

# PROTOCOL

FOR OLYMPIC AND  
PARALYMPIC  
MOVEMENT TESTING



U.S. Anti-Doping Agency



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# U.S. Anti-Doping Agency

## Protocol for Olympic and Paralympic Movement Testing

(effective as revised January 1, 2024)

The provisions of the United States Anti-Doping Agency (“USADA”) Protocol for Olympic and Paralympic Movement Testing, including its Annexes, (as amended from time to time, the “Protocol” or “USADA Protocol”) implement the requirements of the World Anti-Doping Code (the “Code”)<sup>1</sup> and its related *International Standards* on a national basis within the United States. As required by the Code and United States Olympic & Paralympic Committee (“USOPC”) National Anti-Doping Policy (“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 Mission

For purposes of the Code and various World Anti-Doping Agency (“WADA”) *International Standards*, including but not limited to the *International Standard for Results Management* (the “ISRM”) and the *International Standard for Testing and Investigations* (the “ISTI”), USADA is authorized by the U.S. Congress to serve as the *National Anti-Doping Organization* (“NADO”) for the United States of America. USADA’s mission is to stand with *Athletes* to champion their right to clean sport, inspire true and healthy sport, and promote the integrity of sport.

### 2. USADA’s Relationship with the United States Olympic & Paralympic Committee

USADA is an independent legal entity not subject to the control of the USOPC. The USOPC has contracted<sup>3</sup> with USADA to conduct drug *Testing*, manage test results and *Therapeutic Use Exemption* (“TUE”) and whereabouts processes, 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 USOPC is USADA’s client. However, the USOPC has authorized USADA to transmit information simultaneously to the relevant NGB, International Federation (“IF”), International Olympic Committee (“IOC”),

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

<sup>2</sup> For the purposes of this Protocol, the term “NGB” is as defined in the USOPC bylaws and includes national governing bodies of individual sports recognized by the USOPC, Olympic Sport Organizations, and Pan American Sport Organizations and Paralympic Sport Organizations recognized by the USOPC.

<sup>3</sup> Where there are references to USOPC payments in the Protocol, those references are subject to the terms of the contract between USADA and the USOPC.

International Paralympic Committee (“IPC”), WADA, and the involved *Athlete*, *Athlete Support Person*, or other *Person*, and other persons and entities as appropriate. USADA’s jurisdiction is not limited by its contract with the USOPC and USADA has full authority to undertake all activities permitted by its Articles of Incorporation, Bylaws, and this Protocol.

### 3. USADA’s Relationship with Other Organizations

In addition to providing anti-doping services to the USOPC, USADA also provides anti-doping programs and *Doping Control* services for other sporting bodies in the United States and around the world on a contract basis. Under such contracts, the Protocol may apply mutatis mutandis.

USADA regularly collaborates with other organizations to advance the causes of *Athlete* health and ethical sport.

### 4. Athletes Subject to the Protocol and Testing by USADA

The USOPC, NGBs, other sports organizations and the Code authorize USADA to test, investigate, and conduct other *Anti-Doping Activities* concerning *Athletes* who:<sup>4</sup>

- a. Are a member or license holder of, or under contract with, an NGB or sports organization for whom USADA is authorized to conduct any aspect of *Doping Control*;
- b. Are a member of, or the recipient of a license from, an IF or other *Code Signatory* or a member of a *Signatory*;
- c. Participate in sport including by registering or preparing for or participating in an *Event* or *Competition* in the United States or which is organized or sanctioned by the USOPC, an NGB or a sport organization for whom USADA is authorized to conduct any aspect of *Doping Control*;
- d. Apply for (including participating in any qualifying *Event* or other step in the selection process), or are selected to, a U.S. national, Olympic, Paralympic, Pan American, Parapan American, Youth Olympic team or other team representing the USOPC or NGB in an *International Event*;
- e. Apply for a change of sport nationality to the United States;
- f. Are present in the United States;
- g. Receive benefits from the USOPC or NGB;
- h. Register for or uses any USOPC training center, training site or other facility;

<sup>4</sup> The following list is meant to define the scope of the term *Athlete* for purposes of this Protocol.



- i. Give their consent to *Testing* by USADA;
- j. If a U.S. *Athlete* submits, or is required to submit, a *Whereabouts Filing* to USADA or an IF within the previous twelve (12) months and has not given his or her IF, NGB, and USADA written notice of retirement;
- k. Are included in the USADA *Registered Testing Pool* (“RTP”), the USADA Clean Athlete Program (“CAP”), or the USADA Education Pool;
- l. Have been previously sanctioned by USADA or other *Anti-Doping Organization* (“ADO”) for an anti-doping rule violation, and are serving a period of *Ineligibility* on account of an anti-doping rule violation and who have not given prior written notice of retirement from all sanctioned *Competition* to the applicable IF, NGB, and USADA, or the applicable foreign anti-doping agency or foreign sport association;
- m. Are subject to *Testing* under authorization from the USOPC, NGB, IF, any *NADO*, *WADA*, the IOC, the IPC, any other *ADO*, any other sports organization, or the organizing committee of any *Event* or *Competition*; or
- n. USADA is entitled to test under the rules of any *ADO* or sports organization.

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

## 5. Application of the 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 USOPC NADP and/or 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 *Athlete Support Personnel* and other *Persons* as described below.

- a. In light of the foregoing, this Protocol shall also apply to:
  - i. All *Persons* involved in any aspect of *Doping Control* and all *Athlete Support Personnel* who are employed or credentialed by the USOPC or USADA 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 USOPC, 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* or any *Event* or *Competition* in the United States conducted by a *Code Signatory*;
  - 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 *Code* or the rules of any IF or other sports organization;
  - 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 the USOPC for purposes of anti-doping, regardless of whether such individual is a citizen or resident of the United States; and
  - vi. Any Board member, director, officer of USADA, the USOPC, or any NGB.
- b. To be a member of any NGB and/or a member of any affiliate organization or licensee 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 USOPC, 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, a *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 USOPC, the NGB and USADA to apply and enforce this Protocol;
    - iii. To provide all requested assistance to the NGB, USOPC and USADA (as applicable) in the application, policing and enforcement of this Protocol, including (without limitation) cooperating fully with any investigation, *Results Management*, 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 arbitral jurisdiction of the hearing or appellate bodies referenced in subsections 5(b)(iv) and 5(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.

## 6. 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. The Commentary of the *Code* shall have the same status under Annex A that the Commentary has in the *Code*.
- b. The selection and collection procedures set forth in sections 7, 8, & 10 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*, *Athlete Support Person*, 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 USOPC NADP, or the USADA Protocol involving any *Athlete* described in section 4 of this Protocol, or any *Athlete Support Personnel* or other *Persons* described in section 5 including, without limitation, all potential violations discovered by USADA, unless otherwise referred by USADA to a foreign sports organization having jurisdiction over the *Athlete*, *Athlete Support Person*, or other *Person*. Subject to *Code* Articles 7.1.1 and 7.1.5, USADA is not obligated to accept the referral of *Results Management* authority in cases that do not involve a U.S. *International-Level Athlete* or *National-Level Athlete*, as defined by the *Code*, the IF, and/or the Protocol. 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 USOPC or NGB, then *Results Management* shall be governed by the USADA Protocol unless otherwise specified in the testing agreement or unless USADA, in its sole discretion, refers the potential violation to the organization that initiated the test.<sup>5</sup>

- d. In the event USADA did not initiate and direct *Sample* collection but the *Sample* collection was undertaken by an organization that applies the USADA Protocol or that intended to refer the matter to USADA for *Results Management*, USADA may conduct *Results Management* if it chooses to do so.
- e. If no *Sample* collection is involved, and USADA first provides notice to an *Athlete*, *Athlete Support Person*, or other *Person* of a potential anti-doping rule violation and then diligently pursues that anti-doping rule violation, the USADA Protocol shall apply to the matter unless the rules of an IF or other *ADO* apply.
- f. 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.
- g. The USOPC has adopted the USOPC NADP, which affects *Athletes'* or other *Persons'* eligibility for USOPC teams and benefits.
- h. USADA shall apply the *WADA Prohibited List* then in effect at the time of *Sample* collection. Unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect three months after publication of the *Prohibited List* by *WADA* without requiring any further action by USADA.

## 7. Selection of Athletes to be Tested In-Competition

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. USADA retains the right to test any *Athlete* subject to *Testing* as provided in section 4 of this Protocol that it chooses with or without cause or explanation.

## 8. Selection of Athletes to be Tested Out-of-Competition

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

<sup>5</sup> In all cases where USADA incurs significant costs related to a case that results in benefits to the global anti-doping system, USADA may seek contribution from other *ADOs* benefitted by USADA's actions.

the USOPC or a particular NGB. USADA retains the right to test any *Athlete* subject to *Testing* as provided in section 4 that it chooses, with or without cause or explanation.

If an IF or *Major Event Organization* delegates or contracts any part of *Testing* to USADA directly or through another organization, USADA may collect additional *Samples* or direct the laboratory to perform additional types of analysis at USADA's expense. If additional *Samples* are collected or additional types of analysis are performed, the IF or *Major Event Organization* shall be notified.

## 9. USADA Testing Pools

USADA shall make the final determination regarding inclusion of any *Athlete* in the USADA *RTP* or USADA *CAP*. 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 USADA *RTP* and USADA *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* 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* and USADA Whereabouts Policy.
- 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. The information provided on each *Whereabouts Filing* and update must conform with the requirements in the USADA Whereabouts Policy. Submission of each *Whereabouts Filing* shall be accomplished electronically via means provided or approved by USADA.

Within the timeframe established by USADA after notification of inclusion within the *RTP* or *CAP* and 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.

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

## 10. 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 or other *Delegated Third Parties*, 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.

## 11. 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* and reporting results for USADA, *WADA*-accredited laboratories shall follow the *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.

## 12. General Notification Procedures

Notification to an *Athlete*, *Athlete Support Person*, 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.

- a. Actual notice may be accomplished by any means that conveys actual knowledge of the matter to the *Athlete*, *Athlete Support Person*, or other *Person*. Actual notice shall be effective upon delivery of the communication.
- b. 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's* or other *Person's* most recent mailing address on file with USADA or on file with the *Athlete's* or other *Person's* NGB. Also, if the *Athlete*, *Athlete Support Person*, or other *Person* has provided USADA with the *Athlete's* 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's* or other *Person's* most recent email address on file with USADA or on file with the *Athlete*, *Athlete Support Person*, or other *Person's* NGB. Also, if the *Athlete*, *Athlete Support Person*, or other *Person* has provided USADA with the *Athlete*, *Athlete Support Person*, 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.

- c. If constructive notice cannot be accomplished pursuant to section 12(b) above, then notice may be achieved by actual notice to the *Athlete*, *Athlete Support Person*, or other *Person's* NGB. Such notice shall be effective five (5) business days after delivery.
- d. Notice sent by email can be but need not be also sent by third party courier or U.S. mail.

### 13. Initial Notification Procedures

- a. USADA will use the following procedures with respect to each *Sample* collected by USADA:
  - i. Upon receipt of a negative laboratory report, USADA will promptly make that result available to the USOPC, and NGB, as applicable, or to the sports organization, *Event* organizer, or *ADO* for which USADA conducted the test. The negative result will also be made available to the *Athlete* electronically via means provided or approved by USADA and a notification will be emailed to the most recent email address on file with USADA, the email address on the Doping Control Official Record ("DCOR"), the email address on any other form signed by the *Athlete* at the time of notification for *Doping Control* and/or at the time of *Sample* collection and processing, or the email address on the *Whereabouts Filing* on file with USADA.
  - ii. Upon receipt from the laboratory of an *A Sample Adverse Analytical Finding* or *Adverse Passport 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 *Adverse Analytical Finding*, or whether it is apparent that the *Adverse Analytical Finding* was caused by an ingestion of the relevant *Prohibited Substance* through a permitted route. If this review does not reveal an applicable *TUE*, departure from the applicable standards, or that it is not apparent that the *Adverse Analytical Finding* was caused by an ingestion of the relevant *Prohibited Substance* through a permitted route, USADA will promptly notify, as appropriate, the USOPC, NGB, IF, *WADA* and other sports organization, *Event* organizer or *ADO* for which USADA conducted the test and the *Athlete* at the email address on the *Whereabouts Filing* on file, or if no form is on file, at the email address on the DCOR, and shall advise the *Athlete* of their right to have the *B Sample* analysis performed and failing such request within seven days of notice, that the *B Sample* analysis may be deemed irrevocably waived. If performed, 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 section 16(b) of this Protocol, prior to the *B Sample* opening, USADA shall provide to the *Athlete* the Abbreviated *A Sample* laboratory documentation as set forth in Annex B, and copies of the Protocol and the *Code* or a web link to those documents.

- iii. In all cases where an *Athlete*, *Athlete Support Person*, or other *Person* has been notified of a potential anti-doping rule violation, USADA shall provide the *Athlete*, *Athlete Support Person*, or other *Person* the contact information of the Team USA Athlete Ombuds, the opportunity to request a copy of the full *A Sample* Laboratory Documentation Package, the opportunity to provide an explanation within a short deadline, to provide *Substantial Assistance*, to admit the anti-doping rule violation and potentially benefit from a one-year reduction in the period of *Ineligibility* under *Code* Article 10.8.1 (if applicable), or to seek to enter into a case resolution agreement under *Code* Article 10.8.2.
- iv. Upon receipt of the laboratory's *B Sample* report, USADA shall promptly give notice of the result to the *Athlete*, the USOPC, 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 full *A* and *B Sample* documentation package, in accordance with the *ISL*. The laboratory shall not be required to produce any documentation in addition to the documentation required by the *ISL* unless ordered to do so by an arbitrator during adjudication.
- v. 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*, whether it is apparent that the *Adverse Analytical Finding* was caused by an ingestion of the relevant *Prohibited Substance* through a permitted route, and whether further investigation is required should the 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:

- (1) 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*, USOPC, 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*;
  - (2) If USADA receives a request from the USOPC, 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 USOPC, 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*.
- vi. 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.
- b. If USADA determines that an *Athlete*, *Athlete Support Person*, or other *Person* may have committed an anti-doping rule violation as described in Annex A other than resulting from an *Adverse Analytical Finding* or *Adverse Passport Finding*, then at such time as USADA charges the *Athlete*, *Athlete Support Person*, or other *Person* with an anti-doping rule violation or imposes a *Provisional Suspension* for which the *Athlete* can opt out, USADA shall provide notice of such potential violation to, as appropriate, the USOPC, NGB, IF, *WADA* and other sports organization, *Event* organizer or *ADO*.

