



Curtains Up, Gloves Down: International Arbitration in Entertainment & Sports

MCLE: 1.5 Hours

Tuesday, March 12, 2024

Speakers:

Linda Burrow

Lindsay Brandon

Howard Jacobs

Richard Chernick

Stephen Strick

Moderator:

Jeffrey Benz

Conference Reference Materials

Points of view or opinions expressed in these pages are those of the speaker(s) and/or author(s). They have not been adopted or endorsed by the California Lawyers Association and do not constitute the official position or policy of the California Lawyers Association. Nothing contained herein is intended to address any specific legal inquiry, nor is it a substitute for independent legal research to original sources or obtaining separate legal advice regarding specific legal situations.

© 2024 California Lawyers Association
All Rights Reserved

The California Lawyers Association is an approved State Bar of California MCLE provider.

Conference Reference Materials

Points of view or opinions expressed in these pages are those of the speaker(s) and/or author(s). They have not been adopted or endorsed by the California Lawyers Association and do not constitute the official position or policy of the California Lawyers Association. Nothing contained herein is intended to address any specific legal inquiry, nor is it a substitute for independent legal research to original sources or obtaining separate legal advice regarding specific legal situations.

© 2024 California Lawyers Association
All Rights Reserved

The California Lawyers Association is an approved State Bar of California MCLE provider.

Model Institutional International Dispute Resolution Clause:

Any controversy, claim or dispute arising out of or relating to this Agreement or the formation, breach, termination, enforcement, interpretation or validity thereof, including the determination of the scope or applicability of this agreement to arbitrate (“Dispute”), shall be determined by arbitration in Los Angeles, California, in the English language, before a sole arbitrator, in accordance with the laws of the State of California for agreements made in and to be performed in California. The arbitration shall be administered by JAMS pursuant to its International Arbitration Rules and Procedures. The arbitrator shall be a member of the California Bar with at least ten years of experience litigating or arbitrating [domestic or international] entertainment disputes. Judgment on the Award may be entered in any court having jurisdiction.

*Tripartite Tribunal: Each side shall appoint an arbitrator and they shall appoint the Chair. Failing agreement as to any Tribunal member, JAMS shall designate the disputed arbitrator in accordance with its Rules and administrative procedures.

*Provisional Remedies. Either party may, without inconsistency with this Agreement, seek from a court any interim or provisional relief that is necessary to protect the rights or property of that party, pending the appointment of the arbitrator. The exclusive forum for such application shall be the Los Angeles Superior Court or the United States District Court for the Central District of California.

Mediation. Upon the request of any party, a mediation shall be conducted prior to the arbitration by a mediator selected jointly by the parties, or, failing agreement, designated by JAMS. .

Limitation of Remedies. The arbitrator has no authority to award punitive or other damages not measured by the prevailing party's actual damages and may not, in any event, make any ruling, finding, or award that does not conform to the terms and conditions of the Agreement.

Award. The Award shall be in writing and shall specify the factual and legal bases for the Award. The arbitrator shall, in the Award, allocate all of the costs of the arbitration (and the mediation, if applicable), including the fees of the arbitrator and the reasonable attorneys’ fees of the prevailing party, against the party who did not prevail.

* Optional clause

Deconstructing the Arbitration Clause:

[Scope of arbitration] Any controversy, claim or dispute arising out of or relating to this Agreement or the formation, breach, termination, enforcement, interpretation or validity thereof, **including the determination of the scope or applicability of this agreement to arbitrate** (“Dispute”), [bolded language is a “delegation clause” which gives the Tribunal the authority to determine issues of arbitrability, rather than a court]

[Venue/situs] shall be determined by arbitration in Los Angeles, California,

[Language of the arbitration] in the English language,

[Sole or tripartite arbitration] before a sole arbitrator,

[Alt] Each side shall appoint an arbitrator and they shall appoint the Chair. Failing agreement as to any Panel member, JAMS shall designate the disputed arbitrator in accordance with its Rules and administrative procedures.

[Governing law] in accordance with the laws of the State of California for agreements made and to be performed in California.

[Choice of provider and rules] The arbitration shall be administered by JAMS pursuant to its International Arbitration Rules and Procedures.

[Alt] The arbitration shall be self-administered [also referred to as “ad hoc” arbitration], and the Panel shall apply the UNCITRAL Arbitration Rules; the Permanent Court of Arbitration at the Hague shall serve as the appointing authority should the parties be unable to agree on an arbitrator or panel.

[Qualifications of the Arbitrator(s)] The arbitrator [each arbitrator] shall be a member of the California Bar with at least ten years of experience negotiating, litigating or arbitrating [domestic or international] entertainment disputes.

Judgment on the Award may be entered in any court having jurisdiction.

Other Possible Provisions:

Limitation of Remedies. The arbitrator has no authority to award punitive or other damages not measured by the prevailing party's actual damages and may not, in any event, make any ruling, finding, or award that does not conform to the terms and conditions of the Agreement.

Provisional Remedies. Either party may, without inconsistency with this Agreement, seek from a court any interim or provisional relief that is necessary to protect the rights or property of that party, pending the appointment of the arbitrator. The exclusive forum for such

application shall be the Los Angeles Superior Court or the United States District Court for the Central District of California.

Mediation. Upon the request of any party, a mediation shall be conducted prior to the arbitration by a mediator selected jointly by the parties, or, failing agreement, designated by JAMS.

Award. The Award shall be in writing and shall specify the factual and legal bases for the Award. The arbitrator(s) shall, in the Award, allocate all of the costs of the arbitration (and the mediation, if applicable), including the fees of the arbitrator(s) and the reasonable attorneys' fees and costs of the prevailing party, against the party who did not prevail. [Most sets of rules of international arbitration providers address these issues]



TAS / CAS

TRIBUNAL ARBITRAL DU SPORT
COURT OF ARBITRATION FOR SPORT
TRIBUNAL ARBITRAL DEL DEPORTE

Code of Sports-related Arbitration

In force as from 1 February 2023



Statutes of the Bodies Working for the Settlement of Sports-Related Disputes

A Joint Dispositions

S1 In order to resolve sports-related disputes through arbitration and mediation, two bodies are hereby created:

- **the International Council of Arbitration for Sport (ICAS)**
- **the Court of Arbitration for Sport (CAS).**

The disputes to which a federation, association or other sports-related body is a party are a matter for arbitration pursuant to this Code, only insofar as the statutes or regulations of the bodies or a specific agreement so provide.

The seat of both ICAS and CAS is Lausanne, Switzerland.

S2 The purpose of ICAS is to facilitate the resolution of sports-related disputes through arbitration or mediation and to safeguard the independence of CAS and the rights of the parties. It is also responsible for the administration and financing of CAS.

S3 CAS maintains one or more list(s) of arbitrators and provides for the arbitral resolution of sports-related disputes through arbitration conducted by Panels composed of one or three arbitrators.

CAS comprises of an Ordinary Arbitration Division, an Anti-doping Division and an Appeals Arbitration Division.

CAS maintains a list of mediators and provides for the resolution of sports-related disputes through mediation. The mediation procedure is governed by the CAS Mediation Rules.

B The International Council of Arbitration for Sport (ICAS)

1 Composition

S4 ICAS is composed of twenty-two members, experienced jurists appointed in the following manner:

- a. six members are appointed by the International Sports Federations (IFs), *viz.* five by the Association of Summer Olympic IFs (ASOIF) and one by the Association of Winter Olympic IFs (AIOWF), chosen from within or outside their membership;
- b. four members are appointed by the Association of the National Olympic Committees (ANOC), chosen from within or outside its membership;

- c. four members are appointed by the International Olympic Committee (IOC), chosen from within or outside its membership;
- d. four members are appointed by the fourteen members of ICAS listed above, after appropriate consultation with a view to safeguarding the interests of the athletes;
- e. four members are appointed by the eighteen members of ICAS listed above, chosen from among personalities independent of the bodies designating the other members of the ICAS.

S5 The members of ICAS are appointed for one or several renewable period(s) of four years. Such nominations shall take place during the last year of each four-year cycle.

Upon their appointment, the members of ICAS sign a declaration undertaking to exercise their function personally, with total objectivity and independence, in conformity with this Code. They are, in particular, bound by the confidentiality obligation provided in Article R43.

Members of the ICAS may not appear on the list of CAS arbitrators or mediators nor act as counsel to any party in proceedings before the CAS.

If a member of the ICAS resigns, dies or is prevented from carrying out her/his functions for any other reason, she/he is replaced, for the remaining period of her/his mandate, in conformity with the terms applicable to her/his appointment.

ICAS may grant the title of Honorary Member to any former ICAS member and CAS member who has made an exceptional contribution to the development of ICAS or CAS. The title of Honorary Member may be granted posthumously.

2 Attributions

S6 ICAS exercises the following functions:

1. It adopts and amends this Code;
2. It elects from among its members for one or several renewable period(s) of four years:
 - the President,
 - three Vice-Presidents who shall replace the President if necessary, by order of seniority in age; if the office of President becomes vacant, the senior Vice-President shall exercise the functions and responsibilities of the President until the election of a new President,
 - the President of the Ordinary Arbitration Division, the President of the Anti-doping Division and the President of the Appeals Arbitration Division of the CAS,
 - the deputies of the three Division Presidents who can replace them in the event they are prevented from carrying out their functions;

The election of the President and of the Vice-Presidents shall take place after consultation with the IOC, the ASOIF, the AIOWF and the ANOC.

The election of the President, Vice-Presidents, Division Presidents and their deputies shall take place at the ICAS meeting following the appointment of the ICAS members for the forthcoming period of four years;

3. It appoints the permanent commissions listed under Article S7 a. b. and c.;
4. It appoints the arbitrators who constitute the list of CAS arbitrators and the mediators who constitute the list of CAS mediators on the proposal of the CAS Membership Commission. It can also remove them from those lists;
5. It resolves challenges to and the removal of arbitrators through its Challenge Commission, and performs any other functions identified in the Procedural Rules;
6. It is responsible for the financing of and financial reporting by CAS. For such purpose, *inter alia*:
 - 6.1 it receives and manages the funds allocated to its operations;
 - 6.2 it approves the ICAS budget prepared by the CAS Court Office and the CAS Anti-Doping Division Office;
 - 6.3 it approves the annual report and financial statements of ICAS prepared in accordance with the requirements of Swiss Law;
 - 6.4 it publishes the annual report every year, including the audited financial statements and its detailed management report.
7. It appoints the CAS Director General and may terminate her/his duties upon proposal of the President;
8. It provides for regional or local, permanent or *ad hoc* arbitration, including at alternative hearing centres;
9. It creates a general legal aid fund and a football legal aid fund to facilitate access to CAS arbitration for individuals without sufficient financial means and CAS legal aid guidelines for the operation of the funds, including a Commission to decide on requests for legal aid;
10. It may take any other action which it deems necessary to protect the rights of the parties and to promote the settlement of sports-related disputes through arbitration and mediation.

S7 ICAS exercises its functions itself, or through:

1. its Board, composed of the President, the three Vice-Presidents of the ICAS, the President of the Ordinary Arbitration Division and the President of the Appeals Arbitration Division; and,
2. the following permanent commissions:
 - a. The **CAS Membership Commission**, composed of two ICAS Members appointed pursuant to Article S4 d. or e. of the Code, one of them being appointed as commission chair, and by the three Division Presidents. The CAS Membership Commission is responsible to propose the nomination of new CAS arbitrators and mediators to the ICAS. It may also suggest the removal of arbitrators and mediators from the CAS lists.
 - b. The **Athletes' Commission**, composed of the four ICAS Members appointed pursuant to Article S4 d. of the Code. The Athletes' Commission appoints its chair and shall rule on requests for legal aid, pursuant to the "Guidelines on Legal Aid".
 - c. The **Challenge Commission**, composed of an ICAS Member to be appointed from outside the IOC, IFs and ANOC selection and membership and who shall act as commission chair, and by the 3 Division Presidents and their Deputies,

less the President and Deputy President of the Division concerned by the specific procedure for challenge, who are automatically disqualified. The Challenge Commission shall exercise its functions pursuant to Articles R34 and R35 of the Code.

The ICAS may not delegate to the Board the functions listed under Article S6, paragraphs 1, 2, 6.2 and 6.3.

3 Operation

- S8 1. ICAS meets whenever the activity of CAS so requires, but at least once a year.

A quorum at meetings of the ICAS consists of at least half its members. Decisions are taken during meetings or by correspondence, including by electronic mail or by any other appropriate electronic means, by a majority of the votes cast. Abstentions and blank or spoiled votes are not taken into consideration in the calculation of the required majority. Voting by proxy is not allowed. Voting is held by secret ballot if the President so decides or upon the request of at least a quarter of the members present. The President has a casting vote in the event of a tie.

ICAS may hold meetings and take any decision, via teleconference, videoconference or any other electronic means.

2. Any modification of this Code requires a majority of two-thirds of the ICAS members. Furthermore, the provisions of Article S8.1 apply. All substantial amendments to the present Statutes shall take place after consultation with the IOC, including its Athletes' Commission, the ASOIF, the AIOWF and the ANOC.
3. Any ICAS member is eligible to be a candidate for the ICAS Presidency. Registration as a candidate shall be made in writing and filed with the Director General no later than four months prior to the election meeting.

The election of the ICAS President shall take place at the ICAS meeting following the appointment of the ICAS members for a period of four years. The quorum for such election is three-quarters of the ICAS members. The President is elected by an absolute majority of the members present. If there is more than one candidate for the position of President, successive rounds of voting shall be organized. If no absolute majority is attained, the candidate having the least number of votes in each round shall be eliminated. In the case of a tie among two or more candidates, a vote between those candidates shall be organized and the candidate having the least number of votes shall be eliminated. If following this subsequent vote, there is still a tie, the candidate(s) senior in age is(are) selected.

If a quorum is not present or if the last candidate in the voting rounds, or the only candidate, does not obtain an absolute majority in the last round of voting, the current president shall remain in her/his position until a new election can be held. The new election shall be held within four months of the unsuccessful election

and in accordance with the above rules, with the exception that the President is elected by a simple majority when two candidates or less remain in competition.

The election is held by secret ballot. An election by correspondence is not permitted.

4. The CAS Director General takes part in the decision-making with a consultative voice, acts as Secretary to ICAS and supervises the activities of the CAS Court Office.

S9 The President of ICAS is also President of CAS. She/he is responsible for the ordinary administrative tasks pertaining to the ICAS.

S10 The Board of ICAS meets at the invitation of the ICAS President.

The CAS Director General takes part in the decision-making with a consultative voice and acts as Secretary to the Board.

A quorum of the Board consists of four of its members. Decisions are taken during meetings or by correspondence, including by electronic mail or by any other appropriate electronic means, by a simple majority of those voting; the President has a casting vote in the event of a tie.

The Board of ICAS may hold meetings and take any decision, via teleconference, videoconference or any other electronic means.

S11 A member of ICAS or the Board may be challenged when circumstances allow legitimate doubt to be cast on her/his independence *vis-à-vis* a party to an arbitration which must be the subject of a decision by ICAS or the Board pursuant to Article S6, paragraph 4. She/he shall pre-emptively disqualify herself/himself when the subject of a decision is an arbitration procedure in which a sports-related body to which she/he belongs appears as a party or in which a member of the law firm to which she/he belongs is an arbitrator or counsel.

ICAS, with the exception of the challenged member, shall determine the process with respect to the procedure for challenge.

The disqualified member shall not take part in any deliberations concerning the arbitration in question and shall not receive any information on the activities of ICAS and the Board concerning such arbitration.

C The Court of Arbitration for Sport (CAS)

1 Mission

S12 CAS constitutes Panels which have the responsibility of resolving disputes arising in the context of sport by arbitration and/or mediation pursuant to the Procedural Rules (Articles R27 et seq.).

For such purpose, CAS provides the necessary infrastructure, effects the constitution of Panels and oversees the efficient conduct of the proceedings.

The responsibilities of Panels are, *inter alia*:

- a. to resolve the disputes referred to them through ordinary arbitration;
- b. to resolve anti-doping-related matters as a first-instance authority or as a sole instance;
- c. to resolve through the appeals arbitration procedure disputes concerning the decisions of federations, associations or other sports-related bodies, insofar as the statutes or regulations of the said sports-related bodies or a specific agreement so provide
- d. to resolve the disputes that are referred to them through mediation.

2 Arbitrators and mediators

S13 The personalities designated by ICAS, pursuant to Article S6, paragraph 3, appear on the CAS list for one or several renewable period(s) of four years. ICAS reviews the complete list every four years; the new list enters into force on 1 January of the year following its establishment. The CAS arbitrators and mediators who have not been reappointed shall be informed accordingly.

There shall be not less than three hundred arbitrators and fifty mediators.

S14 The ICAS shall appoint personalities to the list of CAS arbitrators with appropriate legal training, recognized competence with regard to sports law and/or international arbitration, a good knowledge of sport in general and a good command of at least one CAS working language, whose names and qualifications are brought to the attention of ICAS, including by the IOC, the IFs, the NOCs and by the athletes' commissions of the IOC, IFs and NOCs. ICAS may identify the arbitrators having a specific expertise to deal with certain types of disputes.

The ICAS shall appoint personalities to the list of CAS mediators with experience in mediation and a good knowledge of sport in general.

S15 ICAS shall publish such lists of CAS arbitrators and mediators, as well as all subsequent modifications thereof.

S16 When appointing arbitrators and mediators, the ICAS shall consider continental representation and the different juridical cultures.

S17 Subject to the provisions of the Procedural Rules (Articles R27 et seq.), if a CAS arbitrator resigns, dies or is unable to carry out her/his functions for any other reason, she/he may be replaced, for the remaining period of her/his mandate, in conformity with the terms applicable to her/his appointment.

S18 Arbitrators who appear on the CAS general list may serve on Panels constituted by either of the CAS Divisions. However, arbitrators appearing on the special list of arbitrators for the CAS Anti-doping Division (ADD) may not serve as an arbitrator in any procedure conducted by the CAS Appeals Arbitration Division.

Upon their appointment, CAS arbitrators and mediators shall sign an official declaration undertaking to exercise their functions personally with total objectivity, independence and impartiality, and in conformity with the provisions of this Code.

CAS arbitrators and mediators may not act as counsel or expert for a party before the CAS.

S19 CAS arbitrators and mediators are bound by the duty of confidentiality, which is provided for in the Code and in particular shall not disclose to any third party any facts or other information relating to proceedings conducted before CAS.

ICAS may remove an arbitrator or a mediator from the list of CAS members, temporarily or permanently, if she/he violates any rule of this Code or if her/his action affects the reputation of ICAS and/or CAS.

3 Organisation of the CAS

S20 The CAS is composed of three divisions, the Ordinary Arbitration Division, the Anti-doping Division and the Appeals Arbitration Division.

a. **The Ordinary Arbitration Division** constitutes Panels, whose responsibility is to resolve disputes submitted to the ordinary procedure, and performs, through the intermediary of its President or her/his deputy, all other functions in relation to the efficient running of the proceedings pursuant to the Procedural Rules (Articles R27 et seq.).

b. **The Anti-doping Division** constitutes Panels, whose responsibility is to resolve disputes related to anti-doping matters as a first-instance authority or as a sole instance. It performs, through the intermediary of its President or her/his deputy, all other functions in relation to the quick and efficient running of the proceedings pursuant to the Procedural Rules (Articles A1 et seq.)

c. **The Appeals Arbitration Division** constitutes Panels, whose responsibility is to resolve disputes concerning the decisions of federations, associations or other

sports-related bodies insofar as the statutes or regulations of the said sports-related bodies or a specific agreement so provide. It performs, through the intermediary of its President or her/his deputy, all other functions in relation to the efficient running of the proceedings pursuant to the Procedural Rules (Articles R27 et seq.).

Arbitration proceedings submitted to CAS are assigned by the CAS Court Office to the appropriate Division. Such assignment may not be contested by the parties nor be raised by them as a cause of irregularity. In the event of a change of circumstances during the proceedings, the CAS Court Office, after consultation with the Panel, may assign the arbitration to another Division. Such re-assignment shall not affect the constitution of the Panel nor the validity of any proceedings, decisions or orders prior to such re-assignment.

The CAS mediation system operates pursuant to the CAS Mediation Rules.

- S21 The President of either Division may be challenged if circumstances exist that give rise to legitimate doubts with regard to her/his independence *vis-à-vis* one of the parties to an arbitration assigned to her/his Division. She/he shall pre-emptively disqualify herself/himself if, in arbitration proceedings assigned to her/his Division, one of the parties is a sports-related body to which she/he belongs, or if a member of the law firm to which she/he belongs is acting as arbitrator or counsel.

ICAS shall determine the procedure with respect to any challenge. The challenged President shall not participate in such determination.

If the President of a Division is challenged, the functions relating to the efficient running of the proceedings conferred upon her/him by the Procedural Rules (Articles R27 et seq.), shall be performed by her/his deputy or by the CAS President, if the deputy is also challenged. No disqualified person shall receive any information concerning the activities of CAS regarding the arbitration proceedings giving rise to her/his disqualification.

- S22 CAS includes a Court Office composed of the Director General and one or more Counsel, who may represent the Director General when required.

The CAS Court Office performs the functions assigned to it by this Code.

D Miscellaneous Provisions

- S23 These Statutes are supplemented by the Procedural Rules and by the Arbitration Rules for the CAS Anti-doping Division adopted by ICAS.

- S24 The French, the English and the Spanish texts are authentic. In the event of any discrepancy, the French text shall prevail.

S25 These Statutes may be amended by decision of the ICAS pursuant to Article S8.

S26 These Statutes and Procedural Rules come into force by the decision of ICAS, taken by a two-thirds majority.

Procedural Rules

A General Provisions

R27 Application of the Rules

These Procedural Rules apply whenever the parties have agreed to refer a sports-related dispute to CAS. Such reference may arise out of an arbitration clause contained in a contract or regulations or by reason of a later arbitration agreement (ordinary arbitration proceedings) or may involve an appeal against a decision rendered by a federation, association or sports-related body where the statutes or regulations of such bodies, or a specific agreement provide for an appeal to CAS (appeal arbitration proceedings).

Such disputes may involve matters of principle relating to sport or matters of pecuniary or other interests relating to the practice or the development of sport and may include, more generally, any activity or matter related or connected to sport.

R28 Seat

The seat of CAS and of each Arbitration Panel (Panel) is Lausanne, Switzerland. However, should circumstances so warrant, and after consultation with all parties, the President of the Panel may decide to hold a hearing in another place and may issue the appropriate directions related to such hearing.

R29 Language

The CAS working languages are French, English and Spanish. In the absence of agreement between the parties, the President of the Panel or, if she/he has not yet been appointed, the President of the relevant Division, shall select one of these three languages as the language of the arbitration at the outset of the procedure, taking into account all relevant circumstances. Thereafter, the proceedings shall be conducted exclusively in that language, unless the parties and the Panel agree otherwise.

The parties may request that a language other than French, English or Spanish be selected, provided that the Panel and the CAS Court Office agree. If agreed, the CAS Court Office determines with the Panel the conditions related to the choice of the language; the Panel may order that the parties bear all or part of the costs of translation and interpretation. If a hearing is to be held, the Panel may allow a party to use a language other than that chosen for the arbitration, on condition that it provides, at its own cost, interpretation into and from the official language of the arbitration.

The Panel or, prior to the constitution of the Panel, the Division President may order that all documents submitted in languages other than that of the proceedings be filed together with a certified translation in the language of the proceedings.

R30 Representation and Assistance

The parties may be represented or assisted by persons of their choice. The names, addresses, electronic mail addresses, telephone and facsimile numbers of the persons representing the parties shall be communicated to the CAS Court Office, the other party and the Panel after its formation. Any party represented by an attorney or other person shall provide written confirmation of such representation to the CAS Court Office.

R31 Notifications and Communications

All notifications and communications that CAS or the Panel intend for the parties shall be made through the CAS Court Office. The notifications and communications shall be sent to the address shown in the arbitration request or the statement of appeal, or to any other address specified at a later date.

All arbitration awards, orders, and other decisions made by CAS and the Panel shall be notified by courier and/or by facsimile and/or by electronic mail but at least in a form permitting proof of receipt.

The request for arbitration, the statement of appeal and any other written submissions, printed or saved on digital medium, must be filed by courier delivery to the CAS Court Office by the parties in as many copies as there are other parties and arbitrators, together with one additional copy for the CAS itself, failing which the CAS shall not proceed. If they are transmitted in advance by facsimile or by electronic mail at the official CAS email address (procedures@tas-cas.org), the filing is valid upon receipt of the facsimile or of the electronic mail by the CAS Court Office provided that the written submission and its copies are also filed by courier or uploaded to the CAS e-filing platform within the first subsequent business day of the relevant time limit, as mentioned above.

Filing of the above-mentioned submissions via the CAS e-filing platform is permitted under the conditions set out in the CAS guidelines on electronic filing.

The exhibits attached to any written submissions may be sent to the CAS Court Office by electronic mail, provided that they are listed and that each exhibit can be clearly identified; the CAS Court Office may then forward them by the same means. Any other communications from the parties intended for the CAS Court Office or the Panel shall be sent by courier, facsimile or electronic mail to the CAS Court Office.

R32 Time limits

The time limits fixed under this Code shall begin from the day after that on which notification by the CAS is received. Official holidays and non-working days are included in the calculation of time limits. The time limits fixed under this Code are respected if the communications by the parties are sent before midnight, time of the location of their own domicile or, if represented, of the domicile of their main legal representative, on the last day on which such time limits expire. If the last day of the time limit is an official holiday or a non-business day in the location from where the document is to be sent, the time limit shall expire at the end of the first subsequent business day.

Upon application on justified grounds and after consultation with the other party (or parties), either the President of the Panel or, if she/he has not yet been appointed, the President of the relevant Division, may extend the time limits provided in these Procedural Rules, with the exception of the time limit for the filing of the statement of appeal, if the circumstances so warrant and provided that the initial time limit has not already expired. With the exception of the time limit for the statement of appeal, any request for a first extension of time of a maximum of ten days can be decided by the CAS Director General without consultation with the other party (-ies).

The Panel or, if it has not yet been constituted, the President of the relevant Division may, upon application on justified grounds, suspend an ongoing arbitration for a limited period of time.

R33 Independence and Qualifications of Arbitrators

Every arbitrator shall be and remain impartial and independent of the parties and shall immediately disclose any circumstances which may affect her/his independence with respect to any of the parties.

Every arbitrator shall appear on the list drawn up by the ICAS in accordance with the Statutes which are part of this Code, shall have a good command of the language of the arbitration and shall be available as required to complete the arbitration expeditiously.

R34 Challenge

An arbitrator may be challenged if the circumstances give rise to legitimate doubts over her/his independence or over her/his impartiality. The challenge shall be brought within seven days after the ground for the challenge has become known.

Challenges shall be determined by the Challenge Commission, which has the discretion to refer a case to ICAS. The challenge of an arbitrator shall be lodged by the party raising it, in the form of a petition setting forth the facts giving rise to the challenge, which shall be sent to the CAS Court Office or the CAS Anti-Doping Division Court Office. The Challenge Commission or ICAS shall rule on the challenge after the other party (or parties), the challenged arbitrator and the other arbitrators, if any, have been invited to submit written comments. Such comments shall be communicated by the CAS Court Office or the CAS Anti-Doping Division Court Office to the parties and to the other arbitrators, if any. The Challenge Commission or ICAS shall give brief reasons for its decision and may decide to publish it.

R35 Removal

An arbitrator may be removed by the Challenge Commission if she/he refuses to or is prevented from carrying out her/his duties or if she/he fails to fulfil her/his duties pursuant to this Code within a reasonable time. The Challenge Commission shall invite the parties, the arbitrator in question and the other arbitrators, if any, to submit written comments and shall give brief reasons for its decision. Removal of an arbitrator cannot be requested by a party.

R36 Replacement

In the event of resignation, death, removal, replacement of a Sole Arbitrator by a 3-member Panel during the procedure or successful challenge of an arbitrator, such arbitrator shall be replaced in accordance with the provisions applicable to her/his appointment. If, within the time limit fixed by the CAS Court Office, the Claimant/Appellant does not appoint an arbitrator either to replace the arbitrator it had initially appointed or to constitute a 3-member Panel, the arbitration shall not be initiated or, in the event it has been already initiated, shall be terminated. Unless otherwise agreed by the parties or otherwise decided by the Panel, the proceedings shall continue without repetition of any aspect thereof prior to the replacement.

R37 Provisional and Conservatory Measures

No party may apply for provisional or conservatory measures under these Procedural Rules before all internal legal remedies provided for in the rules of the federation or sports-body concerned have been exhausted.

Upon filing of the request for provisional measures, the Applicant shall pay a non-refundable Court Office fee of Swiss francs 1,000.—, without which CAS shall not proceed. The CAS Court Office fee shall not be paid again upon filing of the request for arbitration or of the statement of appeal in the same procedure.

The President of the relevant Division, prior to the transfer of the file to the Panel, or thereafter, the Panel may, upon application by a party, make an order for provisional or conservatory measures. In agreeing to submit any dispute subject to the ordinary arbitration procedure or to the appeal arbitration procedure to these Procedural Rules, the parties expressly waive their rights to request any such measures from state authorities or tribunals.

