*, USADA shall give notice thereof as set forth in Articles 14.1 and 14.2 of the *Code* to other ADOs with a right to appeal under Article 13.2.3 of the *Code*.

## **15. Results Management / Expedited Track**

When USADA receives a laboratory report of an *Adverse Analytical Finding* on an *A Sample* or USADA has evidence that an *Athlete* or other *Person Used, Possessed, Trafficked* or *Administered* a *Prohibited Substance* or *Prohibited Method* other than a *Specified Substance* and the *Athlete* or other *Person* believed to have committed the rule violation has not accepted a *Provisional Suspension* within the time period specified by USADA and is likely to participate in a Protected Competition or other significant *Competition* within forty-five (45) days, then USADA shall address the case through the following results management procedures if USADA determines that the case might not be concluded prior to the Protected Competition if administered on the Anti-Doping Review Board Track:

If applicable, the *B Sample* shall be analyzed by the laboratory at the earliest practicable time as scheduled by USADA. Notice of the date for the *B Sample* opening will be set forth in the notice informing the *Athlete* of his or her opportunity to accept a *Provisional Suspension* or request a *Provisional Hearing*.

- a. Regardless of the status of any *B Sample* analysis, within three (3) business days of expiration of the period in which the *Athlete* or other *Person* must accept a *Provisional Suspension* in order to avoid handling of the *Athlete's* or other *Person's* case on the Expedited Track, the *Athlete* or other *Person* shall be deemed to have requested arbitration of their case and USADA shall notify the AAA in writing of the initiation of an expedited proceeding by USADA against the *Athlete* or other *Person* by filing a request for arbitration with the AAA.
- b. The AAA shall immediately form an arbitration panel under the AAA's expedited procedures.
- c. The panel shall complete and close the hearing and issue its written award within the time period identified by USADA as necessary to provide for orderly participation in Protected Competition by the *Athlete* or other *Person*, if eligible, and/or by any other potentially affected *Athletes*, other *Persons* or team, or if no Protected Competition is more imminent, within twenty-one (21) days of formation of the panel.
- d. Nothing in this rule shall preclude any *Athlete* or other *Person* from voluntarily accepting the imposition of the *Provisional Suspension* by USADA. Upon acceptance of a *Provisional Suspension* and agreement by USADA and the *Athlete* or other *Person* a case may be shifted from the Expedited Track to the appropriate stage of the Anti-Doping Review Board Track at any time.

## **16. Expedited Procedures**

USADA may eliminate the Review Board process or shorten any time period set

forth in this Protocol and require that any hearing be conducted or the results of any hearing be *Publicly Reported* on or before a certain date or time where doing so is reasonably necessary to resolve an *Athlete's* or other *Person's* eligibility before a Protected Competition or other significant *Competition*. The shortened time periods shall continue to protect the right of the *Athlete* or other *Person* to a fair hearing and shall not prohibit the *Athlete's* or other *Person's* right to request three (3) arbitrators or choose a single arbitrator.

## 17. Hearings and Appeals

The following procedures apply to all hearings under this Protocol:

- a. Without exception, absent the express consent of the parties, all hearings will take place in the United States before the AAA using the Supplementary Procedures. For purposes of this section 17(a), the parties will be USADA and the *Athlete* or other *Person*. Although the parties and witnesses may participate in any hearing remotely, absent the express consent of the parties, the arbitrator(s) must be physically situated in the United States in order to take part in a hearing. USADA may also invite the applicable IF and WADA to participate either as a party or as an observer. The *Athlete* or other *Person* shall have the sole right to request that the hearing be open to the public subject to such limitations as may be imposed by the arbitrator(s). For their information only, notice of the hearing date shall also be sent to the USOC, the USOC Athlete Ombudsman and the NGB. If the *Athlete* or other *Person* requests, the USOC Athlete Ombudsman shall be invited as an observer.
- b. Subject to the filing deadline for an appeal filed by WADA as provided in Article 13.2.3 of the *Code*, the final award by the AAA arbitrator(s) may be appealed to the CAS within twenty-one (21) days of issuance of the final reasoned award or when an award on eligibility without reasons is deemed final as set forth below. If the AAA arbitrators issue an award on eligibility without reasons, such award shall be deemed final for purposes of appeal to CAS on the earlier of (a) issuance of the final reasoned award by the AAA Panel, or (b) thirty (30) days from issuance of the award without reasons. The appeal procedure set forth in Article 13.2 of **Annex A** shall apply to all appeals not just appeals by *International-Level Athletes* or other *Persons*. A CAS appeal shall be filed with the CAS Administrator, the CAS hearing will automatically take place in the United States and CAS shall conduct a review of the matter on appeal which, among other things, shall include the power to increase, decrease or void the sanctions imposed by the previous AAA Panel regardless of which party initiated the appeal. The regular CAS Appeal Arbitration Procedures apply. The decision of CAS shall be final and binding on all parties and shall not be subject to further review or appeal.
- c. All administrative costs of USADA relating to the *Testing* and management of *Athletes' Samples* prior to a determination of *Ineligibility* will be borne by USADA. Administrative costs of the USADA adjudication process (AAA filing fee, AAA administrative costs, AAA arbitrator fees and costs) will be borne by the USOC.

- d. If the *Athlete* or other *Person* files an appeal with CAS, the CAS filing fee will be paid by the *Athlete* or other *Person* and refunded to the *Athlete* by the USOC should the *Athlete* prevail on appeal. Apart from the filing fee, CAS may impose an award of costs and fees on any party pursuant to its rules. The USOC shall not be responsible for these costs and fees.
- e. The results of all hearings, including written decisions, shall be communicated by USADA to the *Athlete* or other *Person*, the USOC, NGB, IF and WADA in accordance with Article 14.2 of the *Code*. The NGB and/or USOC shall impose any sanction resulting from the adjudication process. The NGB and/or the USOC shall not impose any sanctions until after the *Athlete* or other *Person* has had the opportunity for a hearing.

## **18. Confidentiality**

*Athletes* and other *Persons* consent to USADA disclosing such information concerning the *Athlete* or other *Persons* to sports organizations as may be permitted by the *Code*, IF rules, the USOC NADP, this Protocol, the ISTI, or other law, rule or regulation, including the whereabouts information described in Articles 5.6 and 14.5 of the *Code*. For any disclosure which USADA is entitled to make to the USOC, USADA may, in addition, make such disclosure to the appropriate NGB or other appropriate USOC member organization.

USADA shall maintain on its website a searchable database which includes the identity of all *Athletes* tested by USADA under its Olympic, Paralympic, Pan American, Parapan American and Youth Olympic movements *Testing* program and the number of times each *Athlete* has been tested by USADA.

USADA shall not *Publicly Disclose* or comment upon any *Athlete's Adverse Analytical Finding* or *Atypical Finding* or upon any information related to any alleged doping violation (including violations not involving an *Adverse Analytical Finding*) until after the *Athlete* or other *Person* (1) has been found to have committed an anti-doping rule violation in a hearing conducted under this Protocol, or (2) has failed to request a hearing within the time set forth in section 12(a) of this Protocol, or (3) has agreed in writing to the sanction sought by USADA. However, USADA may provide notification to the USOC, NGB, IF, WADA, an *Event* organizer or team selecting entity (or other sporting body ordering the test) as provided for in this Protocol. USADA does not control how information provided by USADA to the USOC, NGBs, IFs, WADA and other sports organizations is disseminated but will include statements to each organization requesting that any organization receiving such information keep it confidential until disclosed by USADA. USADA may comment publicly at any time on any aspect of the results management/adjudication process or the applicable rules without making specific reference to any *Athlete* or other *Person* alleged to have committed an anti-doping rule violation. USADA may also release aggregate statistics of *Testing* and adjudication results. In the event an *Athlete* or other *Person* or the *Athlete's* or other *Person's* representative(s) or others associated with the *Athlete* or other *Person* make(s) public comments about their case or the process involving the *Athlete* or other *Person* then USADA may respond

publicly to such comments in whatever manner and to whatever extent USADA deems appropriate.

Unless USADA determines that non-disclosure or delayed disclosure is permitted under the *Code*, USADA shall *Publicly Report* the disposition of anti-doping matters no later than five (5) business days after: (1) it has been determined in a hearing in accordance with the Protocol that an anti-doping rule violation has occurred, (2) such hearing has been waived, (3) the assertion of an anti-doping rule violation has not been timely challenged, or (4) the *Athlete* or other *Person* has agreed in writing to the sanction sought by USADA. After an anti-doping rule violation has been established USADA may comment upon any aspect of the case. In all cases, the disposition shall be reported to the USOC, NGB, IF, WADA and, if applicable, the other sporting body referring the matter to USADA.

USADA shall also comply with the *Public Disclosure* requirements as described in Article 14.3 of the *Code* where those requirements are not specifically provided in these Rules.

## 19. *Ineligibility*

Any *Athlete* sanctioned by USADA, a NGB, an IF, another *Signatory* to the *Code* or by another body whose rules are consistent with the *Code* for the violation of any anti-doping rule, who receives a period of *Ineligibility* of less than a lifetime period of *Ineligibility*, shall be required to make themselves available for *Out-of-Competition Testing* and, in the discretion of USADA, may be enrolled in and required to comply with all requirements of the *RTP* or the *CAP* at any time during the period of the *Athlete's Ineligibility*. The failure by an *Athlete* who has been enrolled in the *RTP* or the *CAP* to fully comply with USADA's whereabouts requirements may result in the extension of the *Athlete's Ineligibility* or subject the *Athlete* to a further anti-doping rule violation and additional sanctions. Sanctioned *Athletes* shall also be required to bear the costs associated with any reinstatement tests conducted by USADA on him or her during the period of *Ineligibility* or thereafter.

Any *Athlete* who retires during a period of *Ineligibility* while enrolled in the *RTP* or the *CAP* and later desires to seek reinstatement or return to active participation in sport must give USADA notice of his or her intent to return from retirement and must comply with all USADA whereabouts requirements for members of the *RTP* or the *CAP*. Once the *Athlete* has provided all the whereabouts information required by USADA, USADA shall notify the *Athlete* of the date of the *Athlete's* re-inclusion in the *RTP* or the *CAP*. The *Athlete* shall not be eligible to recover eligibility until the *Athlete* has been in the *RTP* or the *CAP* and fully complied with all requirements for participation in the *RTP* or the *CAP*, including the duty to provide whereabouts information, for a period of time equal to the period of *Ineligibility* remaining as of the date the *Athlete* retired or for the period of time specified in the USOC NADP for an *Athlete's* return to participation in sport following a retirement, whichever is longer. The *Athlete* must also comply with all applicable reinstatement requirements of the *Athlete's* NGB(s) and IF(s).