#### 14. **Provisional Suspensions**

- a. **Mandatory Provisional Suspension:** In the event that the laboratory reports an *Adverse Analytical Finding* on an A *Sample* for a *Prohibited Substance* and/or a *Prohibited Method*, other than a *Specified Substance* or *Specified Method*<sup>6</sup> or reports an *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process), in a notice letter (described above) USADA will inform the *Athlete* 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* intends to compete in a *Competition* that is scheduled close in time to the imposition of the *Provisional Suspension*. 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 Standard Results Management Track set forth in section 16(a) below. 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 Results Management Track set forth in section 16(b) below.

- i. The sole issue to be determined by the arbitrator at a *Provisional Hearing* will be whether USADA's decision that a *Provisional Suspension* should be imposed shall be upheld. A mandatory *Provisional Suspension* may be eliminated if the *Athlete*, *Athlete Support Person*, or other *Person* demonstrates that the potential violation likely resulted from the use of a *Contaminated Product* or involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of Ineligibility as provided for in the *Substance Abuse* provisions of the *Code*.<sup>7</sup> It shall not be necessary for any B *Sample* analysis to have been completed for a *Provisional Suspension* to be upheld. 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. A decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable. The *Provisional Suspension* is defined in the definition of *Consequences of Anti-Doping Rule Violations* and in Article 10.14.1 of the *Code* and shall make the *Athlete*, *Athlete Support Person*, or other *Person* *Ineligible* to participate in any *Competition* or *Event* or to be a member of, or included on, any team organized or nominated by the USOPC or any NGB and shall be in effect until the case is concluded.
- ii. Within three (3) business days of an arbitrator's decision not to overturn a mandatory *Provisional Suspension* against an *Athlete*, *Athlete Support Person*, or other *Person* pursuant to the *Provisional Hearing* process set forth above, the *Athlete*, *Athlete Support Person*, or other *Person* may submit a written request to the *Provisional*

<sup>6</sup> Defined in Article 4.2.2 of the *Code*.

<sup>7</sup> See *Code* Article 10.2.4.1.



Hearing arbitrator that his or her case be heard pursuant to the Expedited Results Management Track set forth below. The *Provisional Suspension* arbitrator may grant such a request on good cause shown.

- b. **Optional Provisional Suspension:** In the event that the laboratory reports an *Adverse Analytical Finding* on an *A Sample* for a *Specified Substance* or *Specified Method*, or in cases that do not result from a positive test for a *Prohibited Substance* (i.e., “non-analytical cases”), USADA shall impose a *Provisional Suspension* but the *Athlete* shall have the right to opt out of the imposition of the *Provisional Suspension* by communicating the opt out in writing to USADA within ten (10) days of the date of the notification letter described in section 13(b) of this Protocol. In the event of an upcoming competition USADA may shorten the time period within which an *Athlete* may elect to opt out of a *Provisional Suspension*. If the *Athlete*, *Athlete Support Person*, or other *Person* opt out of the imposition of the *Provisional Suspension*, the *Athlete*, *Athlete Support Person*, or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension* but can later accept a *Voluntary Provisional Suspension* in accordance with the timelines set forth in the *Code*.
- c. If USADA imposes a *Provisional Suspension* and the *Athlete*, *Athlete Support Person*, or other *Person* presents credible evidence that they intend to participate in a “Protected Competition”<sup>8</sup> 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 16(b) of this Protocol.
- d. Upon the imposition of or opting out of a *Provisional Suspension*, USADA shall give notice thereof as set forth in Articles 13.2.3, 14.1 and 14.2 of the *Code*.
- e. If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and a subsequent *B Sample* analysis (if requested by the *Athlete* or USADA) does not confirm the *A Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1.

## 15. Charging and Case Closure Procedures

- a. Before charging an *Athlete*, *Athlete Support Person*, or other *Person* with an anti-doping rule violation, USADA shall refer to *ADAMS* and contact *WADA* and other relevant *ADOs* to determine whether any prior anti-doping rule violation exists.
- b. In the event that during *Results Management* USADA decides not to proceed upon any

potential anti-doping rule violation 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 USOPC, NGB, IF, *WADA* and other sports organization, *Event* organizer or *ADO* as set forth in Article 14.2 of the *Code*.

- c. USADA shall notify the *Athlete*, *Athlete Support Person*, or other *Person*, *WADA*, and any sports organization(s) with a right to appeal pursuant to Article 13.2.3 of the *Code* in writing, whether USADA considers the matter closed or alternatively provide a charging letter alleging an anti-doping rule violation has occurred and that the matter will proceed pursuant to the adjudication process. The charging letter shall indicate what specific charges or alleged violations will be adjudicated and what sanction, consistent with Annex A, the IF rules, the USOPC NADP, or the USADA Protocol, USADA is seeking to have imposed and a copy of the USADA Protocol and the Procedures for the Arbitration of Olympic & Paralympic Sport Doping Disputes (the “Arbitration Procedures”) (attached as Annex C) or a web link to those documents.

Likewise, if an *Athlete*, *Athlete Support Person*, or other *Person* is suspected to have violated the prohibition against participation during *Ineligibility* or *Provisional Suspension* pursuant to *Code* Article 10.14, or if USADA alleges that an *Athlete’s* competitive results obtained in violation of *Code* Article 5.6.1 should be *Disqualified* then USADA shall initiate the *Results Management* process through sending a letter requesting information or through sending a charging letter.

- d. Within ten (10) days following the date of the charging letter, the *Athlete*, *Athlete Support Person*, or other *Person* must inform USADA in writing if he or she desires an arbitration hearing to contest the sanction or other relief sought by USADA. The *Athlete*, *Athlete Support Person*, or other *Person* shall be entitled to a five (5) day extension if requested within such ten (10) day period. If the sanction set forth in the charging letter is not contested in writing within such ten (10) or fifteen (15) day period, then the sanction or other relief shall be communicated by USADA to the *Athlete*, *Athlete Support Person*, or other *Person*, USOPC, NGB, IF, and *WADA*, *Publicly Disclosed* in accordance with section 18 of this Protocol, and thereafter imposed by the NGB or other appropriate sporting body.
- e. Such sanction or other relief shall not be challenged, reopened or subject to appeal unless the *Athlete*, *Athlete Support Person*, 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

<sup>8</sup> The term “Protected Competition” shall have the meaning set forth in the USOPC’s Bylaws.

18 of this Protocol and if no agreement is reached, shall be heard in accordance with the Arbitration Procedures in Annex C.

- f. An *Athlete, Athlete Support Person*, or other *Person* may also elect to avoid the necessity for a hearing by accepting the sanction or other relief proposed by USADA. In all cases where USADA has agreed with an *Athlete, Athlete Support Person*, or other *Person* to the imposition of a sanction or other relief without a hearing, USADA shall give notice to other *ADOs* with a right to appeal under Article 13.2.3 of the *Code*.
- g. If the sanction or other relief is contested by the *Athlete, Athlete Support Person*, or other *Person*, then a hearing shall be conducted pursuant to the procedures set forth below in section 16.

## 16. Hearing Tracks

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 for *Athletes* and other *Persons* who have been charged with an anti-doping rule violation to have 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* or significant *Competition* is frequently strong. Therefore, the *Results Management* process in this Protocol includes an Expedited Track providing for the prompt handling of these 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 announced 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*.

### a. Standard Results Management Track

Cases shall proceed along the Standard *Results Management* Track unless the Expedited *Results Management* Track described below applies. In the event the case is proceeding along the Standard *Results Management* Track and circumstances change such that an *Athlete, Athlete Support Person*, or other *Person* appears likely to participate in a Protected *Competition* or other significant *Competition* before the completion of the *Results Management* process, USADA may expedite the case for resolution before the competition in question. Upon a request by USADA to expedite the case shall be immediately conducted pursuant to the Expedited *Results Management* Track described below.

### b. Expedited Results Management Track

When USADA receives a laboratory report of an *Adverse Analytical Finding* on an *A Sample* or USADA has evidence that an *Athlete, Athlete Support Person*, or other *Person* has committed an anti-doping rule violation and the *Athlete, Athlete Support Person*, or other *Person* is not *Provisionally Suspended* and is likely to participate in a Protected *Competition* or other significant *Competition* (as determined by USADA) 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 or other significant *Competition*:

- i. If applicable, the *B Sample* shall be analyzed by the laboratory at the earliest practicable time as scheduled by USADA.
- ii. Regardless of the status of any *B Sample* analysis, an *Athlete, Athlete Support Person*, or other *Person* must decide whether to opt out of the *Provisional Suspension* (if allowed under section 14 of this Protocol) within three (3) business days of notice to the *Athlete, Athlete Support Person*, or other *Person*. If the *Athlete, Athlete Support Person*, or other *Person* opts out of the *Provisional Suspension*, the *Athlete, Athlete Support Person*, or other *Person* shall be deemed to have requested arbitration of their case and USADA shall notify the independent arbitral body in writing of the initiation of an expedited proceeding. If the *Athlete, Athlete Support Person*, or other *Person* does not opt out of the *Provisional Suspension* within three (3) business days of notice, the *Athlete, Athlete Support Person*, or other *Person* shall not be permitted to opt out of the *Provisional Suspension* within twenty-one (21) days of the Protected or significant *Competition*.
- iii. The independent arbitral body shall immediately form an arbitration panel under the expedited procedures and in accordance with the Arbitration Procedures.
- iv. 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 the Protected *Competition* or other significant *Competition* by the *Athlete, Athlete Support Person*, or other *Person*, if eligible, and/or by any other potentially affected *Athletes*, other *Persons* or team, or if no *Competition* is more imminent, within twenty-one (21) days of formation of the panel.
- v. If an *Athlete, Athlete Support Person*, or other *Person* does not opt out of the *Provisional Suspension* and/or upon agreement by USADA, nothing in this rule precludes a case from shifting from the Expedited *Results Management* Track to the appropriate stage of the Standard *Results Management* track at any time.

- vi. 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 announced 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*, *Athlete Support Person*, or other *Person* to a fair hearing where such a right exists under the Protocol.

## 17. Hearings and Appeals

The following procedures apply to all hearings under this Protocol:

- a. Except as otherwise described herein, absent the express consent of the parties, all first instance hearings will take place in the United States before the independent arbitral body using the Arbitration Procedures. For purposes of this section 17(a), the parties will be USADA and the *Athlete*, *Athlete Support Person*, or other *Person*. Parties may participate remotely. USADA shall also invite the applicable IF and WADA to participate either as a party or as an observer. If the parties agree or the *Athlete*, *Athlete Support Person*, or other *Person* requests and the arbitrator agrees, the hearing shall be open to the public subject to such limitations as may be imposed by the arbitrator. For their information only, notice of the hearing date shall also be sent to the USOPC, the Team USA Athlete Ombuds, the NGB, and WADA. If the *Athlete*, *Athlete Support Person*, or other *Person* requests, the Team USA Athlete Ombuds shall be invited as an observer.<sup>9</sup>
- b. Subject to the filing deadline for an appeal filed by WADA as provided in Article 13.2.3.5 of the *Code*, the final award by the 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 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 arbitration 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*, *Athlete Support Personnel*, or other *Persons*. A CAS appeal shall be filed with the CAS Administrator, the CAS hearing will automatically take place in the United States (subject to CAS procedural rules) 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 arbitration 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 subject to the right under Swiss law to challenge the decision before the Swiss Federal Tribunal.

- 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 (arbitration filing fee, arbitration administrative costs, arbitrator fees and costs) will be borne by the USOPC, subject to the cost-shifting provision set forth in R-25c of the Arbitration Procedures.
- d. CAS may impose an award of costs and fees on any party pursuant to its rules.
- e. The results of all hearings, including written decisions, shall be communicated by USADA to the *Athlete*, *Athlete Support Person*, or other *Person*, the USOPC, NGB, IF and WADA. The NGB and/or USOPC shall impose any sanction resulting from the adjudication process. The NGB and/or the USOPC shall not impose any sanctions until after the *Athlete*, *Athlete Support Person*, or other *Person* has had the opportunity for a hearing or has waived it.
- f. In lieu of the procedures set forth above, anti-doping rule violations asserted against *International-Level Athletes*, *National-Level Athletes*, *Athlete Support Personnel*, or other *Persons* may, with the consent of the *Athlete*, *Athlete Support Person*, or other *Person*, USADA (if USADA has *Results Management* responsibility), and WADA, be heard in a single final hearing before CAS conducted in the United States. USADA may participate in the CAS hearing as a party or an observer. The CAS decision shall be final and binding on all parties and shall not be subject to further review or appeal subject to the right under Swiss law to challenge the decision before the Swiss Federal Tribunal.

## 18. Confidentiality

Individuals and entities bound by the Protocol agree to the Processing, including collection, use, storage and disclosure of Personal Information by USADA, including but not limited to the disclosure of personal information to WADA, other anti-doping organizations, and third parties (as applicable) in accordance with the USADA privacy policy (<https://www.usada.org/privacy-statement>) and/or the privacy policy of the relevant testing authority/results management authority.

Individuals bound by the Protocol further agree to USADA maintaining on its website a searchable database which includes the identity of all *Athletes* tested by USADA under its Olympic,

<sup>9</sup> To the extent there is a conflict between the provisions in the Protocol and Annex C as it relates to the arbitration process, Annex C controls.

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 publicly comment upon any *Athlete's Adverse Analytical Finding* or *Atypical Finding* or upon any information related to any alleged doping rule violation (including violations not involving an *Adverse Analytical Finding*) unless reasonably necessary because the information is related to another case announcement or until after the *Athlete*, *Athlete Support Person*, or other *Person* (1) has been found to have committed an anti-doping rule violation in a hearing conducted under this Protocol, (2) has failed to request a hearing within the time set forth in section 15(d) of this Protocol, or (3) has agreed in writing to the sanction sought by USADA. However, USADA may provide notification to the USOPC, 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 USOPC, 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*, *Athlete Support Person*, 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*, *Athlete Support Person*, or other *Person* or the *Athlete's*, *Athlete Support Person's*, or other *Person's* representative(s) or others associated with the *Athlete*, *Athlete Support Person*, or other *Person* make(s) public comments about their case or the process involving the *Athlete*, *Athlete Support Person*, or other *Person* then USADA may respond publicly to such comments in whatever manner and to whatever extent USADA deems appropriate.