Should an application for provisional measures be filed, the President of the relevant Division or the Panel shall invite the other party (or parties) to express a position within ten days or a shorter time limit if circumstances so require. The President of the relevant Division or the Panel shall issue an order on an expedited basis and shall first rule on the *prima facie* CAS jurisdiction. The Division President may terminate the arbitration procedure if she/he rules that the CAS clearly has no jurisdiction. In cases of utmost urgency, the President of the relevant Division, prior to the transfer of the file to the Panel, or thereafter the President of the Panel may issue an order upon mere presentation of the application, provided that the opponent is subsequently heard.

When deciding whether to award preliminary relief, the President of the Division or the Panel, as the case may be, shall consider whether the relief is necessary to protect the applicant from irreparable harm, the likelihood of success on the merits of the claim, and whether the interests of the Applicant outweigh those of the Respondent(s).

The procedure for provisional measures and the provisional measures already granted, if any, are automatically annulled if the party requesting them does not file a related request for arbitration within 10 days following the filing of the request for provisional measures (ordinary procedure) or any statement of appeal within the time limit provided by Article R49 of the Code (appeals procedure). Such time limits cannot be extended.

Provisional and conservatory measures may be made conditional upon the provision of security.

B Special Provisions Applicable to the Ordinary Arbitration Procedure

R38 Request for Arbitration

The party intending to submit a matter to arbitration under these Procedural Rules (Claimant) shall file a request with the CAS Court Office containing:

- the name and full address of the Respondent(s);
- a brief statement of the facts and legal argument, including a statement of the issue to be submitted to the CAS for determination;
- its request for relief;
- a copy of the contract containing the arbitration agreement or of any document providing for arbitration in accordance with these Procedural Rules;
- any relevant information about the number and choice of the arbitrator(s); if the relevant arbitration agreement provides for three arbitrators, the name of the arbitrator from the relevant CAS list of arbitrators chosen by the Claimant.

Upon filing its request, the Claimant shall pay the Court Office fee provided in Article R64.1.

If the above-mentioned requirements are not fulfilled when the request for arbitration is filed, the CAS Court Office may grant a single short deadline to the Claimant to complete the request, failing which the CAS Court Office shall not proceed.

R39 Initiation of the Arbitration by CAS and Answer – CAS Jurisdiction

Unless it is clear from the outset that there is no arbitration agreement referring to CAS, the CAS Court Office shall take all appropriate actions to set the arbitration in motion. It shall communicate the request to the Respondent, call upon the parties to express themselves on the law applicable to the merits of the dispute and set time limits for the Respondent to submit any relevant information about the number and choice of the arbitrator(s) from the CAS list, as well as to file an answer to the request for arbitration.

The answer shall contain:

- a brief statement of defence;
- any defence of lack of jurisdiction;
- any counterclaim.

The Respondent may request that the time limit for the filing of the answer be fixed after the payment by the Claimant of its share of the advance of costs provided by Article R64.2 of this Code.

The Panel shall rule on its own jurisdiction, irrespective of any legal action already pending before a State court or another arbitral tribunal relating to the same object

between the same parties, unless substantive grounds require a suspension of the proceedings.

When an objection to CAS jurisdiction is raised, the CAS Court Office or the Panel, if already constituted, shall invite the parties to file written submissions on jurisdiction. The Panel may rule on its jurisdiction either in a preliminary decision or in an award on the merits.

Where a party files a request for arbitration related to an arbitration agreement and facts similar to those which are the subject of a pending ordinary procedure before CAS, the President of the Panel, or if she/he has not yet been appointed, the President of the Division, may, after consulting the parties, decide to consolidate the two procedures.

R40 Formation of the Panel

R40.1 Number of Arbitrators

The Panel is composed of one or three arbitrators. If the arbitration agreement does not specify the number of arbitrators and unless the parties have agreed to a Panel composed of a sole arbitrator at the outset of the procedure, the President of the Division shall determine the number, taking into account the circumstances of the case. The Division President may then choose to appoint a Sole arbitrator when the Claimant so requests and the Respondent does not pay its share of the advance of costs within the time limit fixed by the CAS Court Office.

R40.2 Appointment of the Arbitrators

The parties may agree on the method of appointment of the arbitrators from the CAS list. In the absence of an agreement, the arbitrators shall be appointed in accordance with the following paragraphs.

If, by virtue of the arbitration agreement or a decision of the President of the Division, a sole arbitrator is to be appointed, the parties may select her/him by mutual agreement within a time limit of fifteen days set by the CAS Court Office upon receipt of the request. In the absence of agreement within that time limit, the President of the Division shall proceed with the appointment.

If, by virtue of the arbitration agreement, or a decision of the President of the Division, three arbitrators are to be appointed, the Claimant shall nominate its arbitrator in the request or within the time limit set in the decision on the number of arbitrators, failing which the request for arbitration is deemed to have been withdrawn. The Respondent shall nominate its arbitrator within the time limit set by the CAS Court Office upon receipt of the request. In the absence of such appointment, the President of the Division shall proceed with the appointment in lieu of the Respondent. The two arbitrators so appointed shall select the President of the Panel by mutual agreement within a time limit set by the CAS Court Office. Failing agreement within that time limit, the President of the Division shall appoint the President of the Panel.

R40.3 Confirmation of the Arbitrators and Transfer of the File

An arbitrator nominated by the parties or by other arbitrators shall only be deemed appointed after confirmation by the President of the Division, who shall ascertain that each arbitrator complies with the requirements of Article R33.

Once the Panel is formed, the CAS Court Office takes notice of the formation and transfers the file to the arbitrators, unless none of the parties has paid an advance of costs provided by Article R64.2 of the Code.

An *ad hoc* clerk independent of the parties may be appointed to assist the Panel. Her/his fees shall be included in the arbitration costs.

R41 Multiparty Arbitration

R41.1 Plurality of Claimants / Respondents

If the request for arbitration names several Claimants and/or Respondents, CAS shall proceed with the formation of the Panel in accordance with the number of arbitrators and the method of appointment agreed by all parties. In the absence of agreement, the President of the Division shall decide on the number of arbitrators in accordance with Article R40.1.

If a sole arbitrator is to be appointed, Article R40.2 shall apply. If three arbitrators are to be appointed and there are several Claimants, the Claimants shall jointly nominate an arbitrator. If three arbitrators are to be appointed and there are several Respondents, the Respondents shall jointly nominate an arbitrator. In the absence of such a joint nomination, the President of the Division shall proceed with the particular appointment.

If there are three or more parties with divergent interests, both arbitrators shall be appointed in accordance with the agreement between the parties. In the absence of agreement, the arbitrators shall be appointed by the President of the Division in accordance with Article R40.2.

In all cases, the arbitrators shall select the President of the Panel in accordance with Article R40.2.

R41.2 Joinder

If a Respondent intends to cause a third party to participate in the arbitration, it shall so state in its answer, together with the reasons therefor, and file an additional copy of its answer. The CAS Court Office shall communicate this copy to the person whose participation is requested and fix a time limit for such person to state its position on its participation and to submit a response pursuant to Article R39. It shall also fix a time limit for the Claimant to express its position on the participation of the third party.

R41.3 Intervention

If a third party wishes to participate as a party to the arbitration, it shall file an application to this effect with the CAS Court Office, together with the reasons therefor within 10 days after the arbitration has become known to the intervenor, provided that such application is filed prior to the hearing, or prior to the closing of the evidentiary proceedings if no hearing is held. The CAS Court Office shall communicate a copy of this application to the parties and fix a time limit for them to express their position on the participation of the third party and to file, to the extent applicable, an answer pursuant to Article R39.

R41.4 Joint Provisions on Joinder and Intervention

A third party may only participate in the arbitration if it is bound by the arbitration agreement or if it and the other parties agree in writing.

Upon expiration of the time limit set in Articles R41.2 and R41.3, the President of the Division or the Panel, if it has already been appointed, shall decide on the participation of the third party, taking into account, in particular, the *prima facie* existence of an arbitration agreement as contemplated in Article R39. The decision of the President of the Division shall be without prejudice to the decision of the Panel on the same matter.

If the President of the Division accepts the participation of the third party, CAS shall proceed with the formation of the Panel in accordance with the number of arbitrators and the method of appointment agreed by all parties. In the absence of agreement between the parties, the President of the Division shall decide on the number of arbitrators in accordance with Article R40.1. If a sole arbitrator is to be appointed, Article R40.2 shall apply. If three arbitrators are to be appointed, the arbitrators shall be appointed by the President of the Division and shall nominate the President of the Panel in accordance with Article R40.2.

Regardless of the decision of the Panel on the participation of the third party, the formation of the Panel cannot be challenged. In the event that the Panel accepts the participation, it shall, if required, issue related procedural directions.

After consideration of submissions by all parties concerned, the Panel shall determine the status of the third party and its rights in the procedure.

After consideration of submissions by all parties concerned, the Panel may allow the filing of *amicus curiae* briefs, on such terms and conditions as it may fix.

R42 Conciliation

The President of the Division, before the transfer of the file to the Panel, and thereafter the Panel may at any time seek to resolve the dispute by conciliation. Any settlement may be embodied in an arbitral award rendered by consent of the parties.

R43 Confidentiality

Proceedings under these Procedural Rules are confidential. The parties, the arbitrators and CAS undertake not to disclose to any third party any facts or other information relating to the dispute or the proceedings without the permission of CAS. Awards shall not be made public unless all parties agree or the Division President so decides.

R44 Procedure before the Panel

R44.1 Written Submissions

The proceedings before the Panel comprise written submissions and, in principle, an oral hearing. Upon receipt of the file and if necessary, the President of the Panel shall issue directions in connection with the written submissions. As a general rule, there shall be one statement of claim, one response and, if the circumstances so require, one reply and one second response. The parties may, in the statement of claim and in the response, raise claims not contained in the request for arbitration and in the answer to the request. Thereafter, no party may raise any new claim without the consent of the other party.

Together with their written submissions, the parties shall produce all written evidence upon which they intend to rely. After the exchange of the written submissions, the parties shall not be authorized to produce further written evidence, except by mutual agreement, or if the Panel so permits, on the basis of exceptional circumstances.

In their written submissions, the parties shall list the name(s) of any witnesses, whom they intend to call, including a brief summary of their expected testimony, and the name(s) of any experts, stating their area of expertise, and shall state any other evidentiary measure which they request. Any witness statements shall be filed together with the parties' submissions, unless the President of the Panel decides otherwise.

If a counterclaim and/or jurisdictional objection is filed, the CAS Court Office shall fix a time limit for the Claimant to file an answer to the counterclaim and/or jurisdictional objection.

R44.2 Hearing

If a hearing is to be held, the President of the Panel shall issue directions with respect to the hearing as soon as possible and set the hearing date. As a general rule, there shall be one hearing during which the Panel hears the parties, any witnesses and any experts, as well as the parties' final oral arguments, for which the Respondent is heard last.

The President of the Panel shall conduct the hearing and ensure that the statements made are concise and limited to the subject of the written presentations, to the extent that these presentations are relevant. Unless the parties agree otherwise, the hearings are not public. The hearing may be recorded. Any person heard by the Panel may be assisted by an interpreter at the cost of the party which called such person.

The parties may only call such witnesses and experts which they have specified in their written submissions. Each party is responsible for the availability and costs of the witnesses and experts it has called.

The President of the Panel may decide to conduct a hearing by video-conference or to hear some parties, witnesses and experts via tele-conference or video-conference. With the agreement of the parties, she/he may also exempt a witness or expert from appearing at the hearing if the witness or expert has previously filed a statement.

The Panel may limit or disallow the appearance of any witness or expert, or any part of their testimony, on the grounds of irrelevance.

Before hearing any witness, expert or interpreter, the Panel shall solemnly invite such person to tell the truth, subject to the sanctions of perjury.

Once the hearing is closed, the parties shall not be authorized to produce further written pleadings, unless the Panel so orders.

After consulting the parties, the Panel may, if it deems itself to be sufficiently well informed, decide not to hold a hearing.

R44.3 Evidentiary Proceedings Ordered by the Panel

A party may request the Panel to order the other party to produce documents in its custody or under its control. The party seeking such production shall demonstrate that such documents are likely to exist and to be relevant.

If it deems it appropriate to supplement the presentations of the parties, the Panel may at any time order the production of additional documents or the examination of witnesses, appoint and hear experts, and proceed with any other procedural step. The Panel may order the parties to contribute to any additional costs related to the hearing of witnesses and experts.

The Panel shall consult the parties with respect to the appointment and terms of reference of any expert. The expert shall be independent of the parties. Before appointing her/him, the Panel shall invite her/him to immediately disclose any circumstances likely to affect her/his independence with respect to any of the parties.

R44.4 Expedited Procedure

With the consent of the parties, the Division President or the Panel may proceed in an expedited manner and may issue appropriate directions therefor.

R44.5 Default

If the Claimant fails to submit its statement of claim in accordance with Article R44.1 of the Code, the request for arbitration shall be deemed to have been withdrawn.

If the Respondent fails to submit its response in accordance with Article R44.1 of the Code, the Panel may nevertheless proceed with the arbitration and deliver an award.

If any of the parties, or its witnesses, has been duly summoned and fails to appear at the hearing, the Panel may nevertheless proceed with the hearing and deliver an award.

R45 Law Applicable to the Merits

The Panel shall decide the dispute according to the rules of law chosen by the parties or, in the absence of such a choice, according to Swiss law. The parties may authorize the Panel to decide *ex aequo et bono*.

R46 Award

The award shall be made by a majority decision, or, in the absence of a majority, by the President alone. The award shall be written, dated and signed. Unless the parties agree otherwise, it shall briefly state reasons. The sole signature of the President of the Panel or the signatures of the two co-arbitrators, if the President does not sign, shall suffice. Before the award is signed, it shall be transmitted to the CAS Director General who may make rectifications of pure form and may also draw the attention of the Panel to fundamental issues of principle. Dissenting opinions are not recognized by the CAS and are not notified.

The Panel may decide to communicate the operative part of the award to the parties, prior to delivery of the reasons. The award shall be enforceable from such notification of the operative part by courier, facsimile and/or electronic mail.

The award, notified by the CAS Court Office, shall be final and binding upon the parties subject to recourse available in certain circumstances pursuant to Swiss Law within 30 days from the notification of the award by mail or courier. It may not be challenged by way of an action for setting aside to the extent that the parties have no domicile, habitual residence, or business establishment in Switzerland and that they have expressly excluded all setting aside proceedings in the arbitration agreement or in a subsequent agreement, in particular at the outset of the arbitration.

C Special Provisions Applicable to the Appeal Arbitration Procedure

R47 Appeal

An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body.

An appeal may be filed with CAS against an award rendered by CAS acting as a first instance tribunal if such appeal has been expressly provided by the rules of the federation or sports-body concerned.

R48 Statement of Appeal

The Appellant shall submit to CAS a statement of appeal containing:

- the name and full address of the Respondent(s);
- a copy of the decision appealed against;
- the Appellant's request for relief;
- the nomination of the arbitrator chosen by the Appellant from the relevant CAS list of arbitrators, subject to Article S18, unless the Appellant requests the appointment of a sole arbitrator;
- if applicable, an application to stay the execution of the decision appealed against, together with reasons;
- a copy of the provisions of the statutes or regulations or the specific agreement providing for appeal to CAS.

Upon filing the statement, the Appellant shall pay the CAS Court Office fee provided for in Article R64.1 or Article R65.2.

If the above-mentioned requirements are not fulfilled when the statement of appeal is filed, the CAS Court Office may grant a one-time-only short deadline to the Appellant to complete its statement of appeal, failing receipt of which within the deadline, the CAS Court Office shall not proceed.

R49 Time limit for Appeal

In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document. When a procedure is initiated, a party may request the Division President or the President of the Panel, if a Panel has been already constituted, to terminate it if the statement of appeal is late. The Division President or the President of the Panel renders her/his decision after considering any submission made by the other parties.

R50 Number of Arbitrators

The appeal shall be submitted to a Panel of three arbitrators, unless the parties have agreed to a Panel composed of a sole arbitrator or, in the absence of any agreement between the parties regarding the number of arbitrators, the President of the Division decides to submit the appeal to a sole arbitrator, taking into account the circumstances of the case, including whether or not the Respondent pays its share of the advance of costs within the time limit fixed by the CAS Court Office.

If the President of the Division decides to submit the appeal to a 3-member Panel, the Appellant shall appoint an arbitrator within the time limit set by the President of the Division, failing which the appeal shall be deemed withdrawn.

When two or more cases clearly involve the same issues, the President of the Appeals Arbitration Division may invite the parties to agree to refer these cases to the same

Panel; failing any agreement between the parties, the President of the Division shall decide.

R51 Appeal Brief

Within ten days following the expiry of the time limit for the appeal, the Appellant shall file with the CAS Court Office a brief stating the facts and legal arguments giving rise to the appeal, together with all exhibits and specification of other evidence upon which it intends to rely. Alternatively, the Appellant shall inform the CAS Court Office in writing within the same time limit that the statement of appeal shall be considered as the appeal brief. The appeal shall be deemed to have been withdrawn if the Appellant fails to meet such time limit.

In its written submissions, the Appellant shall specify the name(s) of any witnesses, including a brief summary of their expected testimony, and the name(s) of any experts, stating their area of expertise, it intends to call and state any other evidentiary measure which it requests. The witness statements, if any, shall be filed together with the appeal brief, unless the President of the Panel decides otherwise.

R52 Initiation of the Arbitration by the CAS

Unless it appears from the outset that there is clearly no arbitration agreement referring to CAS, that the agreement is clearly not related to the dispute at stake or that the internal legal remedies available to the Appellant have clearly not been exhausted, CAS shall take all appropriate actions to set the arbitration in motion. The CAS Court Office shall communicate the statement of appeal to the Respondent, and the President of the Division shall proceed with the formation of the Panel in accordance with Articles R53 and R54. If applicable, she/he shall also decide promptly on any application for a stay or for interim measures.

The CAS Court Office shall send a copy of the statement of appeal and appeal brief to the authority which issued the challenged decision, for information.

The CAS Court Office may publicly announce the initiation of any appeals arbitration procedure and, at a later stage and where applicable, the composition of the arbitral panel and the hearing date, unless the parties agree otherwise.

With the agreement of the parties, the Panel or, if it has not yet been appointed, the President of the Division may proceed in an expedited manner and shall issue appropriate directions for such procedure.

Where a party files a statement of appeal in connection with a decision which is the subject of a pending appeal before CAS, the President of the Panel, or if she/he has not yet been appointed, the President of the Division, may decide, after inviting submissions from the parties, to consolidate the two procedures.

R53 Nomination of Arbitrator by the Respondent

Unless the parties have agreed to a Panel composed of a sole arbitrator or the President of the Division considers that the appeal should be submitted to a sole arbitrator, the Respondent shall nominate an arbitrator within ten days after receipt of the statement of appeal. In the absence of a nomination within such time limit, the President of the Division shall make the appointment.

R54 Appointment of the Sole Arbitrator or of the President and Confirmation of the Arbitrators by CAS

If, by virtue of the parties' agreement or of a decision of the President of the Division, a sole arbitrator is to be appointed, the President of the Division shall appoint the sole arbitrator upon receipt of the motion for appeal or as soon as a decision on the number of arbitrators has been rendered.

If three arbitrators are to be appointed, the President of the Division shall appoint the President of the Panel following nomination of the arbitrator by the Respondent and after having consulted the arbitrators. The arbitrators nominated by the parties shall only be deemed appointed after confirmation by the President of the Division. Before proceeding with such confirmation, the President of the Division shall ensure that the arbitrators comply with the requirements of Article R33.

When selecting sole arbitrators and presidents of panels, the President of the Division shall consider the criteria of expertise, diversity, equality and turnover of arbitrators.

In case a special list of arbitrators exists in relation to a particular sport or event, the Sole Arbitrator or the President of the Panel shall be appointed from such list, unless the parties agree otherwise or the President of the Division decides otherwise due to exceptional circumstances.

Once the Panel is formed, the CAS Court Office takes notice of the formation of the Panel and transfers the file to the arbitrators, unless none of the parties has paid an advance of costs in accordance with Article R64.2 of the Code.

An *ad hoc* clerk, independent of the parties, may be appointed to assist the Panel. Her/his fees shall be included in the arbitration costs.

Article R41 applies *mutatis mutandis* to the appeals arbitration procedure, except that the President of the Panel is appointed by the President of the Appeals Division.

R55 Answer of the Respondent – CAS Jurisdiction

Within twenty days from the receipt of the grounds for the appeal, the Respondent shall submit to the CAS Court Office an answer containing:

- a statement of defence;
- any defence of lack of jurisdiction;
- any exhibits or specification of other evidence upon which the Respondent intends to rely;

- the name(s) of any witnesses, including a brief summary of their expected testimony; the witness statements, if any, shall be filed together with the answer, unless the President of the Panel decides otherwise;
- the name(s) of any experts it intends to call, stating their area of expertise, and state any other evidentiary measure which it requests.

If the Respondent fails to submit its answer by the stated time limit, the Panel may nevertheless proceed with the arbitration and deliver an award.

The Respondent may request that the time limit for the filing of the answer be fixed after the payment by the Appellant of its share of the advance of costs in accordance with Article R64.2.

The Panel shall rule on its own jurisdiction. It shall rule on its jurisdiction irrespective of any legal action already pending before a State court or another arbitral tribunal relating to the same object between the same parties, unless substantive grounds require a suspension of the proceedings.

When an objection to CAS jurisdiction is raised, the CAS Court Office or the Panel, if already constituted, shall invite the parties to file written submissions on the matter of CAS jurisdiction. The Panel may rule on its jurisdiction either in a preliminary decision or in an award on the merits.

R56 Appeal and answer complete – Case Management - Conciliation

Unless the parties agree otherwise or the President of the Panel orders otherwise on the basis of exceptional circumstances, the parties shall not be authorized to supplement or amend their requests or their argument, to produce new exhibits, or to specify further evidence on which they intend to rely after the submission of the appeal brief and of the answer.

After the filing of the answer, the Panel shall ask the parties whether they request a case management conference. In the affirmative, the Panel shall hold such case management conference with the parties in order to discuss procedural issues, the preparation of the hearing (if any) and any issues related to the taking of evidence. After the case management conference, if any, and prior to the hearing, if any, but at least prior to the termination of the evidentiary proceedings, the Panel shall issue an order of procedure setting forth the major elements of the arbitration procedure.

The Panel may at any time seek to resolve the dispute by conciliation. Any settlement may be embodied in an arbitral award rendered by consent of the parties.

R57 Scope of Panel's Review – Hearing

The Panel has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance. The President of the Panel may request communication of the file of the federation, association or sports-related body, whose decision is the subject of the appeal. Upon transfer of the CAS file to the Panel, the President of the Panel shall issue

directions in connection with the hearing for the examination of the parties, the witnesses and the experts, as well as for the oral arguments.

After consulting the parties, the Panel may, if it deems itself to be sufficiently well informed, decide not to hold a hearing. At the hearing, the proceedings take place in camera, unless the parties agree otherwise. At the request of a physical person who is party to the proceedings, a public hearing should be held if the matter is of a disciplinary nature. Such request may however be denied in the interest of morals, public order, national security, where the interests of minors or the protection of the private life of the parties so require, where publicity would prejudice the interests of justice, where the proceedings are exclusively related to questions of law or where a hearing held in first instance was already public.

The Panel has discretion to exclude evidence presented by the parties if it was available to them or could reasonably have been discovered by them before the challenged decision was rendered. Articles R44.2 and R44.3 shall also apply.

If any of the parties, or any of its witnesses, having been duly summoned, fails to appear, the Panel may nevertheless proceed with the hearing and render an award.

R58 Law Applicable to the merits

The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.

R59 Award

The award shall be rendered by a majority decision, or in the absence of a majority, by the President alone. It shall be written, dated and signed. The award shall state brief reasons. The sole signature of the President of the Panel or the signatures of the two co-arbitrators, if the President does not sign, shall suffice.

Before the award is signed, it shall be transmitted to the CAS Director General who may make rectifications of pure form and may also draw the attention of the Panel to fundamental issues of principle. Dissenting opinions are not recognized by CAS and are not notified.

The Panel may decide to communicate the operative part of the award to the parties, prior to the reasons. The award shall be enforceable from such notification of the operative part by courier, facsimile and/or electronic mail.

The award, notified by the CAS Court Office, shall be final and binding upon the parties subject to recourse available in certain circumstances pursuant to Swiss Law within 30 days from the notification of the award by mail or courier. It may not be challenged by way of an action for setting aside to the extent that the parties have no domicile, habitual residence, or business establishment in Switzerland and that they have expressly

excluded all setting aside proceedings in the arbitration agreement or in an agreement entered into subsequently, in particular at the outset of the arbitration.

The operative part of the award shall be communicated to the parties within three months after the transfer of the file to the Panel. Such time limit may be extended up to a maximum of four months after the closing of the evidentiary proceedings by the President of the Appeals Arbitration Division upon a reasoned request from the President of the Panel. In case of non-compliance with the time limit, the Panel may be removed in accordance with Article R35 and the arbitrators' fees may be reduced by the ICAS Board, depending on the specific circumstances of each individual case. In any event, the President of the Division shall inform the parties of the situation and determine if an ultimate time limit is granted to the Panel or which particular measures are taken.

A copy of the operative part of the award, if any, and of the full award shall be communicated to the authority or sports body which has rendered the challenged decision, if that body is not a party to the proceedings.

The original award, a summary and/or a press release setting forth the results of the proceedings shall be made public by CAS, unless both parties agree that they should remain confidential. In any event, the other elements of the case record shall remain confidential.

D Special Provisions Applicable to the Consultation Proceedings

R60 [abrogated]

R61 [abrogated]

R62 [abrogated]

E Interpretation

R63 A party may, not later than 45 days following the notification of the award, apply to CAS for the interpretation of an award issued in an ordinary or appeals arbitration, if the operative part of the award is unclear, incomplete, ambiguous, if its components are self-contradictory or contrary to the reasons, or if the award contains clerical mistakes or mathematical miscalculations.

When an application for interpretation is filed, the President of the relevant Division shall review whether there are grounds for interpretation. If so, she/he shall submit the request for interpretation to the Panel which rendered the award. Any Panel members who are unable to act at such time shall be replaced in accordance with Article R36. The Panel shall rule on the request within one month following the submission of the request for interpretation to the Panel.

F Costs of the Arbitration Proceedings

R64 General

R64.1 Upon filing of the request/statement of appeal, the Claimant/Appellant shall pay a non-refundable Court Office fee of Swiss francs 1,000.-- without which the CAS shall not proceed. The Panel shall take such fee into account when assessing the final amount of costs.

If an arbitration procedure is terminated before a Panel has been constituted, the Division President shall rule on costs in the termination order. She/he may only order the payment of legal fees and other expenses upon request of a party and after all parties have been given the opportunity to file written submissions on costs.

R64.2 Upon formation of the Panel, the CAS Court Office shall fix, subject to later changes, the amount, the method and the time limits for the payment of the advance of costs. The filing of a counterclaim or a new claim may result in the calculation of additional advances.

To determine the amount to be paid in advance, the CAS Court Office shall fix an estimate of the costs of arbitration, which shall be borne by the parties in accordance with Article R64.4. The advance shall be paid in equal shares by the Claimant(s)/Appellant(s) and the Respondent(s). If a party fails to pay its share, another may substitute for it; in case of non-payment of the entire advance of costs within the time limit fixed by the CAS, the request/appeal shall be deemed withdrawn and the CAS shall terminate the arbitration; this provision applies *mutatis mutandis* to any counterclaim.

The management of the advance of costs is an administrative issue which is dealt with by the CAS Court Office. Each procedure has its own account for the management of the advance of costs, even when two or more procedures are consolidated.

R64.3 Each party shall pay for the costs of its own witnesses, experts and interpreters.

If the Panel appoints an expert or an interpreter, or orders the examination of a witness, it shall issue directions with respect to an advance of costs, if appropriate.

R64.4 At the end of the proceedings, the CAS Court Office shall determine the final amount of the cost of arbitration, which shall include:

- the CAS Court Office fee,
- the administrative costs of the CAS calculated in accordance with the CAS scale,
- the costs and fees of the arbitrators,
- the fees of the *ad hoc* clerk, if any, calculated in accordance with the CAS fee scale,
- a contribution towards the expenses of the CAS, and
- the costs of witnesses, experts and interpreters.

The final account of the arbitration costs may either be included in the award or communicated separately to the parties. It shall contain a detailed breakdown of each arbitrator's costs and fees and of the administrative costs and shall be notified to the parties within a reasonable period of time. The advance of costs already paid by the parties are not reimbursed by the CAS with the exception of the portion which exceeds the total amount of the arbitration costs.

R64.5 In the arbitral award, the Panel shall determine which party shall bear the arbitration costs or in which proportion the parties shall share them. As a general rule and without any specific request from the parties, the Panel has discretion to grant the prevailing party a contribution towards its legal fees and other expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and interpreters. When granting such contribution, the Panel shall take into account the complexity and outcome of the proceedings, as well as the conduct and the financial resources of the parties.