## 20. Retirement

Any Athlete enrolled in the *RTP* or the *CAP* who wishes to be removed from the *RTP* or the *CAP* on account of retirement must promptly notify USADA and his or her NGB in writing in order for retirement from the *RTP* or *CAP* to be effective. In addition, Athletes are responsible to comply with the individual retirement policies for the IF(s) in each sport in which he or she competes. The notice regarding retirement attached as **Annex F** shall be posted on the USADA website.

- a. In accordance with Article 5.7 of the *Code*, any *Athlete* who retires from sport while included in *RTP* must make himself or herself available for *Testing* by giving six months prior written notice to USADA, the relevant IF and the *Athlete's* NGB(s) prior to returning to active participation in sport at the International or National level and must comply with all USADA whereabouts requirements for members of the *RTP*.
- b. Any *Athlete* who retires from sport while included in the *CAP* must make himself or herself available for *Testing* by giving six months prior written notice to USADA, the relevant IF and the *Athlete's* NGB(s) prior to returning to active participation in sport at the International or National level and must comply with all USADA whereabouts requirements for the members of the *CAP*.

WADA, in consultation with the relevant IF and USADA, may grant an exemption to the six-month rule where the strict application of the rule would be manifestly unfair to an *Athlete*.

- a. This decision may be appealed under Article 13 of the *Code* for *Athletes* included in the *RTP*. In addition, competitive results obtained in violation of Article 5.7.1 of the *Code* shall be *Disqualified*.

If an *Athlete* retires from sport while subject to a period of *Ineligibility* and then wishes to return to active *Competition* in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing* and provided notice in accordance with Article 5.7.2 of the *Code*.

## 21. Ownership and Use of Samples

All *Samples* collected by USADA shall be the property of USADA, but shall only be used for purposes outlined in this Protocol and in accordance with Article 6 of the *Code* set forth in **Annex A**.

## 22. Effective Date

The revisions to this Protocol incorporated herein shall go into effect on January 1, 2019. Revisions to the Protocol as previously published shall not apply retrospectively to matters pending before January 1, 2019 except as provided in Article 25 of the *Code*.

# ANNEX A

## WORLD ANTI-DOPING CODE ARTICLES

*Articles from the World Anti-Doping Code that are referenced in the USOC Anti-Doping Policies and incorporated verbatim into the USADA Protocol for Olympic and Paralympic Movement Testing:*

### ARTICLE 1: DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 of the *Code*.

### ARTICLE 2: ANTI-DOPING RULE VIOLATIONS

The purpose of Article 2 is to specify the circumstances and conduct which constitute anti-doping rule violations. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated.

*Athletes* or other *Persons* shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the *Prohibited List*.

The following constitute anti-doping rule violations:

#### **2.1 Presence of a Prohibited Substance or its Metabolites or Markers in Athlete's Sample**

- 2.1.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* 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 *Athlete's* part be demonstrated in order to establish an anti-doping violation under Article 2.1.

*[Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an Athlete's Fault. This rule has been referred to in various CAS decisions as "Strict Liability." An Athlete's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.]*

- 2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analyzed; or, where the *Athlete's B Sample* is analyzed and the analysis

of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or, where the *Athlete's B Sample* is split into two bottles and the analysis of the second bottle confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first bottle.

*[Comment to Article 2.1.2: The Anti-Doping Organization with results management responsibility may in its discretion choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample.]*

- 2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the *Prohibited List*, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.
- 2.1.4 As an exception to the general rule of Article 2.1, the *Prohibited List* or *International Standards* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.

## **2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method.**

*[Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1.*

*For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]*

- 2.2.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body and that no *Prohibited Method* is Used. Accordingly, it is not necessary that intent, *Fault*, negligence or knowing Use on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation for Use of a *Prohibited Substance* or a *Prohibited Method*.
- 2.2.2 The success or failure of the *Use* or *Attempted 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.

*[Comment to Article 2.2.2: Demonstrating the "Attempted Use" of a Prohibited Substance or a Prohibited Method requires proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule*



*violation does not undermine the Strict Liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method.*

*An Athlete's Use of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the Athlete's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 regardless of when that substance might have been administered.)]*

### **2.3 Evading, Refusing or Failing to Submit to Sample Collection**

Evading *Sample* collection, or without compelling justification refusing or failing to submit to *Sample* collection after notification as authorized in applicable anti-doping rules.

*[Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Athlete.]*

### **2.4 Whereabouts Failures**

Any combination of three missed tests and/or filing failures, as defined in the International Standard for Testing and Investigations, within a twelve-month period by an *Athlete* in a *Registered Testing Pool*.

### **2.5 Tampering or Attempted Tampering with any part of Doping Control**

Conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, intentionally interfering or attempting to interfere with a *Doping Control* official, providing fraudulent information to an *Anti-Doping Organization* or intimidating or attempting to intimidate a potential witness.

*[Comment to Article 2.5: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations.]*

### **2.6 Possession of a Prohibited Substance or a Prohibited Method**

2.6.1 *Possession* by an *Athlete In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by an *Athlete Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* unless the *Athlete* establishes that the *Possession* is consistent with a Therapeutic Use Exemption ("TUE") granted in accordance with Article 4.4 or other acceptable justification.

2.6.2 *Possession by an Athlete Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method* which is prohibited *Out-of-Competition* in connection with an *Athlete, Competition* or training, unless the *Athlete Support Person* establishes that the *Possession* is consistent with a *TUE* granted to an *Athlete* in accordance with Article 4.4 or other acceptable justification.

*[Comment to Article 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., buying Insulin for a diabetic child.]*

*[Comment to Article 2.6.2: Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.]*

## **2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method**

## **2.8 Administration or Attempted Administration to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance that is prohibited Out-of-Competition**

## **2.9 Complicity**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.12.1 by another *Person*.

## **2.10 Prohibited Association**

Association by an *Athlete* or other *Person* subject to the authority of an *Anti-Doping Organization* in a professional or sport-related capacity with any *Athlete Support Person* who:

- 2.10.1 If subject to the authority of an *Anti-Doping Organization*, is serving a period of *Ineligibility*; or
- 2.10.2 If not subject to the authority of an *Anti-Doping Organization* and where *Ineligibility* has not been addressed in a results management process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code-compliant* rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the

criminal, disciplinary or professional sanction imposed; or

- 2.10.3 Is serving as a front or intermediary for an individual described in Article 2.10.1 or 2.10.2.

In order for this provision to apply, it is necessary that the *Athlete* or other *Person* has previously been advised in writing by an *Anti-Doping Organization* with jurisdiction over the *Athlete* or other *Person*, or by *WADA*, of the *Athlete Support Person's* disqualifying status and the potential *Consequence* of prohibited association and that the *Athlete* or other *Person* can reasonably avoid the association. The *Anti-Doping Organization* shall also use reasonable efforts to advise the *Athlete Support Person* who is the subject of the notice to the *Athlete* or other *Person* that the *Athlete Support Person* may, within 15 days, come forward to the *Anti-Doping Organization* to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 17, this Article applies even when the *Athlete Support Person's* disqualifying conduct occurred prior to the effective date provided in Article 25.)

The burden shall be on the *Athlete* or other *Person* to establish that any association with *Athlete Support Personnel* described in Articles 2.10.1 or 2.10.2 is not in a professional or sport-related capacity.

*Anti-Doping Organizations* that are aware of *Athlete Support Personnel* who meet the criteria described in Articles 2.10.1, 2.10.2, or 2.10.3 shall submit that information to *WADA*.

*[Comment to Article 2.10: Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation.]*

## ARTICLE 3: PROOF OF DOPING

### 3.1 *Burdens and Standards of Proof*

The *Anti-Doping Organization* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the *Anti-Doping Organization* has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where the *Code* places the burden of proof upon the *Athlete* or other *Person*

alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

*[Comment to Article 3.1: This standard of proof required to be met by the Anti-Doping Organization is comparable to the standard which is applied in most countries to cases involving professional misconduct.]*

### **3.2 Methods of Establishing Facts and Presumptions**

Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:

*[Comment to Article 3.2: For example, an Anti-Doping Organization may establish an anti-doping rule violation under Article 2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport.]*

3.2.1 Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any Athlete or other Person seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. CAS on its own initiative may also inform WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear amicus curiae or otherwise provide evidence in such proceeding.

3.2.2 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding.

If the Athlete or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then the Anti-Doping Organization shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

*[Comment to Article 3.2.2: The burden is on the Athlete or other Person to*

*establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to the Anti-Doping Organization to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]*

- 3.2.3 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or *Anti-Doping Organization* rules which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *Athlete* or other *Person* establishes a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or other anti-doping rule violation, then the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.
- 3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.
- 3.2.5 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or the *Anti-Doping Organization* asserting the anti-doping rule violation.

## ARTICLE 4: THE PROHIBITED LIST

### 4.2 *Prohibited Substances and Prohibited Methods Identified on the Prohibited List*

#### 4.2.2 Specified Substances

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. The category of *Specified Substances* shall not include *Prohibited Methods*.

*[Comment to Article 4.2.2: The Specified Substances identified in Article 4.2.2*

*should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by an Athlete for a purpose other than the enhancement of sport performance.]*

#### **4.3 Criteria for Including Substances and Methods on the Prohibited List**

4.3.3 WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List*, the classification of substances into categories on the *Prohibited List*, and the classification of the substance as prohibited at all times or *In-Competition* only, is final and shall not be subject to challenge by an *Athlete* or other *Person* based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

### **ARTICLE 6: ANALYSIS OF SAMPLES**

*Samples* shall be analyzed in accordance with the following principles:

#### **6.1 Use of Accredited and Approved Laboratories**

For purposes of Article 2.1, *Samples* shall be analyzed only in WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the *Sample* analysis shall be determined exclusively by the *Anti-Doping Organization* responsible for results management.

*[Comment to Article 6.1: For cost and geographic access reasons, WADA may approve laboratories which are not WADA-accredited to perform particular analysis—for example, analysis of blood which should be delivered from the collection site to the laboratory within a set deadline. Before approving any such laboratory, WADA will ensure it meets the high analytical and custodial standards required by WADA.]*

*Violations of Article 2.1 may be established only by Sample analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]*

#### **6.2 Purpose of Analysis of Samples**

*Samples* shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by WADA pursuant to Article 4.5, or to assist an *Anti-Doping Organization* in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling, or for any other legitimate anti-doping purpose. *Samples* may be collected and stored for future analysis.