Unless USADA, in its sole discretion, determines that non-disclosure or delayed disclosure is permitted under the *Code* and does not undercut the deterrent effect of a public announcement or is offset by benefits to an investigation or other anti-doping purpose, USADA shall *Publicly Disclose* the disposition of anti-doping matters, including any reasoned award issued by an arbitrator, and should do so 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, (4) the *Athlete*, *Athlete Support Person*, or other *Person* has agreed in writing to the sanction sought by USADA, or (5) the date of the arbitrator's decision in a *TUE* appeal. After an anti-doping rule violation has been established, USADA may comment upon or disclose any aspect of the case. In all cases, the disposition shall be reported to the USOPC, NGB, IF, WADA and, if applicable, the other sporting body referring the matter to USADA.

USADA will also *Publicly Disclose* the resolution of any violation of the prohibition against participation during *Ineligibility* that results in a longer period of *Ineligibility* or the *Disqualification* of an *Athlete's* competitive results obtained in violation of *Code* Article 5.6.1.

## 19. *Ineligibility*

Any *Athlete* sanctioned by USADA, an 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* (unless retired and period *Ineligibility* tolled), of complete anti-doping *Education* provided by USADA, 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, if requested, or otherwise be available for *Testing* may result in the extension of the *Athlete's Ineligibility* or subject the *Athlete* to a further anti-doping rule violation and additional sanctions.

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 *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 six months, 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 in each sport in which he or she competes. The information in this section shall be summarized on USADA's website.

- a. In accordance with Article 5.6 of the *Code*, any *Athlete* who retires from sport while included in the *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 unfair to an *RTP Athlete*. USADA, in consultation with the relevant IF, may grant an exemption to the six-month rule where the strict application of the rule would be unfair to a *CAP Athlete*.

The decision as to whether an exemption should be granted may be appealed under Article 13 of the *Code* to CAS. In addition, competitive results obtained in violation of Article 5.6.1 of the *Code* or this section of the Protocol 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 satisfied the notice requirements indicated in Article 5.6.2 of the *Code*.

## 21. Ownership and Use of Samples

All *Samples* collected by USADA shall be the property of USADA, unless otherwise agreed to by USADA, but shall only be used for anti-doping purposes and/or as outlined in this Protocol.

## 22. Effective Date

The revisions to this Protocol incorporated herein shall go into effect on January 1, 2024 and procedural rules in this Protocol shall apply in all pending matters as of that date. Revisions to substantive provisions of the Protocol as previously published shall not apply retrospectively to matters pending before January 1, 2024 except as provided in Article 27 of the *Code*.

# ANNEX A

## World Anti-Doping Code Articles

Articles for the World Anti-Doping Code that are referenced in the USOPC National Anti-Doping Policy and incorporated verbatim into the USADA Protocol for Olympic and Paralympic Movement Testing:<sup>1</sup>

### 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 2.11 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 an *Athlete's Sample*

- 2.1.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *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 rule 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*

<sup>1</sup> USADA incorporates by reference the remaining *Code* provisions in substance and as applicable.

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 A* or *B Sample* is split into two parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.

[Comment to Article 2.1.2: The *Anti-Doping Organization with Results Management* responsibility may, at 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 Decision Limit is specifically identified in the *Prohibited List* or a *Technical Document*, the presence of any reported 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*, *International Standards*, or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

## 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 the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies 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 by an Athlete

Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorized *Person*.

[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 by an Athlete

Any combination of three missed tests and/or filing failures, as defined in the *International Standard for Results Management*, 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 by an Athlete or Other Person

## 2.6 Possession of a Prohibited Substance or a Prohibited Method by an Athlete or Athlete Support Person

- 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 Articles 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 Articles 2.6.1 and 2.6.2: Acceptable justification may include, for example, (a) an *Athlete* or a team doctor carrying *Prohibited Substances* or *Prohibited Methods* for dealing with acute and emergency situations (e.g., an epinephrine auto-injector), or (b) an *Athlete* Possessing a *Prohibited Substance* or *Prohibited Method* for therapeutic reasons shortly prior to applying for and receiving a determination on a *TUE*.]

## 2.7 **Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or Other Person**

## 2.8 **Administration or Attempted Administration by an Athlete or Other Person 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 Substance or any Prohibited Method that is Prohibited Out-of-Competition**

## 2.9 **Complicity or Attempted Complicity by an Athlete or Other Person**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or Attempted complicity involving an anti-doping rule violation, Attempted anti-doping rule violation or violation of Article 10.14.1 by another *Person*.

[Comment to Article 2.9: *Complicity* or *Attempted Complicity* may include either physical or psychological assistance.]

## 2.10 **Prohibited Association by an Athlete or Other Person**

2.10.1 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:

2.10.1.1 If subject to the authority of an *Anti-Doping Organization*, is serving a period of *Ineligibility*; or

2.10.1.2 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

2.10.1.3 Is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.

2.10.2 To establish a violation of Article 2.10, an *Anti-Doping Organization* must establish that the *Athlete* or other *Person* knew of the *Athlete Support Person's* disqualifying status.

The burden shall be on the *Athlete* or other *Person* to establish that any association with an *Athlete Support Person* described in Article 2.10.1.1 or 2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

*Anti-Doping Organizations* that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3 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. This also prohibits association with any other *Athlete* who is acting as a coach or *Athlete Support Person* while serving a period of *Ineligibility*. 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.

While Article 2.10 does not require the *Anti-Doping Organization* to notify the *Athlete* or other *Person* about the *Athlete Support Person's* disqualifying status, such notice, if provided, would be important evidence to establish that the *Athlete* or other *Person* knew about the disqualifying status of the *Athlete Support Person*.]

## 2.11 Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities

Where such conduct does not otherwise constitute a violation of Article 2.5:

2.11.1 Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code* to WADA, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organization*.

2.11.2 Retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code* to WADA, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organization*.

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.

[Comment to Article 2.11.2: This article is intended to protect *Persons* who make good faith reports, and does not protect *Persons* who knowingly make false reports.]

[Comment to Article 2.11.2: Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting *Persons*, their families or associates. Retaliation would not include an *Anti-Doping Organization* asserting in good faith an anti-doping rule violation against the reporting *Person*. For purposes of Article 2.11, a report is not made in good faith where the *Person* making the report knows the report to be false.]

## 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, except as provided in Articles 3.2.2 and 3.2.3, 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 or which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether the conditions for such presumption have been met or 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. The initial hearing body, appellate body or CAS, on its own initiative, may also inform WADA of any such challenge. Within 10 days of WADA's receipt of such notice and the case file related to such challenge, WADA shall also have the right to intervene as a party, appear as amicus curiae or otherwise provide evidence in such proceeding. In cases before CAS, at WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.

[Comment to Article 3.2.1: For certain *Prohibited Substances*, WADA may instruct WADA-accredited laboratories not to report *Samples* as an *Adverse Analytical Finding* if the estimated concentration of the *Prohibited Substance* or its *Metabolites* or *Markers* is below a Minimum Reporting Level. WADA's decision in determining that Minimum Reporting Level or in determining which *Prohibited Substances* should be subject to Minimum Reporting Levels shall not be subject to challenge. Further, the laboratory's estimated concentration of such *Prohibited Substance* in a *Sample* may only be an estimate. In no event shall the possibility that the exact concentration of the *Prohibited Substance* in the *Sample* may be below the Minimum Reporting Level constitute a defense to an anti-doping rule violation based on the presence of that *Prohibited Substance* in the *Sample*.]



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*. Thus, once the *Athlete* or other *Person* establishes the departure by a balance of probability, the *Athlete* or other *Person's* burden on causation is the somewhat lower standard of proof – “could reasonably have caused.” If the *Athlete* or other *Person* satisfies these standards, 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 in an *Anti-Doping Organization's* rules shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defense to an anti-doping rule violation; provided, however, if the *Athlete* or other *Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or whereabouts failure, then the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or whereabouts failure:

[Comment to Article 3.2.3: Departures from an *International Standard* or other rule unrelated to *Sample* collection or handling, *Adverse Passport Finding*, or *Athlete* notification relating to whereabouts failure or B *Sample* opening – e.g., the *International Standards* for Education, Data Privacy or *TUEs* – may result in compliance proceedings by WADA but are not a defense in an anti-doping rule violation proceeding and are not relevant on the issue of whether the *Athlete* committed an anti-doping rule violation. Similarly, an *Anti-Doping Organization's* violation of the document referenced in Article 20.7.7 shall not constitute a defense to an anti-doping rule violation.]

- (i) a departure from the *International Standard for Testing and Investigations* related to *Sample* collection or *Sample* handling which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;
- (ii) a departure from the *International Standard for Results Management* or *International Standard for Testing and Investigations* related to *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which case the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the anti-doping rule violation;
- (iii) a departure from the *International Standard for Results Management* related to the requirement to provide notice to the *Athlete* of the B *Sample* opening which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

[Comment to Article 3.2.3 (iii): An *Anti-Doping Organization* would meet its burden to establish that such departure did not cause the *Adverse Analytical Finding* by showing that, for example, the B *Sample* opening and analysis were observed by an independent witness and no irregularities were observed.]

- (iv) a departure from the *International Standard for Results Management* related to *Athlete* notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the whereabouts failure.

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

### 4.2.2 Specified Substances or Specified Methods

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*.

[Comment to Article 4.2.2: The *Specified Substances* and *Methods* identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances or methods. Rather, they are simply substances and methods which are more likely to have been consumed or used by an *Athlete* for a purpose other than the enhancement of sport performance.]

### 4.2.3 Substances of Abuse

For purposes of applying Article 10, *Substances of Abuse* shall include those *Prohibited Substances* which are specifically identified as *Substances of Abuse* on the *Prohibited List* because they are frequently abused in society outside of the context of sport.

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*, the classification of substances into categories on the *Prohibited List*, the classification of a substance as prohibited at all times or *In-Competition* only, the classification of a substance or method as a *Specified Substance*, *Specified Method* or *Substance of Abuse* is final and shall not be subject to any challenge by an *Athlete* or other *Person* including, but not limited to, any challenge 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.

## 4.4 Therapeutic Use Exemptions ("TUEs")

4.4.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers*, and/or the *Use* or *Attempted Use*, *Possession* or *Administration* or *Attempted Administration* of a *Prohibited Substance* or *Prohibited Method* shall not be considered an anti-doping rule violation if it is consistent with the provisions of a *TUE* granted in accordance with the *International Standard for Therapeutic Use Exemptions*.

4.4.2 *Athletes* who are not *International-Level Athletes* shall apply to their *National Anti-Doping Organization* for a *TUE*. If the *National Anti-Doping Organization* denies the application, the *Athlete* may appeal exclusively to the national-level appeal body described in Article 13.2.2.

4.4.3 *Athletes* who are *International-Level Athletes* shall apply to their *International Federation*.

[Comment to Article 4.4.3: If the *International Federation* refuses to recognize a *TUE* granted by a *National Anti-Doping Organization* only because medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the *International Standard for Therapeutic Use Exemptions*, the matter should not be referred to *WADA*. Instead, the file should be completed and re-submitted to the *International Federation*.

If an *International Federation* chooses to test an *Athlete* who is not an *International-Level Athlete*, it must recognize a *TUE* granted by that *Athlete's National Anti-Doping Organization*.]

4.4.3.1 Where the *Athlete* already has a *TUE* granted by their *National Anti-Doping Organization* for the substance or method in question, if that *TUE* meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, then the *International Federation* must recognize it. If the *International Federation* considers that the *TUE* does not meet those criteria and so refuses to recognize it, it must notify the *Athlete* and the *Athlete's National Anti-Doping Organization* promptly, with reasons. The *Athlete* or the *National Anti-Doping Organization* shall have 21 days from such notification to refer the matter to *WADA* for review. If the matter is referred to *WADA* for review, the *TUE* granted by the *National Anti-Doping Organization* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending *WADA's* decision. If the matter is not referred to *WADA* for review within the 21-day deadline, the *Athlete's National Anti-Doping Organization* must determine whether the original *TUE* granted by that *National Anti-Doping Organization* should nevertheless remain valid for national-level *Competition* and *Out-of-Competition Testing* (provided that the *Athlete* ceases to be an *International-Level Athlete* and does not participate in international-level *Competition*). Pending the *National Anti-Doping Organization's* decision, the *TUE* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*).

4.4.3.2 If the *Athlete* does not already have a *TUE* granted by their *National Anti-Doping Organization* for the substance or method in question, the *Athlete* must apply directly to the *Athlete's International Federation* for a *TUE* as soon as the need arises. If the *International Federation* (or the *National Anti-Doping Organization*, where it has agreed to consider the application on behalf of the *International Federation*) denies the *Athlete's* application, it must notify the *Athlete* promptly, with reasons. If the *International Federation* grants the *Athlete's* application,

it must notify not only the *Athlete* but also the *Athlete's National Anti-Doping Organization*, and if the *National Anti-Doping Organization* considers that the *TUE* does not meet the criteria set out in the *International Standard for Therapeutic Use Exemptions*, it has 21 days from such notification to refer the matter to *WADA* for review. If the *National Anti-Doping Organization* refers the matter to *WADA* for review, the *TUE* granted by the International Federation remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA's* decision. If the *National Anti-Doping Organization* does not refer the matter to *WADA* for review, the *TUE* granted by the International Federation becomes valid for national-level *Competition* as well when the 21-day review deadline expires.

4.4.4 A *Major Event Organization* may require *Athletes* to apply to it for a *TUE* if they wish to Use a *Prohibited Substance* or a *Prohibited Method* in connection with the *Event*. In that case:

4.4.4.1 The *Major Event Organization* must ensure a process is available for an *Athlete* to apply for a *TUE* if he or she does not already have one. If the *TUE* is granted, it is effective for its *Event* only.