R65 Appeals against decisions issued by international federations in disciplinary matters

R65.1 This Article R65 applies to appeals against decisions which are exclusively of a disciplinary nature and which are rendered by an international federation or sports-body. It is not applicable to appeals against decisions related to sanctions imposed as a consequence of a dispute of an economic nature. In case of objection by any party concerning the application of Article R64 instead of R65, the CAS Court Office may request that the arbitration costs be paid in advance pursuant to Article R64.2 pending a decision by the Panel on the issue.

R65.2 Subject to Articles R65.2, para. 2 and R65.4, the proceedings shall be free. The fees and costs of the arbitrators, calculated in accordance with the CAS fee scale, together with the costs of CAS are borne by CAS.

Upon submission of the statement of appeal, the Appellant shall pay a non-refundable Court Office fee of Swiss francs 1,000.— without which CAS shall not proceed and the appeal shall be deemed withdrawn.

If an arbitration procedure is terminated before a Panel has been constituted, the Division President shall rule on costs in the termination order. She/he may only order the payment of legal costs upon request of a party and after all parties have been given the opportunity to file written submissions on costs.

R65.3 Each party shall pay for the costs of its own witnesses, experts and interpreters. In the arbitral award and without any specific request from the parties, the Panel has discretion to grant the prevailing party a contribution towards its legal fees and other expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and interpreters. When granting such contribution, the Panel shall take into account the complexity and the outcome of the proceedings, as well as the conduct and financial resources of the parties.

R65.4 If the circumstances so warrant, including whether the federation which has rendered the challenged decision is not a signatory to the Agreement constituting ICAS, the President of the Appeals Arbitration Division may apply Article R64 to an appeals arbitration, either ex officio or upon request of the President of the Panel.

R66 Consultation Proceedings

[abrogated]

G Miscellaneous Provisions

R67 These Rules are applicable to all procedures initiated by the CAS as from 1 February 2023. The procedures which are pending on 1 February 2023 remain subject to the Rules in force before 1 February 2023, unless both parties request the application of these Rules.

R68 CAS arbitrators, CAS mediators, ICAS and its members, CAS and its employees are not liable to any person for any act or omission in connection with any CAS proceeding.

R69 The French, the English and the Spanish texts are authentic. In the event of any discrepancy, the French text shall prevail.

R70 The Procedural Rules may be amended pursuant to Article S8.



WORLD
ANTI-DOPING
AGENCY

play true

WORLD ANTI-DOPING
CODE
2021

World Anti-Doping Code

The World Anti-Doping Code was first adopted in 2003 and took effect in 2004. It was subsequently amended four times, the first time effective 1 January 2009, the second time effective 1 January 2015, the third time effective 1 April 2018 (compliance amendments) and the fourth time effective 1 June 2019 (reporting of certain endogenous substances as *Atypical Findings*). The revised 2021 World Anti-Doping Code is effective as of 1 January 2021.

Published by:

World Anti-Doping Agency
Stock Exchange Tower
800 Place Victoria (Suite 1700)
PO Box 120
Montreal, Quebec
Canada H4Z 1B7

URL: www.wada-ama.org

Tel: +1 514 904 9232

Fax: +1 514 904 8650

E-mail: code@wada-ama.org

Table of Contents

PURPOSE, SCOPE AND ORGANIZATION OF THE WORLD ANTI-DOPING PROGRAM AND THE <i>CODE</i>	9
THE <i>CODE</i>	9
THE WORLD ANTI-DOPING PROGRAM	10
INTERNATIONAL STANDARDS.....	10
<i>TECHNICAL DOCUMENTS</i>	11
MODELS OF BEST PRACTICE AND GUIDELINES	12
FUNDAMENTAL RATIONALE FOR THE WORLD ANTI-DOPING <i>CODE</i>	13

PART ONE *DOPING CONTROL*

INTRODUCTION	16
ARTICLE 1 DEFINITION OF DOPING	19
ARTICLE 2 ANTI-DOPING RULE VIOLATIONS	19
2.1 PRESENCE OF A <i>PROHIBITED SUBSTANCE</i> OR ITS <i>METABOLITES</i> OR <i>MARKERS</i> IN AN <i>ATHLETE'S SAMPLE</i>	19
2.2 <i>USE</i> OR <i>ATTEMPTED USE</i> BY AN <i>ATHLETE</i> OF A <i>PROHIBITED SUBSTANCE</i> OR A <i>PROHIBITED METHOD</i>	21
2.3 <i>EVADING</i> , <i>REFUSING</i> OR <i>FAILING</i> TO <i>SUBMIT</i> TO <i>SAMPLE COLLECTION</i> BY AN <i>ATHLETE</i>	22
2.4 <i>WHEREABOUTS FAILURES</i> BY AN <i>ATHLETE</i>	22
2.5 <i>TAMPERING</i> OR <i>ATTEMPTED TAMPERING</i> WITH ANY PART OF <i>DOPING CONTROL</i> BY AN <i>ATHLETE</i> OR OTHER <i>PERSON</i>	22
2.6 <i>POSSESSION</i> OF A <i>PROHIBITED SUBSTANCE</i> OR A <i>PROHIBITED METHOD</i> BY AN <i>ATHLETE</i> OR <i>ATHLETE SUPPORT PERSON</i>	22
2.7 <i>TRAFFICKING</i> OR <i>ATTEMPTED TRAFFICKING</i> IN ANY <i>PROHIBITED SUBSTANCE</i> OR <i>PROHIBITED</i> <i>METHOD</i> BY AN <i>ATHLETE</i> OR OTHER <i>PERSON</i>	23

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	23
2.9	COMPLICITY OR ATTEMPTED COMPLICITY BY AN ATHLETE OR OTHER PERSON.....	23
2.10	PROHIBITED ASSOCIATION BY AN ATHLETE OR OTHER PERSON.....	24
2.11	ACTS BY AN ATHLETE OR OTHER PERSON TO DISCOURAGE OR RETALIATE AGAINST REPORTING TO AUTHORITIES.....	25
ARTICLE 3 PROOF OF DOPING.....		26
3.1	BURDENS AND STANDARDS OF PROOF	26
3.2	METHODS OF ESTABLISHING FACTS AND PRESUMPTIONS	27
ARTICLE 4 THE PROHIBITED LIST		31
4.1	PUBLICATION AND REVISION OF THE PROHIBITED LIST.....	31
4.2	PROHIBITED SUBSTANCES AND PROHIBITED METHODS IDENTIFIED ON THE PROHIBITED LIST.....	32
4.3	CRITERIA FOR INCLUDING SUBSTANCES AND METHODS ON THE PROHIBITED LIST.....	33
4.4	THERAPEUTIC USE EXEMPTIONS ("TUEs").....	35
4.5	MONITORING PROGRAM.....	40
ARTICLE 5 TESTING AND INVESTIGATIONS.....		41
5.1	PURPOSE OF TESTING AND INVESTIGATIONS.....	41
5.2	AUTHORITY TO TEST.....	41
5.3	EVENT TESTING	43
5.4	TESTING REQUIREMENTS.....	44
5.5	ATHLETE WHEREABOUTS INFORMATION.....	44
5.6	RETIRED ATHLETES RETURNING TO COMPETITION	45
5.7	INVESTIGATIONS AND INTELLIGENCE GATHERING	46

ARTICLE 6 ANALYSIS OF SAMPLES47

6.1	USE OF ACCREDITED, APPROVED LABORATORIES AND OTHER LABORATORIES	47
6.2	PURPOSE OF ANALYSIS OF <i>SAMPLES</i> AND DATA.....	48
6.3	RESEARCH ON <i>SAMPLES</i> AND DATA	48
6.4	STANDARDS FOR <i>SAMPLE</i> ANALYSIS AND REPORTING	49
6.5	FURTHER ANALYSIS OF A <i>SAMPLE</i> PRIOR TO OR DURING <i>RESULTS</i> MANAGEMENT.....	49
6.6	FURTHER ANALYSIS OF A <i>SAMPLE</i> AFTER IT HAS BEEN REPORTED AS NEGATIVE OR HAS OTHERWISE NOT RESULTED IN AN ANTI-DOPING RULE VIOLATION CHARGE.....	49
6.7	SPLIT OF A OR B <i>SAMPLE</i>	50
6.8	WADA'S RIGHT TO TAKE POSSESSION OF <i>SAMPLES</i> AND DATA.....	51

ARTICLE 7 RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS52

7.1	RESPONSIBILITY FOR CONDUCTING <i>RESULTS</i> MANAGEMENT	52
7.2	REVIEW AND NOTIFICATION REGARDING POTENTIAL ANTI-DOPING RULE VIOLATIONS.....	56
7.3	IDENTIFICATION OF PRIOR ANTI-DOPING RULE VIOLATIONS.....	56
7.4	PRINCIPLES APPLICABLE TO <i>PROVISIONAL SUSPENSIONS</i>	56
7.5	<i>RESULTS</i> MANAGEMENT DECISIONS.....	59
7.6	NOTIFICATION OF <i>RESULTS</i> MANAGEMENT DECISIONS	60
7.7	RETIREMENT FROM SPORT	61

ARTICLE 8 RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION61

8.1	FAIR HEARINGS	61
8.2	<i>EVENT</i> HEARINGS	62
8.3	WAIVER OF HEARING	62
8.4	NOTICE OF DECISIONS	62
8.5	SINGLE HEARING BEFORE CAS	62

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS63

ARTICLE 10 SANCTIONS ON INDIVIDUALS..... 63

10.1 *DISQUALIFICATION OF RESULTS IN THE EVENT DURING WHICH AN ANTI-DOPING RULE VIOLATION OCCURS*63

10.2 *INELIGIBILITY FOR PRESENCE, USE OR ATTEMPTED USE OR POSSESSION OF A PROHIBITED SUBSTANCE OR PROHIBITED METHOD* 64

10.3 *INELIGIBILITY FOR OTHER ANTI-DOPING RULE VIOLATIONS* 67

10.4 *AGGRAVATING CIRCUMSTANCES WHICH MAY INCREASE THE PERIOD OF INELIGIBILITY*..... 69

10.5 *ELIMINATION OF THE PERIOD OF INELIGIBILITY WHERE THERE IS NO FAULT OR NEGLIGENCE* 69

10.6 *REDUCTION OF THE PERIOD OF INELIGIBILITY BASED ON NO SIGNIFICANT FAULT OR NEGLIGENCE* 70

10.7 *ELIMINATION, REDUCTION, OR SUSPENSION OF PERIOD OF INELIGIBILITY OR OTHER CONSEQUENCES FOR REASONS OTHER THAN FAULT* 72

10.8 *RESULTS MANAGEMENT AGREEMENTS*..... 77

10.9 *MULTIPLE VIOLATIONS* 79

10.10 *DISQUALIFICATION OF RESULTS IN COMPETITIONS SUBSEQUENT TO SAMPLE COLLECTION OR COMMISSION OF AN ANTI-DOPING RULE VIOLATION*..... 82

10.11 *FORFEITED PRIZE MONEY* 83

10.12 *FINANCIAL CONSEQUENCES* 83

10.13 *COMMENCEMENT OF INELIGIBILITY PERIOD* 84

10.14 *STATUS DURING INELIGIBILITY OR PROVISIONAL SUSPENSION* 86

10.15 *AUTOMATIC PUBLICATION OF SANCTION* 89

ARTICLE 11 CONSEQUENCES TO TEAMS89

11.1 *TESTING OF TEAM SPORTS* 89

11.2 *CONSEQUENCES FOR TEAM SPORTS*..... 89

11.3 *EVENT RULING BODY OR INTERNATIONAL FEDERATION MAY ESTABLISH STRICTER CONSEQUENCES FOR TEAM SPORTS*..... 90

ARTICLE 12 SANCTIONS BY SIGNATORIES AGAINST OTHER SPORTING BODIES	90
ARTICLE 13 RESULTS MANAGEMENT: APPEALS	91
13.1 DECISIONS SUBJECT TO APPEAL.....	91
13.2 APPEALS FROM DECISIONS REGARDING ANTI-DOPING RULE VIOLATIONS, CONSEQUENCES, PROVISIONAL SUSPENSIONS, IMPLEMENTATION OF DECISIONS AND AUTHORITY	92
13.3 FAILURE TO RENDER A TIMELY DECISION BY AN ANTI-DOPING ORGANIZATION.....	97
13.4 APPEALS RELATING TO TUEs.....	97
13.5 NOTIFICATION OF APPEAL DECISIONS.....	97
13.6 APPEALS FROM DECISIONS UNDER ARTICLE 24.1	97
13.7 APPEALS FROM DECISIONS SUSPENDING OR REVOKING LABORATORY ACCREDITATION	98
ARTICLE 14 CONFIDENTIALITY AND REPORTING	98
14.1 INFORMATION CONCERNING ADVERSE ANALYTICAL FINDINGS, ATYPICAL FINDINGS, AND OTHER ASSERTED ANTI-DOPING RULE VIOLATIONS	98
14.2 NOTICE OF ANTI-DOPING RULE VIOLATION OR VIOLATIONS OF INELIGIBILITY OR PROVISIONAL SUSPENSION DECISIONS AND REQUEST FOR FILES.....	100
14.3 PUBLIC DISCLOSURE	100
14.4 STATISTICAL REPORTING	102
14.5 DOPING CONTROL INFORMATION DATABASE AND MONITORING OF COMPLIANCE	103
14.6 DATA PRIVACY.....	104
ARTICLE 15 IMPLEMENTATION OF DECISIONS	105
15.1 AUTOMATIC BINDING EFFECT OF DECISIONS BY SIGNATORY ANTI-DOPING ORGANIZATIONS	105
15.2 IMPLEMENTATION OF OTHER DECISIONS BY ANTI-DOPING ORGANIZATIONS.....	107
15.3 IMPLEMENTATION OF DECISIONS BY BODY THAT IS NOT A SIGNATORY.....	107

ARTICLE 16 DOPING CONTROL FOR ANIMALS COMPETING IN SPORT	108
---	------------

ARTICLE 17 STATUTE OF LIMITATIONS	108
--	------------

PART TWO **EDUCATION AND RESEARCH**

ARTICLE 18 EDUCATION	110
-----------------------------------	------------

18.1 PRINCIPLES	110
-----------------------	-----

18.2 EDUCATION PROGRAM AND PLAN BY SIGNATORIES	110
--	-----

ARTICLE 19 RESEARCH	114
----------------------------------	------------

19.1 PURPOSE AND AIMS OF ANTI-DOPING RESEARCH	114
---	-----

19.2 TYPES OF RESEARCH	114
------------------------------	-----

19.3 COORDINATION OF RESEARCH AND SHARING OF RESULTS	114
---	-----

19.4 RESEARCH PRACTICES	114
-------------------------------	-----

19.5 RESEARCH USING PROHIBITED SUBSTANCES AND PROHIBITED METHODS	115
---	-----

19.6 MISUSE OF RESULTS	115
------------------------------	-----

PART THREE **ROLES AND RESPONSIBILITIES**

ARTICLE 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF SIGNATORIES AND WADA	118
---	------------

20.1 ROLES AND RESPONSIBILITIES OF THE INTERNATIONAL OLYMPIC COMMITTEE	118
---	-----

20.2 ROLES AND RESPONSIBILITIES OF THE INTERNATIONAL PARALYMPIC COMMITTEE	120
--	-----

20.3 ROLES AND RESPONSIBILITIES OF INTERNATIONAL FEDERATIONS	122
---	-----

20.4 ROLES AND RESPONSIBILITIES OF NATIONAL OLYMPIC COMMITTEES AND NATIONAL PARALYMPIC COMMITTEES	126
---	-----

20.5 ROLES AND RESPONSIBILITIES OF NATIONAL ANTI-DOPING ORGANIZATIONS	129
--	-----

20.6 ROLES AND RESPONSIBILITIES OF MAJOR EVENT ORGANIZATIONS	131
---	-----

20.7 ROLES AND RESPONSIBILITIES OF WADA	133
---	-----

20.8 COOPERATION REGARDING THIRD PARTY REGULATIONS.....	135
ARTICLE 21 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS.....	136
21.1 ROLES AND RESPONSIBILITIES OF <i>ATHLETES</i>	136
21.2 ROLES AND RESPONSIBILITIES OF <i>ATHLETE SUPPORT PERSONNEL</i>	137
21.3 ROLES AND RESPONSIBILITIES OF OTHER <i>PERSONS</i> SUBJECT TO THE <i>CODE</i>	138
21.4 ROLES AND RESPONSIBILITIES OF <i>REGIONAL ANTI-DOPING ORGANIZATIONS</i>	138
ARTICLE 22 INVOLVEMENT OF GOVERNMENTS	139
PART FOUR ACCEPTANCE, COMPLIANCE, MODIFICATION AND INTERPRETATION	
ARTICLE 23 ACCEPTANCE AND IMPLEMENTATION	144
23.1 ACCEPTANCE OF THE <i>CODE</i>	144
23.2 IMPLEMENTATION OF THE <i>CODE</i>	145
23.3 IMPLEMENTATION OF ANTI-DOPING PROGRAMS	146
ARTICLE 24 MONITORING AND ENFORCING COMPLIANCE WITH THE <i>CODE</i> AND <i>UNESCO CONVENTION</i>	147
24.1 MONITORING AND ENFORCING COMPLIANCE WITH THE <i>CODE</i>	147
24.2 MONITORING COMPLIANCE WITH THE <i>UNESCO CONVENTION</i>	157
ARTICLE 25 MODIFICATION AND WITHDRAWAL.....	157
25.1 MODIFICATION	157
25.2 WITHDRAWAL OF ACCEPTANCE OF THE <i>CODE</i>	158
ARTICLE 26 INTERPRETATION OF THE <i>CODE</i>.....	159
ARTICLE 27 TRANSITIONAL PROVISIONS	159
27.1 <i>GENERAL</i> APPLICATION OF THE 2021 <i>CODE</i>	159
27.2 NON-RETROACTIVE EXCEPT FOR ARTICLES 10.9.4 AND 17 OR UNLESS PRINCIPLE OF “ <i>LEX MITIOR</i> ” APPLIES.....	160

27.3	APPLICATION TO DECISIONS RENDERED PRIOR TO THE 2021 <i>CODE</i>	160
27.4	MULTIPLE VIOLATIONS WHERE THE FIRST VIOLATION OCCURS PRIOR TO 1 JANUARY 2021.....	161
27.5	ADDITIONAL <i>CODE</i> AMENDMENTS.....	161
27.6	CHANGES TO THE <i>PROHIBITED LIST</i>	161

APPENDIX 1 DEFINITIONS



PURPOSE, SCOPE AND ORGANIZATION OF THE WORLD ANTI-DOPING PROGRAM AND THE *CODE*

The purposes of the World Anti-Doping *Code* and the World Anti-Doping Program which supports it are:

- To protect the *Athletes'* fundamental right to participate in doping-free sport and thus promote health, fairness and equality for *Athletes* worldwide, and
- To ensure harmonized, coordinated and effective anti-doping programs at the international and national level with regard to the prevention of doping, including:

Education — to raise awareness, inform, communicate, to instill values, develop life skills and decision-making capability to prevent intentional and unintentional anti-doping rule violations.

Deterrence — to divert potential dopers, through ensuring that robust rules and sanctions are in place and salient for all stakeholders.

Detection — an effective *Testing* and investigations system not only enhances a deterrent effect, but also is effective in protecting clean *Athletes* and the spirit of sport by catching those committing anti-doping rule violations, while also helping to disrupt anyone engaged in doping behavior.

Enforcement — to adjudicate and sanction those found to have committed an anti-doping rule violation.

Rule of law — to ensure that all relevant stakeholders have agreed to submit to the *Code* and the *International Standards*, and that all measures taken in application of their anti-doping programs respect the *Code*, the *International Standards*, and the principles of proportionality and human rights.

The *Code*

The *Code* is the fundamental and universal document upon which the World Anti-Doping Program in sport is based. The purpose of the *Code* is to advance the anti-doping effort through universal harmonization of core anti-doping elements. It is intended to be specific enough to achieve complete harmonization on issues

where uniformity is required, yet general enough in other areas to permit flexibility on how agreed-upon anti-doping principles are implemented. The *Code* has been drafted giving consideration to the principles of proportionality and human rights.¹

The World Anti-Doping Program

The World Anti-Doping Program encompasses all of the elements needed in order to ensure optimal harmonization and best practice in international and national anti-doping programs. The main elements are:

Level 1: The *Code*

Level 2: *International Standards* and *Technical Documents*


Level 3: Models of Best Practice and Guidelines

International Standards

International Standards for different technical and operational areas within the anti-doping program have been and will be developed in consultation with the *Signatories* and governments and approved by WADA. The purpose of the *International Standards* is harmonization among *Anti-Doping Organizations* responsible for specific technical and operational parts of anti-doping programs. Adherence to the *International Standards* is mandatory for compliance with the *Code*. The *International Standards* may be revised from time to time by the WADA Executive Committee after reasonable consultation with *Signatories*, governments and other relevant stakeholders.

1 [Comment: The Olympic Charter and the International Convention against Doping in Sport 2005 adopted in Paris on 19 October 2005 ("UNESCO Convention"), both recognize the prevention of and the fight against

doping in sport as a critical part of the mission of the International Olympic Committee and UNESCO, and also recognize the fundamental role of the Code.]



International Standards and all revisions will be published on the WADA website and shall become effective on the date specified in the *International Standard* or revision.²

Technical Documents

Technical Documents relating to mandatory technical requirements for the implementation of an *International Standard* may be approved and published from time to time by the WADA Executive Committee. Adherence to *Technical Documents* is mandatory for compliance with the *Code*. Where the implementation of a new or revised *Technical Document* is not time sensitive, the WADA Executive Committee shall allow for reasonable consultation with *Signatories*, governments and other relevant stakeholders. *Technical Documents* shall become effective immediately upon publication on the WADA website unless a later date is specified.³

2 [Comment: The *International Standards* contain much of the technical detail necessary for implementing the *Code*. *International Standards* will, in consultation with *Signatories*, governments and other relevant stakeholders, be developed by experts

and set forth in separate documents. It is important that the WADA Executive Committee be able to make timely changes to the *International Standards* without requiring any amendment of the *Code*.]

3 [Comment: For example, where an additional analytical procedure is required before reporting a Sample as an Adverse Analytical Finding,

that procedure would be mandated in a *Technical Document* issued immediately by the WADA Executive Committee.]

Models of Best Practice and Guidelines

Models of best practice and guidelines based on the *Code* and *International Standards* have been and will be developed to provide solutions in different areas of anti-doping. The models and guidelines will be recommended by WADA and made available to *Signatories* and other relevant stakeholders, but will not be mandatory. In addition to providing models of anti-doping documentation, WADA will also make some training assistance available to *Signatories*.⁴

4 [Comment: These model documents may provide alternatives from which stakeholders may select. Some stakeholders may choose to adopt the model rules and other models of best practices verbatim. Others may decide to adopt the models with modifications. Still other stakeholders may choose to develop their own rules consistent

with the general principles and specific requirements set forth in the Code.

Model documents or guidelines for specific parts of anti-doping work have been developed and may continue to be developed based on generally recognized stakeholder needs and expectations.]



FUNDAMENTAL RATIONALE FOR THE WORLD ANTI-DOPING CODE

Anti-doping programs are founded on the intrinsic value of sport. This intrinsic value is often referred to as “the spirit of sport”: the ethical pursuit of human excellence through the dedicated perfection of each *Athlete’s* natural talents.

Anti-doping programs seek to protect the health of *Athletes* and to provide the opportunity for *Athletes* to pursue human excellence without the *Use of Prohibited Substances* and *Prohibited Methods*.

Anti-doping programs seek to maintain the integrity of sport in terms of respect for rules, other competitors, fair competition, a level playing field, and the value of clean sport to the world.

The spirit of sport is the celebration of the human spirit, body and mind. It is the essence of Olympism and is reflected in the values we find in and through sport, including:

- Health
- Ethics, fair play and honesty
- *Athletes’* rights as set forth in the *Code*
- Excellence in performance
- Character and *Education*
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other *Participants*
- Courage
- Community and solidarity

The spirit of sport is expressed in how we play true.

Doping is fundamentally contrary to the spirit of sport.



PART ONE
DOPING CONTROL




INTRODUCTION

Part One of the *Code* sets forth specific anti-doping rules and principles that are to be followed by organizations responsible for adopting, implementing or enforcing anti-doping rules within their authority, e.g., the International Olympic Committee, International Paralympic Committee, International Federations, *National Olympic Committees* and *Paralympic Committees*, *Major Event Organizations*, and *National Anti-Doping Organizations*. All such organizations are collectively referred to as *Anti-Doping Organizations*.

All provisions of the *Code* are mandatory in substance and must be followed as applicable by each *Anti-Doping Organization* and *Athlete* or other *Person*. The *Code* does not, however, replace or eliminate the need for comprehensive anti-doping rules to be adopted by each *Anti-Doping Organization*. While some provisions of the *Code* must be incorporated without substantive change by each *Anti-Doping Organization* in its own anti-doping rules, other provisions of the *Code* establish mandatory guiding principles that allow flexibility in the formulation of rules by each *Anti-Doping Organization* or establish requirements that must be followed by each *Anti-Doping Organization* but need not be repeated in its own anti-doping rules.⁵

5 [Comment: Those Articles of the Code which must be incorporated into each Anti-Doping Organization's rules without substantive change are set forth in Article 23.2.2. For example, it is critical for purposes of harmonization that all Signatories base their decisions on the same list of anti-doping rule violations, the same burdens of proof and impose the same consequences for the same anti-doping rule violations. These rules must be the same whether a hearing takes place before an International Federation, at the national level or before the Court of Arbitration for Sport.

Code provisions not listed in Article 23.2.2 are still mandatory in substance even though an Anti-Doping Organization is not required to incorporate them verbatim. Those provisions generally fall into two categories. First, some provisions direct Anti-Doping Organizations to take certain actions but there is no need to restate the provision in the Anti-Doping Organization's own anti-doping rules. For example, each Anti-Doping Organization must plan and conduct Testing as required by Article 5, but these directives to the Anti-Doping Organization need not be repeated in the Anti-Doping Organization's own rules. Second, some provisions are mandatory in substance but give



Anti-doping rules, like competition rules, are sport rules governing the conditions under which sport is played. *Athletes, Athlete Support Personnel* or other *Persons* (including board members, directors, officers, and specified employees and *Delegated Third Parties* and their employees) accept these rules as a condition of participation or involvement in sport and shall be bound by these rules.⁶ Each *Signatory* shall establish rules and procedures to ensure that all *Athletes, Athlete Support Personnel* or other *Persons* under the authority of the *Signatory* and its member organizations are informed of and agree to be bound by anti-doping rules in force of the relevant *Anti-Doping Organizations*.

Each *Signatory* shall establish rules and procedures to ensure that all *Athletes, Athlete Support Personnel* or other *Persons* under the authority of the *Signatory* and its member organizations are informed of the dissemination of their private data as required or authorized by the *Code*, and are bound by and compliant with the anti-doping rules found in the *Code*, and that the appropriate *Consequences* are imposed on those *Athletes* or other *Persons* who breach those rules. These sport-specific rules and procedures, aimed at enforcing anti-doping rules in a global and harmonized way, are distinct in nature from criminal and civil proceedings. They are not intended to be subject to or limited by any national requirements and legal standards applicable to such proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and

each Anti-Doping Organization some flexibility in the implementation of the principles stated in the provision. As an example, it is not necessary for effective harmonization to force all Signatories

to use one single Results Management process as long as the process utilized satisfies the requirements stated in the Code and the International Standard for Results Management.]

6 [Comment: Where the Code requires a Person other than an Athlete or Athlete Support Person to be bound by the Code, such Person would of course not be subject to Sample collection or Testing, and would not be charged with an anti-doping rule violation under the Code for Use or Possession of a Prohibited Substance or Prohibited Method. Rather, such Person would only be subject to discipline for a violation

of Code Articles 2.5 (Tampering), 2.7 (Trafficking), 2.8 (Administration), 2.9 (Complicity), 2.10 (Prohibited Association) and 2.11 (Retaliation). Furthermore, such Person would be subject to the additional roles and responsibilities according to Article 21.3. Also, the obligation to require an employee to be bound by the Code is subject to applicable law.]

human rights. When reviewing the facts and the law of a given case, all courts, arbitral hearing panels and other adjudicating bodies should be aware of and respect the distinct nature of the anti-doping rules in the *Code* and the fact that those rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

As provided in the *Code*, each *Anti-Doping Organization* shall be responsible for conducting all aspects of *Doping Control*. Any aspect of *Doping Control* or anti-doping *Education* may be delegated by an *Anti-Doping Organization* to a *Delegated Third Party*, however, the delegating *Anti-Doping Organization* shall require the *Delegated Third Party* to perform such aspects in compliance with the *Code* and *International Standards*, and the *Anti-Doping Organization* shall remain fully responsible for ensuring that any delegated aspects are performed in compliance with the *Code*.



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](#).⁷

7 [Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an Athlete's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". An Athlete's Fault is

taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.]