*[Comment to Article 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.]*

### 6.3 **Research on Samples**

No *Sample* may be used for research without the *Athlete's* written consent. *Samples* used for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular *Athlete*.

*[Comment to Article 6.3: As is the case in most medical contexts, use of anonymized Samples for quality assurance, quality improvement, or to establish reference populations is not considered research.]*

### 6.4 **Standards for Sample Analysis and Reporting**

Laboratories shall analyze *Samples* and report results in conformity with the International Standard for Laboratories. To ensure effective *Testing*, the Technical Document referenced at Article 5.4.1 will establish risk assessment-based *Sample* analysis menus appropriate for particular sports and sport disciplines, and laboratories shall analyze *Samples* in conformity with those menus, except as follows:

- 6.4.1 *Anti-Doping Organizations* may request that laboratories analyze their *Samples* using more extensive menus than those described in the Technical Document.
- 6.4.2 *Anti-Doping Organizations* may request that laboratories analyze their *Samples* using less extensive menus than those described in the Technical Document only if they have satisfied WADA that, because of the particular circumstances of their country or sport, as set out in their test distribution plan, less extensive analysis would be appropriate.
- 6.4.3 As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyze *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the *Sample* analysis menu described in the Technical Document or specified by the *Testing* authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.

*[Comment to Article 6.4: The objective of this Article is to extend the principle of "intelligent Testing" to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognized that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analyzed.]*

### 6.5 **Further Analysis of Samples**

Any *Sample* may be subject to further analysis by the *Anti-Doping Organization* responsible for results management at any time before both the A and B *Sample* analytical results (or A *Sample* result where B *Sample* analysis has been waived or will not be performed) have been communicated by the *Anti-Doping Organization* to the *Athlete* as the asserted basis for an Article 2.1 anti-doping rule violation.

*Samples* may be stored and subjected to further analyses for the purpose of Article 6.2 at any time exclusively at the direction of the *Anti-Doping Organization* that initiated and directed *Sample* collection or *WADA*. (Any *Sample* storage or further analysis initiated by *WADA* shall be at *WADA*'s expense.) Further analysis of *Samples* shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

## **ARTICLE 7: RESULTS MANAGEMENT**

### **7.11 Retirement from Sport**

If an *Athlete* or other *Person* retires while a results management process is underway, the *Anti-Doping Organization* conducting the results management process retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun, the *Anti-Doping Organization* which would have had results management authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, has authority to conduct results management.

*[Comment to Article 7.11: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organization.]*

## **ARTICLE 8: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION**

### **8.4 Notice of Decisions**

The reasoned hearing decision, or, in cases where the hearing has been waived, a reasoned decision explaining the action taken, shall be provided by the Anti-Doping Organization with results management responsibility to the *Athlete* and to other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article 14.2.1.

## **ARTICLE 9: AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

An anti-doping rule violation in *Individual Sports* in connection with an *In-Competition* test automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes.

*[Comment to Article 9: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.]*



## ARTICLE 10: SANCTIONS ON INDIVIDUALS

### 10.1 ***Disqualification of Results in the Event During which an Anti-Doping Rule Violation Occurs***

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.

Factors to be included in considering whether to *Disqualify* other results in an *Event* might include, for example, the severity of the *Athlete's* anti-doping rule violation and whether the *Athlete* tested negative in the other *Competitions*.

*[Comment to Article 10.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the 100 meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the FINA World Championships).]*

- 10.1.1 If the *Athlete* establishes that he or she bears *No Fault* or *Negligence* for the violation, the *Athlete's* individual results in the other *Competitions* shall not be *Disqualified* unless the *Athlete's* results in *Competitions* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

### 10.2 ***Ineligibility for Presence Use or Attempted Use or Possession of a Prohibited Substance or Prohibited Method***

The period of *Ineligibility* imposed for a first violation of Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension of sanction pursuant to Articles 10.4, 10.5 or 10.6:

- 10.2.1 The period of *Ineligibility* shall be four years where:
- 10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.
  - 10.2.1.2 The anti-doping rule violation involves a *Specified Substance* and the *Anti-Doping Organization* can establish that the anti-doping rule violation was intentional.
- 10.2.2 If Article 10.2.1 does not apply, the period of *Ineligibility* shall be two years.
- 10.2.3 As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those *Athletes* who cheat. The term, therefore, requires that the *Athlete* or other *Person* engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a

significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be rebuttably presumed to be not intentional if the substance is a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered intentional if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

### **10.3 Ineligibility for Other Anti-Doping Rule Violations**

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Articles 10.5 or 10.6 are applicable:

- 10.3.1 For violations of Article 2.3 or Article 2.5, the *Ineligibility* period shall be four years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall be two years.
- 10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.
- 10.3.3 For violations of Articles 2.7 or 2.8, the period of *Ineligibility* imposed shall be a minimum of four years up to lifetime *Ineligibility*, depending on the severity of the violation. An Article 2.7 or 2.8 violation involving a *Minor* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Articles 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

*[Comment to Article 10.3.3: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]*

- 10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.
- 10.3.5 For violations of Article 2.10, the sanction shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.

*[Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.]*

#### **10.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence**

If an *Athlete* or other *Person* establishes in an individual case that he or she bears *No Fault* or *Negligence*, then the otherwise applicable period of *Ineligibility* shall be eliminated.

*[Comment to Article 10.4: This Article and Article 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example, where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on No Significant Fault or Negligence.]*

#### **10.5 Reduction of the Period of Ineligibility based on No Significant Fault or Negligence**

- 10.5.1 Reduction of *Sanctions* for *Specified Substances* or *Contaminated Products* for Violations of Articles 2.1, 2.2 or 2.6.

##### 10.5.1.1 *Specified Substances*

Where the anti-doping rule violation involves a *Specified Substance*, and the *Athlete* or other *Person* can establish *No Significant Fault* or *Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

### 10.5.1.2 Contaminated Products

In cases where the *Athlete* or other *Person* can establish *No Significant Fault* or *Negligence* and that the detected *Prohibited Substance* came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two years *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

*[Comment to Article 10.5.1.2: In assessing that Athlete's degree of Fault, it would, for example, be favorable for the Athlete if the Athlete had declared the product which was subsequently determined to be Contaminated on his or her Doping Control form.]*

### 10.5.2 Application of *No Significant Fault* or *Negligence* beyond the Application of Article 10.5.1.

If an *Athlete* or other *Person* establishes in an individual case where Article 10.5.1 is not applicable, that he or she bears *No Significant Fault* or *Negligence*, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or other *Person's* degree of *Fault*, 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 Article may be no less than eight years.

*[Comment to Article 10.5.2: Article 10.5.2 may be applied to any anti-doping rule violation, except those Articles where intent is an element of the anti-doping rule violation (e.g., Articles 2.5, 2.7, 2.8 or 2.9) or an element of a particular sanction (e.g., Article 10.2.1) or a range of Ineligibility is already provided in an Article based on the Athlete or other Person's degree of Fault.]*

## **10.6 Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons Other than Fault**

### 10.6.1 *Substantial Assistance* in Discovering or Establishing Anti-Doping Rule Violations.

*[Comment to Article 10.6.1: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorized.]*

10.6.1.1 An *Anti-Doping Organization* with results management responsibility for an anti-doping rule violation may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case where the *Athlete*

or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to the *Anti-Doping Organization* with results management responsibility. After a final appellate decision under Article 13 or the expiration of time to appeal, an *Anti-Doping Organization* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of WADA and the applicable International Federation. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this section must be no less than eight years. If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the *Anti-Doping Organization* that suspended the period of *Ineligibility* shall reinstate the original period of *Ineligibility*. If an *Anti-Doping Organization* decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

- 10.6.1.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of the *Anti-Doping Organization* conducting results management or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, WADA may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed by any other *Anti-Doping Organization*.

10.6.1.3 If an *Anti-Doping Organization* suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorize an *Anti-Doping Organization* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

10.6.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence.

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

*[Comment to Article 10.6.2: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he/she not come forward voluntarily.]*

10.6.3 Prompt admission of an anti-doping rule violation after being confronted with a violation sanctionable under Article 10.2.1 or 10.3.1.

An *Athlete* or other *Person* potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing *Sample Collection* or *Tampering with Sample Collection*), by promptly admitting the asserted anti-doping rule violation after being confronted by an *Anti-Doping Organization*, and also upon the approval and at the discretion of both *WADA* and the *Anti-Doping Organization* with results management responsibility, may receive a reduction in the period of *Ineligibility* down to a minimum of two years, depending on the severity of the violation and the *Athlete* or other *Person's* degree of *Fault*.

10.6.4 Application of multiple grounds for reduction of a sanction.

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of Article 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6, the otherwise

applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.4, and 10.5. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

*[Comment to Article 10.6.4: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Article 10.2, 10.3, 10.4, or 10.5) applies to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanction, the hearing panel must determine the applicable sanction within that range according to the Athlete or other Person's degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Article 10.6). Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.11.]*

*Several examples of how Article 10 is to be applied are found in Appendix 2.]*

## 10.7 Multiple Violations

- 10.7.1 For an *Athlete* or other *Person's* second anti-doping rule violation, the period of *Ineligibility* shall be the greater of:
- (a) six months;
  - (b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; or
  - (c) two times the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

The period of *Ineligibility* established above may then be further reduced by the application of Article 10.6.

- 10.7.2 A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or 10.5, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.
- 10.7.3 An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault* or *Negligence* shall not be considered a violation for purposes of this Article.
- 10.7.4 Additional Rules for Certain Potential Multiple Violations.
- 10.7.4.1 For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the *Anti-Doping Organization* can establish

that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7, or after the *Anti-Doping Organization* made reasonable efforts to give notice, of the first anti-doping rule violation; if the *Anti-Doping Organization* cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

10.7.4.2 If, after the imposition of a sanction for a first anti-doping rule violation, an *Anti-Doping Organization* discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then the *Anti-Doping Organization* shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8.

10.7.5 Multiple Anti-Doping Rule Violations During Ten-Year Period.

For purposes of Article 10.7, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

## **10.8 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation**

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.