4.4.4.2 Where the *Athlete* already has a *TUE* granted by the *Athlete's National Anti-Doping Organization* or International Federation, if that *TUE* meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, the *Major Event Organization* must recognize it. If the *Major Event Organization* decides the *TUE* does not meet those criteria and so refuses to recognize it, it must notify the *Athlete* promptly, explaining its reasons.

4.4.4.3 A decision by a *Major Event Organization* not to recognize or not to grant a *TUE* may be appealed by the *Athlete* exclusively to an independent body established or appointed by the *Major Event Organization* for that purpose. If the *Athlete* does not appeal (or the appeal is unsuccessful), the *Athlete* may not Use the substance or method in question in connection with the *Event*, but any *TUE* granted by the *Athlete's National Anti-Doping Organization* or International Federation for that substance or method remains valid outside of that *Event*.

[Comment to Article 4.4.4.3: For example, the CAS Ad Hoc Division or a similar body may act as the independent appeal body for particular *Events*, or *WADA* may agree to perform that function. If neither *CAS* nor *WADA* are performing that function, *WADA* retains the right (but not the obligation) to review the *TUE* decisions made in connection with the *Event* at any time, in accordance with Article 4.4.6.]

4.4.5 If an *Anti-Doping Organization* chooses to collect a *Sample* from an *Athlete* who is not an *International-Level Athlete* or *National-Level Athlete*, and that *Athlete* is Using a *Prohibited Substance* or *Prohibited Method* for therapeutic reasons, the *Anti-Doping Organization* must permit the *Athlete* to apply for a retroactive *TUE*.

4.4.6 *WADA* must review an International Federation's decision not to recognize a *TUE* granted by the *National Anti-Doping Organization* that is referred to it by the *Athlete* or the *Athlete's National Anti-Doping Organization*. In addition, *WADA* must review an International Federation's decision to grant a *TUE* that is referred to it by the *Athlete's National Anti-Doping Organization*. *WADA* may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, *WADA* will not interfere with it. If the *TUE* decision does not meet those criteria, *WADA* will reverse it.

[Comment to Article 4.4.6: *WADA* shall be entitled to charge a fee to cover the costs of: (a) any review it is required to conduct in accordance with Article 4.4.6; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.]

4.4.7 Any *TUE* decision by an International Federation (or by a *National Anti-Doping Organization* where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Athlete* and/or the *Athlete's National Anti-Doping Organization*, exclusively to *CAS*.

[Comment to Article 4.4.7: In such cases, the decision being appealed is the International Federation's *TUE* decision, not *WADA's* decision not to review the *TUE* decision or (having reviewed it) not to reverse the *TUE* decision. However, the time to appeal the *TUE* decision does not begin to run until the date that *WADA* communicates its decision. In any event, whether the decision has been reviewed by *WADA* or not, *WADA* shall be given notice of the appeal so that it may participate if it sees fit.]

4.4.8 A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Athlete*, the *National Anti-Doping Organization* and/or the International Federation affected, exclusively to *CAS*.

4.4.9 A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application thus triggering the applicable rights of review/appeal.

## ARTICLE 5 TESTING AND INVESTIGATIONS

### 5.1 Purpose of Testing and Investigations

*Testing* and investigations may be undertaken for any anti-doping purpose.

[Comment to Article 5.1: Where *Testing* is conducted for anti-doping purposes, the analytical results and data may be used for other legitimate purposes under the *Anti-Doping Organization's* rules. See, e.g., Comment to Article 23.2.2.]

### 5.2 Authority to Test

Any *Athlete* may be required to provide a *Sample* at any time and at any place by any *Anti-Doping Organization* with *Testing* authority over him or her. Subject to the limitations for *Event Testing* set out in Article 5.3:

[Comment to Article 5.2: Additional authority to conduct *Testing* may be conferred by means of bilateral or multilateral agreements among *Signatories*. Unless the *Athlete* has identified a 60-minute *Testing* window during the following-described time period, or otherwise consented to *Testing* during that period, before *Testing* an *Athlete* between the hours of 11:00 p.m. and 6:00 a.m., an *Anti-Doping Organization* should have serious and specific suspicion that the *Athlete* may be engaged in doping. A challenge to whether an *Anti-Doping Organization* had sufficient suspicion for *Testing* during this time period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]

### 5.6 Retired Athletes Returning to Competition

5.6.1 If an *International-* or *National-Level Athlete* in a *Registered Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing*, by giving six months prior written notice to their *International Federation* and *National Anti-Doping Organization*. *WADA*, in consultation with the relevant *International Federation* and *National Anti-Doping Organization*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be unfair to an *Athlete*. This decision may be appealed under Article 13.

[Comment to Article 5.6.1: Guidance for determining whether an exemption is warranted will be provided by *WADA*.]

5.6.1.1 Any competitive results obtained in violation of Article 5.6.1 shall be *Disqualified* unless the *Athlete* can establish that he or she could not have reasonably known that this was an *International Event* or a *National Event*.

5.6.2 If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* must

notify the *Anti-Doping Organization* that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* 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* by giving six-month prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six (6) months) to the *Athlete's* *International Federation* and *National Anti-Doping Organization*.

## ARTICLE 6 ANALYSIS OF SAMPLES

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

### 6.1 Use of Accredited, Approved Laboratories and Other Laboratories

For purposes of directly establishing an *Adverse Analytical Finding* under 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 analyses, 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.]

6.1.1 As provided in Article 3.2, facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of *WADA*-accredited or approved laboratories.

### 6.2 Purpose of Analysis of Samples and Data

*Samples* and related analytical data or *Doping Control* information 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 for DNA or genomic profiling, or for any other legitimate anti-doping purpose.

[Comment to Article 6.2: For example, relevant *Doping Control*-related information could be used to direct Target *Testing* or to support an anti-doping rule violation proceeding under Article 2.2, or both. See also Comments to Articles 5.1 and 23.2.2.]

### 6.3 Research on *Samples* and Data

*Samples*, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used for research without the *Athlete's* written consent. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Athlete*. Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in Article 19.

[Comment to Article 6.3: As is the case in most medical or scientific contexts, use of *Samples* and related information for quality assurance, quality improvement, method improvement and development or to establish reference populations is not considered research. *Samples* and related information used for such permitted non-research purposes must also first be processed in such a manner as to prevent them from being traced back to the particular *Athlete*, having due regard to the principles set out in Article 19, as well as the requirements of the *International Standard for Laboratories* and *International Standard for the Protection of Privacy and Personal Information*.]

## ARTICLE 7 RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS

[Comment to Article 7: Various *Signatories* have created their own approaches to *Results Management*. While the various approaches have not been entirely uniform, many have proven to be fair and effective systems for *Results Management*. The *Code* does not supplant each of the *Signatories'* *Results Management* systems. This Article and the *International Standard for Results Management* do, however, specify basic principles in order to ensure the fundamental fairness of the *Results Management* process which must be observed by each *Signatory*. The specific anti-doping rules of each *Signatory* shall be consistent with these basic principles. Not all anti-doping proceedings which have been initiated by an *Anti-Doping Organization* need to go to a hearing. There may be cases where the *Athlete* or other *Person* agrees to the sanction which is either mandated by the *Code* or which the *Anti-Doping Organization* considers appropriate where flexibility in sanctioning is permitted. In all cases, a sanction imposed on the basis of such an agreement will be reported to parties with a right to appeal under Article 13.2.3 as provided in Article 14 and published as provided in Article 14.3.]

## 7.7 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 authority 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 7.7: Conduct by an *Athlete* or other *Person* before the *Athlete* or other *Person* was subject to the authority 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 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

[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, too much 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 conflicts between International Federations and *National Anti-Doping Organizations*.]

#### 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 10.11.

Factors to be included in considering whether to Disqualify other results in an *Event* might include, for example, the seriousness 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 swimming 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* for a violation of Article 2.1, 2.2 or 2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:

10.2.1 The period of *Ineligibility*, subject to Article 10.2.4, shall be four (4) years where:

10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance* or a *Specified Method*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.

[Comment to Article 10.2.1: While it is theoretically possible for an *Athlete* or other *Person* to establish that the anti-doping rule violation was not intentional without showing how the *Prohibited Substance* entered one's system, it is highly unlikely that in a doping case under Article 2.1 an *Athlete* will be successful in proving that the *Athlete* acted unintentionally without establishing the source of the *Prohibited Substance*.]

10.2.1.2 The anti-doping rule violation involves a *Specified Substance* or a *Specified Method* 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, subject to Article 10.2.4.1, the period of *Ineligibility* shall be two years.

10.2.3 As used in Article 10.2, the term "intentional" is meant to identify those *Athletes* or other *Persons* who engage in conduct which they 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.

[Comment to Article 10.2.3: Article 10.2.3 provides a special definition of "intentional" which is to be applied solely for purposes of Article 10.2.]

10.2.4 Notwithstanding any other provision in Article 10.2, where the anti-doping rule violation involves a *Substance of Abuse*:

10.2.4.1 If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be three months *Ineligibility*.

In addition, the period of *Ineligibility* calculated under this Article 10.2.4.1 may be reduced to one month if the *Athlete* or other *Person* satisfactorily completes a *Substance of Abuse* treatment program approved by the *Anti-Doping Organization* with *Results Management* responsibility. The period of *Ineligibility* established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.

[Comment to Article 10.2.4.1: The determinations as to whether the treatment program is approved and whether the *Athlete* or other *Person* has satisfactorily completed the program shall be made in the sole discretion of the *Anti-Doping Organization*. This Article is intended to give *Anti-Doping Organizations* the leeway to apply their own judgment to identify and approve legitimate and reputable, as opposed to "sham", treatment programs. It is anticipated, however, that the

characteristics of legitimate treatment programs may vary widely and change over time such that it would not be practical for WADA to develop mandatory criteria for acceptable treatment programs.]

10.2.4.2 If the ingestion, *Use or Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use or Possession* was unrelated to sport performance, then the ingestion, *Use or Possession* shall not be considered intentional for purposes of Article 10.2.1 and shall not provide a basis for a finding of *Aggravating Circumstances* under Article 10.4.

### 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 Article 10.6 or 10.7 are applicable:

- 10.3.1 For violations of Article 2.3 or 2.5, the period of *Ineligibility* shall be four years except: (i) in the case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional, the period of *Ineligibility* shall be two years; (ii) in all other cases, if the *Athlete* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two years to four years depending on the *Athlete* or other *Person's* degree of *Fault*; or (iii) in a case involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.
- 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 Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Protected Person* 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 Article 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 lifetime *Ineligibility*, depending on the seriousness of the violation.

10.3.5 For violations of Article 2.10, the period of *Ineligibility* 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 (*Prohibited Association by an Athlete or Other Person*) is an entity and not an individual, that entity may be disciplined as provided in Article 12.]

10.3.6 For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.

[Comment to Article 10.3.6: Conduct that is found to violate both Article 2.5 (*Tampering*) and Article 2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities*) shall be sanctioned based on the violation that carries the more severe sanction.]

### 10.4 *Aggravating Circumstances which may Increase the Period of Ineligibility*

If the *Anti-Doping Organization* establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking or Attempted Trafficking*), 2.8 (*Administration or Attempted Administration*), 2.9 (*Complicity or Attempted Complicity*) or 2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting*) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Athlete* or other *Person* can establish that he or she did not knowingly commit the anti-doping rule violation.

[Comment to Article 10.4: Violations under Articles 2.7 (*Trafficking or Attempted Trafficking*), 2.8 (*Administration or Attempted Administration*), 2.9 (*Complicity or Attempted Complicity*) and 2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting*) are not included in the application of Article 10.4 because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any aggravating circumstance.]

## 10.5 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 10.5: This Article and Article 10.6.2 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) 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 10.6 based on *No Significant Fault or Negligence*.]

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

### 10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Article 2.1, 2.2 or 2.6.

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

#### 10.6.1.1 *Specified Substances* or *Specified Methods*

Where the anti-doping rule violation involves a *Specified Substance* (other than a *Substance of Abuse*) or *Specified Method*, 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*.

#### 10.6.1.2 *Contaminated Products*

In cases where the *Athlete* or other *Person* can establish both *No Significant Fault or Negligence* and that the detected *Prohibited Substance* (other than a *Substance of Abuse*) 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* or other *Person's* degree of *Fault*.

[Comment to Article 10.6.1.2: In order to receive the benefit of this Article, the *Athlete* or other *Person* must establish not only that the detected *Prohibited Substance* came from a *Contaminated Product*, but must also separately establish *No Significant Fault or Negligence*. It should be further noted that *Athletes* are on notice that they take nutritional supplements at their own risk. The sanction reduction based on *No Significant Fault or Negligence* has rarely been applied in *Contaminated Product* cases unless the *Athlete* has exercised a high level of caution before taking the *Contaminated Product*. In assessing whether the *Athlete* can establish the source of the *Prohibited Substance*, it would, for example, be significant for purposes of establishing whether the *Athlete* actually *Used the Contaminated Product*, whether the *Athlete* had declared the product which was subsequently determined to be contaminated on the *Doping Control* form.

This Article should not be extended beyond products that have gone through some process of manufacturing. Where an *Adverse Analytical Finding* results from environment contamination of a “non-product” such as tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, typically there would be *No Fault or Negligence* under Article 10.5.]

#### 10.6.1.3 *Protected Persons* or *Recreational Athletes*

Where the anti-doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person* or *Recreational Athlete*, and the *Protected Person* or *Recreational Athlete* 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 *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

### 10.6.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.6.1

If an *Athlete* or other *Person* establishes in an individual case where Article 10.6.1 is not applicable, that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.7, 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 10.6.2: Article 10.6.2 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., Article 2.5, 2.7, 2.8, 2.9 or 2.11) 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*.]



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

### 10.7.1 *Substantial Assistance* in Discovering or Establishing *Code* Violations

[Comment to Article 10.7.1: 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.]

10.7.1.1 An *Anti-Doping Organization* with *Results Management* responsibility for an anti-doping rule violation may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) 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; or (iii) which results in *WADA* initiating a proceeding against a *Signatory*, *WADA*-accredited laboratory or *Athlete* passport management unit (as defined in the *International Standard for Laboratories*) for non-compliance with the *Code*, *International Standard* or *Technical Document*; or (iv) with the approval by *WADA*, which results in a criminal or disciplinary body bringing forward a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping. After an 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 *Consequences* 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, non-compliance with the *Code* and/or sport integrity violations. 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 Article must be no less than eight years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2.