- 2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analyzed; or, where the *Athlete's B Sample* is analyzed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or where the *Athlete's 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*.⁸
- 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*.

8 [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.]



2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method⁹

- 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.¹⁰

9 [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.]

10 [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*.¹¹

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.¹²

11 [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*.]

12 [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.]



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.*¹³

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*.¹⁴

¹³ [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.]

¹⁴ [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 (6) 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.¹⁵

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

15 [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.]

body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organization*.¹⁶

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.¹⁷

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.¹⁸ 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

16 [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.]

17 [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.]

18 [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.]



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.

3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions.¹⁹ The following rules of proof shall be applicable in doping cases:

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 ten (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

19 [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.]

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.²⁰

- 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*.²¹

20 [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.]

21 [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 –



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;²² 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:

(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

“could reasonably have caused.” If the Athlete or other Person satisfies this standard, 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.]

22 [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 Standard* for *Education*, *International Standard* for the *Protection of Privacy and Personal Information* or *International Standard*

for *Therapeutic Use Exemptions* – 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.]

Testing and Investigations related to an *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*;²³

(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

23 [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.]



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

4.1 Publication and Revision of the *Prohibited List*

WADA shall, as often as necessary and no less often than annually, publish the *Prohibited List* as an *International Standard*. The proposed content of the *Prohibited List* and all revisions shall be provided in writing promptly to all *Signatories* and governments for comment and consultation. Each annual version of the *Prohibited List* and all revisions shall be distributed promptly by WADA to each *Signatory*, WADA-accredited or approved laboratory, and government, and shall be published on WADA's website, and each *Signatory* shall take appropriate steps to distribute the *Prohibited List* to its members and constituents. The rules of each *Anti-Doping Organization* shall specify that, unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under the *Anti-Doping Organization's* rules three (3) months after publication of the *Prohibited List* by WADA without requiring any further action by the *Anti-Doping Organization*.²⁴

24 [Comment to Article 4.1: The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made. WADA will always have the

most current Prohibited List published on its website. The Prohibited List is an integral part of the International Convention against Doping in Sport. WADA will inform the Director-General of UNESCO of any change to the Prohibited List.]

4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

4.2.1 Prohibited Substances and Prohibited Methods

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential, and those substances and methods which are prohibited *In-Competition* only. The *Prohibited List* may be expanded by WADA for a particular sport. *Prohibited Substances* and *Prohibited Methods* may be included in the *Prohibited List* by general category (e.g., anabolic agents) or by specific reference to a particular Substance or Method.²⁵

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*.²⁶

25 [Comment to Article 4.2.1: Out-of-Competition Use of a Substance which is only prohibited In-Competition is not an anti-doping rule violation

unless an Adverse Analytical Finding for the Substance or its Metabolites or Markers is reported for a Sample collected In-Competition.]

26 [Comment to Article 4.2.2: The Specified Substances and Specified 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.

4.2.4 *New Classes of Prohibited Substances or Prohibited Methods*

In the event WADA expands the *Prohibited List* by adding a new class of *Prohibited Substances* or *Prohibited Methods* in accordance with [Article 4.1](#), WADA's Executive Committee shall determine whether any or all *Prohibited Substances* or *Prohibited Methods* within the new class shall be considered *Specified Substances* or *Specified Methods* under [Article 4.2.2](#) or *Substances of Abuse* under [Article 4.2.3](#).

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

WADA shall consider the following criteria in deciding whether to include a substance or method on the *Prohibited List*:

- 4.3.1 A substance or method shall be considered for inclusion on the *Prohibited List* if WADA, in its sole discretion, determines that the substance or method meets any two of the following three criteria:


- 4.3.1.1 Medical or other scientific evidence, pharmacological effect or experience that the substance or method, alone or in combination with other substances or methods, has the potential to enhance or enhances sport performance;²⁷
- 4.3.1.2 Medical or other scientific evidence, pharmacological effect or experience that the *Use* of the substance or method represents an actual or potential health risk to the *Athlete*;
- 4.3.1.3 WADA's determination that the *Use* of the substance or method violates the spirit of sport described in the introduction to the *Code*.
- 4.3.2 A substance or method shall also be included on the *Prohibited List* if WADA determines there is medical or other scientific evidence, pharmacological effect or experience that the substance or method has the potential to mask the *Use* of other *Prohibited Substances* or *Prohibited Methods*.²⁸
- 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 a substance as prohibited at all times or *In-Competition* only, the classification of a substance or method

27 [Comment to Article 4.3.1.1: This Article anticipates that there may be substances that, when used alone, are not prohibited but which will be prohibited if used in combination with certain other substances. A substance which is added to the Prohibited List

because it has the potential to enhance performance only in combination with another substance shall be so noted and shall be prohibited only if there is evidence relating to both substances in combination.]

28 [Comment to Article 4.3.2: As part of the process each year, all Signatories, governments and other interested

Persons are invited to provide comments to WADA on the content of the Prohibited List.]



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 appellate body described in [Article 13.2.2](#).
- 4.4.3 *Athletes* who are *International-Level Athletes* shall apply to their *International Federation*.²⁹

29 [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 twenty-one (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 twenty-one-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 twenty-one (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 twenty-one (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*.³⁰

30 [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.³¹
- 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.³²

31 [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.]

32 [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.


4.5 Monitoring Program

WADA, in consultation with *Signatories* and governments, shall establish a monitoring program regarding substances which are not on the *Prohibited List*, but which WADA wishes to monitor in order to detect potential patterns of misuse in sport. In addition, WADA may include in the monitoring program substances that are on the *Prohibited List*, but which are to be monitored under certain circumstances—e.g., *Out-of-Competition Use* of some substances prohibited *In-Competition* only or the combined *Use* of multiple substances at low doses (“stacking”)—in order to establish prevalence of *Use* or to be able to implement adequate decisions in regards to their analysis by laboratories or their status within the *Prohibited List*.

WADA shall publish the substances that will be monitored.³³ Laboratories will report the instances of reported *Use* or detected presence of these substances to WADA. WADA shall make available to International Federations and *National Anti-Doping Organizations*, on at least an annual basis, aggregate information by sport regarding the monitored substances. Such monitoring program reports shall not contain additional details that

33 [Comment to Article 4.5: In order to improve the efficiency of the monitoring program, once a new substance is added to the published monitoring

program, laboratories may re-process data and Samples previously analyzed in order to determine the absence or presence of any new substance.]



could link the monitoring results to specific *Samples*. WADA shall implement measures to ensure that strict anonymity of individual *Athletes* is maintained with respect to such reports. The reported *Use* or detected presence of a monitored substance shall not constitute an anti-doping rule violation.

ARTICLE 5 TESTING AND INVESTIGATIONS

5.1 Purpose of *Testing* and Investigations

Testing and investigations may be undertaken for any anti-doping purpose.³⁴

5.1.1 *Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*) or Article 2.2 (*Use* or *Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*) of the *Code*.

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.³⁵ Subject to the limitations for *Event Testing* set out in Article 5.3:


34 [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.]

35 [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 sixty-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.]

- 5.2.1 Each *National Anti-Doping Organization* shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* who are nationals, residents, license-holders or members of sport organizations of that country or who are present in that *National Anti-Doping Organization's* country.
- 5.2.2 Each International Federation shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* who are subject to its rules, including those who participate in *International Events* or who participate in *Events* governed by the rules of that International Federation, or who are members or license-holders of that International Federation or its member National Federations, or their members.
- 5.2.3 Each *Major Event Organization*, including the International Olympic Committee and the International Paralympic Committee, shall have *In-Competition Testing* authority for its *Events* and *Out-of-Competition Testing* authority over all *Athletes* entered in one of its future *Events* or who have otherwise been made subject to the *Testing* authority of the *Major Event Organization* for a future *Event*.
- 5.2.4 WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in [Article 20.7.10](#).
- 5.2.5 *Anti-Doping Organizations* may test any *Athlete* over whom they have *Testing* authority who has not retired, including *Athletes* serving a period of *Ineligibility*.
- 5.2.6 If an International Federation or *Major Event Organization* delegates or contracts any part of *Testing* to a *National Anti-Doping Organization* directly or through a National Federation, that *National Anti-Doping Organization* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense. If



additional *Samples* are collected or additional types of analysis are performed, the International Federation or *Major Event Organization* shall be notified.

5.3 *Event Testing*

- 5.3.1 Except as otherwise provided below, only a single organization shall have authority to conduct *Testing* at *Event Venues* during an *Event Period*. At *International Events*, the international organization which is the ruling body for the *Event* (e.g., the International Olympic Committee for the Olympic Games, the International Federation for a World Championship and Panam Sports for the Pan American Games) shall have authority to conduct *Testing*. At *National Events*, the *National Anti-Doping Organization* of that country shall have authority to conduct *Testing*. At the request of the ruling body for an *Event*, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with that ruling body.³⁶
- 5.3.2 If an *Anti-Doping Organization*, which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event*, desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organization* shall first confer with the ruling body of the *Event* to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organization* is not satisfied with the response from the ruling body of the *Event*, the *Anti-Doping Organization* may, in accordance with procedures described in the *International Standard for Testing and Investigations*, ask WADA for permission to conduct *Testing* and to

36 [Comment to Article 5.3.1: Some ruling bodies for International Events may be doing their own Testing outside of the Event Venues during the Event

Period and thus want to coordinate that Testing with National Anti-Doping Organization Testing.]

determine how to coordinate such *Testing*. WADA shall not grant approval for such *Testing* before consulting with and informing the ruling body for the *Event*. WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. *Results Management* for any such test shall be the responsibility of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.³⁷

5.4 Testing Requirements


- 5.4.1 *Anti-Doping Organizations* shall conduct test distribution planning and *Testing* as required by the *International Standard for Testing and Investigations*.
- 5.4.2 Where reasonably feasible, *Testing* shall be coordinated through ADAMS in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

5.5 Athlete Whereabouts Information

Athletes who have been included in a *Registered Testing Pool* by their International Federation and/or *National Anti-Doping Organization* shall provide whereabouts information in the manner specified in the *International Standard for Testing and Investigations* and shall be subject to *Consequences* for [Article 2.4](#) violations as provided in [Article 10.3.2](#). The International Federations

37 [Comment to Article 5.3.2: Before giving approval to a National Anti-Doping Organization to initiate and conduct Testing at an International Event, WADA shall consult with the international organization which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with

the National Anti-Doping Organization of the country where the Event takes place. The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with a Delegated Third Party to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]



and *National Anti-Doping Organizations* shall coordinate the identification of such *Athletes* and the collection of their whereabouts information. Each *International Federation* and *National Anti-Doping Organization* shall make available through *ADAMS* a list which identifies those *Athletes* included in its *Registered Testing Pool* by name. *Athletes* shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool. The whereabouts information they provide while in the *Registered Testing Pool* will be accessible through *ADAMS* to *WADA* and to other *Anti-Doping Organizations* having authority to test the *Athlete* as provided in [Article 5.2](#). Whereabouts information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard for the Protection of Privacy and Personal Information*.

Anti-Doping Organizations may, in accordance with the *International Standard for Testing and Investigations*, collect whereabouts information from *Athletes* who are not included within a *Registered Testing Pool* and impose appropriate and proportionate non-Code [Article 2.4](#) consequences under their own rules.

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](#).³⁸

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*.

5.7 Investigations and Intelligence Gathering

Anti-Doping Organizations shall have the capability to conduct, and shall conduct, investigations and gather intelligence as required by the *International Standard* for *Testing* and Investigations.

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



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*.³⁹

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.

39 [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.]

6.2 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.⁴⁰

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*.⁴¹ Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in [Article 19](#).

40 [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](#).]

41 [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.]



6.4 Standards for *Sample* Analysis and Reporting⁴²

Laboratories shall analyze *Samples* and report results in conformity with the *International Standard for Laboratories*.

6.4.1 Laboratories at their own initiative and expense may analyze *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard *Sample* analysis menu, or as requested by the *Anti-Doping Organization* that initiated and directed *Sample* collection. Results from any such analysis shall be reported to that *Anti-Doping Organization* and have the same validity and *Consequences* as any other analytical result.

6.5 Further Analysis of a *Sample* Prior to or During Results Management

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time an *Anti-Doping Organization* notifies an *Athlete* that the *Sample* is the basis for an [Article 2.1](#) anti-doping rule violation charge. If after such notification the *Anti-Doping Organization* wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Athlete* or approval from a hearing body.

6.6 Further Analysis of a *Sample* After it has been Reported as Negative or has Otherwise not Resulted in an Anti-Doping Rule Violation Charge

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of [Article 6.2](#) at any

⁴² [Comment to [Article 6.4](#): The objective of this Article is to extend the principle of “Intelligent Testing” to the *Sample* analysis menu so as to most effectively and efficiently detect doping. It is recognized that the

resources available to fight doping are limited and that increasing the *Sample* analysis menu may, in some sports and countries, reduce the number of *Samples* which can be analyzed.]

time exclusively at the direction of either the *Anti-Doping Organization* that initiated and directed *Sample* collection or WADA. Any other *Anti-Doping Organization* with authority to test the *Athlete* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of the *Anti-Doping Organization* that initiated and directed *Sample* collection or WADA, and shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by WADA or another *Anti-Doping Organization* shall be at WADA's or that organization's expense. Further analysis of *Samples* shall conform with the requirements of the *International Standard for Laboratories*.

6.7 Split of A or B Sample

Where WADA, an *Anti-Doping Organization* with *Results Management* authority and/or a WADA-accredited laboratory (with approval from WADA or the *Anti-Doping Organization* with *Results Management* authority) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the *International Standard for Laboratories* shall be followed.



6.8 WADA's Right to Take Possession of Samples and Data

WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organization*. Upon request by WADA, the laboratory or *Anti-Doping Organization* in possession of the *Sample* or data shall immediately grant access to and enable WADA to take physical possession of the *Sample* or data.⁴³ If WADA has not provided prior notice to the laboratory or *Anti-Doping Organization* before taking possession of a *Sample* or data, it shall provide such notice to the laboratory and to each *Anti-Doping Organization* whose *Samples* or data have been taken by WADA within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, WADA may direct another *Anti-Doping Organization* with authority to test the *Athlete* to assume *Results Management* responsibility for the *Sample* or data if a potential anti-doping rule violation is discovered.⁴⁴

43 [Comment to Article 6.8: Resistance or refusal to WADA taking physical possession of Samples or data could constitute Tampering, Complicity or an act of non-compliance as provided in the International Standard for Code Compliance by Signatories, and could also constitute a violation

of the International Standard for Laboratories. Where necessary, the laboratory and/or the Anti-Doping Organization shall assist WADA in ensuring that the seized Sample or data are not delayed in exiting the applicable country.]

44 [Comment to Article 6.8: WADA would not, of course, unilaterally take possession of Samples or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a Signatory or doping activities by another Person.

However, the decision as to whether good cause exists is for WADA to make in its discretion and shall not be subject to challenge. In particular, whether there is good cause or not shall not be a defense against an anti-doping rule violation or its Consequences.]

ARTICLE 7 RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS⁴⁵


Results Management under the Code (as set forth in [Articles 7, 8 and 13](#)) establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner. Each *Anti-Doping Organization* conducting *Results Management* shall establish a process for the pre-hearing administration of potential anti-doping rule violations that respects the principles set forth in this Article. While each *Anti-Doping Organization* is permitted to adopt and implement its own *Results Management* process, *Results Management* for every *Anti-Doping Organization* shall at a minimum meet the requirements set forth in the *International Standard for Results Management*.

7.1 Responsibility for Conducting Results Management

Except as otherwise provided in [Articles 6.6, 6.8 and 7.1.3 through 7.1.5](#) below, *Results Management* shall be the responsibility of, and shall be governed by, the procedural rules of the *Anti-Doping Organization* that initiated and directed *Sample* collection (or, if no *Sample* collection is involved, the *Anti-Doping Organization* which first provides notice to an *Athlete* or other *Person* of a potential anti-doping rule violation and then diligently

45 [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 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.]



pursues that anti-doping rule violation). Regardless of which organization conducts *Results Management*, it shall respect the *Results Management* principles set forth in this Article, [Article 8](#), [Article 13](#) and the *International Standard for Results Management*, and each *Anti-Doping Organization's* rules shall incorporate and implement the rules identified in [Article 23.2.2](#) without substantive change.

7.1.1 If a dispute arises between *Anti-Doping Organizations* over which *Anti-Doping Organization* has *Results Management* responsibility, WADA shall decide which organization has such responsibility. WADA's decision may be appealed to CAS within seven (7) days of notification of the WADA decision by any of the *Anti-Doping Organizations* involved in the dispute. The appeal shall be dealt with by CAS in an expedited manner and shall be heard before a single arbitrator. Any *Anti-Doping Organization* seeking to conduct *Results Management* outside of the authority provided in this [Article 7.1](#) may seek approval to do so from WADA.

7.1.2 Where a *National Anti-Doping Organization* elects to collect additional *Samples* pursuant to [Article 5.2.6](#), then it shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection. However, where the *National Anti-Doping Organization* only directs the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense, then the International Federation or *Major Event Organization* shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection.

7.1.3 In circumstances where the rules of a *National Anti-Doping Organization* do not give the *National Anti-Doping Organization* authority over an *Athlete* or other *Person* who is not a national, resident, license holder, or member of a sport

organization of that country, or the *National Anti-Doping Organization* declines to exercise such authority, *Results Management* shall be conducted by the applicable International Federation or by a third party with authority over the *Athlete* or other *Person* as directed by the rules of the International Federation. For *Results Management* purposes, for a test or a further analysis conducted by WADA on its own initiative, or an anti-doping rule violation discovered by WADA, WADA shall designate an *Anti-Doping Organization* with authority over the *Athlete* or other *Person*.⁴⁶

- 7.1.4 For *Results Management* relating to a *Sample* initiated and taken during an *Event* conducted by a *Major Event Organization*, or an anti-doping rule violation occurring during such *Event*, the *Major Event Organization* for that *Event* shall assume *Results Management* responsibility to at least the limited extent of conducting a hearing to determine whether an anti-doping rule violation was committed and, if so, the applicable *Disqualifications* under [Articles 9](#) and [10.1](#), any forfeiture of any medals, points, or prizes from that *Event*, and any recovery of costs applicable to the anti-doping rule violation. In the event the *Major Event Organization* assumes only limited *Results Management* responsibility, the case shall be referred by the *Major Event Organization* to the applicable International Federation for completion of *Results Management*.

46 [Comment to [Article 7.1.3](#): The *Athlete's* or other *Person's* *National Anti-Doping Organization* has been made the *Anti-Doping Organization* of last resort for *Results Management* to avoid the possibility that no *Anti-Doping Organization* would have authority

to conduct *Results Management*. An *International Federation* is free to provide in its own anti-doping rules that the *Athlete's* or other *Person's* *National Anti-Doping Organization* shall conduct *Results Management*.]



- 7.1.5 WADA may direct an *Anti-Doping Organization* with *Results Management* authority to conduct *Results Management* in a particular case. If that *Anti-Doping Organization* refuses to conduct *Results Management* within a reasonable deadline set by WADA, such refusal shall be considered an act of non-compliance, and WADA may direct another *Anti-Doping Organization* with authority over the *Athlete* or other *Person*, that is willing to do so, to take *Results Management* responsibility in place of the refusing *Anti-Doping Organization* or, if there is no such *Anti-Doping Organization*, any other *Anti-Doping Organization* that is willing to do so. In such case, the refusing *Anti-Doping Organization* shall reimburse the costs and attorney fees of conducting *Results Management* to the other *Anti-Doping Organization* designated by WADA, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.⁴⁷
- 7.1.6 *Results Management* in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by the International Federation or the *National Anti-Doping Organization* with whom the *Athlete* in question files whereabouts information, as provided in the *International Standard for Results Management*. The *Anti-Doping Organization* that determines a filing failure or a missed test shall submit that information to WADA through ADAMS, where it will be made available to other relevant *Anti-Doping Organizations*.

47 [Comment to Article 7.1.5: Where WADA directs another *Anti-Doping Organization* to conduct *Results Management* or other *Doping Control* activities, this is not considered a "delegation" of such activities by WADA.]

7.2 Review and Notification Regarding Potential Anti-Doping Rule Violations

Review and notification with respect to a potential anti-doping rule violation shall be carried out in accordance with the *International Standard for Results Management*.

7.3 Identification of Prior Anti-Doping Rule Violations

Before giving an *Athlete* or other *Person* notice of a potential anti-doping rule violation as provided above, the *Anti-Doping Organization* shall refer to ADAMS and contact WADA and other relevant *Anti-Doping Organizations* to determine whether any prior anti-doping rule violation exists.

7.4 Principles Applicable to *Provisional Suspensions*⁴⁸

7.4.1 Mandatory *Provisional Suspension* after an *Adverse Analytical Finding* or *Adverse Passport Finding*


The *Signatories* described below in this paragraph shall adopt rules providing that when an *Adverse Analytical Finding* or *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding*

48 [Comment to Article 7.4: Before a *Provisional Suspension* can be unilaterally imposed by an *Anti-Doping Organization*, the internal review specified in the Code must first be completed. In addition, the *Signatory* imposing a *Provisional Suspension* shall ensure that the *Athlete* is given an opportunity for a *Provisional Hearing* either before or promptly after the imposition of the *Provisional Suspension*, or an expedited final hearing under Article 8 promptly after imposition of the *Provisional Suspension*. The *Athlete* has a right to appeal under Article 13.2.3.]

In the rare circumstance where the *B Sample* analysis does not confirm the *A Sample* finding, the *Athlete* who had been *Provisionally Suspended* will be allowed, where circumstances permit, to participate in subsequent *Competitions* during the *Event*.

Similarly, depending upon the relevant rules of the *International Federation* in a *Team Sport*, if the team is still in *Competition*, the *Athlete* may be able to take part in future *Competitions*.

Athletes and other *Persons* shall receive credit for a *Provisional Suspension* against any period of *Ineligibility* which is ultimately imposed or accepted as provided in Article 10.13.2.]



review process) is received for a *Prohibited Substance* or a *Prohibited Method*, other than a *Specified Substance* or *Specified Method*, a *Provisional Suspension* shall be imposed promptly upon or after the review and notification required by [Article 7.2](#): where the *Signatory* is the ruling body of an *Event* (for application to that *Event*); where the *Signatory* is responsible for team selection (for application to that team selection); where the *Signatory* is the applicable International Federation; or where the *Signatory* is another *Anti-Doping Organization* which has *Results Management* authority over the alleged anti-doping rule violation. A mandatory *Provisional Suspension* may be eliminated if: (i) the *Athlete* demonstrates to the hearing panel that the violation is likely to have involved a *Contaminated Product*, or (ii) the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under [Article 10.2.4.1](#). A hearing body's decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

7.4.2 Optional *Provisional Suspension* Based on an *Adverse Analytical Finding* for *Specified Substances*, *Specified Methods*, *Contaminated Products*, or Other Anti-Doping Rule Violations


A *Signatory* may adopt rules, applicable to any *Event* for which the *Signatory* is the ruling body or to any team selection process for which the *Signatory* is responsible or where the *Signatory* is the applicable International Federation or has *Results Management* authority over the alleged anti-doping rule violation, permitting *Provisional Suspensions* to be imposed for anti-doping rule violations not covered by [Article 7.4.1](#) prior to analysis of the *Athlete's* B *Sample* or final hearing as described in [Article 8](#).

7.4.3 Opportunity for Hearing or Appeal

Notwithstanding [Articles 7.4.1](#) and [7.4.2](#), a *Provisional Suspension* may not be imposed unless the rules of the *Anti-Doping Organization* provide the *Athlete* or other *Person* with: (a) an opportunity for a *Provisional Hearing*, either before the imposition of the *Provisional Suspension* or on a timely basis after the imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with [Article 8](#) on a timely basis after imposition of a *Provisional Suspension*. The rules of the *Anti-Doping Organization* shall also provide an opportunity for an expedited appeal against the imposition of a *Provisional Suspension*, or the decision not to impose a *Provisional Suspension*, in accordance with [Article 13](#).

7.4.4 Voluntary Acceptance of *Provisional Suspension*

Athletes on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of: (i) the expiration of ten (10) days from the report of the *B Sample* (or waiver of the *B Sample*) or ten (10) days from the notice of any other anti-doping rule violation, or (ii) the date on which the *Athlete* first competes after such report or notice. Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from the notice of the anti-doping rule violation. Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under [Article 7.4.1](#) or [7.4.2](#); provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.



7.4.5 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 *Anti-Doping Organization*) 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](#). In circumstances where the *Athlete* (or the *Athlete's* team as may be provided in the rules of the applicable *Major Event Organization* or International Federation) has been removed from an *Event* based on a violation of [Article 2.1](#) and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, if, without otherwise affecting the *Event*, it is still possible for the *Athlete* or team to be reinserted, the *Athlete* or team may continue to take part in the *Event*.

7.5 Results Management Decisions

7.5.1 *Results Management* decisions or adjudications by *Anti-Doping Organizations*, must not purport to be limited to a particular geographic area or sport and shall address and determine without limitation the following issues: (i) whether an anti-doping rule violation was committed or a *Provisional Suspension* should be imposed, the factual basis for such determination, and the specific *Code* Articles violated, and (ii) all *Consequences* flowing from the anti-doping rule violation(s), including applicable *Disqualifications* under [Articles 9](#) and [10.10](#), any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*, except that *Major Event Organizations* shall not be required to determine *Ineligibility* or *Financial Consequences* beyond the scope of their *Event*.⁴⁹

⁴⁹ [Comment to [Article 7.5.1](#): *Results Management* decisions include *Provisional Suspensions*.]

7.5.2 A *Results Management* decision or adjudication by a *Major Event Organization* in connection with one of its *Events* may be limited in its scope but shall address and determine, at a minimum, the following issues: (i) whether an anti-doping rule violation was committed, the factual basis for such determination, and the specific *Code* Articles violated, and (ii) applicable *Disqualifications* under [Articles 9](#) and [10.1](#), with any resulting forfeiture of medals, points and prizes. In the event a *Major Event Organization* accepts only limited responsibility for *Results Management* decisions, it must comply with [Article 7.1.4](#).⁵⁰

7.6 Notification of Results Management Decisions

Athletes, other *Persons*, *Signatories* and WADA shall be notified of *Results Management* decisions as provided in [Article 14](#) and the *International Standard for Results Management*.

50 [Comment to Article 7.5.2: With the exception of Results Management decisions by Major Event Organizations, each decision by an Anti-Doping Organization should address whether an anti-doping rule violation was committed and all Consequences flowing from the violation, including any Disqualifications other than Disqualification under Article 10.1 (which is left to the ruling body for an Event). Pursuant to Article 15, such decision and its imposition of Consequences shall have automatic effect in every sport in every country. For example, for a determination that an Athlete committed an anti-doping

rule violation based on an Adverse Analytical Finding for a Sample taken In-Competition, the Athlete's results obtained in the Competition would be Disqualified under Article 9 and all other competitive results obtained by the Athlete from the date the Sample was collected through the duration of the period of Ineligibility are also Disqualified under Article 10.10; if the Adverse Analytical Finding resulted from Testing at an Event, it would be the Major Event Organization's responsibility to decide whether the Athlete's other individual results in the Event prior to Sample collection are also Disqualified under Article 10.1.]



7.7 Retirement from Sport⁵¹

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*.

ARTICLE 8 RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION

8.1 Fair Hearings

For any *Person* who is asserted to have committed an anti-doping rule violation, the *Anti-Doping Organization* with responsibility for *Results Management* shall provide, at a minimum, a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent* hearing panel in compliance with the *WADA International Standard for Results Management*. A timely reasoned decision specifically including an explanation of the reason(s) for any period of *Ineligibility* and *Disqualification* of results under [Article 10.10](#) shall be *Publicly Disclosed* as provided in [Article 14.3](#).⁵²

51 [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.]

52 [Comment to Article 8.1: This Article requires that at some point in the Results Management process, the Athlete or other Person shall be

provided the opportunity for a timely, fair and impartial hearing. These principles are also found in Article 6.1 of the Convention for the Protection

8.2 Event Hearings

Hearings held in connection with *Events* may be conducted by an expedited process as permitted by the rules of the relevant *Anti-Doping Organization* and the hearing panel.⁵³

8.3 Waiver of Hearing

The right to a hearing may be waived either expressly or by the *Athlete's* or other *Person's* failure to challenge an *Anti-Doping Organization's* assertion that an anti-doping rule violation has occurred within the specific time period provided in the *Anti-Doping Organization's* rules.

8.4 Notice of Decisions

The reasoned hearing decision, or in cases where the hearing has been waived, a reasoned decision explaining the action taken, shall be provided by the *Anti-Doping Organization* with *Results Management* responsibility to the *Athlete* and to other *Anti-Doping Organizations* with a right to appeal under [Article 13.2.3](#) as provided in [Article 14](#) and published in accordance with [Article 14.3](#).

8.5 Single Hearing Before CAS


Anti-doping rule violations asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, the *Anti-Doping Organization* with *Results Management*

of Human Rights and Fundamental Freedoms and are principles generally accepted in international law. This Article is not intended to supplant each Anti-Doping Organization's own rules

for hearings but rather to ensure that each Anti-Doping Organization provides a hearing process consistent with these principles.]