*[Comment to Article 10.8: Nothing in the Code precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]*

## **10.9 Allocation of CAS Cost Awards and Forfeited Prize Money**

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of forfeited prize money to other *Athletes* if provided for in the rules of the applicable International



Federation; and third, reimbursement of the expenses of the *Anti-Doping Organization* that conducted results management in the case.

### 10.10 *Financial Consequences*

*Anti-Doping Organizations* may, in their own rules, provide for appropriate recovery of costs on account of anti-doping rule violations. However, *Anti-Doping Organizations* may only impose financial sanctions in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed. Recovery of costs or financial sanctions may only be imposed where the principle of proportionality is satisfied. No recovery of costs or financial sanction may be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under the *Code*.

### 10.11 *Commencement of Ineligibility Period*

Except as provided below, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed.

*[Comment to Article 10.11: Article 10.11 makes clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.]*

#### 10.11.1 Delays Not Attributable to the *Athlete* or other *Person*.

Where there have been substantial delays in the hearing process or other aspects of not attributable to the *Athlete* or other *Person*, the body imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.

*[Comment to Article 10.11.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]*

#### 10.11.2 Timely Admission

Where the *Athlete* or other *Person* promptly (which, in all events, for an *Athlete* means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the *Anti-Doping Organization*, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however,

where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of *Ineligibility* already has been reduced under Article 10.6.3.

### 10.11.3 Credit for Provisional Suspension or Period of Ineligibility Served

10.11.3.1 If a *Provisional Suspension* is imposed and respected by the *Athlete* or other *Person*, then the *Athlete* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

10.11.3.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from an *Anti-Doping Organization* with results management authority and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.

*[Comment to Article 10.11.3.2: An Athlete's voluntary acceptance of Provisional Suspension is not an admission by the Athlete and shall not be used in any way to draw an adverse inference against the Athlete.]*

10.11.3.3 No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the athlete elected not to compete or was suspended by his or her team.

10.11.3.4 In Team Sports, where a period of *Ineligibility* is imposed upon a team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

## 10.12 Status During Ineligibility

### 10.12.1 Prohibition Against Participation During *Ineligibility*

No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, or in *Competitions* authorized or organized by any professional league or any international- or national-level *Event* organization or any elite or national-level sporting activity funded by a governmental agency.

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the jurisdiction of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Athlete* or other *Person* working in any capacity with *Minors*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

*[Comment to Article 10.12.1: For example, subject to Article 10.12.2 below, an Ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an Ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the Consequences set forth in Article 10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. Ineligibility imposed in one sport shall also be recognized by other sports (see Article 15.1, Mutual Recognition).]*

### 10.12.2 Return for Training

As an exception to Article 10.12.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory's* member organization during the shorter of: (1) the last two months of the *Athlete's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.

*[Comment to Article 10.12.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), an Athlete cannot effectively train on his/her own so as to be ready to compete at the end of the Athlete's period of Ineligibility.]*

*During the training period described in this Article, an Ineligible Athlete may not compete or engage in any activity described in Article 10.12.1 other than training.]*

#### 10.12.3 Violation of the Prohibition of Participation During *Ineligibility*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.12.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length up to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose results management led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, an *Anti-Doping Organization* with jurisdiction over such *Athlete Support Person* or other *Person* shall impose sanctions for a violation of Article 2.9 for such assistance.

#### 10.12.4 Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.4 or 10.5, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by *Signatories*, *Signatories'* member organizations and governments.

### **10.13 Automatic Publication of Sanction**

A mandatory part of each sanction shall include automatic publication, as provided in Article 14.3.

*[Comment to Article 10: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has*

also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]

## ARTICLE 11: CONSEQUENCES TO TEAMS

### 11.1 *Testing of Team Sports*

Where more than one member of a team in a *Team Sport* has been notified of an anti-doping rule violation under Article 7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of the team during the *Event Period*.

### 11.2 *Consequences for Team Sports*

If more than two members of a team in a *Team Sport* are found to have committed an anti-doping rule violation during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation.

### 11.3 *Event Ruling Body May Establish Stricter Consequences for Team Sports*

The ruling body for an *Event* may elect to establish rules for the *Event* which impose *Consequences* for *Team Sports* stricter than those in Article 11.2 for purposes of the *Event*.

*[Comment to Article 11.3: For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games.]*

## ARTICLE 13: APPEALS

### 13.1 *Decisions Subject to Appeal*

Decisions made under the *Code* or rules adopted pursuant to the *Code* may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in the *Code* or *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the *Anti-Doping Organization's* rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.3).

#### 13.1.1 Scope of Review Not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker.

### 13.1.2 CAS Shall Not Defer to the Findings Being Appealed

In making its decision, CAS need not give deference to the discretion exercised by the body whose decision is being appealed.

*[Comment to Article 13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.]*

### 13.1.3 WADA Not Required to Exhaust Internal Remedies

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within the *Anti-Doping Organization's* process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the *Anti-Doping Organization* process.

*[Comment to Article 13.1.3: Where a decision has been rendered before the final stage of an Anti-Doping Organization's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Organization's process (e.g., the Managing Board), then WADA may bypass the remaining steps in the Anti-Doping Organization's internal process and appeal directly to CAS.]*

## **13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Recognition of Decisions and Jurisdiction**

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months notice requirement for a retired *Athlete* to return to *Competition* under Article 5.7.1; a decision by WADA assigning results management under Article 7.1; a decision by an *Anti-Doping Organization* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or for an *Anti-Doping Organization's* failure to comply with Article 7.9; a decision that an *Anti-Doping Organization* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 10.6.1; a decision under Article 10.12.3; and a decision by an *Anti-Doping Organization* not to recognize another *Anti-Doping Organization's* decision under Article 15 may be appealed exclusively as provided in this Article 13.2.

### 13.2.1 Appeals Involving *International-Level Athletes* or *International Events*

In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed

exclusively to CAS in accordance with the provisions applicable before such court.

*[Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]*

### 13.2.2 *[Omitted.]*

### 13.2.3 *Persons Entitled to Appeal*

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including Games; and (f) WADA.

In cases under Article 13.2.2, the parties having the right to appeal to the national-level appeal body shall be as provided in the *National Anti-Doping Organization's* rules but, at a minimum, shall include the following parties: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) the *National Anti-Doping Organization* of the *Person's* country of residence; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games, and (f) WADA. For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if CAS so directs.

The filing deadline for an appeal filed by WADA shall be the later of:

- (a) Twenty-one days after the last day on which any other party in the case could have appealed, or
- (b) Twenty-one days after WADA's receipt of the complete file relating to the decision.

Notwithstanding any other provision herein, the only *Person* who may appeal from a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

### 13.2.4 Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the Code are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal with the party's answer.

*[Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]*

### 13.3 Failure to Render a Timely Decision by an Anti-Doping Organization

Where, in a particular case, an *Anti-Doping Organization* fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if the *Anti-Doping Organization* had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorneys fees in prosecuting the appeal shall be reimbursed to WADA by the *Anti-Doping Organization*.

*[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for an Anti-Doping Organization to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Anti-Doping Organization and give the Anti-Doping Organization an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits an International Federation from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.]*

### 13.4 Appeals Relating to TUEs

TUE decisions may be appealed exclusively as provided in Article 4.4.

### 13.5 Notification of Appeal Decisions

Any *Anti-Doping Organization* that is a party to an appeal shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.

*[Comment to Article 13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organizations are made transparent in Article 14. Specified Persons and organizations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organizations with a right to appeal under Article 13 does not include Athletes, or their federations, who might benefit from having another competitor disqualified.]*



## ARTICLE 15: APPLICATION AND RECOGNITION OF DECISIONS

**15.1** Subject to the right to appeal provided in Article 13, *Testing*, hearing results or other final adjudications of any *Signatory* which are consistent with the *Code* and are within that *Signatory's* authority, shall be applicable worldwide and shall be recognized and respected by all other *Signatories*.

*[Comment to Article 15.1: The extent of recognition of TUE decisions of other Anti-Doping Organizations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.]*

## ARTICLE 17: STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten years from the date the violation is asserted to have occurred.

## ARTICLE 24: INTERPRETATION OF THE CODE

- 24.1** The official text of the *Code* shall be maintained by *WADA* and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- 24.2** The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.
- 24.3** The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.
- 24.4** The headings used for the various Parts and Articles of the *Code* are for convenience only and shall not be deemed part of the substance of the *Code* or to affect in any way the language of the provisions to which they refer.
- 24.5** The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as “First violations” or “Second violations” for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.
- 24.6** The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and Appendix 1, Definitions and Appendix 2, Examples of the Application of Article 10, shall be considered integral parts of the *Code*.

## ARTICLE 25: TRANSITIONAL PROVISIONS

### **25.1** *General Application of the 2015 Code*

The 2015 *Code* shall apply in full as of 1 January 2015 (the “Effective Date”).

## **25.2 Non-Retroactive except for Articles 10.7.5 and 17 or Unless Principle of “Lex Mitior” Applies**

The retrospective period in which prior violations can be considered for purposes of multiple violations under Article 10.7.5 and the statute of limitations set forth in Article 17 are procedural rules and should be applied retroactively; provided, however, that Article 17 shall only be applied retroactively if the statute of limitation period has not already expired by the Effective Date. Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case.

## **25.3 Application to Decisions Rendered Prior to the 2015 Code**

With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of Ineligibility as of the Effective Date, the *Athlete* or other *Person* may apply to the Anti-Doping Organization which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of the 2015 Code. Such application must be made before the period of *Ineligibility* has expired. The decision rendered by the *Anti-Doping Organization* may be appealed pursuant to Article 13.2. The 2015 Code shall have no application to any anti-doping rule violation case where a final decision finding an anti-doping rule violation has been rendered and the period of Ineligibility has expired.

## **25.4 Multiple Violations Where the First Violation Occurs Prior to 1 January 2015.**

For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.7.1, where the sanction for the first violation was determined based on pre-2015 Code rules, the period of *Ineligibility* which would have been assessed for that first violation had 2015 Code rules been applicable, shall be applied.

*[Comment to Article 25.4: Other than the situation described in Article 25.4, where a final decision finding an anti-doping rule violation has been rendered prior to the existence of the Code or under the Code in force before the 2015 Code and the period of Ineligibility imposed has been completely served, the 2015 Code may not be used to re-characterize the prior violation.]*

## **25.5 Additional Code Amendments**

Any additional Code Amendments shall go into effect as provided in Article 23.7.