If so requested by an *Athlete* or other *Person* who seeks to provide *Substantial Assistance*, the *Anti-Doping Organization* with *Results Management* responsibility shall allow the *Athlete* or other *Person* to provide the information to the *Anti-Doping Organization* subject to a *Without Prejudice Agreement*.

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 *Consequences* was based, the *Anti-Doping Organization* that suspended *Consequences* shall reinstate the original *Consequences*. If an *Anti-Doping Organization* decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences* that decision may be appealed by any *Person* entitled to appeal under Article 13.

10.7.1.2 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, or other violation of the *Code*, *WADA* may agree at any stage of the *Results Management* process, including after an 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*, no mandatory *Public Disclosure* and/or no return of prize money or payment of fines or costs. *WADA*'s approval shall be subject to reinstatement of *Consequences*, as otherwise provided in this Article. Notwithstanding Article 13, *WADA*'s decisions in the context of this Article 10.7.1.2 may not be appealed.

10.7.1.3 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.

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.

#### 10.7.2 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 10.7.2: 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 or she not come forward voluntarily.]

#### 10.7.3 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 10.5, 10.6 or 10.7, before applying any reduction or suspension under Article 10.7, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.5, and 10.6. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.7, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

### 10.8 Results Management Agreements

#### 10.8.1 One-Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction

Where an *Athlete* or other *Person*, after being notified by an *Anti-Doping Organization* of a potential anti-doping rule violation that carries an asserted period of *Ineligibility* of four or more years (including any period of *Ineligibility* asserted under Article 10.4), admits

the violation and accepts the asserted period of *Ineligibility* no later than 20 days after receiving notice of an anti-doping rule violation charge, the *Athlete* or other *Person* may receive a one-year reduction in the period of *Ineligibility* asserted by the *Anti-Doping Organization*. Where the *Athlete* or other *Person* receives the one-year reduction in the asserted period of *Ineligibility* under this Article 10.8.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.

[Comment to Article 10.8.1: For example, if an *Anti-Doping Organization* alleges that an *Athlete* has violated Article 2.1 for Use of an anabolic steroid and asserts the applicable period of *Ineligibility* is four years, then the *Athlete* may unilaterally reduce the period of *Ineligibility* to three years by admitting the violation and accepting the three-year period of *Ineligibility* within the time specified in this Article, with no further reduction allowed. This resolves the case without any need for a hearing.]

#### 10.8.2 Case Resolution Agreement

Where the *Athlete* or other *Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by an *Anti-Doping Organization* and agrees to *Consequences* acceptable to the *Anti-Doping Organization* and WADA, at their sole discretion, then: (a) the *Athlete* or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by the *Anti-Doping Organization* and WADA of the application of Articles 10.1 through 10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the *Athlete* or other *Person's* degree of *Fault* and how promptly the *Athlete* or other *Person* admitted the violation; and (b) 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 agreed-upon period of *Ineligibility* going forward from the earlier of the date the *Athlete* or other *Person* accepted the imposition of a sanction or a *Provisional Suspension* which was subsequently respected by the *Athlete* or other *Person*. The decision by WADA and the *Anti-Doping Organization* to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of the period of *Ineligibility*, are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this Article, the *Anti-Doping Organization* with *Results Management* responsibility shall allow the *Athlete* or other *Person* to discuss an admission of the anti-doping rule violation with the *Anti-Doping Organization* subject to a *Without Prejudice Agreement*.

[Comment to Article 10.8.2: Any mitigating or aggravating factors set forth in this Article 10 shall be considered in arriving at the *Consequences* set forth in the case resolution agreement, and shall not be applicable beyond the terms of that agreement.

In some countries, the imposition of a period of *Ineligibility* is left entirely to a hearing body. In those countries, the *Anti-Doping Organization* may not assert a specific period of *Ineligibility* for purposes of Article 10.8.1 nor have the power to agree to a specific period of *Ineligibility* under Article 10.8.2. In these circumstances, Articles 10.8.1 and 10.8.2 will not be applicable but may be considered by the hearing body.]

## 10.9 Multiple Violations

### 10.9.1 Second or Third Anti-Doping Rule Violation

10.9.1.1. For an *Athlete* or other *Person's* second anti-doping rule violation, the period of *Ineligibility* shall be the greater of:

- (a) A six month period of *Ineligibility*; or
- (b) A period of *Ineligibility* in the range between:
  - (i) the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and
  - (ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.The period of *Ineligibility* within this range shall be determined based on the entirety of the circumstances and the *Athlete* or other *Person's* degree of *Fault* with respect to the second violation.

10.9.1.2 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 10.5 or 10.6, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.

10.9.1.3 The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further reduced by the application of Article 10.7.

10.9.2 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 Article 10.9. In addition,

an anti-doping rule violation sanctioned under Article 10.2.4.1 shall not be considered a violation for purposes of Article 10.9.

### 10.9.3 Additional Rules for Certain Potential Multiple Violations

10.9.3.1 For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, 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 additional 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, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.10.

[Comment to Article 10.9.3.1: The same rule applies where, after the imposition of a sanction, the *Anti-Doping Organization* discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation—e.g., the *Anti-Doping Organization* shall impose a sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time, including the application of *Aggravating Circumstances*.]

10.9.3.2 If the *Anti-Doping Organization* establishes that an *Athlete* or other *Person* committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred 12 months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

10.9.3.3 If the *Anti-Doping Organization* establishes that an *Athlete* or other *Person* committed a violation of Article 2.5 in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation, the violation of Article 2.5 shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than

concurrently, with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule violation. Where this Article 10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

10.9.3.4 If an *Anti-Doping Organization* establishes that an *Athlete* or other *Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

#### 10.9.4 Multiple Anti-Doping Rule Violations during Ten-Year Period

For purposes of Article 10.9, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

### 10.10 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 10.10: 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*.]

### 10.11 Forfeited Prize Money

An *Anti-Doping Organization* or other *Signatory* that has recovered prize money forfeited as a result of an anti-doping rule violation shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed. An International Federation may provide in its rules whether or not the redistributed prize money shall be considered for purposes of its ranking of *Athletes*.

[Comment to Article 10.11: This Article is not intended to impose an affirmative duty on the *Anti-Doping Organization* or other *Signatory* to take any action to collect forfeited prize money. If the *Anti-Doping Organization* elects not to take any action to collect forfeited prize money, it may assign its right to recover such money to the *Athlete(s)* who should have otherwise received the money. "Reasonable measures to allocate and distribute this prize money" could include using collected forfeited prize money as agreed upon by an International Federation and its *Athletes*.]

### 10.12 Financial Consequences

*Anti-Doping Organizations* may, in their own rules, provide for proportionate recovery of costs or financial sanctions 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. 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*.

### 10.13 Commencement of Ineligibility Period

Where an *Athlete* is already serving a period of *Ineligibility* for an anti-doping rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, 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.

#### 10.13.1 Delays Not Attributable to the Athlete or other Person

Where there have been substantial delays in the hearing process or other aspects of *Doping Control*, and the *Athlete* or other *Person* can establish that such delays are 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 10.13.1: 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.]

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

10.13.2.1 If a *Provisional Suspension* is 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 the *Athlete* or other *Person* does not respect a *Provisional Suspension*, then the *Athlete* or other *Person* shall receive no credit for any period of *Provisional Suspension* served. 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.

10.13.2.2 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 10.13.2.2: An *Athlete's* voluntary acceptance of a *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*.]

10.13.2.3 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 a team.

10.13.2.4 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 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.

#### 10.14 Status during *Ineligibility* or *Provisional Suspension*

10.14.1 Prohibition against Participation during *Ineligibility* or *Provisional Suspension*

No *Athlete* or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*, 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.

[Comment to Article 10.14.1: For example, subject to Article 10.14.2 below, *Ineligible Athletes* cannot participate in a training camp, exhibition or practice organized by their 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 10.14.3. 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, Automatic Binding Effect of Decisions). An *Athlete* or other *Person* serving a period of *Ineligibility* is prohibited from coaching or serving as an *Athlete Support Person* in any other capacity at any time during the period of *Ineligibility*, and doing so could also result in a violation of 2.10 by another *Athlete*. Any performance standard accomplished during a period of *Ineligibility* shall not be recognized by a *Signatory* or its National Federations for any purpose.]

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 authority 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 *Protected Persons*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing* and any requirement by an *Anti-Doping Organization* to provide whereabouts information.

10.14.2 Return to Training

As an exception to Article 10.14.1, 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 10.14.2: In many *Team Sports* and some individual sports (e.g., ski jumping and gymnastics), *Athletes* cannot effectively train on their 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 10.14.1 other than training.]

#### 10.14.3 Violation of the Prohibition of Participation during *Ineligibility* or *Provisional Suspension*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.14.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility*, including a reprimand and no 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.

An *Athlete* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in Article 10.14.1 shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

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

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

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.5 or 10.6, 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.

### 10.15 Automatic Publication of Sanction

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

## 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 or International Federation 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*. Similarly, an International Federation may elect to establish rules imposing stricter *Consequences* for *Team Sports* within its authority than those in Article 11.2.

[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 RESULTS MANAGEMENT: APPEALS

[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 National Federations, who might benefit from having another competitor *Disqualified*.]

### 13.1 Decisions Subject to Appeal

Decisions made under the *Code* or under 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.

#### 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. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in

the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.

[Comment to Article 13.1.1: The revised language is not intended to make a substantive change to the 2015 Code, but rather for clarification. For example, where an *Athlete* was charged in the first instance hearing only with *Tampering* but the same conduct could also constitute *Complicity*, an appealing party could pursue both *Tampering* and *Complicity* charges against the *Athlete* in the appeal.]

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

In making its decision, CAS shall 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

[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.]

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's* process.

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

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 5.6.1; 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 in accordance with the *International Standard for Results Management*; a decision to impose, or lift, a *Provisional Suspension* as a result of a *Provisional Hearing*; an *Anti-Doping Organization's* failure to comply with Article 7.4; a decision that an *Anti-Doping Organization* lacks authority to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Article 10.7.1; failure to comply with Articles 7.1.4 and 7.1.5; failure to comply with Article 10.8.1; a decision under Article 10.14.3; a decision by an *Anti-Doping Organization* not to implement another *Anti-Doping Organization's* decision under Article 15; and a decision under Article 27.3 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.

[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 Appeals Involving Other *Athletes* or Other *Persons*

In cases where Article 13.2.1 is not applicable, the decision may be appealed to an appellate body in accordance with rules established by the *National Anti-Doping Organization*. The rules for such appeal shall respect the following principles:

- a timely hearing;
- a fair, impartial, and Operationally Independent and Institutionally Independent hearing panel;
- the right to be represented by counsel at the *Person's* own expense; and
- a timely, written, reasoned decision.

If no such body as described above is in place and available at the time of the appeal, the *Athlete* or other *Person* shall have a right to appeal to CAS.

#### 13.2.3 *Persons* Entitled to Appeal

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

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 decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA.

#### 13.2.3.2 Appeals Involving Other *Athletes* or Other *Persons*

In cases under Article 13.2.2, the parties having the right to appeal to the appellate 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 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 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.

#### 13.2.3.3 Duty to Notify

All parties to any CAS appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.

#### 13.2.3.4 Appeal Deadline for Parties Other than WADA

The deadline to file an appeal for parties other than WADA shall be as provided in the rules of the *Anti-Doping Organization* conducting *Results Management*.

#### 13.2.3.5 Appeal Deadline for WADA

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

- (a) Twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed,
- or
- (b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

[Comments to Article 13.2.3: Whether governed by CAS rules or Article 13.2.3, a party's deadline to appeal does not begin running until receipt of the decision. For that reason, there can be no expiration of a party's right to appeal if the party has not received the decision.]

#### 13.2.3.6 Appeal from Imposition of *Provisional Suspension*

Notwithstanding any other provision herein, the only *Person* who may appeal from the imposition of 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

[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.]

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 at the latest with the party's answer.

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

[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation, *Results Management* and hearing 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 authority for matters in which the *Results Management* performed by one of its National Federations has been inappropriately delayed.]

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 attorney fees in prosecuting the appeal shall be reimbursed to WADA by the *Anti-Doping Organization*.

#### 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.

### ARTICLE 15 IMPLEMENTATION OF DECISIONS

#### 15.1 Automatic Binding Effect of Decisions by *Signatory Anti-Doping Organizations*

15.1.1 A decision of an anti-doping rule violation made by a *Signatory Anti-Doping Organization*, an appellate body (Article 13.2.2) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon every *Signatory* in every sport with the effects described below:

15.1.1.1 A decision by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Athlete* or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing or expedited appeal offered in accordance with Article 7.4.3) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.

15.1.1.2 A decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.

15.1.1.3 A decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all *Signatories*.

15.1.1.4 A decision by any of the above-described bodies to Disqualify results under Article 10.10 for a specified period automatically Disqualifies all results obtained within the authority of any *Signatory* during the specified period.

15.1.2 Each *Signatory* is under the obligation to recognize and implement a decision and its effects as required by Article 15.1.1, without any further action required, on the earlier of the date the *Signatory* receives actual notice of the decision or the date the decision is placed into ADAMS.

15.1.3 A decision by an *Anti-Doping Organization*, an appellate body or CAS to suspend, or lift, *Consequences* shall be binding upon each *Signatory* without any further action required, on the earlier of the date the *Signatory* receives actual notice of the decision or the date the decision is placed into ADAMS.

15.1.4 Notwithstanding any provision in Article 15.1.1, however, a decision of an anti-doping rule violation by a *Major Event Organization* made in an expedited process during an *Event* shall not be binding on other *Signatories* unless the rules of the *Major Event Organization* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.

[Comment to Article 15.1.4: By way of example, where the rules of the *Major Event Organization* give the *Athlete* or other *Person* the option of choosing an expedited CAS appeal or a CAS appeal under normal CAS procedure, the final decision or adjudication by the *Major Event Organization* is binding on other *Signatories* regardless of whether the *Athlete* or other *Person* chooses the expedited appeal option.]