53 [Comment to Article 8.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine

the Athlete's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]



responsibility, and WADA, be heard in a single hearing directly at CAS.⁵⁴

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.⁵⁵

ARTICLE 10 SANCTIONS ON INDIVIDUALS⁵⁶

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

54 [Comment to Article 8.5: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will

be adequately protected in a single hearing, there is no need for the Athlete or Anti-Doping Organizations to incur the extra expense of two hearings. An Anti-Doping Organization may participate in the CAS hearing as an observer.]

55 [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.]

56 [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

of the *Athlete's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in [Article 10.1.1](#).⁵⁷

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*.

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](#):

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!]

⁵⁷ [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*].]



10.2.1 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.⁵⁸

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 (2) 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.⁵⁹ 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*

⁵⁸ [Comment to Article 10.2.1.1: 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*.]

⁵⁹ [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.]

for a substance which is only prohibited *In-Competition* shall not be considered “intentional” if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

10.2.4 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 (3) months *Ineligibility*.

In addition, the period of *Ineligibility* calculated under this Article 10.2.4.1 may be reduced to one (1) 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.⁶⁰ 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.

10.2.4.2 If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context

60 [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.]



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 (4) 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 (2) 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 (2) years to four (4) 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 (2) 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 (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete's* degree of *Fault*. The flexibility between two (2) years and one (1) 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 (4) 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.⁶¹
- 10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two (2) 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 (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.⁶²
- 10.3.6 For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.⁶³

61 [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.]

62 [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.]

63 [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



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.⁶⁴

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.⁶⁵

or Retaliate Against Reporting to Authorities) shall be sanctioned based

on the violation that carries the more severe sanction.]

*64 [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 to Authorities) 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*.]*

65 [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:*

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 (2) 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) 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.]



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 (2) years *Ineligibility*, depending on the *Athlete* or other *Person's* degree of *Fault*.⁶⁶

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 (2) years *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

⁶⁶ [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](#).]

10.6.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.6.1⁶⁷

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 (8) years.

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*⁶⁸


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

67 [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*.]

68 [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.




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 (8) 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.⁶⁹

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

69 [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.]



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 (4) 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 twenty (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.⁷⁰


70 [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 (4) years, then the Athlete may unilaterally reduce the

period of Ineligibility to three (3) 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*.⁷¹

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.

71 [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, Article 10.8.1 and 10.8.2 will not be applicable but may be considered by the hearing body.]

- 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 (8) 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](#).⁷²

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 twelve (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

⁷² [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*.]*

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.⁷³

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*.⁷⁴

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*.

73 [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.]

74 [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.]

10.13 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*.⁷⁵

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

⁷⁵ [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.]



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 14.1.⁷⁶

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.

⁷⁶ [Comment to Article 10.13.2.2: admission by the Athlete and shall not be used in any way to draw an adverse inference against the Athlete.]

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.⁷⁷

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four (4) years may,

⁷⁷ [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



after completing four (4) 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 (2) months of the *Athlete's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.⁷⁸

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.]

78 [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*.⁷⁹ Similarly, an International Federation may elect to establish rules imposing stricter *Consequences for Team Sports* within its authority than those in [Article 11.2](#).

ARTICLE 12 SANCTIONS BY SIGNATORIES AGAINST OTHER SPORTING BODIES

Each *Signatory* shall adopt rules that obligate each of its member organizations and any other sporting body over which it has authority to comply with, implement, uphold and enforce the *Code* within that organization's or body's area of competence. When a *Signatory* becomes aware that one of its member organizations or other sporting body over which it has authority has failed to fulfill such obligation, the *Signatory* shall take appropriate action against such organization or body.⁸⁰ In particular, a *Signatory's* action and rules shall include the possibility of excluding all, or some group of, members of that organization or body from specified future *Events* or all *Events* conducted within a specified period of time.⁸¹

79 [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.]

80 [Comment to Article 12: This Article is not intended to impose an affirmative duty on the Signatory to actively monitor each of its member organizations for

acts of non-compliance, but rather only requires the Signatory to take action when it becomes aware of such acts.]

81 [Comment to Article 12: This Article makes it clear that the Code does not restrict whatever disciplinary rights between organizations may otherwise

exist. For sanctions against Signatories for non-compliance with the Code, see [Article 24.1](#)]



ARTICLE 13 RESULTS MANAGEMENT: APPEALS⁸²

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.⁸³

82 [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.]

83 [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.⁸⁴

13.1.3 WADA Not Required to Exhaust Internal Remedies⁸⁵


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

⁸⁴ [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.]

⁸⁵ [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.]



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.⁸⁶

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

⁸⁶ [Comment to [Article 13.2.1](#): law applicable to the annulment or enforcement of arbitral awards.]
CAS decisions are final and binding except for any review required by

- 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 appellate 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.⁸⁷

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 Allowed⁸⁸


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.

⁸⁷ [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.]

⁸⁸ [Comment to [Article 13.2.4](#): This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organization appeals

a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]



13.3 Failure to Render a Timely Decision by an *Anti-Doping Organization*⁸⁹

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](#).

13.6 Appeals from Decisions under [Article 24.1](#)

A notice that is not disputed and so becomes a final decision under [Article 24.1](#), finding a *Signatory* non-compliant with the *Code* and imposing consequences

89 [Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and Results Management process, it is not feasible to establish a fixed time period for an Anti-Doping Organization to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Anti-Doping

Organization and give the Anti-Doping Organization an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits an International Federation from also having rules which authorize it to assume authority for matters in which the Results Management performed by one of its National Federations has been inappropriately delayed.]

for such non-compliance, as well as conditions for *Reinstatement* of the *Signatory*, may be appealed to CAS as provided in the *International Standard for Code Compliance by Signatories*.

13.7 Appeals from Decisions Suspending or Revoking Laboratory Accreditation

Decisions by WADA to suspend or revoke a laboratory's WADA accreditation may be appealed only by that laboratory with the appeal being exclusively to CAS.

ARTICLE 14 CONFIDENTIALITY AND REPORTING

The principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy of all *Athletes* or other *Persons* are as follows:


14.1 Information Concerning *Adverse Analytical Findings*, *Atypical Findings*, and other Asserted Anti-Doping Rule Violations

14.1.1 Notice of Anti-Doping Rule Violations to *Athletes* and other *Persons*

The form and manner of notice of an asserted anti-doping rule violation shall be as provided in the rules of the *Anti-Doping Organization* with *Results Management* responsibility.

14.1.2 Notice of Anti-Doping Rule Violations to *National Anti-Doping Organizations*, International Federations and WADA

The *Anti-Doping Organization* with *Results Management* responsibility shall also notify the *Athlete's National Anti-Doping Organization*, International Federation and WADA of the assertion of an anti-doping rule violation simultaneously with the notice to the *Athlete* or other *Person*.



14.1.3 Content of an Anti-Doping Rule Violation Notice

Notification shall include: the *Athlete's* or other *Person's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory and other information as required by the *International Standard for Results Management*, or, for anti-doping rule violations other than [Article 2.1](#), the rule violated and the basis of the asserted violation.

14.1.4 Status Reports

Except with respect to investigations which have not resulted in a notice of an anti-doping rule violation pursuant to [Article 14.1.1](#), the *Anti-Doping Organizations* referenced in [Article 14.1.2](#) shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to [Article 7](#), [8](#) or [13](#) and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

14.1.5 Confidentiality

The recipient organizations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, *National Federation*, and team in a *Team Sport*) until the *Anti-Doping Organization* with *Results Management* responsibility has made *Public Disclosure* as permitted by [Article 14.3](#).⁹⁰

90 [Comment to Article 14.1.5: Each Anti-Doping Organization shall provide, in its own anti-doping rules, procedures for the protection of confidential information and for investigating


and disciplining improper disclosure of confidential information by any employee or agent of the Anti-Doping Organization.]

14.2 Notice of Anti-Doping Rule Violation or Violations of *Ineligibility* or *Provisional Suspension* Decisions and Request for Files

- 14.2.1 Anti-doping rule violation decisions or decisions related to violations of *Ineligibility* or *Provisional Suspension* rendered pursuant to Article 7.6, 8.4, 10.5, 10.6, 10.7, 10.14.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, the *Anti-Doping Organization* shall provide an English or French summary of the decision and the supporting reasons.
- 14.2.2 An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision.

14.3 Public Disclosure

- 14.3.1 After notice has been provided to the *Athlete* or other *Person* in accordance with the *International Standard for Results Management*, and to the applicable *Anti-Doping Organizations* in accordance with Article 14.1.2, the identity of any *Athlete* or other *Person* who is notified of a potential anti-doping rule violation, the *Prohibited Substance* or *Prohibited Method* and nature of the violation involved, and whether the *Athlete* or other *Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by the *Anti-Doping Organization* with *Results Management* responsibility.
- 14.3.2 No later than twenty (20) days after it has been determined in an appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of



an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under [Article 10.8](#), or a new period of *Ineligibility*, or reprimand, has been imposed under [Article 10.14.3](#), the *Anti-Doping Organization* responsible for *Results Management* must *Publicly Disclose* the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. The same *Anti-Doping Organization* must also *Publicly Disclose* within twenty (20) days the results of appellate decisions concerning anti-doping rule violations, including the information described above.⁹¹

- 14.3.3 After an anti-doping rule violation has been determined to have been committed in an appellate decision under [Article 13.2.1](#) or [13.2.2](#) or such appeal has been waived, or in a hearing in accordance with [Article 8](#) or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under [Article 10.8](#), the *Anti-Doping Organization* responsible for *Results Management* may make public such determination or decision and may comment publicly on the matter.
- 14.3.4 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the fact that the decision has been

⁹¹ [Comment to [Article 14.3.2](#): Where Public Disclosure as required by [Article 14.3.2](#) would result in a breach of other applicable laws, the *Anti-Doping Organization's* failure to make the *Public Disclosure* will


not result in a determination of non-compliance with Code as set forth in [Article 4.2](#) of the *International Standard for the Protection of Privacy and Personal Information*.]

appealed may be *Publicly Disclosed*. However, the decision itself and the underlying facts may not be *Publicly Disclosed* except with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *Anti-Doping Organization* with *Results Management* responsibility shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

- 14.3.5 Publication shall be accomplished at a minimum by placing the required information on the *Anti-Doping Organization's* website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.
- 14.3.6 Except as provided in [Articles 14.3.1](#) and [14.3.3](#), no *Anti-Doping Organization* or WADA-accredited laboratory, or official of either, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by the *Athlete*, other *Person* or their entourage or other representatives.
- 14.3.7 The mandatory *Public Disclosure* required in 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*, *Protected Person* or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Minor*, *Protected Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.

14.4 Statistical Reporting

Anti-Doping Organizations shall, at least annually, publish publicly a general statistical report of their *Doping Control* activities, with a copy provided to WADA. *Anti-Doping Organizations* may also publish reports showing the



name of each *Athlete* tested and the date of each *Testing*. WADA shall, at least annually, publish statistical reports summarizing the information that it receives from *Anti-Doping Organizations* and laboratories.

14.5 ***Doping Control Information Database and Monitoring of Compliance***

To enable WADA to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable *Doping Control* information among *Anti-Doping Organizations*, WADA shall develop and manage a *Doping Control* information database, such as ADAMS, and *Anti-Doping Organizations* shall report to WADA through such database *Doping Control*-related information, including, in particular,

- a) *Athlete Biological Passport* data for *International-Level Athletes* and *National-Level Athletes*,
- b) Whereabouts information for *Athletes* including those in *Registered Testing Pools*,
- c) *TUE* decisions, and
- d) *Results Management* decisions,

as required under the applicable *International Standard(s)*.

14.5.1 To facilitate coordinated test distribution planning, avoid unnecessary duplication in *Testing* by various *Anti-Doping Organizations*, and to ensure that *Athlete Biological Passport* profiles are updated, each *Anti-Doping Organization* shall report all *In-Competition* and *Out-of-Competition* tests to WADA by entering the *Doping Control* forms into ADAMS in accordance with the requirements and timelines contained in the *International Standard for Testing and Investigations*.

14.5.2 To facilitate WADA's oversight and appeal rights for *TUEs*, each *Anti-Doping Organization* shall report all *TUE* applications, decisions and supporting documentation using ADAMS in accordance with the requirements and timelines

contained in the *International Standard for Therapeutic Use Exemptions*.

- 14.5.3 To facilitate WADA's oversight and appeal rights for *Results Management, Anti-Doping Organizations* shall report the following information into ADAMS in accordance with the requirements and timelines outlined in the *International Standard for Results Management*: (a) notifications of anti-doping rule violations and related decisions for *Adverse Analytical Findings*; (b) notifications and related decisions for other anti-doping rule violations that are not *Adverse Analytical Findings*; (c) whereabouts failures; and (d) any decision imposing, lifting or reinstating a *Provisional Suspension*.
- 14.5.4 The information described in this Article will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's National Anti-Doping Organization* and International Federation, and any other *Anti-Doping Organizations* with *Testing* authority over the *Athlete*.⁹²

14.6 Data Privacy⁹³


Anti-Doping Organizations may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their *Anti-Doping Activities* under the *Code*

⁹² [Comment to Article 14.5: ADAMS is operated, administered and managed by WADA, and is designed to be consistent with data privacy laws and norms applicable to WADA and other organizations using such system. Personal information regarding

Athletes or other Persons maintained in ADAMS is and will be treated in strict confidence and in accordance with the *International Standard for the Protection of Privacy and Personal Information*.]

⁹³ [Comment to Article 14.6: Each government should put in place legislation, regulation, policies or administrative practices for: cooperation and sharing of information

with *Anti-Doping Organizations*; sharing of data among *Anti-Doping Organizations* as provided in the *Code*[...].]



and *International Standards* (including specifically the International Standard for the Protection of Privacy and Personal Information), and in compliance with applicable law.

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.⁹⁴

94 [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 a *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.⁹⁵

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*.⁹⁶

95 [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.]

96 [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 16 DOPING CONTROL FOR ANIMALS COMPETING IN SPORT

- 16.1** In any sport that includes animals in *Competition*, the International Federation for that sport shall establish and implement anti-doping rules for the animals included in that sport. The anti-doping rules shall include a list of *Prohibited Substances*, appropriate *Testing* procedures and a list of approved laboratories for *Sample* analysis.
- 16.2** With respect to determining anti-doping rule violations, *Results Management*, fair hearings, *Consequences*, and appeals for animals involved in sport, the International Federation for that sport shall establish and implement rules that are generally consistent with [Articles 1, 2, 3, 9, 10, 11, 13](#) and [17](#) of the *Code*.

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 (10) years from the date the violation is asserted to have occurred.



PART TWO
EDUCATION
AND RESEARCH

ARTICLE 18 EDUCATION

18.1 Principles

Education programs are central to ensure harmonized, coordinated and effective anti-doping programs at the international and national level. They are intended to preserve the spirit of sport and the protection of *Athletes'* health and right to compete on a doping free level playing field as described in the Introduction to the *Code*.

Education programs shall raise awareness, provide accurate information and develop decision-making capability to prevent intentional and unintentional anti-doping rule violations and other breaches of the *Code*. *Education* programs and their implementation shall instill personal values and principles that protect the spirit of sport.

All *Signatories* shall, within their scope of responsibility and in cooperation with each other, plan, implement, monitor, evaluate and promote *Education* programs in line with the requirements set out in the *International Standard for Education*.


18.2 Education Program and Plan by Signatories

Education programs as outlined in the *International Standard for Education* shall promote the spirit of sport and have a positive and long-term influence on the choices made by *Athletes* and other *Persons*.

Signatories shall develop an *Education* plan as required in the *International Standard for Education*. Prioritization of target groups or activities shall be justified based on a clear rationale of the *Education* Plan.⁹⁷

97 [Comment to Article 18.2: The Risk Assessment that Anti-Doping Organizations are required to conduct under the International Standard for Testing and Investigations provides a framework relating to the risk of

doping within sports. Such assessment can be used to identify priority target groups for Education programs. WADA also provides Education resources for Signatories to use to support their program delivery.]



Signatories shall make their *Education* plans available to other *Signatories* upon request in order to avoid duplication of efforts where possible and to support the recognition process outlined in the *International Standard for Education*.

An *Anti-Doping Organization's Education* program shall include the following awareness, information, values-based and *Education* components which shall at a minimum be available on a website.⁹⁸

- Principles and values associated with clean sport
- *Athletes'*, *Athlete Support Personnel's* and other groups' rights and responsibilities under the *Code*
- The principle of *Strict Liability*
- Consequences of doping, for example, physical and mental health, social and economic effects, and sanctions
- Anti-doping rule violations
- Substances and Methods on the *Prohibited List*
- Risks of supplement use
- *Use of medications and Therapeutic Use Exemptions*
- *Testing* procedures, including urine, blood and the *Athlete Biological Passport*
- Requirements of the *Registered Testing Pool*, including whereabouts and the use of *ADAMS*
- Speaking up to share concerns about doping

98 [Comment to Article 18.2: Where, for example, a particular National Anti-Doping Organization does not have its own website, the required information may be posted on the

website of the country's National Olympic Committee or other organization responsible for sport in the country.]

18.2.1 *Education Pool and Target Groups Established by Signatories*

Signatories shall identify their target groups and form an *Education* pool in line with the minimum requirements outlined in the *International Standard for Education*.⁹⁹

18.2.2 *Education Program Implementation by Signatories*

Any *Education* activity directed at the *Education* pool shall be delivered by a trained and authorized *Person* according to the requirements set out in the *International Standard for Education*.¹⁰⁰

18.2.3 *Coordination and Cooperation*


WADA shall work with relevant stakeholders to support the implementation of the *International Standard for Education* and act as a central repository for information and *Education* resources and/or programs developed by WADA or *Signatories*. *Signatories* shall cooperate with each other and governments to coordinate their efforts.

99 [Comment to Article 18.2.1: The *Education* pool should not be limited to National- or International-Level Athletes and should include all Persons,

including youth, who participate in sport under the authority of any *Signatory*, government or other sports organization accepting the Code.]

100 [Comment to Article 18.2.2: The purpose of this provision is to introduce the concept of an *Educator*. *Education* shall only be delivered by a trained and competent *Person*, similar to *Testing* whereby only trained and appointed *Doping Control* officers can conduct tests. In both cases, the requirement for trained personnel is to safeguard

the *Athlete* and maintain consistent standards of delivery. Further details on instituting a simple accreditation program for *Educators* are outlined in the WADA Model Guidelines for *Education*, including best practice examples of interventions that can be implemented.]



On a national level, *Education* programs shall be coordinated by the *National Anti-Doping Organization*, working in collaboration with their respective national sports federations, *National Olympic Committee*, *National Paralympic Committee*, governments and *Educational* institutions. This coordination shall maximize the reach of *Education* programs across sports, *Athletes* and *Athlete Support Personnel* and minimize duplication of effort.

Education programs aimed at *International-Level Athletes* shall be the priority for *International Federations*. *Event-based Education* shall be a mandatory element of any anti-doping program associated with an *International Event*.

All *Signatories* shall cooperate with each other and governments to encourage relevant sports organizations, *Educational* institutions, and professional associations to develop and implement appropriate *Codes of Conduct* that reflect good practice and ethics related to sport practice regarding anti-doping. Disciplinary policies and procedures shall be clearly articulated and communicated, including sanctions which are consistent with the *Code*. Such *Codes of Conduct* shall make provision for appropriate disciplinary action to be taken by sports bodies to either support the implementation of any doping sanctions, or for an organization to take its own disciplinary action should insufficient evidence prevent an anti-doping rule violation being brought forward.

ARTICLE 19 RESEARCH

19.1 Purpose and Aims of Anti-Doping Research

Anti-doping research contributes to the development and implementation of efficient programs within *Doping Control* and to information and *Education* regarding doping-free sport.

All *Signatories* and WADA shall, in cooperation with each other and governments, encourage and promote such research and take all reasonable measures to ensure that the results of such research are used for the promotion of the goals that are consistent with the principles of the *Code*.

19.2 Types of Research

Relevant anti-doping research may include, for example, sociological, behavioral, juridical and ethical studies in addition to scientific, medical, analytical, statistical and physiological investigation. Without limiting the foregoing, studies on devising and evaluating the efficacy of scientifically-based physiological and psychological training programs that are consistent with the principles of the *Code* and respectful of the integrity of the human subjects, as well as studies on the *Use* of emerging substances or methods resulting from scientific developments should be conducted.

19.3 Coordination of Research and Sharing of Results

Coordination of anti-doping research through WADA is essential. Subject to intellectual property rights, the results of such anti-doping research shall be provided to WADA and, where appropriate, shared with relevant *Signatories* and *Athletes* and other stakeholders.

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.

PART THREE

ROLES AND RESPONSIBILITIES

All *Signatories* and *WADA* shall act in a spirit of partnership and collaboration in order to ensure the success of the fight against doping in sport and the respect of the *Code*.¹⁰¹

¹⁰¹ [Comment: Responsibilities for *Signatories* and *Athletes* or other *Persons* are addressed in various *Articles* in the *Code* and the responsibilities listed in this part are additional to these responsibilities.]

ARTICLE 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF SIGNATORIES AND WADA


Each *Anti-Doping Organization* may delegate aspects of *Doping Control* or anti-doping *Education* for which it is responsible but remains fully responsible for ensuring that any aspect it delegates is performed in compliance with the *Code*. To the extent such delegation is made to a *Delegated Third Party* that is not a *Signatory*, the agreement with the *Delegated Third Party* shall require its compliance with the *Code* and *International Standards*.¹⁰²

20.1 Roles and Responsibilities of the International Olympic Committee

- 20.1.1 To adopt and implement anti-doping policies and rules for the Olympic Games which conform with the *Code* and the *International Standards*.
- 20.1.2 To require, as a condition of recognition by the International Olympic Committee, that International Federations and *National Olympic Committees* within the Olympic Movement are in compliance with the *Code* and the *International Standards*.
- 20.1.3 To withhold some or all Olympic funding and/or other benefits from sport organizations that are not in compliance with the *Code* and/or the *International Standards*, where required under Article 24.1.

102 [Comment to Article 20: Obviously, an Anti-Doping Organization is not responsible for a failure to comply with the Code by its non-Signatory Delegated Third Parties if the Delegated Third Party's failure is committed in connection with services provided to a different Anti-Doping Organization. For example, if FINA and FIBA both delegate aspects of Doping Control to the same non-Signatory Delegated Third Party,


and the provider fails to comply with the Code in performing the services for FINA, only FINA and not FIBA would be responsible for the failure. However, Anti-Doping Organizations shall contractually require Delegated Third Parties to whom they have delegated anti-doping responsibilities to report to the Anti-Doping Organization any finding of non-compliance by the Delegated Third Parties.]

- 
- 20.1.4 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with [Article 24.1](#) and the *International Standard for Code Compliance by Signatories*, and (b) by any other sporting body over which it has authority, in accordance with [Article 12](#).
- 20.1.5 To authorize and facilitate the *Independent Observer Program*.
- 20.1.6 To require all *Athletes* preparing for or participating in the Olympic Games, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.
- 20.1.7 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.
- 20.1.8 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

- 20.1.9 To vigorously pursue all potential anti-doping rule violations within its authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- 20.1.10 To plan, implement, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard for Education*.
- 20.1.11 To accept bids for the Olympic Games only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention*, and (where required under [Article 24.1.9](#)) to not accept bids for *Events* from countries where the *National Olympic Committee*, the *National Paralympic Committee* and/or the *National Anti-Doping Organization* is not in compliance with the *Code* or the *International Standards*.
- 20.1.12 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.1.13 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.1.14 To adopt a policy or rule implementing [Article 2.11](#).

20.2 Roles and Responsibilities of the International Paralympic Committee

- 20.2.1 To adopt and implement anti-doping policies and rules for the Paralympic Games which conform with the *Code* and the *International Standards*.
- 20.2.2 To require, as a condition of membership of the International Paralympic Committee, that International Federations and National Paralympic Committees within the Paralympic Movement are in compliance with the *Code* and the *International Standards*.


- 
- 20.2.3 To withhold some or all Paralympic funding and/or other benefits from sport organizations that are not in compliance with the *Code* and/or the *International Standards*, where required under [Article 24.1](#).
 - 20.2.4 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with [Article 24.1](#) and the *International Standard for Code Compliance by Signatories*, and (b) by any other sporting body over which it has authority, in accordance with [Article 12](#).
 - 20.2.5 To authorize and facilitate the *Independent Observer Program*.
 - 20.2.6 To require all *Athletes* preparing for or participating in the Paralympic Games, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.
 - 20.2.7 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.
 - 20.2.8 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation

of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

- 20.2.9 To plan, implement, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard for Education*.
- 20.2.10 To vigorously pursue all potential anti-doping rule violations within its authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- 20.2.11 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.2.12 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.

20.3 Roles and Responsibilities of International Federations

- 20.3.1 To adopt and implement anti-doping policies and rules which conform with the *Code* and *International Standards*.
- 20.3.2 To require, as a condition of membership, that the policies, rules and programs of their National Federations and other members are in compliance with the *Code* and the *International Standards*, and to take appropriate action to enforce such compliance; areas of compliance shall include but not be limited to: (i) requiring that their National Federations conduct *Testing* only under the documented authority of their International Federation and use their *National Anti-Doping Organization* or other *Sample* collection authority to collect *Samples* in compliance with the *International Standard for Testing and Investigations*; (ii) requiring that their National Federations recognize the authority of the *National Anti-Doping Organization* in their country in accordance with [Article 5.2.1](#) and assist as appropriate with the *National*



Anti-Doping Organization's implementation of the national *Testing* program for their sport; (iii) requiring that their National Federations analyze all *Samples* collected using a WADA-accredited or WADA-approved laboratory in accordance with [Article 6.1](#); and (iv) requiring that any national level anti-doping rule violation cases discovered by their National Federations are adjudicated by an *Operationally Independent* hearing panel in accordance with [Article 8.1](#) and the *International Standard for Results Management*.

- 20.3.3 To require all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by the International Federation or one of its member organizations, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.
- 20.3.4 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.
- 20.3.5 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation

- of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.
- 20.3.6 To require *Athletes* who are not regular members of the International Federation or one of its member National Federations to be available for *Sample* collection and to provide accurate and up-to-date whereabouts information as part of the International Federation's *Registered Testing Pool* consistent with the conditions for eligibility established by the International Federation or, as applicable, the *Major Event Organization*.¹⁰³
- 20.3.7 To require each of their National Federations to establish rules requiring all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by a National Federation or one of its member organizations, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to be bound by anti-doping rules and the *Results Management* authority of *Anti-Doping Organization* in conformity with the *Code* as a condition of such participation.
- 20.3.8 To require National Federations to report any information suggesting or relating to an anti-doping rule violation to their *National Anti-Doping Organization* and International Federation and to cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.
- 20.3.9 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with [Article 24.1](#) and the *International Standard for Code Compliance by Signatories*, and (b) by any other sporting body over which they have authority, in accordance with [Article 12](#).

103 [Comment to [Article 20.3.6](#): This would include, for example, *Athletes* from professional leagues.]




- 20.3.10 To authorize and facilitate the *Independent Observer Program* at *International Events*.
- 20.3.11 To withhold some or all funding to their member or recognized National Federations that are not in compliance with the *Code* and/or the *International Standards*.
- 20.3.12 To vigorously pursue all potential anti-doping rule violations within their authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping, to ensure proper enforcement of *Consequences*, and to conduct an automatic investigation of *Athlete Support Personnel* in the case of any anti-doping rule violation involving a *Protected Person* or *Athlete Support Person* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation.
- 20.3.13 To plan, implement, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard for Education*, including requiring National Federations to conduct anti-doping *Education* in coordination with the applicable *National Anti-Doping Organization*.
- 20.3.14 To accept bids for World Championships and other *International Events* only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention*, and (where required under [Article 24.1.9](#)) to not accept bids for *Events* from countries where the *National Olympic Committee*, the *National Paralympic Committee* and/or the *National Anti-Doping Organization* is not in compliance with the *Code* or the *International Standards*.
- 20.3.15 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.

- 20.3.16 To cooperate fully with WADA in connection with investigations conducted by WADA pursuant to [Article 20.7.14](#).
- 20.3.17 To have disciplinary rules in place and require National Federations to have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances or Prohibited Methods* without valid justification from providing support to *Athletes* within the International Federation's or National Federation's authority.
- 20.3.18 To respect the operational independence of laboratories as provided in the *International Standard* for Laboratories.
- 20.3.19 To adopt a policy or rule implementing [Article 2.11](#).

20.4 Roles and Responsibilities of *National Olympic Committees* and *National Paralympic Committees*

- 20.4.1 To ensure that their anti-doping policies and rules conform with the *Code* and the *International Standards*.
- 20.4.2 To require, as a condition of membership, that the policies, rules and programs of their National Federations and other members are in compliance with the *Code* and the *International Standards*, and to take appropriate action to enforce such compliance.
- 20.4.3 To respect the autonomy of the *National Anti-Doping Organization* in their country and not to interfere in its operational decisions and activities.
- 20.4.4 To require National Federations to report any information suggesting or relating to an anti-doping rule violation to their *National Anti-Doping Organization* and International Federation and to cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.