## APPENDIX 1: DEFINITIONS

**ADAMS:** The Anti-Doping Administration and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

**Administration:** Providing, supplying, supervising, facilitating, or otherwise participating in the *Use* or *Attempted Use* by another *Person* of a *Prohibited Substance* or *Prohibited Method*. However, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance* or *Prohibited Method* used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate that such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Adverse Analytical Finding:** A report from a WADA-accredited laboratory or other WADA-approved entity that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

**Adverse Passport Finding:** A report resulting from the process set forth in the applicable Technical Document or Guideline which concludes that the analytical results reviewed are inconsistent with a normal physiological condition or known pathology and compatible with the *Use* of a *Prohibited Substance* or *Prohibited Method*.

**Anti-Doping Organization:** A *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organizations* that conduct *Testing* at their *Events*, WADA, International Federations, and *National Anti-Doping Organizations*.

**Athlete:** Any *Person* who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of "*Athlete*." In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1 or Article 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied.

For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any *Person* who competes in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

*[Comment: This definition makes it clear that all International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations, respectively. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Athletes to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organization could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering, results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organization. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not analyze Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.]*

**Athlete Biological Passport:** The program and methods of gathering and collating data as described in the International Standard for Testing and Investigations and International Standard for Laboratories.

**Athlete Support Personnel:** Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other *Person* working with, treating or assisting an *Athlete* participating in or preparing for sports *Competition*.

**Attempt:** Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an *Attempt* to commit a violation if the *Person* renounces the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

**Atypical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an *Adverse Analytical Finding*.

**CAS:** The Court of Arbitration for Sport.

**Code:** The World Anti-Doping Code.

**Competition:** A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a *Competition* and an *Event* will be as provided in the rules of the applicable International Federation.

**Consequences of Anti-Doping Rule Violations (“Consequences”):** An *Athlete’s* or other *Person’s* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete’s* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.12.1; (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) *Financial Consequences* means a CAS cost award or a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure* or *Reporting* means the disclosure of information related to anti-doping rule violations as provided in Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11.

**Contaminated Product:** A product that contains a *Prohibited Substance* that is not disclosed on the product label or in information available in a reasonable Internet search.

**Disqualification:** See *Consequences of Anti-Doping Rule Violations* above.

**Doping Control:** All steps and processes from *Test Distribution Planning* through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, *Sample* collection and handling, laboratory analysis, *TUEs*, results management and hearings.

**Event:** A series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic Games, FINA World Championships, or Pan American Games).

**Event Venues:** Those venues so designated by the ruling body for the *Event*.

**Event Period:** The time between the beginning and end of an *Event*, as established by the ruling body of the *Event*.

**Fault:** *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete* or other *Person’s* degree of *Fault* include, for example, the *Athlete’s* or other *Person’s* experience, whether the *Athlete* or other *Person* is a *Minor*, special considerations such as disability, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete’s* or other *Person’s* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete’s* or other *Person’s* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.5.1 or 10.5.2.

[Comment: The criteria for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. However, under 10.5.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.]

**In-Competition:** Unless provided otherwise in the rules of an International Federation or the ruling body of the *Event* in question, "*In-Competition*" means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

[Comment: An International Federation or ruling body for an *Event* may establish an "*In-Competition*" period that is different than the *Event Period*.]

**Independent Observer Program:** A team of observers, under the supervision of WADA, who observe and provide guidance on the *Doping Control* process at certain *Events* and report on their observations.

**Individual Sport:** Any sport that is not a *Team Sport*.

**Ineligibility:** See *Consequences of Anti-Doping Rule Violations* above.

**International Event:** An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a Major Event Organization, or another international sport organization is the ruling body for the *Event* or appoints the technical officials for the *Event*.

**International-Level Athlete:** *Athletes* who participate in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations.

[Comment: Consistent with the International Standard for Testing and Investigations, the International Federation is free to determine the criteria it will use to classify *Athletes* as International-Level *Athletes*, e.g., by ranking, by participation in particular International *Events*, by type of license, etc. However, it must publish those criteria in clear and concise form, so that *Athletes* are able to ascertain quickly and easily when they will become classified as International-Level *Athletes*. For example, if the criteria include participation in certain International *Events*, then the International Federation must publish a list of those International *Events*.]

**International Standard:** A standard adopted by WADA in support of the Code. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any Technical Documents issued pursuant to the *International Standard*.

**Major Event Organizations:** The continental associations of *National Olympic Committees* and other international multi-sport organizations that function as the ruling body for any continental, regional or other *International Event*.

**Marker:** A compound, group of compounds or biological variable(s) that indicates the Use of a *Prohibited Substance* or *Prohibited Method*.

**Metabolite:** Any substance produced by a biotransformation process.

**Minor:** A natural *Person* who has not reached the age of eighteen years.

**National Anti-Doping Organization:** The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's National Olympic Committee or its designee.

**National Event:** A sport *Event* or *Competition* involving *International-* or *National-Level Athletes* that is not an *International Event*.

**National-Level Athlete:** *Athletes* who participate in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the International Standard for Testing and Investigations.

**National Olympic Committee:** The organization recognized by the International Olympic Committee. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

**No Fault or Negligence:** The *Athlete* or other *Person's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

**No Significant Fault or Negligence:** The *Athlete* or other *Person's* establishing that his or her *Fault* or *Negligence*, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault* or *Negligence*, was not significant in relationship to the anti-doping rule violation. Except in the case of a *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

[*Comment: For Cannabinoids, an Athlete may establish No Significant Fault or Negligence by clearly demonstrating that the context of the Use was unrelated to sport performance.*]

**Out-of-Competition:** Any period which is not *In-Competition*.

**Participant:** Any *Athlete* or *Athlete Support Person*.

**Person:** A natural *Person* or an organization or other entity.

**Possession:** The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.

*[Comment: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over the steroids. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]*

**Prohibited List:** The List identifying the *Prohibited Substances* and *Prohibited Methods*.

**Prohibited Method:** Any method so described on the *Prohibited List*.

**Prohibited Substance:** Any substance, or class of substances, so described on the *Prohibited List*.

**Provisional Hearing:** For purposes of Article 7.9, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

*[Comment: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing," as that term is used in Article 7.9, is a full hearing on the merits conducted on an expedited time schedule.]*

**Provisional Suspension:** See *Consequences of Anti-Doping Rules Violations* above.

**Publicly Disclose or Publicly Report:** To disseminate or distribute information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14.



**Regional Anti-Doping Organization:** A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of *Samples*, the management of results, the review of *TUEs*, the conduct of hearings, and the conduct of educational programs at a regional level.

**Registered Testing Pool:** The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 and the International Standard for Testing and Investigations.

**Sample or Specimen:** Any biological material collected for the purposes of *Doping Control*.

[*Comment: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.*]

**Signatories:** Those entities signing the *Code* and agreeing to comply with the *Code*, as provided in Article 23.

**Specified Substance:** See Article 4.2.2.

**Strict Liability:** The rule which provides that under Article 2.1 and Article 2.2, it is not necessary that intent, *Fault*, negligence, or knowing *Use* on the *Athlete's* part be demonstrated by the *Anti-Doping Organization* in order to establish an anti-doping rule violation.

**Substantial Assistance:** For purposes of Article 10.6.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

**Tampering:** Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.

**Target Testing:** Selection of specific *Athletes* for *Testing* based on criteria set forth in the International Standard for Testing and Investigations.

**Team Sport:** A sport in which the substitution of players is permitted during a *Competition*.

**Testing:** The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

**Trafficking:** Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any other *Person* subject to the jurisdiction of an *Anti-Doping Organization* to any third party; provided, however, this definition shall not include the actions of “bona fide” medical personnel involving a *Prohibited Substance* used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**TUE:** Therapeutic Use Exemption, as described in Article 4.4.

**UNESCO Convention:** The International Convention against Doping in Sport adopted by the 33rd session of the UNESCO General Conference on 19 October 2005, including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport.

**Use:** The utilization, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

**WADA:** The World Anti-Doping Agency.

# ANNEX B

## A LABORATORY DOCUMENTATION PACKAGE

### ***The following documents will accompany the initial notification to the Athlete or other Person of a positive A Sample analysis:***

1. A standard notice setting forth the review procedures, *Athlete's* or other *Person's* rights, and contact information for the USOC Athlete Ombudsman (including name, telephone number, email address and website URL).
2. Notification of the *Prohibited Substance* at issue which could result in an anti-doping rule violation. In those cases where an administrative threshold concentration is employed, that threshold will be noted. When possible, the degree to which the *Athlete's* or other *Person's Sample* exceeds the threshold will be reported.
3. An abbreviated analytical report to the A *Sample* confirmation analysis. The abbreviated data should include applicable analytical confirmation technique (e.g., gas chromatography/mass spectrometric) graphical data for negative control urine, a positive control urine (including quantitative data where relevant), and the *Athlete's* or other *Person's Sample*. The purpose of this data is to allow the *Athlete* or other *Person* or their representative to determine a course of action. It is understood that due to time constraints involved, there is typically less time to review and organize this data prior to transmittal than with the documentation package to accompany the B *Sample* which will also address documents related to the A *Sample* analysis.
4. For Erythropoietin ("EPO") cases, provide the Basic Area Percentage ("BAP") of r-EPO, stated as a percentage term.
5. A cover page summarizing, in plain English, the following data contained in the laboratory documentation package: (i) the test collection date; (ii) the name of the substance reported positive or elevated; and (iii) quantification information as follows: (a) for substances where WADA has established a reporting threshold, an estimate of the concentration relative to the threshold; (b) for T/E ratios, the approximate screen concentrations of T and E [note that T/E ratios are reported based on a comparison of the relative signals of T and E not a comparison of absolute quantities of T and E]; (c) for non-threshold substances, a statement whether the concentration is relatively "high," "medium" or "low" with a reference range provided for the positive or elevated substance in question. Note that for non-threshold substances the presence of any quantity of the *Prohibited Substance* is an anti-doping rule violation.