#### 15.2 Implementation of Other Decisions by *Anti-Doping Organizations*

*Signatories* may decide to implement other anti-doping decisions rendered by *Anti-Doping Organizations* not described in Article 15.1.1 above, such as a *Provisional Suspension* prior to *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.

[Comment to Articles 15.1 and 15.2: *Anti-Doping Organization* decisions under Article 15.1 are implemented automatically by other *Signatories* without the requirement of any decision or further action on the *Signatories'* part. For example, when a *National Anti-Doping Organization* decides to Provisionally Suspend an *Athlete*, that decision is given automatic effect at the International Federation level. To be clear, the "decision" is the one made by the *National Anti-Doping Organization*, there is not a separate decision to be made by the International Federation. Thus, any claim by the *Athlete* that the *Provisional Suspension* was improperly imposed can only be asserted against the *National Anti-Doping Organization*. Implementation of *Anti-Doping Organizations'* decisions under Article 15.2 is subject to each *Signatory's* discretion. A *Signatory's* implementation of a decision under Article 15.1 or Article 15.2 is not appealable separately from any appeal of the underlying decision. 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*.]

### 15.3 Implementation of Decisions by Body that is not a Signatory

An anti-doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by each *Signatory* if the *Signatory* finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the *Code*.

[Comment to Article 15.3: Where the decision of a body that has not accepted the *Code* is in some respects *Code* compliant and in other respects not *Code* compliant, *Signatories* should attempt to apply the decision in harmony with the principles of the *Code*. For example, if in a process consistent with the *Code* a non-*Signatory* has found an *Athlete* to have committed an anti-doping rule violation on account of the presence of a *Prohibited Substance* in the *Athlete's* body but the period of *Ineligibility* applied is shorter than the period provided for in the *Code*, then all *Signatories* should recognize the finding of an anti-doping rule violation and the *Athlete's National Anti-Doping Organization* should conduct a hearing consistent with Article 8 to determine whether the longer period of *Ineligibility* provided in the *Code* should be imposed. A *Signatory's* implementation of a decision or its decision not to implement a decision under Article 15.3, is appealable under Article 13.]

## 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 19 RESEARCH

### 19.4 Research Practices

Anti-doping research shall comply with internationally-recognized ethical practices.

### 19.5 Research Using *Prohibited Substances* and *Prohibited Methods*

Research efforts should avoid the *Administration of Prohibited Substances* or *Prohibited Methods* to *Athletes*.

### 19.6 Misuse of Results

Adequate precautions should be taken so that the results of anti-doping research are not misused and applied for doping purposes.

## ARTICLE 21 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS

### 21.1 Roles and Responsibilities of *Athletes*

21.1.1 To be knowledgeable of and comply with all applicable anti-doping policies and rules adopted pursuant to the *Code*.

21.1.2 To be available for *Sample* collection at all times.

[Comment to Article 21.1.2: With due regard to an *Athlete's* human rights and privacy, legitimate anti-doping considerations sometimes require *Sample* collection late at night or early in the morning. For example, it is known that some *Athletes* Use low doses of EPO during these hours so that it will be undetectable in the morning.]

21.1.3 To take responsibility, in the context of anti-doping, for what they ingest and *Use*.

21.1.4 To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate anti-doping policies and rules adopted pursuant to the *Code*.

21.1.5 To disclose to their *National Anti-Doping Organization* and International Federation any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten years.

21.1.6 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.

[Comment to Article 21.1.6: Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under a *Signatory's* rules.]

21.1.7 To disclose the identity of their *Athlete Support Personnel* upon request by any *Anti-Doping Organization* with authority over the *Athlete*.

### 21.2 Roles and Responsibilities of *Athlete Support Personnel*

21.2.1 To be knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the *Code* and which are applicable to them or the *Athletes* whom they support.

21.2.2 To cooperate with the *Athlete Testing* program.

21.2.3 To use their influence on *Athlete* values and behavior to foster anti-doping attitudes.

21.2.4 To disclose to their *National Anti-Doping Organization* and International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten years.

21.2.5 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.

[Comment to Article 21.2.5: Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under a *Signatory's* rules.]

21.2.6 *Athlete Support Personnel* shall not Use or Possess any *Prohibited Substance* or *Prohibited Method* without valid justification.

[Comment to Article 21.2.6: In those situations where Use or personal Possession of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Person* without justification is not an anti-doping rule violation under the *Code*, it should be subject to other sport disciplinary rules. Coaches and other *Athlete Support Personnel* are often role models for *Athletes*. They should not be engaging in personal conduct which conflicts with their responsibility to encourage their *Athletes* not to dope.]

### 21.3 Roles and Responsibilities of other *Persons* Subject to the *Code*

21.3.1 To be knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the *Code* and which are applicable to them.

21.3.2 To disclose to their *National Anti-Doping Organization* and International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten years.

21.3.3 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.

## ARTICLE 26 INTERPRETATION OF THE CODE

**26.1 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.**

**26.2 The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.**

**26.3 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.**

**26.4 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.**

**26.5 Where the term “days” is used in the *Code* or an *International Standard*, it shall mean calendar days unless otherwise specified.**

**26.6 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.**

**26.7 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 27 TRANSITIONAL PROVISIONS

### 27.1 General Application of the 2021 *Code*

The 2021 *Code* shall apply in full as of 1 January 2021 (the “Effective Date”).

### 27.2 Non-Retroactive except for Articles 10.9.4 and 17 or Unless Principle of “Lex Mitior” Applies

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 shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in this 2021 *Code*, unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 17 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in the 2021 *Code* (provided, however, that Article 17 shall only be applied retroactively if the statute of limitation period has not already expired by the Effective Date).

### 27.3 Application to Decisions Rendered Prior to the 2021 *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 2021 *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 2021 *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.

#### 27.4 Multiple Violations Where the First Violation Occurs Prior to 1 January 2021

For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on pre-2021 *Code* rules, the period of *Ineligibility* which would have been assessed for that first violation had 2021 *Code* rules been applicable, shall be applied.

[Comment to Article 27.4: Other than the situation described in Article 27.4, 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 2021 *Code* and the period of *Ineligibility* imposed has been completely served, the 2021 *Code* may not be used to re-characterize the prior violation.]

#### 27.5 Additional Code Amendments

Any additional *Code* Amendments shall go into effect as provided in Article 27.1.

#### 27.6 Changes to the Prohibited List

Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* 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 removal of the substance or method from the *Prohibited List*.

## APPENDIX 1: DEFINITIONS

[Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.]

**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 laboratory that, consistent with the *International Standard for Laboratories*, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use* of a *Prohibited Method*.

**Adverse Passport Finding:** A report identified as an *Adverse Passport Finding* as described in the applicable *International Standards*.

**Aggravating Circumstances:** Circumstances involving, or actions by, an *Athlete* or other *Person* which may justify the imposition of a period of *Ineligibility* greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the *Athlete* or other *Person Used* or *Possessed* multiple *Prohibited Substances* or *Prohibited Methods, Used* or *Possessed* a *Prohibited Substance* or *Prohibited Method* on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of *Ineligibility*; the *Athlete* or *Person* engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the *Athlete* or other *Person* engaged in *Tampering* during *Results Management*. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of *Ineligibility*.

**Anti-Doping Activities:** Anti-doping Education and information, test distribution planning, maintenance of a *Registered Testing Pool*, managing *Athlete Biological Passports*, conducting *Testing*, organizing analysis of *Samples*, gathering of intelligence and conduct of investigations, processing of *TUE* applications, *Results Management*, monitoring and enforcing compliance with any *Consequences* imposed, and all other activities related to anti-doping to be carried out by or on behalf of an *Anti-Doping Organization*, as set out in the *Code* and/or the *International Standards*.

**Anti-Doping Organization:** WADA or 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*, 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, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* 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 participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

[Comment to *Athlete*: Individuals who participate in sport may fall in one of five categories: 1) *International-Level Athlete*, 2) *National-Level Athlete*, 3) individuals who are not *International- or National-Level Athletes* but over whom the International Federation or *National Anti-Doping Organization* has chosen to exercise authority, 4) *Recreational Athlete*, and 5) individuals over whom no International Federation or *National Anti-Doping Organization* has, or has chosen to, exercise authority. 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*.]

**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*.

**Atypical Passport Finding:** A report described as an Atypical Passport Finding as described in the applicable *International Standards*.

**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 10.14; (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 financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with 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.

**Decision Limit:** The value of the result for a threshold substance in a *Sample*, above which an *Adverse Analytical Finding* shall be reported, as defined in the *International Standard* for Laboratories.

**Delegated Third Party:** Any *Person* to which an *Anti-Doping Organization* delegates any aspect of *Doping Control* or anti-doping Education programs including, but not limited to, third parties or other *Anti-Doping Organizations* that conduct *Sample* collection or other *Doping Control* services or anti-doping Educational programs for the *Anti-Doping Organization*, or individuals serving as independent contractors who perform *Doping Control* services for the *Anti-Doping Organization* (e.g., non-employee *Doping Control* officers or chaperones). This definition does not include CAS.

**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 and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to, *Testing*, investigations, whereabouts, *TUEs*, *Sample* collection and handling, laboratory analysis, *Results Management*, and investigations or proceedings relating to violations of Article 10.14 (Status During *Ineligibility* or *Provisional Suspension*).

**Education:** The process of learning to instill values and develop behaviors that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

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

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

**Event Venues:** Those venues so designated by the ruling body for 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's* 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 *Protected Person*, special considerations such as impairment, 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 a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.6.1 or 10.6.2.

[Comment to *Fault*: The criteria for assessing an *Athlete's* degree of *Fault* is the same under all Articles where *Fault* is to be considered. However, under Article 10.6.2, 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*.]

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

**In-Competition:** The period commencing at 11:59 p.m. on the day 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*. Provided, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all *Major Event Organizations* for that particular sport.

[Comment to *In-Competition*: Having a universally accepted definition for *In-Competition* provides greater harmonization among *Athletes* across all sports, eliminates or reduces confusion among *Athletes* about the relevant timeframe for *In-Competition Testing*, avoids inadvertent *Adverse Analytical Findings* in between *Competitions* during an *Event* and assists in preventing any potential performance enhancement benefits from substances prohibited *Out-of-Competition* being carried over to the *Competition* period.]

**Independent Observer Program:** A team of observers and/or auditors, under the supervision of WADA, who observe and provide guidance on the *Doping Control* process prior to or during certain *Events* and report on their observations as part of WADA's compliance monitoring program.

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

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

**Institutional Independence:** Hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organization* responsible for *Results Management*. They must therefore not in any way be administered by, connected or subject to the *Anti-Doping Organization* responsible for *Results Management*.

**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 compete in sport at the international level, as defined by each International Federation, consistent with the *International Standard for Testing and Investigations*.

[Comment to *International-Level Athlete*: 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.

**Minimum Reporting Level:** The estimated concentration of a *Prohibited Substance* or its Metabolite(s) or Marker(s) in a *Sample* below which WADA-accredited laboratories should not report that *Sample* as an *Adverse Analytical Finding*.

**Minor:** A natural *Person* who has not reached the age of eighteen (18) 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*, manage test results, and conduct *Results Management* 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. In the United States, the *National Anti-Doping Organization* is USADA.

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

**National Federation:** A national or regional entity in the United States which is a member of or is recognized by an International Federation as the entity governing the International Federation's sport in that nation or region in the United States. National Governing Bodies and High Performance Management Organizations are National Federations.

**National-Level Athlete:** Athletes who compete in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the *International Standard for Testing and Investigations*. In the United States, *National-Level Athlete* is defined in the USADA TUE Policy.

**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. In the United States, the National Olympic Committee is the USOPC.

**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 *Protected Person* or *Recreational Athlete*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered the *Athlete's* system.

**No Significant Fault or Negligence:** The *Athlete* or other *Person's* establishing that any *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 *Protected Person* or *Recreational Athlete*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered the *Athlete's* system.

**Operational Independence:** This means that (1) board members, staff members, commission members, consultants and officials of the *Anti-Doping Organization* with responsibility for *Results Management* or its affiliates (e.g., member federation or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that *Anti-Doping Organization* with responsibility for *Results Management* and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *Anti-Doping Organization* or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

**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 to *Possession*: Under this definition, anabolic 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 anabolic steroids and intended to have control over them. Similarly, in the example of anabolic 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 anabolic steroids were in the cabinet and that the *Athlete* intended to exercise control over them. 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*.

**Protected Person:** An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.

[Comment to *Protected Person*: The *Code* treats *Protected Persons* differently than other *Athletes* or *Persons* in certain circumstances based on the understanding that, below a certain age or intellectual capacity, an *Athlete* or other *Person* may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the *Code*. This would include, for example, a Paralympic *Athlete* with a documented lack of legal capacity due to an intellectual impairment. The term “open category” is meant to exclude competition that is limited to junior or age group categories.]

**Provisional Hearing:** For purposes of Article 7.4.3, 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 to *Provisional Hearing*: 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 7.4.3, is a full hearing on the merits conducted on an expedited time schedule.]

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

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

**Recreational Athlete:** A natural *Person* who is so defined by the relevant *National Anti-Doping Organization*; provided, however, the term shall not include any *Person* who, within the five years prior to committing any anti-doping rule violation, has been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard for Testing and Investigations*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organization* consistent with the *International Standard for Testing and Investigations*), has represented any country in an *International Event* in an open category or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*. In the United States, *Recreational Athlete* is defined in the USADA *TUE* Policy.

[Comment to *Recreational Athlete*: The term “open category” is meant to exclude competition that is limited to junior or age group categories.]

**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 5.5 and the *International Standard for Testing and Investigations*.

**Results Management:** The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

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

[Comment to *Sample* or *Specimen*: 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 accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23.

**Specified Method:** See Article 4.2.2.

**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.

**Substance of Abuse:** See Article 4.2.3.

**Substantial Assistance:** For purposes of Article 10.7.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to anti-doping rule violations or other proceeding described in Article 10.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter 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 or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

**Tampering:** Intentional 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, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or Attempted interference with any aspect of *Doping Control*.