- 
- 20.4.5 To require, as a condition of participation in the Olympic Games and Paralympic Games that, at a minimum, *Athletes* who are not regular members of a National Federation be available for *Sample* collection and to provide whereabouts information as required by the *International Standard for Testing and Investigations* as soon as the *Athlete* is identified on the long list or subsequent entry document submitted in connection with the Olympic Games or Paralympic Games.
- 20.4.6 To cooperate with their *National Anti-Doping Organization* and to work with their government to establish a *National Anti-Doping Organization* where one does not already exist, provided that, in the interim, the *National Olympic Committee* or its designee shall fulfill the responsibility of a *National Anti-Doping Organization*. For those countries that are members of a *Regional Anti-Doping Organization*, the *National Olympic Committee*, in cooperation with the government, shall maintain an active and supportive role with their respective *Regional Anti-Doping Organization*.
- 20.4.7 To require each of their National Federations to establish rules (or other means) requiring all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by a National Federation or one of its member organizations, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to and be bound by anti-doping rules and *Anti-Doping Organization Results Management* authority in conformity with the *Code* as a condition of such participation or involvement.
- 20.4.8 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect

- of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.
- 20.4.9 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.
- 20.4.10 To withhold some or all funding, during any period of *Ineligibility*, to any *Athlete* or *Athlete Support Person* who has violated anti-doping rules.
- 20.4.11 To withhold some or all funding to their member or recognized National Federations that are not in compliance with the *Code* and/or the *International Standards*.
- 20.4.12 To plan, implement, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard for Education*, including requiring National Federations to conduct anti-doping *Education* in coordination with the applicable *National Anti-Doping Organization*.
- 20.4.13 To vigorously pursue all potential anti-doping rule violations within their authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- 20.4.14 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.4.15 To have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited*



Substances or Prohibited Methods without valid justification from providing support to *Athletes* within the *National Olympic Committee's* or *National Paralympic Committee's* authority.

- 20.4.16 To respect the operational independence of laboratories as provided in the *International Standard* for Laboratories.
- 20.4.17 To adopt a policy or rule implementing [Article 2.11](#).
- 20.4.18 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with [Article 24.1](#) and the *International Standard* for *Code* Compliance by *Signatories* and (b) by any other sporting body over which it has authority, in accordance with [Article 12](#).

20.5 Roles and Responsibilities of *National Anti-Doping Organizations*¹⁰⁴

- 20.5.1 To be independent in their operational decisions and activities from sport and government, including without limitation by prohibiting any involvement in their operational decisions or activities by any *Person* who is at the same time involved in the management or operations of any *International Federation*, *National Federation*, *Major Event Organization*, *National Olympic Committee*, *National Paralympic Committee*, or government department with responsibility for sport or anti-doping.¹⁰⁵


¹⁰⁴ [Comment to [Article 20.5](#): For some smaller countries, a number of the responsibilities described in

this Article may be delegated by their *National Anti-Doping Organization* to a *Regional Anti-Doping Organization*.]

¹⁰⁵ [Comment to [Article 20.5.1](#): This would not, for example, prohibit a *National Anti-Doping Organization* from

acting as a *Delegated Third Party* for a *Major Event Organization* or other *Anti-Doping Organization*.]

- 20.5.2 To adopt and implement anti-doping rules and policies which conform with the *Code* and the *International Standards*.
- 20.5.3 To cooperate with other relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.5.4 To encourage reciprocal *Testing* between *Anti-Doping Organizations*.
- 20.5.5 To promote anti-doping research.
- 20.5.6 Where funding is provided, to withhold some or all funding, during any period of *Ineligibility*, to any *Athlete* or *Athlete Support Person* who has violated anti-doping rules.
- 20.5.7 To vigorously pursue all potential anti-doping rule violations within their authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping and to ensure proper enforcement of *Consequences*.
- 20.5.8 To plan, implement, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard for Education*.
- 20.5.9 Each *National Anti-Doping Organization* shall be the authority on *Education* within their respective countries.
- 20.5.10 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.
- 20.5.11 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control*



(other than authorized anti-doping *Education* or rehabilitation programs) who is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

- 20.5.12 To conduct an automatic investigation of *Athlete Support Personnel* within their authority in the case of any anti-doping rule violation by a *Protected Person* and to conduct an automatic investigation of any *Athlete Support Person* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation.
- 20.5.13 To cooperate fully with *WADA* in connection with investigations conducted by *WADA* pursuant to [Article 20.7.14](#).
- 20.5.14 To respect the operational independence of laboratories as provided in the *International Standard* for Laboratories.
- 20.5.15 To adopt a policy or rule implementing [Article 2.11](#).
- 20.5.16 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with [Article 24.1](#) and the *International Standard for Code Compliance by Signatories* and (b) by any other sporting body over which it has authority, in accordance with [Article 12](#).

20.6 Roles and Responsibilities of *Major Event Organizations*

- 20.6.1 To adopt and implement anti-doping policies and rules for its *Events* which conform with the *Code* and the *International Standards*.

- 20.6.2 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 24.1 and the *International Standard for Code Compliance by Signatories*, and (b) by any other sporting body over which it has authority, in accordance with Article 12.
- 20.6.3 To authorize and facilitate the *Independent Observer Program*.
- 20.6.4 To require all *Athletes* preparing for or participating in the *Event*, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.
- 20.6.5 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.
- 20.6.6 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.
- 20.6.7 To vigorously pursue all potential anti-doping rule violations within its authority including investigation into whether *Athlete Support*



Personnel or other *Persons* may have been involved in each case of doping.

- 20.6.8 To plan, implement, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard for Education*.
- 20.6.9 To accept bids for *Events* only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention*, and (where required under [Article 24.1.9](#)) to not accept bids for *Events* from countries where the *National Olympic Committee*, the *National Paralympic Committee* and/or the *National Anti-Doping Organization* is not in compliance with the *Code* or the *International Standards*.
- 20.6.10 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.6.11 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.6.12 To adopt a policy or rule implementing [Article 2.11](#).


20.7 Roles and Responsibilities of WADA

- 20.7.1 To accept the *Code* and commit to fulfill its roles and responsibilities under the *Code* through a declaration approved by WADA's Foundation Board.¹⁰⁶
- 20.7.2 To adopt and implement policies and procedures which conform with the *Code* and the *International Standards*.
- 20.7.3 To provide support and guidance to *Signatories* in their efforts to comply with the *Code* and the *International Standards* and monitor such compliance in accordance with [Article 24.1](#) of the *Code* and the *International Standard for Code Compliance by Signatories*.

¹⁰⁶ [Comment to Article 20.7.1: WADA in monitoring Signatory compliance cannot be a Signatory because of its role with the Code.]

- 20.7.4 To approve *International Standards* applicable to the implementation of the *Code*.
- 20.7.5 To accredit and reaccredit laboratories to conduct *Sample* analysis or to approve others to conduct *Sample* analysis.
- 20.7.6 To develop and publish guidelines and models of best practice.
- 20.7.7 To submit to the WADA Executive Committee for approval, upon the recommendation of the WADA *Athletes* Committee the *Athletes'* Anti-Doping Rights Act which compiles in one place those *Athletes'* rights which are specifically identified in the *Code* and *International Standards*, and other agreed upon principles of best practice with respect to the overall protection of *Athletes'* rights in the context of anti-doping.
- 20.7.8 To promote, conduct, commission, fund and coordinate anti-doping research and to promote anti-doping *Education*.
- 20.7.9 To design and conduct an effective *Independent Observer Program* and other types of *Event* advisory programs.
- 20.7.10 To conduct, in exceptional circumstances and at the direction of the WADA Director General, *Testing* on its own initiative or as requested by other *Anti-Doping Organizations*, and to cooperate with relevant national and international organizations and agencies, including but not limited to, facilitating inquiries and investigations.¹⁰⁷
- 20.7.11 To approve, in consultation with International Federations, *National Anti-Doping Organizations*, and *Major Event Organizations*, defined *Testing* and *Sample* analysis programs.

107 [Comment to Article 20.7.10: *WADA is not a Testing agency, but it reserves the right, in exceptional circumstances, to conduct its own tests where problems have been brought to the attention of the relevant Anti-Doping Organization and have not been satisfactorily addressed.*]

- 
- 20.7.12 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.
- 20.7.13 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.
- 20.7.14 To initiate its own investigations of anti-doping rule violations, non-compliance of *Signatories* and *WADA*-accredited laboratories, and other activities that may facilitate doping.

20.8 Cooperation Regarding Third Party Regulations

Signatories shall cooperate with each other, *WADA* and governments to encourage professional associations and institutions with authority over *Athlete Support Personnel* who are otherwise not subject to the *Code* to implement regulations prohibiting conduct which would be considered an anti-doping rule violation if committed by *Athlete Support Personnel* who are subject to the *Code*.

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.¹⁰⁸
- 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 (10) years.
- 21.1.6 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.¹⁰⁹

108 [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.]

109 [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 (10) years.
- 21.2.5 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.¹¹⁰
- 21.2.6 *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.¹¹¹

110 [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.]

111 [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 (10) years.
- 21.3.3 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.

21.4 Roles and Responsibilities of *Regional Anti-Doping Organizations*

- 21.4.1 To ensure member countries adopt and implement rules, policies and programs which conform with the *Code*.
- 21.4.2 To require, as a condition of membership, that a member country sign an official *Regional Anti-Doping Organization* membership form which clearly outlines the delegation of anti-doping responsibilities to the *Regional Anti-Doping Organization*.
- 21.4.3 To cooperate with other relevant national and regional organizations and agencies and other *Anti-Doping Organizations*.
- 21.4.4 To encourage reciprocal *Testing* between *National Anti-Doping Organizations* and *Regional Anti-Doping Organizations*.
- 21.4.5 To promote and assist with capacity building among relevant *Anti-Doping Organizations*.
- 21.4.6 To promote anti-doping research.
- 21.4.7 To plan, implement, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard for Education*.



ARTICLE 22 INVOLVEMENT OF GOVERNMENTS¹¹²

Each government's commitment to the *Code* will be evidenced by its signing the Copenhagen Declaration on Anti-Doping in Sport of 3 March 2003, and by ratifying, accepting, approving or acceding to the *UNESCO Convention*.

The *Signatories* are aware that any action taken by a government is a matter for that government and subject to the obligations under international law as well as to its own laws and regulations. While governments are bound only by the requirements of the relevant international intergovernmental treaties (and notably of the *UNESCO Convention*), the following Articles set forth the expectations of the *Signatories* to support them in the implementation of the *Code*.

22.1 Each government should take all actions and measures necessary to comply with the *UNESCO Convention*.

22.2 Each government should put in place legislation, regulation, policies or administrative practices for: cooperation and sharing of information with *Anti-Doping Organizations*; sharing of data among *Anti-Doping Organizations* as provided in the *Code*; unrestricted transport of urine and blood *Samples* in a manner that maintains their security and integrity; and unrestricted entry and exit of *Doping Control* officials and unrestricted access for *Doping Control* officials to all areas where *International-Level Athletes* or *National-Level Athletes*


112 [Comment to Article 22: Most governments cannot be parties to, or be bound by, private non-governmental instruments such as the Code. For that reason, governments are not asked to be Signatories to the Code but rather to sign the Copenhagen Declaration and ratify, accept, approve or accede to the UNESCO Convention. Although the acceptance mechanisms may be different, the effort to combat

doping through the coordinated and harmonized program reflected in the Code is very much a joint effort between the sport movement and governments.

This Article sets forth what the Signatories clearly expect from governments. However, these are simply "expectations" since governments are only "obligated" to adhere to the requirements of the UNESCO Convention.]

live or train to conduct no advance notice *Testing*, subject to applicable border control, immigration and access requirements and regulations.

- 22.3 Each government should adopt rules, regulations or policies to discipline officials and employees who are involved in *Doping Control*, sport performance or medical care in a sport setting, including in a supervisory capacity, for engaging in activities which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Persons*.
- 22.4 Each government should not permit any *Person* to be involved in any position involving *Doping Control*, sport performance or medical care in a sport setting, including in a supervisory capacity, where such *Person*: (i) is serving a period of *Ineligibility* for an anti-doping rule violation under the *Code*, or (ii) 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*, in which case the disqualifying status of such *Person* should be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed.
- 22.5 Each government should encourage cooperation between all of its public services or agencies and *Anti-Doping Organizations* to timely share information with *Anti-Doping Organizations* which would be useful in the fight against doping and where to do so would not otherwise be legally prohibited.
- 22.6 Each government should respect arbitration as the preferred means of resolving doping-related disputes, subject to human and fundamental rights and applicable national law.

- 
- 22.7** Each government that does not have a *National Anti-Doping Organization* in its country should work with its *National Olympic Committee* to establish one.
- 22.8** Each government should respect the autonomy of a *National Anti-Doping Organization* in its country or a *Regional Anti-Doping Organization* to which its country belongs and any *WADA*-accredited or approved laboratory in its country and not interfere in their operational decisions and activities.
- 22.9** Each government should not limit or restrict *WADA*'s access to any doping *Samples* or anti-doping records or information held or controlled by any *Signatory*, member of a *Signatory* or *WADA*-accredited or approved laboratory.
- 22.10** Failure by a government to ratify, accept, approve or accede to the *UNESCO Convention* may result in ineligibility to bid for and/or host *Events* as provided in [Articles 20.1.11](#), [20.3.14](#) and [20.6.9](#), and the failure by a government to comply with the *UNESCO Convention* thereafter, as determined by UNESCO, may result in meaningful consequences by UNESCO and *WADA* as determined by each organization.



PART FOUR

**ACCEPTANCE,
COMPLIANCE,
MODIFICATION AND
INTERPRETATION**




ARTICLE 23 ACCEPTANCE AND IMPLEMENTATION

23.1 Acceptance of the Code

- 23.1.1 The following entities may be *Signatories* to the Code: the International Olympic Committee, International Federations, the International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *Major Event Organizations*, *National Anti-Doping Organizations* and other organizations having significant relevance in sport.
- 23.1.2 The International Olympic Committee; International Federations recognized by the International Olympic Committee; the International Paralympic Committee; *National Olympic Committees*; National Paralympic Committees; *National Anti-Doping Organizations*; and *Major Event Organizations* recognized by one or more of the aforementioned entities shall become *Signatories* by signing a declaration of acceptance or by another form of acceptance determined to be acceptable by WADA.
- 23.1.3 Any other entity described in Article 23.1.1 may submit an application to WADA to become a *Signatory* which will be reviewed under a policy adopted by WADA. WADA's acceptance of such applications shall be subject to conditions and requirements established by WADA in such policy.¹¹³ Upon acceptance of an application by WADA, the applicant's becoming a *Signatory* is subject to the applicant signing a declaration

113 [Comment to Article 23.1.3: For example, these conditions and requirements would include financial contributions by the entity to cover WADA's administrative, monitoring

and compliance costs that may be attributable to the application process and the entity's subsequent *Signatory* status.]



of acceptance of the *Code* and an acceptance of the conditions and requirements established by WADA for such applicant.

23.1.4 A list of all acceptances will be made public by WADA.

23.2 Implementation of the *Code*

23.2.1 The *Signatories* shall implement applicable *Code* provisions through policies, statutes, rules or regulations according to their authority and within their relevant spheres of responsibility.

23.2.2 The following Articles as applicable to the scope of the *Anti-Doping Activity* which the *Anti-Doping Organization* performs must be implemented by *Signatories* without substantive change (allowing for any non-substantive changes to the language in order to refer to the organization's name, sport, section numbers, etc.):¹¹⁴

- [Article 1](#) (Definition of Doping)
- [Article 2](#) (Anti-Doping Rule Violations)
- [Article 3](#) (Proof of Doping)
- [Article 4.2.2](#) (*Specified Substances or Specified Methods*)
- [Article 4.2.3](#) (*Substances of Abuse*)
- [Article 4.3.3](#) (WADA's Determination of the *Prohibited List*)
- [Article 7.7](#) (Retirement from Sport)
- [Article 9](#) (Automatic *Disqualification of Individual Results*)

114 [Comment to [Article 23.2.2](#): Nothing in the Code precludes an Anti-Doping Organization from adopting and enforcing its own specific disciplinary rules for conduct by Athlete Support Personnel related to doping but which does not, in and of

itself, constitute an anti-doping rule violation under the Code. For example, a National or International Federation could refuse to renew the license of a coach when multiple Athletes have committed anti-doping rule violations while under that coach's supervision.]

- [Article 10](#) (Sanctions on Individuals)
- [Article 11](#) (*Consequences* to Teams)
- [Article 13](#) (Appeals) with the exception of [13.2.2](#), [13.6](#), and [13.7](#)
- [Article 15.1](#) (Automatic Binding Effect of Decisions)
- [Article 17](#) (Statute of Limitations)
- [Article 26](#) (Interpretation of the Code)
- [Appendix 1](#) – Definitions

No additional provision may be added to a Signatory's rules which changes the effect of the Articles enumerated in this Article. A Signatory's rules must expressly acknowledge the Commentary of the Code and endow the Commentary with the same status that it has in the Code. However, nothing in the Code precludes a Signatory from having safety, medical, eligibility or Code of Conduct rules which are applicable for purposes other than anti-doping.¹¹⁵

- 23.2.3 In implementing the Code, Signatories are encouraged to use the models of best practice recommended by WADA.

23.3 Implementation of Anti-Doping Programs

Signatories shall devote sufficient resources in order to implement anti-doping programs in all areas that are compliant with the Code and the International Standards.

115 [Comment to Article 23.2.2: For example, an International Federation could decide, for reputational and health reasons, to have a Code of Conduct rule prohibiting an Athlete's Use or Possession of cocaine Out-of-Competition. In an anti-doping Sample collection Out-of-Competition, such International Federation would be able to have the laboratory test for cocaine as part of the enforcement of its Code of Conduct policy. On the other hand,

the International Federation's Code of Conduct could not impose additional sanctions for the Use of cocaine In-Competition since that is already covered by the sanction scheme established in the Code. Other possible examples include rules governing the use of alcohol or oxygen. Similarly, an International Federation could use data from a Doping Control test to monitor eligibility relating to transgender and other eligibility rules.]



ARTICLE 24 MONITORING AND ENFORCING COMPLIANCE WITH THE *CODE* AND *UNESCO CONVENTION*


24.1 Monitoring and Enforcing Compliance with the *Code*¹¹⁶

- 24.1.1 Compliance by *Signatories* with the *Code* and the *International Standards* shall be monitored by *WADA* in accordance with the *International Standard for Code Compliance by Signatories*.
- 24.1.2 To facilitate such monitoring, each *Signatory* shall report to *WADA* on its compliance with the *Code* and the *International Standards* as and when required by *WADA*. As part of that reporting, the *Signatory* shall accurately provide all of the information requested by *WADA* and shall explain the actions it is taking to correct any *Non-Conformities*.
- 24.1.3 Failure by a *Signatory* to provide accurate information in accordance with [Article 24.1.2](#) itself constitutes an instance of *Non-Conformity* with the *Code*, as does failure by a *Signatory* to submit accurate information to *WADA* where required by other Articles of the *Code* or by the *International Standard for Code Compliance by Signatories* or other *International Standard*.
- 24.1.4 In cases of *Non-Conformity* (whether with reporting obligations or otherwise), *WADA* shall follow the corrective procedures set out in the *International Standard for Code Compliance by Signatories*. If the *Signatory* or its delegate fails to correct the *Non-Conformities* within the specified timeframe, then (following approval of such course by *WADA*'s Executive Committee) *WADA* shall send a formal notice to the *Signatory*,

¹¹⁶ [Comment to Article 24.1: Defined terms specific to [Article 24.1](#) are set forth at the end of [Appendix 1](#) to the *Code*.]

alleging that the *Signatory* is non-compliant, specifying the consequences that *WADA* proposes should apply for such non-compliance from the list of potential consequences set forth in [Article 24.1.12](#), and specifying the conditions that *WADA* proposes the *Signatory* should have to satisfy in order to be *Reinstated* to the list of *Code-compliant Signatories*. That notice will be publicly reported in accordance with the *International Standard for Code Compliance by Signatories*.

- 24.1.5 If the *Signatory* does not dispute *WADA*'s allegation of non-compliance or the consequences or *Reinstatement* conditions proposed by *WADA* within twenty-one (21) days of receipt of the formal notice, the non-compliance alleged will be deemed admitted and the consequences and *Reinstatement* conditions proposed will be deemed accepted, the notice will automatically become and will be issued by *WADA* as a final decision, and (without prejudice to any appeal filed in accordance with [Article 13.6](#)) it will be enforceable with immediate effect in accordance with [Article 24.1.9](#). The decision will be publicly reported as provided in the *International Standard for Code Compliance by Signatories* or other *International Standards*.
- 24.1.6 If the *Signatory* wishes to dispute *WADA*'s allegation of non-compliance, and/or the consequences and/or the *Reinstatement* conditions proposed by *WADA*, it must notify *WADA* in writing within twenty-one (21) days of its receipt of the notice from *WADA*. In that event, *WADA* shall file a formal notice of dispute with *CAS*, and that dispute will be resolved by the *CAS* Ordinary Arbitration Division in accordance with the *International Standard for Code Compliance by Signatories*. *WADA* shall have the burden of proving to the *CAS* Panel, on the balance of probabilities, that the *Signatory* is non-compliant (if that is disputed). If the *CAS* Panel decides that



WADA has met that burden, and if the *Signatory* has also disputed the consequences and/or the *Reinstatement* conditions proposed by WADA, the CAS Panel will also decide, by reference to the relevant provisions of the *International Standard for Code Compliance by Signatories*: (a) what consequences should be imposed from the list of potential consequences set out in [Article 24.1.12](#) of the *Code*; and (b) what conditions the *Signatory* should be required to satisfy in order to be *Reinstated*.

24.1.7 WADA will publicly report the fact that the case has been referred to CAS for determination. Each of the following *Persons* shall have the right to intervene and participate as a party in the case, provided it gives notice of its intervention within ten (10) days of such publication by WADA:


24.1.7.1 the International Olympic Committee and/or the International Paralympic Committee (as applicable), and the *National Olympic Committee* and/or the National Paralympic Committee (as applicable), where the decision may have an effect in relation to the Olympic Games or Paralympic Games (including decisions affecting eligibility to attend/participate in the Olympic Games or Paralympic Games); and

24.1.7.2 an International Federation, where the decision may have an effect on participation in the International Federation's World Championships and/or other International *Events* and/or on a bid that has been submitted for a country to host the International Federation's World Championships and/or other *International Events*.

Any other *Person* wishing to participate as a party in the case must apply to CAS

within ten (10) days of publication by WADA of the fact that the case has been referred to CAS for determination. CAS shall permit such intervention (i) if all other parties in the case agree; or (ii) if the applicant demonstrates a sufficient legal interest in the outcome of the case to justify its participation as a party.

- 24.1.8 CAS's decision resolving the dispute will be publicly reported by CAS and by WADA. Subject to the right under Swiss law to challenge that decision before the Swiss Federal Tribunal, the decision shall be final and enforceable with immediate effect in accordance with [Article 24.1.9](#).
- 24.1.9 Final decisions issued in accordance with [Article 24.1.5](#) or [Article 24.1.8](#), determining that a *Signatory* is non-compliant, imposing consequences for such non-compliance, and/or setting conditions that the *Signatory* has to satisfy in order to be *Reinstated* to the list of *Code-compliant Signatories*, and decisions by CAS further to [Article 24.1.10](#), are applicable worldwide, and shall be recognized, respected and given full effect by all other *Signatories* in accordance with their authority and within their respective spheres of responsibility.
- 24.1.10 If a *Signatory* wishes to dispute WADA's allegation that the *Signatory* has not yet met all of the *Reinstatement* conditions imposed on it and therefore is not yet entitled to be *Reinstated* to the list of *Code-compliant Signatories*, the *Signatory* must advise WADA in writing within twenty-one (21) days of its receipt of the allegation from WADA. In that event, WADA shall file a formal notice of dispute with CAS, and the dispute will be resolved by the CAS Ordinary Arbitration Division in accordance with [Articles 24.1.6](#) to [24.1.8](#). WADA shall have the burden to prove to the CAS



Panel, on the balance of probabilities, that the *Signatory* has not yet met all of the *Reinstatement* conditions imposed on it and therefore is not yet entitled to be *Reinstated*. Subject to the right under Swiss law to challenge *CAS*'s decision before the Swiss Federal Tribunal, *CAS*'s decision shall be final and enforceable with immediate effect in accordance with [Article 24.1.9](#).

24.1.11 The various requirements imposed on *Signatories* by the *Code* and the *International Standards* shall be classified either as *Critical*, or as *High Priority*, or as *General*, in accordance with the *International Standard for Code Compliance by Signatories*, depending on their relative importance to the fight against doping in sport. That classification shall be a key factor in determining what consequences should be imposed in the event of non-compliance with such requirement(s), in accordance with [Article 10](#) of the *International Standard for Code Compliance by Signatories*. The *Signatory* has the right to dispute the classification of the requirement, in which case *CAS* will decide on the appropriate classification.

24.1.12 The following consequences may be imposed, individually or cumulatively, on a *Signatory* that has failed to comply with the *Code* and/or the *International Standards*, based on the particular facts and circumstances of the case at hand, and the provisions of [Article 10](#) of the *International Standard for Code Compliance by Signatories*:

24.1.12.1 Ineligibility or withdrawal of
WADA privileges:

(a) in accordance with the relevant provisions of *WADA*'s Statutes, the *Signatory's Representatives* being ruled ineligible for a specified period to hold any *WADA* office or any position as a member of any *WADA* board or committee or other body (including but not limited


to WADA's Foundation Board, the Executive Committee, and any Standing Committee) (although WADA may exceptionally permit *Representatives* of the *Signatory* to remain as members of WADA expert groups where there is no effective substitute available);

(b) the *Signatory* being ruled ineligible to host any event organized or co-hosted or co-organized by WADA;

(c) the *Signatory's Representatives* being ruled ineligible to participate in any WADA *Independent Observer Program* or WADA Outreach program or other WADA activities;

(d) withdrawal of WADA funding to the *Signatory* (whether direct or indirect) relating to the development of specific activities or participation in specific programs; and

- 24.1.12.2 the *Signatory's Representatives* being ruled ineligible for a specified period to hold any office of or position as a member of the board or committees or other bodies of any other *Signatory* (or its members) or association of *Signatories*.
- 24.1.12.3 *Special Monitoring* of some or all of the *Signatory's Anti-Doping Activities*, until WADA considers that the *Signatory* is in a position to implement such *Anti-Doping Activities* in a compliant manner without such monitoring.
- 24.1.12.4 *Supervision* and/or *Takeover* of some or all of the *Signatory's Anti-Doping Activities* by an *Approved Third Party*, until WADA considers that the *Signatory* is in a position to implement such *Anti-Doping*



Activities itself in a compliant manner without such measures:


(a) If the non-compliance involves non-compliant rules, regulations and/or legislation, then the *Anti-Doping Activities* in issue shall be conducted under other applicable rules (of one or more other *Anti-Doping Organizations*, e.g., *International Federations* or *National Anti-Doping Organizations* or *Regional Anti-Doping Organizations*) that are compliant, as directed by WADA. In that case, while the *Anti-Doping Activities* (including any *Testing* and *Results Management*) will be administered by the *Approved Third Party* under and in accordance with those other applicable rules at the cost of the non-compliant *Signatory*, any costs incurred by the *Anti-Doping Organizations* as a result of the use of their rules in this manner shall be reimbursed by the non-compliant *Signatory*.

(b) If it is not possible to fill the gap in the *Signatory's Anti-Doping Activities* in this way (for example, because national legislation prohibits it, and the *National Anti-Doping Organization* has not secured an amendment to that legislation or other solution), then it may be necessary as an alternative measure to exclude *Athletes* who would have been covered by the *Signatory's Anti-Doping Activities* from participating in the Olympic Games/Paralympic Games/other *Events*, in order to protect the rights of clean *Athletes* and to preserve public confidence in the integrity of competition at those events.

- 24.1.12.5 A *Fine*.
- 24.1.12.6 Suspension or loss of eligibility to receive some or all funding and/or other benefits from the International Olympic Committee or the International Paralympic Committee or any other *Signatory* for a specified period (with or without the right to receive such funding and/or other benefits for that period retrospectively following *Reinstatement*).
- 24.1.12.7 Recommendation to the relevant public authorities to withhold some or all public and/or other funding and/or other benefits from the *Signatory* for a specified period (with or without the right to receive such funding and/or other benefits for that period retrospectively following *Reinstatement*).¹¹⁷
- 24.1.12.8 Where the *Signatory* is a *National Anti-Doping Organization* or a *National Olympic Committee* acting as a *National Anti-Doping Organization*, the *Signatory's* country being ruled ineligible to host or co-host and/or to be awarded the right to host or co-host an *International Event* (e.g., Olympic Games, Paralympic Games, any other *Major Event Organization's Event*, World Championships, regional or continental championships, and/or any other *International Event*):
- (a) If the right to host or co-host a World Championship and/or other *International Event(s)* has already been awarded to the

117 [Comment to Article 24.1.12.7: Public authorities are not Signatories to the Code. In accordance with Article 11(c) of the UNESCO Convention, however, State Parties shall, where

appropriate, withhold some or all financial or other sport-related support from any sports organization or Anti-Doping Organization that is not in compliance with the Code.]



country in question, the *Signatory* that awarded that right must assess whether it is legally and practically possible to withdraw that right and re-assign the *Event* to another country. If it is legally and practically possible to do so, then the *Signatory* shall do so.