# ANNEX C

## B LABORATORY DOCUMENTATION PACKAGE

***The following documentation will be supplied as the standard documentation package:***

- Table of contents
- List of laboratory staff involved in the test, including signatures and/or initials and position title(s)
- *Sample* identification information
- Organization requesting the test
- Date of *Sample* collection and site identification
- USADA *Sample* identification number
- Laboratory *Sample* identification number
- Urine integrity test results (if completed)
- *Chain of Custody* documentation for *Sample* container
- *Doping Control* form (laboratory copy)
- Transportation *Chain of Custody* (e.g., courier documentation, laboratory receipt of container)
- A *Sample* container *Chain(s) of Custody*
- Documentation of any deviations from the written screening procedures (if any)
- A *Sample* screening results
- Relevant aliquot *Chain(s) of Custody*
- Screening procedure data, including chromatograms (or other relevant data), for negative control urine
- Positive control urine (with concentration indicated, if relevant)
- *Sample* urine aliquot(s)
- Analytical run instrument validation data (e.g.; tune data)
- Documentation of any deviations from the written screening procedures (if any)
- A *Sample* confirmation results
- Summary of the analytical principles of the confirmation method
- Aliquot *Chain of Custody*
- Sequence verification data
- Confirmation procedure data, including chromatograms (or other relevant data), for
- Negative control urine

- Positive control urine (with concentration indicated, if relevant)
- Standard(s)/calibrator(s) (if relevant)
- *Sample* urine aliquot(s)
- Analytical run instrument validation data (e.g.; tune data)
- A *Sample* report (including numerical data for threshold substances\*)
- pH, Specific Gravity, and other urine integrity test results (if applicable, including abnormal appearance of *Sample*)
- Documentation of any deviations from the written screening procedures (if any)
- B *Sample* confirmation results
- B *Sample* container *Chain(s) of Custody*
- Summary of the analytical principles of the confirmation method (if different than A *Sample*)
- Aliquot *Chain of Custody*
- Sequence verification data
- Confirmation procedure data, including chromatograms (or other relevant data), for negative control urine
- Positive control urine (with concentration indicated, if relevant)
- Standard(s)/calibrator(s) (if relevant)
- *Sample* urine aliquot(s)
- Analytical run instrument validation data (e.g., tune data)
- B *Sample* report (including numerical data for threshold substances\*)
- Documentation of any deviations from the written screening procedures (if any)
- Reports and correspondence
- All facsimiles or letters related to analysis and reporting of *Sample* results

\*For threshold substances, an estimate of the ratio or concentration or an estimate of the concentration relative to the threshold (i.e. 20 times the threshold concentration) is deemed acceptable.

# ANNEX D

## AAA SUPPLEMENTARY PROCEDURES

### ***American Arbitration Association Supplementary Procedures for the Arbitration of Olympic Sport Doping Disputes***

*Amended and Effective as of May 1, 2009*

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Other than USA
- R-51. Interpretation and Application of Rules

**R-1. *Applicability***

The Commercial Arbitration Rules of the American Arbitration Association (AAA), as modified by these Supplementary Procedures for the Arbitration of Anti-Doping Rule Violations (Supplementary Procedures) shall apply to arbitrations, which arise out of the United States Anti-Doping Agency (USADA) Protocol. To the extent that there is any variance between the Commercial Arbitration Rules and the Supplementary Procedures, the Supplementary Procedures shall control.

## **R-2. AAA and Delegation of Duties**

Anti-doping rule violation cases shall be administered by the AAA through the AAA Vice President then serving as the Secretary for the North American/Central American/Caribbean Islands Decentralized Office of The Court of Arbitration for Sport or his/her designee (Administrator).

## **R-3. National Pool of Arbitrators**

The Pool of AAA Arbitrators for anti-doping rule violation cases shall consist of the Court of Arbitration for Sport (CAS) Arbitrators who are citizens of the USA. (the Arbitrator Pool). Any reference to arbitrator in these rules shall also refer to an arbitration panel consisting of three arbitrators, if applicable. All arbitrators in the Arbitrator Pool shall have received training by the AAA.

## **R-4. Initiation by USADA**

Arbitration proceedings shall be initiated by USADA by sending a notice to the athlete or other person charged with an anti-doping rule violation and the Administrator. The notice shall set forth (i) the offense and (ii) the sanction, consistent with the applicable International Federation rules, the mandatory Articles from the World Anti-Doping Code (Annex A of the USADA Protocol) and the United States Olympic Committee ("USOC") National Anti-Doping Policies, which USADA is seeking to have imposed and other possible sanctions, which could be imposed under the applicable International Federation rules, the mandatory Articles from the World Anti-Doping Code (Annex A of the USADA Protocol) and the USOC National Anti-Doping Policies. The notice shall also advise the athlete of the name, telephone number, e-mail address and website of the Athlete Ombudsman and shall include a copy of the USADA Protocol and these Supplemental Procedures. The parties to the proceeding shall be USADA and the athlete or other person charged with an anti-doping rule violation. The applicable International Federation and World Anti-Doping Association shall also be invited to join in the proceeding as a party or as an observer. The USOC shall be invited to join in the proceeding as an observer. The athlete or other person charged with an anti-doping rule violation shall have the right to invite the Athlete Ombudsman as an observer, but under no circumstances may any party or arbitrator compel the Athlete Ombudsman to testify as a witness. If the parties agree or the athlete or other person charged with an anti-doping rule violation requests and the arbitrator agrees, the hearing shall be open to the public.

## **R-5. Changes of Claim**

After filing of a claim, if any party desires to make any new or different claim, it shall be made in writing and filed with the AAA. The party asserting such a claim shall provide a copy of the new or different claim to the other party or parties. After the arbitrator is appointed, however, no new or different claim may be submitted except with the arbitrator's consent.



**R-6. Applicable Procedures**

All cases shall be administered in accordance with Sections R-1 through R-51 of these rules.

At the request of any party, any time period set forth in these procedures may be shortened by the arbitrator(s) where doing so is reasonably necessary to resolve any athlete's eligibility before a protected competition, while continuing to protect the right of an athlete or other person charged with an anti-doping rule violation to a fair hearing. The shortened time periods shall not prohibit the athlete's or other person's right to request three (3) arbitrators.

If a request to expedite the adjudication process is made prior to the arbitration panel being appointed, the AAA shall randomly select one (1) arbitrator from the Arbitrator Pool, who shall determine whether the adjudication process shall be expedited and the schedule pursuant to which the process shall proceed. This randomly selected arbitrator shall not sit on the panel.

If a request to expedite the adjudication process is made after the arbitration panel is appointed, the arbitration panel shall determine whether the adjudication process shall be expedited and the schedule pursuant to which the process shall proceed.

The AAA shall immediately notify the Athlete Ombudsman and the USOC General Counsel's office of any arbitration that may be or has been initiated under these expedited procedures.

**R-7. Jurisdiction**

- a. The arbitrator shall have the power to rule on his or her own jurisdiction, including any objections with respect to the existence, scope or validity of the arbitration agreement.
- b. The arbitrator shall have the power to determine the existence or validity of a contract of which an arbitration clause forms a part. Such an arbitration clause shall be treated as an agreement independent of the other terms of the contract. A decision by the arbitrator that the contract is null and void shall not for that reason alone render invalid the arbitration clause.
- c. A party must object to the jurisdiction of the arbitrator or to the arbitrability of a claim or counterclaim no later than the filing of the answering statement to the claim or counterclaim that gives rise to the objection. The arbitrator may rule on such objections as a preliminary matter or as part of the final award.

**R-8. Administrative Conference**

At the request of any party or upon the AAA's own initiative, the AAA may conduct an administrative conference, in person or by telephone, with the parties and/or their representatives. The conference may address such issues as arbitrator selection, potential mediation of the dispute, potential exchange of information, a timetable for hearings and any other administrative matter.

### **R-9. Fixing of Locale**

The locale of the arbitration shall be in the United States at a location determined by the Administrator using criteria established by the AAA but making every effort to give **preference to the choice of the athlete or other person charged with an anti-doping rule violation.**

### **R-10. Qualifications of an Arbitrator**

- a. Any arbitrator appointed pursuant to Section R-11, or selected by mutual choice of the parties or their appointees, shall be subject to disqualification for the reasons specified in Section R-14. If the parties specifically so agree in writing, the arbitrator shall not be subject to disqualification for those reasons.
- b. Party-appointed arbitrators are expected to be neutral and may be disqualified for the reasons set forth in R-14.

### **R-11. Appointment of the Arbitration Panel**

The arbitrator(s) shall be appointed in the following manner:

- a. Immediately after the initiation of a proceeding by USADA (as set forth in R-4), the AAA shall send simultaneously to each party to the dispute an identical list of all names of persons in the Arbitrator Pool.
- b. The proceeding shall be heard by one (1) arbitrator from the list of persons in the Arbitrator Pool (as set forth in R-3), unless within five (5) days following the initiation of the proceeding by USADA, a party elects instead to have the matter heard by a panel of three (3) arbitrators from the Arbitrator Pool (Arbitration Panel). Such election shall be in writing and served on the Administrator and the other parties to the proceeding.
- c. If the proceeding is to be heard by one (1) arbitrator, that arbitrator shall be appointed as follows:
  - i. Within ten (10) days following receipt of the Arbitrator Pool list provided by the Administrator under R-11a, the parties shall notify the Administrator of the name of the person who is mutually agreeable to the parties to serve as the arbitrator.
  - ii. If the parties are unable to agree upon an arbitrator by the time set forth in paragraph c.i of this Rule, each party to the dispute shall have five (5) additional days in which to strike up to one third of the Arbitrator Pool, rank the remaining names in order of preference, and return the list to the AAA. If a party does not return the list within the time specified, all persons named therein shall be deemed acceptable. From among the persons who have been approved on both lists, and in accordance with the designated order of mutual preference, the AAA shall invite the acceptance of an arbitrator to serve. If the parties fail to agree on any of the persons named, or if acceptable arbitrators are unable to act, or if for any other reason the appointment cannot be made from the submitted lists, the AAA shall have the power to make the appointment from among other members of the panel without the submission

of additional lists.

- d. If the proceeding is to be heard by a panel of three (3) arbitrators, those arbitrators shall be appointed as follows:
  - i. Within five (5) days following receipt of the Arbitrator Pool list provided by the Administrator under R-11a or from receipt of notice of the request to have a three (3) arbitrator panel, whichever is later, USADA, or USADA and the International Federation, if a party, shall designate one (1) arbitrator from the Arbitrator Pool. The athlete or other person charged with an anti-doping rule violation shall have an additional five (5) days following receipt of the arbitrator choice from USADA, or from USADA and the International Federation, if a party, to designate one (1) arbitrator from the Arbitrator Pool.
  - ii. The two (2) arbitrators chosen by the parties shall choose the third arbitrator from among the remaining members of the Arbitrator Pool. The AAA shall furnish to the party-appointed arbitrators the Arbitrator Pool list. If the two (2) arbitrators chosen by the parties are unable, within seven (7) days following their selection, to choose the third arbitrator, then the party-appointed arbitrators shall so notify the AAA which shall notify the parties. Within five (5) days of receipt of notice from the AAA that the party-selected arbitrators are unable to reach or have not reached agreement, the parties shall then each strike up to one third of the Arbitrator Pool and rank the remaining members in order of preference. From among the persons who have not been stricken by the parties, and in accordance with the designated order of mutual preference, the AAA shall invite the acceptance of one (1) arbitrator to serve. The third arbitrator shall serve as Chair of the Arbitration Panel.