[Comment to *Tampering*: 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, altering a *Sample* by the addition of a foreign substance, or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the *Doping Control* process. *Tampering* includes misconduct which occurs during the *Results Management* process. See Article 10.9.3.3. However, actions taken as part of a *Person's* legitimate defense to an anti-doping rule violation charge shall not be considered *Tampering*. 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.]

**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*.

**Technical Document:** A document adopted and published by *WADA* from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an *International Standard*.

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

**Therapeutic Use Exemption (TUE):** A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to *Use* a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the *International Standard for Therapeutic Use Exemptions* are met.

**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 authority 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.

**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.

**Without Prejudice Agreement:** For purposes of Articles 10.7.1.1 and 10.8.2, a written agreement between an *Anti-Doping Organization* and an *Athlete* or other *Person* that allows the *Athlete* or other *Person* to provide information to the *Anti-Doping Organization* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalized, the information provided by the *Athlete* or other *Person* in this particular setting may not be used by the *Anti-Doping Organization* against the *Athlete* or other *Person* in any *Results Management* proceeding under the *Code*, and that the information provided by the *Anti-Doping Organization* in this particular setting may not be used by the *Athlete* or other *Person* against the *Anti-Doping Organization* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organization*, *Athlete* or other *Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

## ANNEX B

### Abbreviated A *Sample* Laboratory Documentation Package<sup>1</sup>

The following documents will accompany the initial notification to the *Athlete* of an *Adverse Analytical Finding* A *Sample* analysis:

- A standard notice setting forth the review procedures, *Athlete's* rights, and contact information for the Team USA *Athlete* Ombuds (including name, telephone number, email address and website URL).
- Notification of the *Prohibited Substance(s)* and/or *Prohibited Method(s)* at issue which could result in an anti-doping rule violation. In instances of a *Threshold Substance* where an exogenous or endogenous *Prohibited Substance*, *Metabolite* or *Marker* of a *Prohibited Substance* for which the identification and quantitative determination (e.g., concentration, ratio, score) in excess of a pre-determined *Decision Limit*, or, when applicable, the establishment of an exogenous origin, constitutes an *Adverse Analytical Finding*, that *Decision Limit* will be provided. When possible, the degree to which the *Athlete's* or other *Person's Sample* exceeds the *Decision Limit* will be reported.
- 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, a positive control (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.
- A cover page summarizing, in plain English, the following data: (1) the *Sample* collection date; (2) the name of the substance or method reported as an *Adverse Analytical Finding*; and (3) quantification information as follows: (a) for *Threshold Substances*, a quantitative determination of the concentration, ratio or score relative to a *Decision Limit*<sup>2</sup>; (b) for GC/C/IRMS, a comment indicating that the GC/C/IRMS finding is consistent with the exogenous administration, specifying the identity of the relevant TC(s) that produced a positive GC/C/IRMS finding<sup>3</sup>; (c) for non-threshold substances, an estimated concentration provided by the laboratory if available. Note that for non-threshold substances the reported presence of any quantity of the *Prohibited Substance* is an *Adverse Analytical Finding*, except in specific cases of *Atypical Findings* reported by a WADA-accredited laboratory.

<sup>1</sup> Should there be an inconsistency between the Abbreviated A *Sample* Laboratory Documentation Package and the official Laboratory Documentation Package, the official Laboratory Documentation Package prepared in accordance with the *Technical Document* for Laboratory Documentation Packages shall prevail.

<sup>2</sup> As per the requirements for reporting *Threshold Substances* in the WADA *Technical Document* for *Decision Limits* or other applicable *Technical Documents*.

<sup>3</sup> As per the requirements set forth in the WADA *Technical Document* for IRMS or other applicable *Technical Documents*.

## ANNEX C

### Procedures for the Arbitration of Olympic & Paralympic Sport Doping Disputes

Amended and effective as of January 1, 2023

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### R-1. Applicability

The standard commercial arbitration rules of the independent arbitral body (the Arbitral Body), as modified by these Procedures for the Arbitration of Olympic & Paralympic Sport Doping Disputes (Arbitration 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 Arbitral Body's standard commercial arbitration rules and the Arbitration Procedures, the Arbitration Procedures shall control. These procedures may be altered by a written agreement signed by both parties to the arbitration for purposes of that arbitration only.

### R-2. Delegation of Duties

Cases arising out of the USADA Protocol shall be administered by the Arbitral Body approved by the USOPC, USOPC Athletes' Advisory Council (AAC), and USADA subject to these Arbitration Procedures and any additional terms or guidelines agreed upon between the Arbitral Body, USADA and the USOPC.<sup>1</sup>

### R-3. Pool of Arbitrators and Training

The pool of arbitrators for cases arising out of the USADA Protocol shall consist of no more than eight members agreed upon by the USOPC, AAC, and USADA (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 receive training at least once every three years from the Arbitral Body. The training materials shall be approved by the USOPC, AAC, and USADA and updated at least every three years.

The arbitrators in the Arbitrator Pool shall be appointed for six-year terms. Candidates to serve as an arbitrator shall complete an application approved by the USOPC, AAC and USADA which shall, at a minimum, include a resume identifying all prior positions held by the candidate and copies of all publicly issued arbitration awards and/or judicial opinions issued by the candidate in the preceding five years.

There shall be no absolute requirement that an arbitrator candidate be a member of any arbitral body or association of arbitrators prior to appointment. Candidates shall not be an officer, director, trustee, employee, commission member, consultant or official or be in a policy making position for USADA or any sports organization, e.g., the USOPC or an NGB. The Arbitral Body shall, if necessary, accept the candidate as a member on its roll of arbitrators, if necessary, upon appointment.

Candidates shall commit in writing to accept appointment to all cases to which they are selected except for when they have been involved in the pre-adjudication of the matter or for conflicts of interest or

personal hardship and shall agree to not decline appointment for personal hardship in more than two cases in any 12-month period. A candidate shall be required to submit to a background check before appointment and not have previously committed an anti-doping rule violation or committed a U.S. Center for SafeSport violation. A candidate shall complete U.S. Center for SafeSport training before appointment and keep current with the training throughout the appointment term.

In the event an arbitrator dies, resigns, becomes incapacitated during the arbitrator's term, or is removed for a serious ethical breach, a new arbitrator shall be appointed for a full six-year term, following the procedures set forth above. Incapacity of an arbitrator is determined by 2/3 vote of the arbitrator's fellow arbitrators based on information establishing that the arbitrator is substantially impaired in performing their duties, which shall not require establishing legal incapacity. An arbitrator may also be removed upon a 2/3 vote of the arbitrator's fellow arbitrators based upon a serious ethical breach. However, an arbitrator may not be removed based on disagreement with the arbitrator's prior decision(s).

### R-4. Initiation by USADA

Arbitration proceedings shall be initiated by USADA with the Arbitral Body after the *Athlete*, *Athlete Support Person*, or other *Person* requests a hearing in response to being charged with an anti-doping rule violation or other dispute subject to arbitration under the USADA Protocol. The initiation from USADA shall include the type of dispute, whether the *Athlete* is a *Recreational Athlete*, *National-Level Athlete*, or *International-Level Athlete*, and if the parties have agreed to three arbitrators. The parties to the proceeding shall be USADA and the *Athlete*, *Athlete Support Person*, or other *Person* who requested a hearing. The applicable International Federation and the World Anti-Doping Agency shall be invited to join in the proceeding as a party or as an observer. For their information only, the USOPC, Team USA Athlete Ombuds, and NGB shall receive notice of the hearing. The *Athlete*, *Athlete Support Person*, or other *Person* who is a party to the proceeding shall have the right to invite the Athlete Ombuds as an observer, but under no circumstances may any party or arbitrator compel the Athlete Ombuds to testify as a witness. If the parties agree or the *Athlete*, *Athlete Support Person*, or other *Person* requests and the arbitrator agrees, the hearing shall be open to the public subject to such limitations as may be imposed by the arbitrator.

### 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 Arbitral Body. 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.

<sup>1</sup> The currently agreed upon Arbitral Body is New Era ADR.

## R-6. Applicable Procedures

All cases shall be administered in accordance with Sections R-1 through R-49 of these rules.

At the request of any party, any time period set forth in these procedures may be shortened by the arbitrator where doing so is reasonably necessary to resolve any *Athlete's* eligibility before a Protected *Competition* or other significant *Competition*, while continuing to protect the right of an *Athlete* to a fair hearing.

Arbitration shall be expedited according to the procedures in the USADA Protocol, or in such other instances where expediting is in the interest of justice.

If a request to expedite the adjudication process is made based on circumstances that are not addressed in the USADA Protocol and if USADA does not agree to the process being expedited the arbitrator shall determine whether the adjudication process shall be expedited and the schedule pursuant to which the process shall proceed. However, if a request to expedite the adjudication process is made prior to the arbitrator being appointed and the parties have agreed to a three-member panel, the Arbitral Body shall randomly select one 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.

The Arbitral Body shall immediately notify the Athlete Ombuds and the USOPC 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. Location of Hearing

- a. All hearings shall take place by telephone or video conference unless the parties and the arbitrator agree to an in-person hearing. Once the parties agree to an in-person hearing, consent to an in-person hearing can only be withdrawn upon mutual agreement of the parties.
- b. The situs or situses of the arbitration and location(s) of an in-person hearing (if agreed to by the parties) shall be in the United States at a location(s) determined by the arbitrator and set forth no later than in the first procedural order. The arbitrator shall give preference to the choice of the *Athlete*, *Athlete Support Person*, or other *Person* unless outweighed by the interests of justice.
- c. In the event it may be necessary for enforcement of an arbitration subpoena(s) that the arbitrator conduct a hearing at a particular location(s) and there receive live testimony or documents or other evidence, the arbitrator shall at the request of the party who is seeking enforcement of the subpoena travel to that location to conduct the hearing regardless of whether the parties are participating in the arbitration via telephone or video conference.

## R-9. Consolidation

Matters involving more than one *Athlete*, *Athlete Support Person*, or other *Person* (or more than one in combination) will be consolidated upon agreement of the parties or may be consolidated by USADA at the time of initiation upon demonstration that the cases are based on a common nucleus of operative facts and would serve the interests of justice. If a party objects to consolidation, the arbitrator will make the final decision.

## R-10. Appointment of the Arbitrator

The arbitrator shall be appointed in the following manner:

- a. In every case in which the parties have not agreed to a panel of three arbitrators, immediately after the initiation of a proceeding by USADA (as set forth in R-4), the Arbitral Body shall appoint a single arbitrator on a rotating basis from the Arbitrator Pool, after confirming the arbitrator will not decline appointment due to personal hardship. The arbitrator who handles the *Provisional Hearing* shall not serve as an arbitrator for the *Athlete*, *Athlete Support Person*, or other *Person's* arbitration concerning the allegation they have committed an anti-doping rule violation.
- b. Immediately after the initiation of a proceeding by USADA (as set forth in R-4) for which the parties have agreed to a panel of three arbitrators, those arbitrators shall be appointed on the same rotating basis as a single arbitrator is appointed after confirming the arbitrators' availability. The chairperson of the panel shall be the first available arbitrator in the rotation.

- c. The Arbitral Body shall communicate to the parties within seven days of initiation by USADA the name of the single arbitrator appointed to hear the matter or within fourteen days of initiation by USADA the names of the three arbitrators appointed to hear the matter.

#### **R-11. Notice to Arbitrator of Appointment**

Notice of the appointment of the arbitrator shall be sent to the arbitrator by the Arbitral Body, together with a copy of these Arbitration Procedures, the USADA Protocol, and the Required Billing Standards for Anti-Doping Cases (Billing Standards). The signed acceptance of the arbitrator shall be filed with the Arbitral Body prior to the appointment of the arbitrator but in any event no later than the first preliminary hearing.

#### **R-12. Disclosure and Challenge Procedure**

- a. Any person appointed as an arbitrator shall disclose to the Arbitral Body 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 Arbitral Body shall communicate the information to the parties and, if it deems it appropriate to do so, to the arbitrator.
- c. Upon objection of a party to the continued service of an arbitrator, the Arbitral Body shall determine whether the arbitrator's impartiality might reasonably be questioned and the arbitrator should be disqualified. The Arbitral Body shall inform the parties of its decision, which shall be conclusive and not subject to appeal or other challenge.

#### **R-13. Communication with Arbitrator**

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. All communications concerning the arbitration shall include the other party and a representative from the Arbitral Body.

#### **R-14. Vacancies**

- a. If for any reason an arbitrator is unable to perform his or her duties in a particular case, the Arbitral Body may, on proof satisfactory to it, declare the office vacant. Vacancies shall be filled on a rotating basis as described in these rules.

- b. In the event of a vacancy in a panel of arbitrators, the vacancy shall be filled on a rotating basis as described in these rules, and for the avoidance of doubt, if the chairperson's position is vacant, the existing member of the arbitration panel who was next in line at the time of the original appointment becomes chairperson.
- c. In the event of a vacancy in a panel of arbitrators after the merits hearing has commenced, the remaining arbitrator or arbitrators may continue with the hearing and issue a binding award, unless the parties agree otherwise.
- d. 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-15. Preliminary Hearing**

- a. At the request of any party or at the discretion of the arbitrator or the Arbitral Body, the arbitrator may schedule as soon as practicable a preliminary hearing with the parties and/or their representatives. The preliminary hearing should be conducted by telephone at the arbitrator's discretion.
- 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, dates for the hearing and any other preliminary matters.

#### **R-16. 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 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-17. Timing of Hearing**

The hearing, including any briefing ordered by the arbitrator, shall be completed within two months of the appointment of the arbitrator except in cases involving extraordinary circumstances, upon good cause shown by a party, in cases of sufficient complexity where completion within two months is not reasonable, or as may otherwise be agreed upon by the parties. These exceptions shall be finally determined by the arbitrator.

### R-18. Attendance at Hearings

The arbitrator and the Arbitral Body shall maintain the privacy of the hearings unless the hearing is open to the public as described in R-4 (the *Athlete*, *Athlete Support Person*, or other *Person* charged with an anti-doping rule violation has the right to invite the Athlete Ombuds as an observer regardless). 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.

### R-19. 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 Arbitral Body of the name and address of the representative at least three days prior to the date set for the hearing at which that person is first to appear. When such a representative requests an arbitration hearing or responds for a party, notice is deemed to have been given. Parties are bound by the statements made or positions taken by their representatives.