(b) *Signatories* shall ensure that they have due authority under their statutes, rules and regulations, and/or hosting agreements, to comply with this requirement (including a right in any hosting agreement to cancel the agreement without penalty where the relevant country has been ruled ineligible to host the *Event*).

24.1.12.9 Where the *Signatory* is a *National Anti-Doping Organization* or a *National Olympic Committee* or a *National Paralympic Committee*, exclusion of the following *Persons* from participation in or attendance at the Olympic Games and the Paralympic Games and/or other specified *Events*, World Championships, regional or continental championships and/or any other *International Events* for a specified period:

(a) the *National Olympic Committee* and/or the *National Paralympic Committee* of the *Signatory's* country;

(b) the *Representatives* of that country and/or of the *National Olympic Committee* and/or the *National Paralympic Committee* of that country; and/or

(c) the *Athletes* and *Athlete Support Personnel* affiliated to that country and/or to the *National Olympic Committee* and/or to the *National Paralympic*

Committee and/or to the National Federation of that country.

- 24.1.12.10 Where the *Signatory* is an International Federation, exclusion of the following *Persons* from participation in or attendance at the Olympic Games and the Paralympic Games and/or other *Events* for a specified period: the *Representatives* of that International Federation and/or the *Athletes* and *Athlete Support Personnel* participating in the International Federation's sport (or in one or more disciplines of that sport).
- 24.1.12.11 Where the *Signatory* is a *Major Event Organization*:
- (a) *Special Monitoring or Supervision or Takeover* of the *Major Event Organization's Anti-Doping Activities* at the next edition(s) of its *Event*; and/or
 - (b) Suspension or loss of eligibility to receive funding and other benefits from and/or the recognition/membership/patronage (as applicable) of the International Olympic Committee, the International Paralympic Committee, the Association of *National Olympic Committees*, or other patron body; and/or
 - (c) loss of recognition of its *Event* as a qualifying event for the Olympic Games or the Paralympic Games.
- 24.1.12.12 Suspension of recognition by the Olympic Movement and/or of membership of the Paralympic Movement.



24.1.13 Other Consequences

Governments and *Signatories* and associations of *Signatories* may impose additional consequences within their respective spheres of authority for non-compliance by *Signatories*, provided that this does not compromise or restrict in any way the ability to apply consequences in accordance with this [Article 24.1](#).¹¹⁸

24.2 Monitoring Compliance with the *UNESCO Convention*

Compliance with the commitments reflected in the *UNESCO Convention* will be monitored as determined by the Conference of Parties to the *UNESCO Convention*, following consultation with the State Parties and WADA. WADA shall advise governments on the implementation of the *Code* by the *Signatories* and shall advise *Signatories* on the ratification, acceptance, approval or accession to the *UNESCO Convention* by governments.

ARTICLE 25 MODIFICATION AND WITHDRAWAL

25.1 Modification

25.1.1 WADA shall be responsible for overseeing the evolution and improvement of the *Code*. *Athletes* and other stakeholders and governments shall be invited to participate in such process.

118 [Comment to [Article 24.1.13](#): For example, the International Olympic Committee may decide to impose symbolic or other consequences on an International Federation or a National Olympic Committee pursuant to the Olympic Charter, such as withdrawal of eligibility to organize

an International Olympic Committee Session or an Olympic Congress; while an International Federation may decide to cancel International Events that were scheduled to be held in the country of a non-compliant Signatory, or move them to another country.]

- 25.1.2 WADA shall initiate proposed amendments to the Code and shall ensure a consultative process to both receive and respond to recommendations and to facilitate review and feedback from Athletes and other stakeholders and governments on recommended amendments.
- 25.1.3 Amendments to the Code shall, after appropriate consultation, be approved by a two-thirds majority of the WADA Foundation Board including a majority of both the public sector and Olympic Movement members casting votes. Amendments shall, unless provided otherwise, go into effect three (3) months after such approval.
- 25.1.4 Signatories shall modify their rules to incorporate the 2021 Code on or before 1 January 2021, to take effect on 1 January 2021. Signatories shall implement any subsequent applicable amendment to the Code within one (1) year of approval by the WADA Foundation Board.¹¹⁹

25.2 Withdrawal of Acceptance of the Code

Signatories may withdraw acceptance of the Code after providing WADA six-months written notice of their intent to withdraw. Signatories shall no longer be considered in compliance once acceptance has been withdrawn.

119 [Comment to Articles 25.1.3 and 25.1.4: Under Article 25.1.3, new or changed obligations imposed on Signatories automatically go into effect three (3) months after approval unless provided otherwise. In contrast, Article 25.1.4 addresses new or changed obligations imposed on Athletes or other Persons which can only be enforced against individual Athletes or

other Persons by changes to the anti-doping rules of the relevant Signatory (e.g., an International Federation). For that reason, Article 25.1.4 provides for a longer period of time for each Signatory to conform its rules to the 2021 Code and take any necessary measures to ensure the appropriate Athletes and other Persons are bound by the rules.]



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, 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 limitations 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.¹²⁰

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*.

120 [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.]



APPENDIX 1
DEFINITIONS



DEFINITIONS¹²¹

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

¹²¹ [Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.]



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*.¹²²

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*.

122 [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- or 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.]



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](#).¹²³

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.¹²⁴

123 [Comment to *Fault*: The criterion 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.]

124 [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*.¹²⁵

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.

125 [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 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 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.

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

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*.

National Olympic Committee: The organization recognized by the International Olympic Committee. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation

assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

No Fault or Negligence: The *Athlete* or other *Person's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a *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.¹²⁶

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*.

126 [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.]

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.¹²⁷

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.¹²⁸

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 (5) 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

127 [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.]

128 [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.]



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*.¹²⁹

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).

¹²⁹ [Comment to Recreational Athlete: The term "open category" is meant to exclude competition that is limited to junior or age group categories.]

Sample or Specimen: Any biological material collected for the purposes of *Doping Control*.¹³⁰

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

¹³⁰ [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.]



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*.¹³¹

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

131 [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.]

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.



DEFINITIONS SPECIFIC TO ARTICLE 24.1

Aggravating Factors: This term encompasses a deliberate attempt to circumvent or undermine the *Code* or the *International Standards* and/or to corrupt the anti-doping system, an attempt to cover up non-compliance, or any other form of bad faith on the part of the *Signatory* in question; a persistent refusal or failure by the *Signatory* to make any reasonable effort to correct *Non-Conformities* that are notified to it by WADA; repeat offending; and any other factor that aggravates the *Signatory's* non-compliance.

Approved Third Party: One or more *Anti-Doping Organizations* and/or *Delegated Third Parties* selected or approved by WADA, following consultation with the non-compliant *Signatory*, to *Supervise* or *Takeover* some or all of that *Signatory's* *Anti-Doping Activities*. As a last resort, if there is no other suitable body available, then WADA may carry out this function itself.

Critical: A requirement that is considered to be *Critical* to the fight against doping in sport. See further Annex A of the *International Standard for Code Compliance by Signatories*.

Fine: Payment by the *Signatory* of an amount that reflects the seriousness of the non-compliance/*Aggravating Factors*, its duration, and the need to deter similar conduct in the future. In a case that does not involve non-compliance with any *Critical* requirements, the *Fine* shall not exceed the lower of (a) 10% of the *Signatory's* total annual budgeted expenditure; and (b) US \$100,000. The *Fine* will be applied by WADA to finance further *Code* compliance monitoring activities and/or anti-doping *Education* and/or anti-doping research.

General: A requirement that is considered to be important to the fight against doping in sport but does not fall into the categories of *Critical* or *High Priority*. See further Annex A of the *International Standard for Code Compliance by Signatories*.

High Priority: A requirement that is considered to be *High Priority* but not *Critical* in the fight against doping in sport. See further Annex A of the *International Standard for Code Compliance by Signatories*.


Non-Conformity: Where a *Signatory* is not complying with the *Code* and/or one or more *International Standards* and/or any requirements imposed by the WADA Executive Committee, but the opportunities provided in the *International Standard for Code Compliance by Signatories* to correct the *Non-Conformity/Non-Conformities* have not yet expired and so WADA has not yet formally alleged that the *Signatory* is non-compliant.

Reinstatement: When a *Signatory* that was previously declared non-compliant with the *Code* and/or the *International Standards* is determined to have corrected that non-compliance and to have met all of the other conditions imposed in accordance with [Article 11](#) of the *International Standard for Code Compliance by Signatories for Reinstatement* of its name to the list of *Code-compliant Signatories* (and *Reinstated* shall be interpreted accordingly).

Representatives: Officials, directors, officers, elected members, employees, and committee members of the *Signatory* or other body in question, and also (in the case of a *National Anti-Doping Organization* or a *National Olympic Committee* acting as a *National Anti-Doping Organization*) *Representatives* of the government of the country of that *National Anti-Doping Organization* or *National Olympic Committee*.

Special Monitoring: Where, as part of the consequences imposed on a non-compliant *Signatory*, WADA applies a system of specific and ongoing monitoring to some or all of the *Signatory's Anti-Doping Activities*, to ensure that the *Signatory* is carrying out those activities in a compliant manner.

Supervision: Where, as part of the consequences imposed on a non-compliant *Signatory*, an *Approved Third Party* oversees and supervises the *Signatory's Anti-Doping Activities*, as directed by WADA, at the *Signatory's* expense (and *Supervise* shall be interpreted accordingly). Where a *Signatory* has been declared non-compliant and has not yet finalized a *Supervision* agreement with the *Approved Third Party*, that *Signatory* shall not implement independently any *Anti-Doping Activity* in the area(s) that the *Approved Third Party* is to oversee and supervise without the express prior written agreement of WADA.



Takeover: Where, as part of the consequences imposed on a non-compliant *Signatory*, an *Approved Third Party* takes over all or some of the *Signatory's Anti-Doping Activities*, as directed by WADA, at the *Signatory's* expense. Where a *Signatory* has been declared non-compliant and has not yet finalized a *Takeover* agreement with the *Approved Third Party*, that *Signatory* shall not implement independently any *Anti-Doping Activity* in the area(s) that the *Approved Third Party* is to take over without the express prior written agreement of WADA.



**WORLD
ANTI-DOPING
AGENCY**

play true

wada-ama.org/code



Tribunal Arbitral du Sport
Court of Arbitration for Sport
Tribunal Arbitral del Deporte

COURT OF ARBITRATION FOR SPORT

ARBITRATION RULES FOR THE OLYMPIC GAMES

ARBITRATION RULES FOR THE OLYMPIC GAMES

Article 1 Application of the Present Rules and Jurisdiction of the Court of Arbitration for Sport (CAS)

The purpose of the present Rules is to provide, in the interests of the athletes and of sport, for the resolution by arbitration of any disputes covered by Rule 61 of the Olympic Charter, insofar as they arise during the Olympic Games or during a period of ten days preceding the Opening Ceremony of the Olympic Games.

In the case of a request for arbitration against a decision pronounced by the IOC, an NOC, an International Federation or an Organising Committee for the Olympic Games, the claimant must, before filing such request, have exhausted all the internal remedies available to her/him pursuant to the statutes or regulations of the sports body concerned, unless the time needed to exhaust the internal remedies would make the appeal to the CAS Ad Hoc Division ineffective.

Article 2 Ad hoc Division

For the period fixed in Article 1, the ICAS shall establish an ad hoc Division of the CAS (hereinafter the “ad hoc Division”), the function of which is to provide for the resolution by arbitration of the disputes covered by Article 1 by means of Panels set up in accordance with the present Rules.

The ad hoc Division consists of arbitrators appearing on a special list, a President, a Co-president and a Court Office.

Article 3 Special List of Arbitrators

The ICAS, acting through its Board, shall draw up the special list of arbitrators referred to in Article 2.

This special list consists only of arbitrators who appear on the CAS general list of arbitrators and who are present at the OG. None of these arbitrators may act for the CAS Anti-doping Division during the same edition of the OG, nor thereafter in matters connected to the said edition of the OG.

The special list of arbitrators shall be published before the opening of the OG. It may be subsequently modified by the ICAS Board.

Article 4 Presidency

The ICAS Board shall elect the President and the Co-president of the ad hoc Division from among the members of the ICAS. The President shall perform the functions conferred upon him by the present Rules and all other functions relevant to the proper operation of the ad hoc Division. The Co-president may substitute for the President at any time.

The President and the Co-president must be independent of the parties and, where necessary, disqualify themselves in one another's favour.

Article 5 Court Office

The CAS shall establish a Court Office of the ad hoc Division on the site of the Olympic Games. Such office shall be placed under the authority of the CAS Secretary General.

Article 6 Language of Arbitration

The arbitration shall be conducted in English, French or Spanish as determined by the President of the ad hoc Division.

Article 7 Seat of Arbitration and Law Governing the Arbitration

The seat of the ad hoc Division and of each Panel is in Lausanne, Switzerland. However, the ad hoc Division and each Panel may carry out all the actions which fall within their mission at the site of the Olympic Games or in any other place they deem appropriate.

The arbitration is governed by Chapter 12 of the Swiss Act on Private International Law.

Article 8 Representation and Assistance

The parties may be represented or assisted by persons of their choice insofar as circumstances permit, particularly with regard to the time limit set for the award. The names, addresses, telephone and facsimile numbers of the persons representing the parties and details of any other written forms of electronic communication by which they may be reached shall appear in the application referred to in Article 10 or be submitted at the start of the hearing.

Article 9 Notifications and Communications

a) All notifications and communications from the ad hoc Division (Panel, Presidency or Court Office) shall be given as follows :

- to the claimant : by delivery to the address at the OG site appearing in the request or at the electronic mail address specified in the request or, in the absence of all of the above, by deposit at the Court Office.
- to the respondent : by delivery or electronic mail to his or her office or place of residence at the site of the OG.

The ad hoc Division may also give notifications and communications by telephone and confirm them subsequently in writing, or by electronic mail. In the absence of written confirmation, the communication is nevertheless valid if the addressee had actual knowledge of it.

b) Notifications and communications from the parties shall be delivered or emailed to the Court Office with the exception of the application referred to in article 10 which must be delivered to the Court Office, which will issue a time-dated receipt.

Article 10 Application

Any individual or legal entity wishing to bring before the ad hoc Division of the CAS a dispute within the meaning of Article 1 of the present Rules shall file a written application with the Court Office.

The application shall include :

- a copy of the decision being challenged, where applicable ;
- a brief statement of the facts and legal arguments on which the application is based ;
- the claimant's request for relief ;
- where applicable, an application for a stay of the effects of the decision being challenged or for any other preliminary relief of an extremely urgent nature ;
- any appropriate comments on the basis for CAS jurisdiction;
- the claimant's address at the site of the OG and, where applicable, the electronic mail address at which the claimant can be reached for the purposes of the proceedings and, where applicable, the same information for the person representing the claimant.

The application shall be written in English, French or Spanish. A standard application form is available to the parties at the Court Office.

If the National Olympic Committees concerned are not parties to the proceedings and do not receive a copy of the application in that capacity, this application shall be communicated to them for information purposes.

Article 11 Formation of the Panel

Upon receipt of the application, the President of the ad hoc Division constitutes a Panel composed of three arbitrators appearing on the special list described in Article 2 of the Rules (the “Panel”) and appoints the President thereof.

In the event that it appears appropriate under the circumstances, the President of the ad hoc Division may, in his discretion, appoint a sole arbitrator.

If an application is filed which is related to an arbitration already pending before the ad hoc Division, the President of the ad hoc Division may assign the second dispute to the Panel appointed to decide the first dispute. In order to decide upon such assignment, the President of the ad hoc Division shall take into account all the circumstances, including the relation between the two cases and the progress already made in the first case.

The Court Office shall convey the application to the Panel.

Article 12 Independence and Qualifications of the Arbitrators

All arbitrators must have legal training and possess recognized competence with regard to sport. They must be independent of the parties and disclose immediately any circumstance likely to compromise their independence.

All arbitrators must be present during the OG and be available for the ad hoc Division at any time. The President of the ad hoc Division is subject to the same obligations.

No CAS arbitrator may act as counsel for a party or other interested person before the ad hoc Division.

Article 13 Challenge, Disqualification and Removal of Arbitrators

An arbitrator must disqualify him- or herself voluntarily or, failing that, may be challenged by a party if circumstances give rise to legitimate doubts as to his or her independence. The President of the ad hoc Division is competent to take cognizance of any challenge requested by a party. She/he shall decide upon the challenge immediately after giving the parties and the arbitrator concerned the opportunity to be heard, insofar as circumstances permit. Any challenge must be brought as soon as the reason for the challenge becomes known.

Any arbitrator may be removed by the President of the ad hoc Division if she/he is prevented from carrying out the assignment or fails to perform her/his duties in accordance with the present Rules.

If an arbitrator disqualifies her- or himself voluntarily or if the President of the ad hoc Division accepts a challenge by a party or removes an arbitrator, the President of the ad hoc Division shall immediately appoint an arbitrator to fill the vacancy.

Article 14 Stay of Decision Challenged and Preliminary Relief of Extreme Urgency

In case of extreme urgency, the Panel, where already formed, or otherwise the President of the ad hoc Division, may rule on an application for a stay of the effects of the challenged decision or for any other preliminary relief without hearing the respondent first. The decision granting such relief ceases to be effective when the Panel gives a decision within the meaning of article 20 of the present Rules.

When deciding whether to award any preliminary relief, the President of the ad hoc Division or the Panel, as the case may be, shall consider whether the relief is necessary to protect the applicant from irreparable harm, the likelihood of success on the merits of the claim, and whether the interests of the applicant outweigh those of the opponent or of other members of the Olympic Community.

Article 15 Procedure before the Panel

a) Defence of lack of jurisdiction

Any defence of lack of jurisdiction of the Panel must be raised at the start of the proceedings or, at the latest, at the start of the hearing.

b) Procedure

The Panel organizes the procedure as it considers appropriate while taking into account the specific needs and circumstances of the case, the interests of the parties, in particular their right to be heard, and the particular constraints of speed and efficiency specific to the present ad hoc procedure. The Panel shall have full control over the evidentiary proceedings.

c) Hearing

Except where it considers another form of procedure more appropriate, the Panel shall summon the parties to a hearing on very short notice immediately upon receipt of the application. It shall append a copy of the application to the summons to appear addressed to the respondent. Unless the Panel decides otherwise in compliance with the sanitary measures in force, the hearing shall be held by video-conference or by telephone conference.

At the hearing, the Panel shall hear the parties and take all appropriate action with respect to evidence. The parties shall introduce at the hearing all the evidence they intend to adduce and produce the witnesses, who shall be heard immediately.

If it considers itself to be sufficiently well informed, the Panel may decide not to hold a hearing and to render an award immediately.

d) Other evidentiary measures

If a party requests an opportunity to introduce additional evidence which, for legitimate reasons, it was not able to produce at the hearing, the Panel may permit such introduction to the extent necessary to the resolution of the dispute.

The Panel may at any time take any appropriate action with respect to evidence. In particular, it may appoint an expert and order the production of documents, information or any other evidence. It may also, in its discretion, decide whether to admit or exclude evidence offered by the parties and assess the weight of evidence. The Panel shall inform the parties accordingly.

e) Failure to appear

If any party fails to appear at the hearing or to comply with injunctions, summonses or other communications issued by the Panel, the Panel may nevertheless proceed.

Article 16 The Panel’s Power to Review

The Panel shall have full power to establish the facts on which the application is based.

Article 17 Law Applicable

The Panel shall rule on the dispute pursuant to the Olympic Charter, the applicable regulations, general principles of law and the rules of law, the application of which it deems appropriate.

Article 18 Time limit

The Panel shall give a decision within 24 hours of the lodging of the application. In exceptional cases, this time limit may be extended by the President of the ad hoc Division if circumstances so require.

Article 19 Decision-making, Form and Communication of the Decision

Decisions are taken by a majority or, in the absence of a majority, by the President of the Panel. It shall be written, dated and signed by the President of the Panel and, in principle, brief reasons will be stated. Before the award is signed, it shall be reviewed by the President of the ad hoc Division, who may make amendments of form and, without affecting the Panel’s freedom of decision may also draw the latter’s attention to points of substance.

It shall be communicated to the parties immediately. The Panel may decide to communicate the operative portion of the award, prior to the reasons. The award shall be final from such communication.

If the National Olympic Committees concerned are not parties to the proceedings and do not receive a copy of the award in that capacity, this award shall be communicated to them for information purposes.

Article 20 Enforceability and Scope of the Decision

a) Choice of final award or referral

Taking into account all the circumstances of the case, including the claimant’s request for relief, the nature and complexity of the dispute, the urgency of its resolution, the extent of the evidence required and of the legal issues to be resolved,

the parties' right to be heard and the state of the record at the end of the ad hoc arbitration proceedings, the Panel may either make a final award or refer the dispute to arbitration by the CAS in accordance with the Code of Sports-related Arbitration. The Panel may also make an award on part of the dispute and refer the unresolved part of the dispute to regular CAS procedure.

b) Preliminary relief in case of referral

If it refers the dispute to regular CAS procedure, the Panel may, even where the parties have made no application to that effect, grant preliminary relief which will remain in effect until the arbitrators decide otherwise in the regular CAS procedure.

c) Referral

If the Panel refers the dispute to regular CAS procedure, the following provisions shall apply :

- i) The Panel may set a time limit for the claimant to bring the case before the CAS according to Articles R38 and R48 of the Code of Sports-related Arbitration or provide for referral on its own motion (“*ex officio* referral”). In either case, the time limits laid down by the statutes or regulations of the bodies the decision of which is being challenged or by Article R49 of the Code of Sports-related Arbitration do not apply.
- ii) Depending on the nature of the case, the CAS Court Office shall assign the arbitration to the Ordinary Arbitration Division or to the Appeals Arbitration Division.
- iii) The Panel formed during the OG remains assigned to the resolution of the dispute for purposes of regular CAS procedure and, by submitting to the present Rules, the parties waive any provision to the contrary in the Code of Sports-related Arbitration or in their agreement concerning the number of arbitrators and the way in which the Panel is formed.
- iv) In the event of *ex officio* referral, the CAS Court Office shall take any appropriate action which may facilitate the initiation of the regular CAS procedure, having special regard to the present provision.

Article 21 Enforceability; no Remedies

The decision is enforceable immediately. It shall be final and binding upon the parties subject to recourse available in certain circumstances pursuant to Swiss Law within 30 days from the notification of the original decision. It may not be challenged by way of an action for setting aside to the extent that the parties have no domicile, habitual residence, or business establishment in Switzerland and that they have expressly excluded all setting aside proceedings in the arbitration agreement or in a subsequent agreement, in particular at the outset of the arbitration.

Article 22 Cost-free Nature of the Proceedings

The facilities and services of the CAS ad hoc Division, including the provision of arbitrators to the parties to a dispute, are free of charge.

However, the parties shall pay their own costs of legal representation, experts, witnesses and interpreters.

Article 23 Miscellaneous Provisions

The French, English and Spanish texts are authentic. In the event of any discrepancy, the French text shall prevail.

The present Rules have been adopted by the ICAS in New Delhi, on 14 October 2003 (amended on 8 July 2021), on the basis of Rule 61 of the Olympic Charter and Articles S6, paragraphs 1, 8 and 10, S8, S23 and R69 of the Code of Sports-related Arbitration. They form an integral part of the Code of Sports-related Arbitration.

The present Rules may be amended by the ICAS pursuant to Article S8 of the Code of Sports-related Arbitration.

* * * * *



SAFESPORT CODE FOR THE U.S. OLYMPIC AND PARALYMPIC MOVEMENT

EFFECTIVE APRIL 1, 2023

**SAFESPORT CODE FOR THE U.S. OLYMPIC AND
PARALYMPIC MOVEMENT**

TABLE OF CONTENTS

I. AUTHORITY	1	3. Incapacitation.....	5
II. ADMINISTRATION AND COMPLIANCE.....	1	E. Days	5
III. APPLICATION	1	F. Event	5
IV. JURISDICTION OF THE CENTER.....	1	G. Local Affiliated Organization (LAO).....	5
A. Exclusive Jurisdiction.....	1	H. Minor or Child.....	5
B. Discretionary Jurisdiction	2	I. National Governing Body (NGB).....	5
C. Jurisdictional Reassessment.....	2	J. Participant	6
V. JURISDICTION OF THE USOPC, NGBs, and LAOs	2	K. Power Imbalance	6
VI. APPLICABLE PROCEDURES	2	L. Respondent.....	6
VII. ENFORCEMENT AUTHORITY	3	M. Third-Party Reporter.....	6
A. Enforcement Responsibility	3	IX. PROHIBITED CONDUCT	7
B. Reciprocal Enforcement	3	A. Criminal Charge or Disposition.....	7
C. Reviewing Temporary Measures and Sanctions.....	3	1. Definitions.....	7
D. Communications to Stakeholders	3	a. Criminal Disposition.....	7
E. Requirements to Register or Affiliate with a National Governing Body.....	3	b. Criminal Charge, including Warrant for Arrest.....	8
VIII. DEFINITIONS	3	2. Sex Offender Registry.....	8
A. Athlete	3	3. Hearing Related to Criminal Charge or Disposition.....	8
B. Child Abuse	3	B. Child Abuse	8
C. Claimant.....	3	C. Sexual Misconduct.....	8
D. Consent	4	1. Sexual Harassment.....	8
1. Force.....	4	2. Nonconsensual Sexual Contact.....	9
2. Legal Capacity	4	3. Nonconsensual Sexual Intercourse	10
		4. Sexual Exploitation.....	10
		5. Exposing a Minor to Sexual Content/Imagery	10

6. Sexual Bullying Behavior	11	d. Exclusion	15
7. Sexual Hazing	11	5. Harassment.....	15
8. Other Inappropriate Conduct of a Sexual Nature	11	E. Other Inappropriate Conduct	15
D. Emotional and Physical Misconduct	12	1. Intimate Relationship	15
1. Emotional Misconduct	12	2. Intentional Exposure of Private Areas	15
a. Verbal Acts	12	3. Inappropriate Physical Contact	16
b. Physical Acts	12	4. Willful Tolerance	16
c. Acts that Deny Attention or Support ..	12	F. Aiding and Abetting	16
d. Criminal Conduct	12	G. Misconduct Related to Reporting	16
e. Stalking	12	1. Failure to Report	16
f. Exclusion.....	13	2. Intentionally Filing a False Allegation	17
2. Physical Misconduct	13	H. Misconduct Related to the Center’s Process	17
a. Contact violations	13	1. Abuse of Process.....	17
b. Non-contact violations.....	13	I. Retaliation	18
c. Criminal Conduct.....	13	J. Minor Athlete Abuse Prevention Policies / Proactive Policies	18
d. Exclusion	13	X. REPORTING	19
3. Bullying Behavior	13	A. General Requirements	19
a. Physical.....	13	B. Reporting Requirements related to Child Abuse, including Child Sexual Abuse	19
b. Verbal	14	C. Reporting Requirements Relating to Sexual Misconduct.....	20
c. Social, including cyberbullying	14	D. Additional Misconduct that Adult Participants must report to the Center	20
d. Criminal Conduct	14	E. Emotional & Physical Misconduct and Proactive Policies	20
e. Exclusion	14	F. Anonymous Reports	20
4. Hazing	14	G. Confidentiality for Third-Party Reporters	20
a. Contact acts.....	14		
b. Non-contact acts	14		
c. Criminal acts.....	14		

H. Reporting Options for Claimants.....	21	O. Decision.....	25
XI. RESOLUTION PROCEDURES	21	P. Requesting a Stay of the Sanction(s).....	26
A. Initiating Proceedings	21	Q. Requesting Arbitration Hearing	26
B. Substantive Standards and Procedural Rules	21	R. Reopening a Matter.....	26
C. Standard of Proof.....	21	S. Confidentiality – Release/Use of Materials	26
D. Consolidation.....	21	XII. TEMPORARY MEASURES	26
E. Related Proceedings.....	21	A. By the Center.....	27
1. Effect of Criminal or Civil Proceedings	21	1. Timing.....	27
2. No Waiver of Other Legal Remedies.....	22	2. Standard	27
F. Coordinating with Law Enforcement	22	3. Remedies.....	27
G. Statute of Limitations or Other Time Bars	22	4. Review by Arbitrator	27
H. Methods of Resolution.....	22	5. Modifiable.....	27
1. Administrative Closures.....	22	6. Failure to Comply with Temporary Measures	27
2. Informal Resolution	22	B. By the USOPC, NGB, or LAO	27
3. Formal Resolution.....	22	XIII. SANCTIONS	28
I. Participation	23	A. Sanctions.....	28
1. Parties.....	23	B. Considerations	29
2. Advisors	23	C. Publication	29
3. Witnesses	24	XIV. ARBITRATION RULES.....	29
4. Claimant’s Request for Anonymity	24	1. Application	29
5. Privacy	24	2. Scope	29
J. Procedural Rights of Respondents	24	3. Arbitrator Qualifications	29
K. Recordings.....	25	4. Parties	29
L. Prior or Subsequent Conduct	25	5. Advisor	29
M. Relevance.....	25	6. Confidentiality.....	30
N. Investigation Report	25	7. Initiating Arbitration.....	30

8. Number of arbitrators	30
9. Arbitrator Appointment – Merits Arbitration.....	30
10. Notice to Arbitrator of Appointment.....	31
11. Jurisdiction and Conflicts of Interest.....	31
a. Jurisdiction	31
b. Conflicts of interest.....	31
c. Replacing a conflicted arbitrator	31
12. Vacancies.....	31
13. Submissions to and Communication with Arbitrator	32
14. Hearing Concerning Sanctions and Criminal Charges or Dispositions	32
a. Scope	32
b. Standard of review	32
c. Briefing.....	32
d. Oral argument	32
e. Decision.....	32
15. Procedural Due Process.....	32
16. Pre-Hearing Conference	32
17. Discovery.....	33
18. Date and Time of Hearing	33
19. Place of Hearing	34
20. Attendance.....	34
21. Oaths.....	34
22. Interpreters.....	34
23. Continuance.....	34
24. Arbitration in the Absence of a Party or Advisor..	34

25. Standard of Proof.....	35
26. Rules of Evidence.....	35
27. Evidence by Affidavit	35
28. Hearing	35
a. Arbitrator to manage proceedings expeditiously	35
b. Opening Statements	35
c. Presenting evidence.....	36
d. Examining witnesses.....	36
e. Role of the Claimant	37
f. Closing statements.....	37
g. Hearing closed to the public	37
h. Closing of Hearing.....	38
29. Waiver of Rules.....	38
30. Extensions of Time.....	38
31. Notice and Receipt	38
32. Decisions	38
a. Time	38
b. Form.....	39
c. Scope	39
d. Delivery to parties.....	39
33. Modifying Decision.....	39
34. No Appeal.....	39
35. Filing Fees and Expenses	39
36. Other Fees and Expenses.....	40
37. Arbitrator’s Compensation	40
38. Allocating Fees and Expenses.....	40

39. Interpreting and Applying These Rules.....	40
40. Temporary Measures	40
a. Timing	40
b. Arbitrator.....	40
c. Filing fees and expenses.....	41
d. Procedures.....	41
i. Expedited proceedings	41
ii. Pre-hearing Conference.....	41
iii. Position Statements	41
iv. Length of Hearing	41
e. Standard of review	41
f. Decision	42
g. No appeal	42
<i>Exhibit 1</i>	43
<i>Exhibit 2</i>	44

SAFESPORT CODE FOR THE U.S. OLYMPIC AND PARALYMPIC MOVEMENT

Effective April 1, 2023

I. AUTHORITY

The U.S. Center for SafeSport (Center) is recognized by the United States Congress, the United States Olympic & Paralympic Committee (USOPC), and the National Governing Bodies (NGBs) as the official safe sport organization for all Olympic, Paralympic, Pan American and Para Pan American sports in the United States.