### ***R-12. Number of Arbitrators***

The number of arbitrators shall be one (1) unless any party requests three (3).

### ***R-13. Notice to Arbitrator of Appointment***

Notice of the appointment of the arbitrator, whether appointed mutually by the parties or by the AAA, shall be sent to the arbitrator by the AAA, together with a copy of these rules. The signed acceptance of the arbitrator shall be filed with the AAA prior to the opening of the first hearing.

### ***R-14. Disclosure and Challenge Procedure***

- a. Any person appointed as an arbitrator shall disclose to the AAA any circumstance likely to affect impartiality or independence, including any bias or any financial or personal interest in the result of the arbitration or any past or present relationship with the parties or their representatives.
- b. Upon receipt of such information from the arbitrator or another source, the AAA shall communicate the information to the parties and, if it deems it appropriate to do so, to the arbitrator and others.
- c. Upon objection of a party to the continued service of an arbitrator, the AAA shall

determine whether the arbitrator should be disqualified and shall inform the parties of its decision, which shall be conclusive.

**R-15. Communication with Arbitrator**

- a. No party and no one acting on behalf of any party shall communicate unilaterally concerning the arbitration with an arbitrator or a candidate for an arbitrator. Unless the parties agree otherwise or the arbitrator so directs, any communication from the parties to an arbitrator shall be sent to the AAA for transmittal to the arbitrator. No party and no one acting on behalf of any party shall communicate with any arbitrator concerning the selection of the third arbitrator.
- b. Once the panel has been constituted, no party and no one acting on behalf of any party shall communicate unilaterally concerning the arbitration with any arbitrator.

**R-16. Vacancies**

- a. If for any reason an arbitrator is unable to perform the duties of the office, the AAA may, on proof satisfactory to it, declare the office vacant. Vacancies shall be filled in accordance with the applicable provisions of these rules.
- b. In the event of a vacancy in a panel of arbitrators after the hearings have commenced, the remaining arbitrator or arbitrators may continue with the hearing and determination of the controversy, unless the parties agree otherwise.
- c. In the event of the appointment of a substitute arbitrator, the panel of arbitrators shall determine in its sole discretion whether it is necessary to repeat all or part of any prior hearings.

**R-17. Preliminary Hearing**

- a. At the request of any party or at the discretion of the arbitrator or the AAA, the arbitrator may schedule as soon as practicable a preliminary hearing with the parties and/or their representatives. The preliminary hearing may be conducted by telephone at the arbitrator's discretion. There is no administrative fee for the first preliminary hearing.
- b. During the preliminary hearing, the parties and the arbitrator should discuss the future conduct of the case, including clarification of the issues and claims, a schedule for the hearings and any other preliminary matters.

**R-18. Exchange of Information**

- a. At the request of any party or at the discretion of the arbitrator, consistent with the expedited nature of arbitration, the arbitrator may direct (i) the production of documents and other information, and (ii) the identification of any witnesses to be called.
- b. Unless otherwise agreed by the parties or ordered by the arbitrator, at least five (5) business days prior to the hearing, the parties shall exchange copies of all exhibits they intend to submit at the hearing.

- c. The arbitrator is authorized to resolve any disputes concerning the exchange of information.

### ***R-19. Date, Time, and Place of Hearing***

Except as may be mutually agreed by the parties or upon the request of a single party for good cause as may be determined by the arbitrator, the hearing, including any briefing ordered by the arbitrator, shall be completed within three (3) months of the appointment of the arbitrator. On good cause shown by any party, the hearing process shall be expedited as may be necessary in order to resolve the determination of an athlete's eligibility prior to any protected competition or team selection for a protected competition.

### ***R-20. Attendance at Hearings***

The arbitrator and the AAA shall maintain the privacy of the hearings unless the hearing is open to the public as prescribed in R-4 (the athlete or other person charged with an anti-doping rule violation have the right to invite the Athlete Ombudsman as an observer regardless). Any person having a direct interest in the arbitration is entitled to attend hearings. The arbitrator shall otherwise have the power to require the exclusion of any witness, other than a party or other essential person, during the testimony of any other witness. It shall be discretionary with the arbitrator to determine the propriety of the attendance of any other person other than (i) a party and its representatives and (ii) those entities identified in R-4, which may attend the hearing as observers. If the parties agree, or the athlete or other person charged with a doping offense requests and the arbitrator agrees, hearings or any portion thereof may also be conducted telephonically.

### ***R-21. Representation***

Any party may be represented by counsel or other authorized representative. A party intending to be so represented shall notify the other party and the AAA of the name and address of the representative at least three (3) days prior to the date set for the hearing at which that person is first to appear. When such a representative initiates an arbitration or responds for a party, notice is deemed to have been given.

### ***R-22. Oaths***

Before proceeding with the first hearing, each arbitrator may take an oath of office and, if required by law, shall do so. The arbitrator may require witnesses to testify under oath administered by any duly qualified person and, if it is required by law or requested by any party, shall do so.

### ***R-23. Stenographic Record***

Any party desiring a stenographic record of all or a portion of the hearing shall make arrangements directly with a stenographer and shall notify the other parties of these arrangements at least three (3) days in advance of the start of the hearing or as required by the arbitrator. The requesting party or parties shall pay the cost of the transcript they request, whether full or partial. If a party seeks a copy of a transcript, full or partial,

requested by another party, then the other party shall pay half the costs of the transcript to the requesting party. If the entire transcript is requested by the parties jointly, or if all or a portion of the transcript is determined by the arbitrator to be the official record of the proceeding or necessary to the arbitrator's decision, it must be provided to the arbitrator and made available to the other parties for inspection, at a date, time, and place determined by the arbitrator with the costs of the transcription divided equally between the parties. The arbitrator may award the costs of transcription for a transcript requested by the arbitrator as expenses of the arbitration pursuant to R-48.

**R-24. Interpreters**

Any party wishing an interpreter shall make all arrangements directly with the interpreter and shall assume the costs of the service.

**R-25. Postponements**

The arbitrator may postpone any hearing upon agreement of the parties, upon request of a party for good cause shown, or upon the arbitrator's own initiative. A party or parties causing a postponement of a hearing will be charged a postponement fee, as set forth in the administrative fee schedule.

**R-26. Arbitration in the Absence of a Party or Representative**

Unless the law provides to the contrary, the arbitration may proceed in the absence of any party or representative who, after due notice, fails to be present or fails to obtain a postponement. An award shall not be made solely on the default of a party. The arbitrator shall require the party who is present to submit such evidence as the arbitrator may require for the making of an award.

**R-27. Conduct of Proceedings**

- a. USADA shall present evidence to support its claim. The athlete or other person charged with an anti-doping rule violation shall then present evidence to support his/her defense. Witnesses for each party shall also submit to questions from the arbitrator and the adverse party. The arbitrator has the discretion to vary this procedure, provided that the parties are treated with equality and that each party has the right to be heard and is given a fair opportunity to present its case.
- b. The arbitrator, exercising his or her discretion, shall conduct the proceedings with a view to expediting the resolution of the dispute and may direct the order of proof, bifurcate proceedings and direct the parties to focus their presentations on issues the decision of which could dispose of all or part of the case.
- c. The parties may agree to waive oral hearings in any case.

**R-28. Evidence**

- a. The parties may offer such evidence as is relevant and material to the dispute and shall produce such evidence as the arbitrator may deem necessary to an understanding and determination of the dispute. Conformity to legal rules of

evidence shall not be necessary. All evidence shall be taken in the presence of all of the arbitrators and all of the parties, except where any of the parties is absent, in default or has waived the right to be present.

- b. The arbitrator may only retain an expert or seek independent evidence if agreed to by the parties and (i) the parties agree to pay for the cost of such expert or independent evidence or (ii) the USOC agrees to pay for the cost of such expert or independent evidence. The parties shall have the right to examine any expert retained by the arbitrator and shall have the right to respond to any independent evidence obtained by the arbitrator.
- c. The arbitrator shall determine the admissibility, relevance, and materiality of the evidence offered and may exclude evidence deemed by the arbitrator to be cumulative or irrelevant.
- d. The arbitrator shall take into account applicable principles of legal privilege, such as those involving the confidentiality of communications between a lawyer and client.
- e. An arbitrator or other person authorized by law to subpoena witnesses or documents may do so upon the request of any party or independently.
- f. Hearings conducted pursuant to these rules shall incorporate mandatory Articles from the World Anti-Doping Code (Annex A of the USADA Protocol). If the World Anti-Doping Code is silent on an issue, then the USADA Protocol, the USOC National Anti-Doping Policies, and the International Federation's anti-doping rules shall apply as determined by the arbitrator.

***R-29. Evidence by Affidavit and Post-hearing Filing of Documents or Other Evidence***

- a. The arbitrator may receive and consider the evidence of witnesses by declaration or affidavit, but shall give it only such weight as the arbitrator deems it entitled to after consideration of any objection made to its admission.
- b. If the parties agree, if any party requests and the arbitrator agrees, or if the arbitrator directs that documents or other evidence be submitted to the arbitrator after the hearing, the documents or other evidence shall be filed with the AAA for transmission to the arbitrator within 30 days of the conclusion of the hearing. All parties shall be afforded an opportunity to examine and respond to such documents or other evidence.

***R-30. Inspection or Investigation***

An arbitrator finding it necessary to make an inspection or investigation in connection with the arbitration shall direct the AAA to so advise the parties. The arbitrator shall set the date and time and the AAA shall notify the parties. Any party who so desires may be present at such an inspection or investigation. In the event that one or all parties are not present at the inspection or investigation, the arbitrator shall make an oral or written report to the parties and afford them an opportunity to comment.

**R-31. Interim Measures**

The arbitrator may take whatever interim measures he or she deems necessary.