### R-20. Oaths

Before proceeding with the first preliminary 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-21. Stenographic Record

Any party desiring a stenographic record of all or a portion of the hearing shall notify the other parties of the request at least seven calendar days in advance of the start of the hearing or as required by the arbitrator. USADA shall identify the court reporter to be used for transcription services, and the transcript 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 unless the requesting party elects to cover the full costs.

### R-22. Interpreters

All proceedings shall take place in English. Any party wishing an interpreter shall make all arrangements directly with the interpreter and shall assume the costs of the service. Any document that is not in English shall be officially translated by a certified translator paid for by the party offering or relying upon the document. If a party demonstrates financial need, the parties may agree, or the arbitrator

may order, that the Arbitral Body arrange for an independent interpreter. Payment for an independent interpreter arranged by the Arbitral Body in accordance with the rule shall be managed in accordance with R-46.

### R-23. 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.

### R-24. 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-25. Conduct of Proceedings

- a. USADA shall present evidence to support its claim. The *Athlete*, *Athlete Support Person*, or other *Person* charged with an anti-doping rule violation shall then present evidence to support his/her defense. USADA is then entitled to present rebuttal evidence to which the *Athlete*, *Athlete Support Person*, or other *Person* charged may also rebut. 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. In any dispute involving an *Athlete Support Person* or other *Person* the costs of the arbitration (including arbitrator fees and expenses but excluding attorneys' fees) shall from the outset be split between the *Athlete Support Person* or other *Person* and the USOPC. Additional arbitration costs up to and including the full costs of the arbitration may be awarded by the arbitrator based on the seriousness of the offense. In the event an individual charged with a rule violation is considered both an *Athlete* and an *Athlete Support Person*, their status for purposes of these rules shall be the status in which capacity they are alleged to have committed the anti-doping rule violation.
- d. The parties may agree to waive oral hearings in any case.

## R-26. Evidence

- a. The parties may offer such evidence as is relevant and material to the dispute and, unless limited by the *Code* or *International Standards*, 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 as otherwise provided in these Arbitration Procedures.
- 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 USOPC 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, including those involving the confidentiality of communications between a lawyer and client and investigative privilege.
- e. An arbitrator or other person authorized by law to subpoena witnesses, documents, or other evidence may do so upon the request of any party or independently.
- f. Hearings conducted pursuant to these rules shall incorporate the applicable Articles from the World Anti-Doping *Code* (Annex A of the USADA Protocol) and be managed consistent with the World Anti-Doping Agency International Standard for Results Management. If the World Anti-Doping *Code* is silent on an issue, then the USADA Protocol, the USOPC National Anti-Doping Policies, and the International Federation's anti-doping rules shall apply as determined by the arbitrator.

## R-27. 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, affidavit, or transcript 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 Arbitral Body for transmission to the arbitrator within 10 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-28. Inspection or Investigation

An arbitrator finding it necessary to make an inspection or investigation in connection with the arbitration shall direct the Arbitral Body to so advise the parties. The arbitrator shall set the date and time, and the Arbitral Body 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-29. Interim Measures

The arbitrator may take whatever interim measures they deem necessary.

## R-30. 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 at the conclusion of closing arguments 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-27, 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-31. 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-36, the matter may not be reopened unless the parties agree on an extension of time.

## R-32. 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-33. Extensions of Time

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

### R-34. 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 or electronic 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. Unless otherwise instructed by the Arbitral Body or by the arbitrator, any documents submitted by any party to the Arbitral Body or to the arbitrator shall simultaneously be provided to the other party or parties to the arbitration.

### R-35. Majority Decision

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

### R-36. 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 days from the date of closing the hearing, or, if no oral hearing, from the date of the final statements and proofs submitted to the arbitrator.

### R-37. 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-38. 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 USOPC National Anti-Doping Policy as applicable.
- b. In addition to a final award, the arbitrator may make other decisions, including interim, interlocutory, or partial rulings, orders, and awards.

### R-39. 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-40. 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 Arbitral Body shall also provide a copy of the award (preferably in electronic form) to the appropriate National Governing Body, the USOPC General Counsel's office and the Athlete Ombuds.

The award is public and shall not be considered confidential.

### R-41. Modification of Award

Within seven days after the transmittal of an award, any party, upon notice to the other parties, may request the arbitrator, through the Arbitral Body, 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 days to respond to the request. The arbitrator shall dispose of the request within five days after transmittal by the Arbitral Body to the arbitrator of the request and any response thereto.

### R-42. Release of Documents for Judicial Proceedings

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

### R-43. Appeal Rights

The arbitration award may be appealed exclusively to CAS as provided in the USADA Protocol. 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 under Swiss Law to challenge the decision before the Swiss Federal Tribunal.

#### R-44. 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 Arbitral Body 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.
- d. Neither the Arbitral Body nor any arbitrator shall be liable to any party for any act or omission in connection with any arbitration conducted under these rules.

#### R-45. Administrative Fees

The Arbitral Body shall prescribe filing and other administrative fees and service charges to compensate it for the cost of providing administrative services. The Arbitral Body must provide notice and an opportunity to comment to USADA, the USOPC, and the AAC regarding any increase in administrative fees. Any increase in administrative fees shall be reasonable. 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 USOPC subject to the cost-shifting provision in R-25c.

#### R-46. Expenses

The expenses of witnesses for any party shall be paid by the party producing such witnesses. All other expenses of the arbitrator, including required travel and other reasonable and customary expenses of the arbitrator shall be paid by the USOPC subject to the cost-shifting provision in R-25c and in accordance with the Billing Standards. The cost of an interpreter in the case of financial need and arranged by the Arbitral Body as provided in R-22 shall be paid by the USOPC. Each party shall bear their own attorneys' fees and other expenses. 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-26b.

#### R-47. 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, the disagreement shall be resolved as described in the Billing Standards.

- c. Any arrangement for the compensation of an arbitrator shall be made through the Arbitral Body and not directly between the parties and the arbitrator.
- d. Subject to the cost-shifting provision set forth in R-25c, arbitrator fees shall be paid by the USOPC or by USADA as agreed to by the USOPC and USADA.

#### R-48. Payment of Fees, Expenses and Compensation for Citizens of a Country Other than USA or Which the USOPC Otherwise Declines to Pay

Notwithstanding R-45, R-46 and R-47, if the *Athlete, Athlete Support Person*, or other *Person* charged with an anti-doping rule violation is a citizen of a country other than the USA or if the *Athlete, Athlete Support Person*, or other *Person* charged participates in a sport not governed by the USOPC or an organization which is a member of the USOPC, 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 Arbitral Body 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 Arbitral Body may order the suspension or termination of the proceeding.

#### R-49. 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 Arbitral Body for final decision. All other rules shall be interpreted and applied by the Arbitral Body.

## ANNEX D

### USADA-Led Investigation and Interview Principles

- **Undertake vigorous investigation of potential rule violations.** *Code* Arts. 5.7, 7.2, 20.5.7; *ISTI* Art. 12.2; USADA Protocol Secs. 2, 4, 6; *ISRM* Annexes A and B.
- **Investigation takes place whenever there is a reasonable cause to suspect that an anti-doping rule violation may have been committed.** *Code* Art. 20.5.7; *ISTI* Art. 12.2.1; USADA Protocol Sec. 2.
- **The goal of each investigation is reliable evidence.** *Code* Art. 3.2; *ISTI* Arts. 11.3.1, 12.2.2.
- **Each investigation is conducted fairly, objectively, and impartially.** *ISTI* Art. 12.3.3. Integrity is an important principle in USADA investigations. For example, USADA is always truthful with witnesses and respondents and does not claim to have incriminating evidence that it does not have. USADA will never harass or intimidate witnesses or respondents in the course of its work with *Athletes*. USADA goes into each investigation with an open mind and simply follows the facts. It is only after it becomes apparent that an anti-doping rule violation has occurred that USADA starts to build a case. USADA's strict conflict of interest policy also applies to its investigations. USADA will not attempt to persuade other organizations to withhold rights or property from an *Athlete* unless such an action is permitted by the rules of that organization.
- **All Persons interviewed by USADA during the course of an investigation will be treated with dignity and respect.**
- **All reasonably available investigative resources may be used to conduct investigations.** *ISTI* Art. 12.2.3; USADA Protocol Sec. 2. The *Code* does not allow USADA to exercise "prosecutorial discretion" and decide to take no action in cases where the evidence indicates that an anti-doping rule violation has occurred. USADA can, however, prioritize the use of its resources. Our highest-priority investigations are those that: a) relate to *Athletes* or other *Persons* who would otherwise represent the United States at the Olympic Games, Paralympic Games, Pan American Games, Parapan American Games or World Championships; b) have the potential to involve doping by multiple *Athletes* through the involvement of *Athlete Support Personnel*; or c) potentially involve the *Use of Prohibited Substances* or *Prohibited Methods* that are more difficult to detect through the analysis of urine or blood *Samples*.
- **Athlete and Athlete Support Personnel Cooperation.** *Code* Article 21 requires all *Athletes* and *Athlete Support Personnel* to cooperate with USADA investigations into anti-doping rule violations. In particular, USADA has found that the cooperation of clean *Athletes* is crucial to maintaining a level playing field in their sport. *Code* Art. 21; *ISTI* Art 12.2.4; USADA Protocol Sec. 5(b)(iii).
- **Each investigation protects and upholds the established rights of Athletes, Athlete Support Personnel and other Persons set forth in the Code, USADA Protocol, ISTI and ISPPPI.** Prior to initiating an interview with a U.S. *Athlete* as to whom USADA has and/or expresses any specific suspicion committed an anti-doping rule violation, USADA will advise the *Athlete*: that USADA is investigating potential anti-doping rule violations, which is a serious matter; that USADA's Investigation Principles and Athlete Interview Responsibilities govern the interview and all interactions with USADA, providing URLs for both documents on USADA's website; and that the Team USA Athlete Ombuds is available as a resource if the *Athlete* has questions. The applicability of these Principles to USADA investigations and the opportunity for *Athletes* to contact the Team USA Athlete Ombuds will be made clear in USADA's educational materials for *Athletes*. USADA may, in its discretion, provide the same advice where no specific suspicion exists.
- **Each investigation is conducted independently of outside operational control.** *Code* Art. 20.5.1.
- **Discussions regarding substantial assistance and sanctions with potential witnesses follow the requirements set forth in Article 10.7.1 of the Code and Articles 5.1.2.1, 5.3.2.1, 7.1 and 9.2.1 of the ISRM.**
- **USADA cooperates with and seeks the cooperation of government agencies as provided in the Code.** *Code* Arts. 20.5.3 and 22.2.
- **Each investigation will also follow all applicable state and federal laws.**
- **A USADA decision to assert an anti-doping rule violation based on non-analytical evidence is subject to the hearing and appeal process set out in the Code and USADA Protocol.** Any decision by USADA not to bring a case forward as a result of an investigation or to impose a sanction on an *Athlete* or other *Person* is always reviewable by both *WADA* and the relevant International Federation. *Code* Art. 13.2.3; USADA Protocol Sec. 15(c). If *WADA* believes that USADA has taken too long to render a decision in a particular investigation, *WADA* may elect to appeal directly to the *Court of Arbitration for Sport (CAS)* as if USADA had rendered a decision finding no anti-doping rule violation. *Code* Art. 13.3.
- **Anti-doping rule violation decisions arising out of USADA Olympic Movement investigations are also ultimately subject to review on the merits through established legal processes including an independent arbitration process and a CAS appeal process.** *Code* Arts. 8, 13; USADA Protocol Sec. 17.
- **Any claim that USADA has failed to follow these Principles shall be addressed as a contract issue between USADA and the USOPC and shall not be admissible or used as a defense in any anti-doping rule violation proceedings.**

## ANNEX E

### USADA-Initiated U.S. Athlete Interview Rights & Responsibilities

U.S. *Athletes* shall have the following rights and obligations in connection with all USADA matters which are subject to the USADA Protocol for Olympic and Paralympic Movement Testing.

1. An *Athlete* may consult with the Team USA Athlete Ombuds, counsel and/or other representatives before participating in an interview with USADA. The Team USA Athlete Ombuds, currently Kacie Wallace, is completely independent of USADA and available to offer cost-free, confidential, and independent advice regarding anti-doping policies and procedures. The Office of Team USA Athlete Ombuds may be reached by telephone at 719-866-5000, by email at [ombudsman@usathlete.org](mailto:ombudsman@usathlete.org) or through the website [www.usathlete.org](http://www.usathlete.org).
2. An *Athlete* may have counsel or another *Person* who is not an *Athlete Support Person* (or an *Athlete Support Person* reasonably acceptable to USADA) present during the USADA interview.
3. An *Athlete* may request that the interview be recorded or transcribed at the *Athlete's* expense. USADA also has the right to record or transcribe the interview at its expense.
4. An *Athlete* is not required to travel to meet USADA for an interview. Should an *Athlete* choose not to travel to the interview, it may be conducted by telephone, video conference, or, at USADA's option, USADA will travel to the location of the *Athlete* for an in-person interview.
5. Any *Athlete* who USADA seeks to interview is required to cooperate and be truthful with USADA. (*Code Art. 21.1.6; ISTJ 12.2.4*)
6. An *Athlete's* failure to cooperate or participate in a requested interview may result in disciplinary action under the rules of an International Federation, *Major Event Organization*, or other *Anti-Doping Organization*. A failure to be truthful may result in a *Tampering* or *Attempted Tampering* anti-doping rule violation. (*Code Arts. 2.5 and 21.1.6; ISTJ 12.2.4*)
7. Failure to cooperate in a USADA investigation or failure to appear if requested to give hearing testimony may be used against an *Athlete* in an anti-doping rule violation hearing. (*Code Art. 3.2.5*)
8. Where an *Athlete* has committed an anti-doping rule violation, the period of ineligibility otherwise applicable for that violation may be reduced if the *Athlete*: comes forward and admits the violation to USADA before receiving notice of a *Sample* collection which could establish an anti-doping rule violation or other notice (*Code Art. 10.7.2*), promptly admits the violation after being notified of the violation by USADA (*Code Arts. 10.8.1 and 10.8.2*), or provides substantial assistance to USADA as recognized in *Code Article 10.7.1*.





U.S. Anti-Doping Agency

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