**R-32. Closing of Hearing**

The arbitrator shall specifically inquire of all parties whether they have any further proofs to offer or witnesses to be heard. The arbitrator shall declare the hearing closed unless a party demonstrates that the record is incomplete and that such additional proof or witness(es) are pertinent and material to the controversy. If briefs are to be filed or a transcript of the hearing produced, the hearing shall be declared closed as of the final date set by the arbitrator for the receipt of briefs; or receipt of the transcript. If documents are to be filed as provided in R-29, and the date set for their receipt is later than that set for the receipt of briefs, the later date shall be the closing date of the hearing. The time limit within which the arbitrator is required to make the award shall commence, in the absence of other agreements by the parties, upon the closing of the hearing.

**R-33. Reopening of Hearing**

The hearing may be reopened on the arbitrator's initiative, or upon application of a party, at any time before the award is made. If reopening the hearing would prevent the making of the award within the specific time required by R-38, the matter may not be reopened unless the parties agree on an extension of time.

**R-34. Waiver of Rules**

Any party who proceeds with the arbitration after knowledge that any provision or requirement of these rules has not been complied with and who fails to state an objection in writing shall be deemed to have waived the right to object.

**R-35. Extensions of Time**

The parties may modify any period of time by mutual agreement. The AAA or the arbitrator may for good cause extend any period of time established by these rules, except the time for making the award. The AAA shall notify the parties of any extension.

**R-36. Serving of Notice**

- a. Any papers, notices, or process necessary or proper for the initiation or continuation of an arbitration under these rules, for any court action in connection therewith, or for the entry of judgment on any award made under these rules may be served on a party by mail addressed to the party, or its representative at the last known address or by personal service, in or outside the state where the arbitration is to be held, provided that reasonable opportunity to be heard with regard to the dispute is or has been granted to the party.
- b. The AAA, the arbitrator and the parties may also use overnight delivery or electronic facsimile transmission (fax), to give the notices required by these rules.



Where all parties and the arbitrator agree, notices may be transmitted by electronic mail (email), or other methods of communication.

- c. Unless otherwise instructed by the AAA or by the arbitrator, any documents submitted by any party to the AAA or to the arbitrator shall simultaneously be provided to the other party or parties to the arbitration.

**R-37. Majority Decision**

When the panel consists of more than one arbitrator, a majority of the arbitrators must make all decisions.

**R-38. Time of Award**

The award shall be made promptly by the arbitrator and, unless otherwise agreed by the parties or specified by law, no later than thirty (30) days from the date of closing the hearing, or, if oral hearings have been waived, from the date of the AAA's transmittal of the final statements and proofs to the arbitrator.

**R-39. Form of Award**

Any award shall be in writing and signed by a majority of the arbitrators. It shall be executed in the manner required by law. In all cases, the arbitrator shall render a reasoned award.

**R-40. Scope of Award**

- a. The arbitrator may grant any remedy or relief that the arbitrator deems just and equitable and within the scope of the World Anti-Doping Code, International Federation Rules, the USADA Protocol or the USOC Anti-Doping Policies.
- b. In addition to a final award, the arbitrator may make other decisions, including interim, interlocutory, or partial rulings, orders, and awards.

**R-41. Award upon Settlement**

If the parties settle their dispute during the course of the arbitration and if the parties so request, the arbitrator may set forth the terms of the settlement in a "consent award."

**R-42. Delivery of Award to Parties**

Parties shall accept as notice and delivery of the award the placing of the award or a true copy thereof in the mail addressed to the parties or their representatives at the last known addresses, personal or electronic service of the award, or the filing of the award in any other manner that is permitted by law.

The AAA shall also provide a copy of the award (preferably in electronic form) to the appropriate National Governing Body, the USOC General Counsel's office and the Athlete Ombudsman.

The award is public and shall not be considered confidential.

#### **R-43. Modification of Award**

Within five (5) days after the transmittal of an award, any party, upon notice to the other parties, may request the arbitrator, through the AAA, to correct any clerical, typographical, or computational errors in the award. The arbitrator is not empowered to redetermine the merits of any claim already decided. The other parties shall be given five (5) days to respond to the request. The arbitrator shall dispose of the request within five (5) days after transmittal by the AAA to the arbitrator of the request and any response thereto.

#### **R-44. Release of Documents for Judicial Proceedings**

The AAA shall, upon the written request of a party, furnish to the party, at the party's expense, certified copies of any papers in the AAA's possession that may be required in judicial proceedings relating to the arbitration. If the matter is appealed to CAS, the AAA shall furnish copies of documents required in connection with that proceeding.

#### **R-45. Appeal Rights**

The arbitration award may be appealed to CAS as provided in Annex A of the USADA Protocol, which incorporates the mandatory Articles on Appeals from the World Anti-Doping Code. Notice of appeal shall be filed with the Administrator within the time period provided in the CAS appellate rules. Appeals to CAS filed under these rules shall be heard in the United States. The decisions of CAS shall be final and binding on all parties and shall not be subject to any further review or appeal except as permitted by the Swiss Federal Judicial Organization Act or the Swiss Statute on Private International Law.

#### **R-46. Applications to Court and Exclusion of Liability**

- a. No judicial proceeding by a party relating to the subject matter of the arbitration shall be deemed a waiver of the party's right to arbitrate.
- b. Neither the AAA nor any arbitrator in a proceeding under these rules is a necessary party in judicial proceedings relating to the arbitration.
- c. Parties to an arbitration under these rules shall be deemed to have consented that judgment upon the arbitration award may be entered in any federal or state court having jurisdiction thereof.
- d. Neither the AAA nor any arbitrator shall be liable to any party for any act or omission in connection with any arbitration conducted under these rules.

#### **R-47. Administrative Fees**

As a not-for-profit organization, the AAA shall prescribe filing and other administrative fees and service charges to compensate it for the cost of providing administrative services. The fees in effect when the fee or charge is incurred shall be applicable. The filing fee and any other administrative fee or charge shall be paid by the USOC.

**R-48. Expenses**

The expenses of witnesses for any party shall be paid by the party producing such witnesses. All other expenses of the arbitration, including required travel and other reasonable and customary expenses of the arbitrator shall be paid by the USOC. The expenses associated with an expert retained by an arbitrator or independent evidence sought by an arbitrator shall be paid for as provided in R-28b.

**R-49. Arbitrator's Compensation**

- a. Arbitrators shall be compensated at a rate consistent with the current CAS rates.
- b. If there is disagreement concerning the terms of compensation, an appropriate rate shall be established with the arbitrator by the AAA and confirmed to the parties and the USOC.
- c. Any arrangement for the compensation of an arbitrator shall be made through the AAA and not directly between the parties and the arbitrator.
- d. Arbitrator fees shall be paid by the USOC.

**R-50. Payment of Fees, Expenses and Compensation for Citizens of a Country Other than USA**

Notwithstanding R-47, R-48 and R-49, if the athlete or other person charged with an anti-doping rule violation is a citizen of a country other than the USA, then the authority requesting that USADA prosecute the anti-doping rule violation shall pay for the arbitration fees, expenses and arbitrator's compensation associated with the arbitration. The AAA may require such authority to deposit in advance of any hearings such sums of money as it deems necessary to cover the expense of the arbitration, including the arbitrator's fee. If such payments are not made, the AAA may order the suspension or termination of the proceeding.

**R-51. Interpretation and Application of Rules**

The arbitrator shall interpret and apply these rules insofar as they relate to the arbitrator's powers and duties. When there is more than one arbitrator and a difference arises among them concerning the meaning or application of these rules, it shall be decided by a majority vote. If that is not possible, either an arbitrator or a party may refer the question to the AAA for final decision. All other rules shall be interpreted and applied by the AAA.

# ANNEX E

## **Language to be set forth in USADA correspondence offering an Athlete the opportunity to waive analysis of the Athlete's B specimen:**

- The *Prohibited Substance* (or *Method*) [**identify substance or method**] was reported by the laboratory as being present in the A specimen of your *Sample*.
- The World Anti-Doping Code requires that unless the *Athlete* waives the B *Sample* analysis, for an anti-doping rule violation involving the presence of a *Prohibited Substance* to be found, the *Prohibited Substance* or *Method* must be found by the laboratory in both the A specimen and B specimen of the *Athlete's Sample*.
- You and/or your representative have the right to be present, at your expense, to observe the B specimen opening and analysis.
- By waiving the testing of the B specimen, you accept the laboratory results, including the finding of [**the substance or method identified**] in your *Sample*. Under applicable anti-doping rules, the finding of a *Prohibited Substance* or *Method* in an *Athlete's Sample* constitutes an anti-doping rule violation.
- The sanctions which may be imposed on you if an anti-doping rule violation is found include [**describe potential sanctions**].
- You may wish to contact the USOC Athlete Ombudsman, who is completely independent of USADA, or your own personal attorney for assistance or further information. The Athlete Ombudsman may be reached at the U.S. Olympic Committee, One Olympic Plaza, Colorado Springs, CO 80909; by telephone at 719-866-5000; by fax at 719-866-3000; by website at [www.usathlete.org](http://www.usathlete.org) or by email at [ombudsman@usathlete.org](mailto:ombudsman@usathlete.org).
- A copy of the USADA Protocol with attachments is enclosed with this letter.

# ANNEX F

## **Retirement Rules:**

In accordance with the USOC NADP, any *Athlete* enrolled in the USADA *Registered Testing Pool* (“RTP”) and the USADA Clean Athlete Program (“CAP”) who wishes to be removed from the program on account of retirement, must promptly notify in writing, USADA and the applicable National Governing Body (“NGB”). **Additionally, it is important for you to check with your particular International Federation (“IF”) to ensure compliance with any required IF retirement procedures or policies.**

- If you retire, you will be removed immediately from the RTP or CAP. In accordance with the World Anti-Doping Code and USOC NADP, if you retire and then subsequently wish to return to active participation in sport, you shall not be permitted to compete in *International or National Events* until you have made yourself available for *Testing* by providing six (6) months prior notice of your return from retirement to your IF and USADA. It is important for you to confirm whether your particular IF has additional requirements you will be required to satisfy in order to regain your full eligibility to compete after your return from retirement.
- Any *Athlete* seeking an exemption from the six (6) month written notice requirement must apply to WADA for a waiver and follow WADA’s established policies, rules and procedures. WADA may grant exemptions to the six (6) month written notice requirement and such exemptions will only be granted where the strict application of the rule would be manifestly unfair to the *Athlete*.





## USADA MISSION STATEMENT

*We hold the public trust to:*

**PRESERVE** the integrity of Competition

**INSPIRE** true sport

**PROTECT** the rights of Athletes



U.S. Anti-Doping Agency

Phone: 719.785.2000

Toll-Free: 1.866.601.2632

[www.USADA.org](http://www.USADA.org)



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