II. ADMINISTRATION AND COMPLIANCE

The Code is administered by the Center. The USOPC, NGBs, and Local Affiliated Organizations (LAOs) must comply, in all respects, with these policies and procedures and shall be deemed to have incorporated the provisions into their relevant policies as if they had set them out in full therein.

NGBs and the USOPC are prohibited from interfering in, attempting to interfere in, or influencing the outcome of the Center's investigations. *See* 36 USC § 220541(f)(4).

Participants are responsible for knowing the information outlined herein and, by virtue of being a Participant, have expressly agreed to the jurisdiction of the Center and this Code's policies and procedures, including those governing arbitration. The Center reserves the right to make changes to the Code as necessary. Once posted online, notice has been provided and changes are effective immediately unless otherwise noted.

In the event that any party brings any action against the other related to this Code, the parties agree that the venue of such action shall be vested exclusively in the United States District Court for the District of Colorado.¹

III. APPLICATION

The Code applies to Participants, as defined below. To effectuate its mandate to protect those involved in amateur athletics from sexual or other forms of abuse, the Center assesses a Participant's fitness and eligibility to be involved with amateur athletics. Participation in the private associations making up the Olympic & Paralympic Movement is a privilege, not a right.

IV. JURISDICTION OF THE CENTER

A. Exclusive Jurisdiction

The Center has the exclusive jurisdiction to investigate and resolve allegations that a Participant engaged in one or more of the following:

1. Sexual Misconduct, including without limitation child sexual abuse and any misconduct that is reasonably related to an underlying allegation of Sexual Misconduct;
2. Criminal Charges or Dispositions involving Child Abuse or Sexual Misconduct;
3. Misconduct Related to Reporting, where the underlying allegation involves Child Abuse or Sexual Misconduct;
4. Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the

¹ This provision is not intended in any way to waive or limit the requirement to arbitrate as set forth herein.

Center's process;

5. Other Inappropriate Conduct, as defined herein.

B. Discretionary Jurisdiction

The Center has discretionary jurisdiction to investigate and resolve allegations that a Participant engaged in one or more of the following:

1. Non-sexual Child Abuse;
2. Emotional and physical misconduct, including stalking, bullying behaviors, hazing, and harassment;
3. Criminal Charges or Dispositions not involving Child Abuse or Sexual Misconduct;
4. Minor Athlete Abuse Prevention Policy or other similar Proactive Policy violations;
5. Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the processes of the USOPC, an NGB, an LAO, or any other organization under the Center's jurisdiction.

If the Center accepts discretionary jurisdiction, it will use the resolution procedures set forth herein.

C. Jurisdictional Reassessment

The Center may reassess its jurisdictional decision at any time.

V. JURISDICTION OF THE USOPC, NGBs, and LAOs

- A. Before the Center expressly exercises jurisdiction over particular allegations regarding a particular Participant, the relevant organization (the USOPC, NGB, or LAO)

has the authority to implement necessary and appropriate measures, up to and including a suspension, to address any allegations of misconduct.

- B. When the relevant organization has reason to believe that the allegations presented fall within the Center's exclusive jurisdiction, the organization—while able to impose measures—may not investigate or resolve those allegations.
- C. When the allegations presented fall within the Center's discretionary jurisdiction, the organization may investigate and resolve the matter, unless and until such time as the Center expressly exercises jurisdiction over the particular allegations.
- D. The Center will issue a Notice of Exercise of Jurisdiction to the USOPC, NGB, or LAO when the Center determines it has jurisdiction over an allegation of Prohibited Conduct. When the Center expressly exercises jurisdiction over particular allegations regarding a particular Participant, the relevant organization(s) cannot issue—in response to those allegations—a suspension or other restriction that may deny or threaten to deny a Respondent's opportunity to participate in sport. The relevant organization may implement any necessary safety plan(s) or temporary measure(s). The NGB shall inform the Center of any safety plan(s) or temporary measures(s) it or its LAO imposes within 72 hours of imposition.

VI. APPLICABLE PROCEDURES

The applicable procedures for reporting, investigating, and resolving alleged misconduct depends on the nature of the misconduct, as set forth in the Code. The procedures set forth

herein will be applied to any matter over which the Center accepts jurisdiction. The procedures set forth by the adjudicating body (USOPC, NGB, or LAO) will be applied to any matter over which the Center does not accept jurisdiction.

VII. ENFORCEMENT AUTHORITY

A. Enforcement Responsibility

The USOPC, NGB, and LAO are responsible for enforcing eligibility determinations, sanctions and Temporary Measures imposed by the Center, as set forth below. 36 USC § 220505(d)(1)(C). All eligibility determinations, sanctions, and Temporary Measures imposed by the Center shall be in effect immediately upon issuance.

B. Reciprocal Enforcement

Center issued eligibility determination(s) or sanction(s) shall be reciprocally enforced by and between all NGBs, LAOs, and the USOPC.

C. Reviewing Temporary Measures and Sanctions

NGBs and the USOPC shall immediately review communications from the Center concerning Temporary Measures and sanctions for implementation. If the NGB or the USOPC determines an error or omission in such communication has been made, it shall notify the Center as soon as practicable, but no later than three Days after receipt.

D. Communications to Stakeholders

The Center shall provide a Summary of Decision, which

the USOPC, NGBs, or LAOs may provide to parties to assist with enforcement of sanctions. The USOPC, the NGBs, and LAOs shall establish a method to communicate Temporary Measures and sanctions to their relevant stakeholders.

E. Requirements to Register or Affiliate with a National Governing Body

To ensure enforcement, NGBs shall require any organization that wishes to register as an LAO, a member club, or otherwise affiliate with the organization (e.g., using the rules or procedures of an NGB), to agree to and comply with the Code, the requirements set forth in the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, and to enforce any sanction(s) or Temporary Measure(s) imposed by the Center.

VIII. DEFINITIONS

A. Athlete

An athlete who meets the eligibility standards established by the NGB or Paralympic sports organization for the sport in which the athlete competes.

B. Child Abuse

The term “child abuse” has the meaning set forth in Section 203 of the Victims of Child Abuse Act of 1990 (34 U.S.C. § 20341) or any applicable state law.

C. Claimant

The person who is alleged to have experienced conduct

that constitutes a Code violation.

D. Consent

Consent is (a) informed (knowing), (b) voluntary (freely given), and (c) active (not passive). Consent must be demonstrated by clear words or actions, indicating that a person who is legally and functionally competent has indicated permission to engage in mutually agreed-upon sexual activity.

Consent to any one form of sexual activity does not automatically imply Consent for any other forms of sexual activity. Previous relationships or prior Consent does not imply Consent to future sexual activity. Once given, Consent can be withdrawn through clear words or actions.

Consent cannot be obtained: (a) by force, (b) by taking advantage of the Incapacitation of another, when the person initiating sexual activity knew or reasonably should have known that the other was Incapacitated, (c) from someone who lacks legal capacity, (d) when a Power Imbalance exists.

1. Force includes (a) the use of physical violence, (b) threats, (c) intimidation, and (d) coercion.
 - a. Physical violence means that a person is exerting control over another person using physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, strangling, and brandishing or using any weapon.
 - b. Threats are words or actions that would compel a reasonable person to engage in unwanted sexual

activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to deny a person's ability to participate in sport.

- c. Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).
- d. Coercion is the use of an unreasonable amount of pressure to gain intimate or sexual access. Coercion is more than an effort to persuade, entice, or attract another person to engage in sexual activity. When a person makes clear their decision not to participate in a form of Sexual Contact or Sexual Intercourse, their decision to stop, or their decision not to go beyond a certain sexual interaction, continued pressure can be coercive.

Whether conduct is coercive depends on: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

2. Legal Capacity

Minors cannot Consent to conduct of a sexual nature. While the legal age of Consent varies under

state and federal law, the age of capacity under the Code is 18.

A close-in-age exception will be applied to any policy violation between an adult and a Minor, or between two Minors, when there is no Power Imbalance and when the age difference is no more than three years.

When the assessment of whether a Participant's conduct violates the Code depends upon another individual being below a certain specified age, ignorance of their actual age is no defense. Neither shall misrepresentation of age by such person, nor a Participant's bona fide belief that such person is over the specified age, be a defense.

3. Incapacitation

Incapacitation means that a person lacks the ability to make informed, rational judgments about whether to engage in sexual activity. A person who is incapacitated is unable, temporarily or permanently, to give Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated because of consuming alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely because of drinking or using drugs. The impact of alcohol and other drugs varies from person to person and is evaluated under the specific circumstances of a matter.

A Respondent's being impaired by alcohol or other drugs is not a defense to any violation of the Code.

The Consent construct can also be applied to other forms of non-sexual conduct, such as hazing or other forms of Physical or Emotional Misconduct.

E. Days

Unless expressly provided otherwise, the term "days" shall mean business days, which excludes weekends and national holidays.

F. Event

The term "Event" shall have the meaning set forth in the Victims of Child Abuse Act of 1990 (34 U.S.C. § 20341). As of the effective date of these policies and procedures, "event" includes "travel, lodging, practice, competition, and health or medical treatment."

G. Local Affiliated Organization (LAO)

A regional, state or local club or organization that is directly affiliated with an NGB or that is affiliated with an NGB by its direct affiliation with a regional or state affiliate of said NGB. LAO does not include a regional, state, or local club or organization that is only a member of a National Member Organization of an NGB.

H. Minor or Child

An individual who is, or is believed by the Respondent to be, under the age of 18.

I. National Governing Body (NGB)

An amateur sports organization, a high-performance management organization, or a Paralympic sports organization that is certified by the United States Olympic & Paralympic Committee under 36 USC § 220521. This definition shall also apply to the USOPC, or other sports entity approved by the USOPC, when they have assumed responsibility for the management or governance of a sport included on the program of the Olympic, Paralympic, Pan-American, or Parapan American Games. This would include any organization, member of that organization, or Participant that has subjected itself to the jurisdiction of the Center.

J. Participant

1. Any individual who is seeking to be, currently is,² or was at the time of any alleged Code violation:
 - a. A member or license holder of an NGB, LAO, or the USOPC;
 - b. An employee or board member of an NGB, LAO, or the USOPC;
 - c. Within the governance or disciplinary jurisdiction of an NGB, LAO, or the USOPC;
 - d. Authorized, approved, or appointed by an NGB, LAO, or the USOPC to have regular contact with or authority over Minor Athletes.

K. Power Imbalance

A Power Imbalance may exist where, based on the totality of the circumstances, one person has supervisory, evaluative, or other authority over another. Whether there is a Power Imbalance depends on several factors, including but not limited to: the nature and extent of the supervisory, evaluative or other authority over the person; the actual relationship between the parties; the parties' respective roles; the nature and duration of the relationship; the age of the parties involved; whether there is an aggressor; whether there is a significant disparity in age, size, strength, or mental capacity.

Once a coach-Athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-Athlete relationship (regardless of age) and is presumed to continue for Minor Athletes after the coach-Athlete relationship terminates until the Athlete reaches 20 years of age.

A Power Imbalance may exist, but is not presumed, when an Intimate Relationship existed before the sport relationship (e.g., a relationship between two spouses or life partners that preceded the sport relationship).

L. Respondent

A Participant who is alleged to have violated the Code.

M. Third-Party Reporter

Reports brought by individuals other than the Claimant

² For the purpose of evaluating whether an individual is considered a Participant per this provision, the phrase "currently is" includes the date on which the alleged misconduct was reported to the Center, through resolution, and including the period(s) of any sanctions imposed.

are referred to as “third-party reports” and those bringing them are “third-party reporters.”

IX. PROHIBITED CONDUCT

This section of the Code sets forth expectations for Participants related to Emotional, Physical, and Sexual Misconduct, including Bullying, Hazing, and Harassment.

The privilege of participation in the Olympic & Paralympic Movement may be limited, conditioned, suspended, terminated, or denied if a Participant’s conduct is or was inconsistent with this Code or the best interest of sport and those who participate in it.

It is a violation of the Code for a Participant to engage in or tolerate: (1) Prohibited Conduct, as outlined in the Code; (2) any conduct that would violate any current or previous standards promulgated by the U.S. Center for SafeSport, an NGB, an LAO, or the USOPC that are analogous to Prohibited Conduct and that existed at the time of the alleged conduct; or (3) any conduct that would violate community standards analogous to Prohibited Conduct that existed at the time of the alleged conduct, including then applicable criminal or civil laws.³

Prohibited Conduct includes:

- A. Criminal Charges or Dispositions
- B. Child Abuse
- C. Sexual Misconduct
- D. Emotional and Physical Misconduct, including Stalking, Bullying, Hazing, and Harassment
- E. Other Inappropriate Conduct

- F. Aiding and Abetting
- G. Misconduct Related to Reporting
- H. Misconduct Related to the Center’s Process
- I. Retaliation
- J. Violation of Minor Athlete Abuse Prevention Policies / Proactive Policies

A. Criminal Charge or Disposition

It is a violation of the Code for a Participant to have a Criminal Charge or Disposition.

Criminal Conduct is relevant to an individual’s fitness to participate in sport. The age of a Criminal Charge or Disposition is not relevant to whether a violation of the Code occurred, but may be considered for sanctioning purposes. The Center reviews Criminal Charges or Dispositions involving sexual misconduct or child abuse *de novo*; any prior consideration or finding by an NGB, LAO, or the USOPC regarding a Criminal Disposition involving sexual misconduct or child abuse is not relevant to the Center’s determination.

1. Definitions

a. Criminal Disposition

It is a violation of the Code for a Participant to be or have been subject to any disposition or resolution of a criminal proceeding, other than an adjudication of not guilty, including, but not limited to: an adjudication of guilt or admission

³ The focus of this provision is on community standards in place at the time of the alleged conduct. The question is: Would a reasonable person at the time the alleged conduct occurred have had notice that the alleged conduct would have violated community standards and norms as those standards were generally expressed in then applicable criminal or civil statutes, or other applicable community standards? The Center need not establish every element of a crime, nor must it apply any evidentiary standards or burdens of proof other than those provided in this Code.

to a criminal violation, a plea to the charge or a lesser included offense, a plea of no contest, any plea analogous to an Alford or Kennedy plea, the disposition of the proceeding through a diversionary program, deferred adjudication, deferred prosecution, disposition of supervision, conditional dismissal, juvenile delinquency adjudication, or similar arrangement.

b. **Criminal Charge, including Warrant for Arrest**

It is a violation of the Code for a Participant to have any pending criminal charge(s) or warrant(s) for arrest.

When assessing whether conduct constitutes a Criminal Charge or Disposition, the Center may assess and rely upon the original charges, amended charges, or those to which a plea was entered.

2. Sex Offender Registry

A Participant who is currently on any state, federal, territorial, or tribal sex offender registry is ineligible to participate.

3. Hearing Related to Criminal Charge or Disposition

A Participant who wishes to challenge the Center's decision related to a Criminal Charge or Disposition may request a hearing concerning the sanction only pursuant to Rule-14.

If the Center renders a Decision regarding a Participant's Criminal Charge or Disposition, and

that Charge or Disposition is subsequently modified by a criminal court, the Participant may request that the matter be reopened by the Center, pursuant to Section XI(R). In instances where a pending criminal charge(s) resolves, in that the charge(s) is eventually dismissed, results in an acquittal, or results in a Criminal Disposition as defined above, a Respondent's request to reopen will always be granted and a new Decision issued.

B. Child Abuse

It is a violation of the Code for a Participant to engage in Child Abuse.

C. Sexual Misconduct

It is a violation of the Code for a Participant to engage in Sexual Misconduct. Sexual Misconduct offenses include, but are not limited to:

1. Sexual Harassment
2. Nonconsensual Sexual Contact (or attempts to commit the same)
3. Nonconsensual Sexual Intercourse (or attempts to commit the same)
4. Sexual Exploitation
5. Exposing a Minor to Sexual Content/Imagery
6. Sexual Bullying Behavior
7. Sexual Hazing
8. Other Inappropriate Conduct of a Sexual Nature.

1. Sexual Harassment

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other

unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (a) or (b) below are present:

Sexual Harassment also includes harassment related to gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (a) or (b), below, are present:

- a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of any person's employment, standing in sport, or participation in Events, sports programs or activities; or when submission to or rejection of such conduct is used as the basis for sporting decisions affecting the individual (often referred to as "quid pro quo" harassment); or
- b. Such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive such that it interferes with, limits, or deprives any individual of the opportunity to participate in any program or activity. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective.

Whether a hostile environment exists depends on the totality of known circumstances, including, but not limited to:

- i. The frequency, nature, and severity of

the conduct;

- ii. Whether the conduct was physically threatening;
- iii. The effect of the conduct on the Claimant's mental or emotional state;
- iv. Whether the conduct was directed at more than one person;
- v. Whether the conduct arose in the context of other discriminatory conduct;
- vi. Whether the conduct unreasonably interfered with any person's educational or work performance or sport programs or activities; and
- vii. Whether the conduct implicates concerns related to protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident that is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual contact without Consent, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

2. Nonconsensual Sexual Contact

It is a violation of the Code for a Participant to engage in Sexual Contact without Consent.

Sexual Contact is any intentional touching of a

sexual nature, however slight, with any object or body part (as described below), by a person upon another person.

Sexual Contact includes but is not limited to: (a) kissing, (b) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts; and (c) making another touch themselves, the Participant, or someone else with or on any of these body parts.

3. Nonconsensual Sexual Intercourse

It is a violation of the Code for a Participant to engage in Sexual Intercourse without Consent.

Sexual intercourse is any penetration, however slight, with any object or body part (as described below), by a person upon another person.

Sexual Intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

4. Sexual Exploitation

It is a violation of the Code for a Participant to engage in Sexual Exploitation. Sexual Exploitation occurs when a Participant purposely or knowingly:

- a. Allows third parties to observe private sexual activity from a hidden location (e.g., closet) or

through electronic means (e.g., Skype or live-streaming of images) without Consent of all parties involved in the sexual activity.

- b. Records or photographs private sexual activity or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without Consent of all parties in the recording or photo.
- c. Engages in voyeurism (e.g., watching private sexual activity or viewing another person's intimate parts when that person would have a reasonable expectation of privacy), without Consent of all parties being viewed.
- d. Disseminates, shows or posts images of private sexual activity or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without prior Consent of the person depicted in the images.
- e. Intentionally exposes another person to a sexually transmitted infection or virus without that person's knowledge.
- f. Engages in solicitation of prostitution, or prostituting or trafficking another person.

5. Exposing a Minor to Sexual Content/Imagery

An Adult Participant violates this Code by intentionally exposing a Minor to content or imagery of a sexual nature, including but not limited to, pornography, sexual comment(s), sexual gestures, or sexual situation(s).

This provision does not exclude the possibility that similar behavior between adults could constitute other Sexual Misconduct, as defined in the Code.

6. Sexual Bullying Behavior

Repeated or severe behavior(s) of a sexual nature that are (a) aggressive, (b) directed at a Minor, and (c) intended or likely to hurt, control, or diminish the Minor emotionally, physically, or sexually. Sexual Bullying-like Behaviors directed at adults are addressed under other forms of misconduct, such as Sexual Hazing or Sexual Harassment.

Sexual Bullying Behavior also includes bullying behavior related to gender, sexual orientation, gender identity, or gender expression, even if the acts do not involve conduct of a sexual nature.

Examples of Sexual Bullying Behavior may include, without limitation, ridiculing or taunting that is sexual in nature or based on gender or sexual orientation (real or perceived), gender traits or behavior, or teasing someone about their looks or behavior as it relates to sexual attractiveness.

Conduct may not rise to the level of Sexual Bullying Behavior if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views or positions. Bullying does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete

performance.

7. Sexual Hazing

Any conduct of a sexual nature that subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, humiliate, degrade, or intimidate the person as a condition of joining or being socially accepted by a group, team, or organization.

Sexual Hazing also includes hazing related to gender, sexual orientation, gender identity, or gender expression, even if the acts do not involve conduct of a sexual nature.

Purported Consent by the person subjected to Sexual Hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate.

Conduct may not rise to the level of Sexual Hazing if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful), or arising from conflict or struggle between persons who perceive they have incompatible views or positions. Hazing does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

8. Other Inappropriate Conduct of a Sexual Nature

It is a violation of the Code for a Participant to engage in any Other Inappropriate Conduct of a sexual nature, as further defined in the corresponding sections below.

D. Emotional and Physical Misconduct

It is a Code violation for a Participant to engage in emotional or physical misconduct, when that misconduct occurs within a context that is reasonably related to sport, which includes, without limitation:

1. Emotional Misconduct
2. Physical Misconduct
3. Bullying Behavior
4. Hazing
5. Harassment.

1. Emotional Misconduct

Emotional Misconduct includes (a) Verbal Acts, (b) Physical Acts, (c) Acts that Deny Attention or Support, (d) Criminal Conduct, or (e) Stalking. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior.

- a. Verbal Acts
Repeatedly and excessively verbally assaulting or attacking someone personally in a manner that serves no productive training or motivational purpose.
- b. Physical Acts
Repeated or severe physically aggressive behaviors, including but not limited to, throwing sport equipment, water bottles or chairs at or in the presence of others, punching walls, windows or other objects.
- c. Acts that Deny Attention or Support

Ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding a Participant from participation.

d. Criminal Conduct

Emotional Misconduct includes any act or conduct described as emotional abuse or misconduct under federal or state law (e.g., child abuse, child neglect).

e. Stalking

Stalking occurs when a person purposefully engages in a course of conduct directed at a specific person, and knows or should know, that the course of conduct would cause a reasonable person to (i) fear for their safety, (ii) fear for the safety of a third person, or (iii) to experience substantial emotional distress.

“Course of conduct” means at least two or more acts, in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property. “Substantial emotional distress” means significant mental suffering or anguish.

Stalking also includes “cyber-stalking,” wherein a person stalks another using electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

- f. Exclusion
Emotional Misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improved Athlete performance. Emotional Misconduct also does not include conduct reasonably accepted as part of sport or conduct reasonably accepted as part of Participant's participation.

2. Physical Misconduct

Physical Misconduct is any intentional contact or non-contact behavior that causes, or reasonably threatens to cause, physical harm to another person.

Examples of physical misconduct may include, without limitation:

- a. Contact violations
Punching, beating, biting, striking, strangling or slapping another; intentionally hitting another with objects, such as sporting equipment; encouraging or knowingly permitting an Athlete to return to play prematurely following a serious injury (e.g., a concussion) and without the clearance of a medical professional.
- b. Non-contact violations
Isolating a person in a confined space, such as locking an Athlete in a small space; forcing an Athlete to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a harmful surface); withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep;

providing alcohol to a person under the legal drinking age; providing illegal drugs or non-prescribed medications to another.

- c. Criminal Conduct
Physical Misconduct includes any act or conduct described as physical abuse or misconduct under federal or state law (e.g., child abuse, child neglect, assault).
- d. Exclusion
Physical Misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance. For example, hitting, punching and kicking are well-regulated forms of contact in combat sports, but have no place in swimming. Physical Misconduct also does not include conduct reasonably accepted as part of sport or conduct reasonably accepted as part of Participant's participation.

3. Bullying Behavior

Repeated or severe behavior(s) that are (a) aggressive (b) directed at a Minor, and (c) intended or likely to hurt, control, or diminish the Minor emotionally, physically, or sexually. Bullying-like behaviors directed at adults are addressed under other forms of misconduct, such as Hazing or Harassment. Examples of bullying behavior may include, without limitation, repeated or severe:

- a. Physical
Hitting, pushing, punching, beating, biting,

striking, kicking, strangling, slapping, spitting at, or throwing objects (such as sporting equipment) at another person.

- b. Verbal
Ridiculing, taunting, name-calling or intimidating or threatening to cause someone harm.
- c. Social, including cyberbullying
Use of rumors or false statements about someone to diminish that person's reputation; using electronic communications, social media or other technology to harass, frighten, intimidate or humiliate someone; socially excluding someone and asking others to do the same.
- d. Criminal Conduct
Bullying Behavior includes any conduct described as bullying under federal or state law.
- e. Exclusion
Conduct may not rise to the level of Bullying Behavior if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views or positions. Bullying does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

4. Hazing

Any conduct that subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, humiliate, degrade, or intimidate the person as a condition of joining or being socially accepted by a group, team, or organization. Purported Consent by the person subjected to Hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate.

Examples of Hazing include:

- a. Contact acts
Tying, taping, or otherwise physically restraining another person; beating, paddling or other forms of physical assault.
- b. Non-contact acts
Requiring or forcing the consumption of alcohol, illegal drugs or other substances, including participation in binge drinking and drinking games; personal servitude; requiring social actions (e.g., wearing inappropriate or provocative clothing) or public displays (e.g., public nudity) that are illegal or meant to draw ridicule; excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; sleep deprivation; otherwise unnecessary schedule disruptions; withholding of water or food; restrictions on personal hygiene.
- c. Criminal acts

Any act or conduct that constitutes hazing under applicable federal or state law.

d. Exclusion

Conduct may not rise to the level of Hazing if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views or positions. Hazing does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

5. Harassment

Repeated or severe conduct that (a) causes fear, humiliation or annoyance, (b) offends or degrades, (c) creates a hostile environment (as defined above), or (d) reflects discriminatory bias in an attempt to establish dominance, superiority or power over an individual or group based on age, race, ethnicity, culture, religion, national origin, or mental or physical disability; or (e) any act or conduct described as harassment under federal or state law. Whether conduct is harassing depends on the totality of the circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior.

Conduct may not rise to the level of Harassment if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or

doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views or positions. Harassment does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

E. Other Inappropriate Conduct

Other Inappropriate Conduct, as defined below, may be non-sexual or sexual in nature.

1. Intimate Relationship

An Adult Participant violates this Code by engaging in an intimate or romantic relationship where a Power Imbalance exists.

An Intimate or Romantic relationship is a close personal relationship—other than a familial relationship—that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances, including: regular contact or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties' emotional connectedness, the exchange of gifts, ongoing physical or intimate contact or sexual activity, identity as a couple, the sharing of sensitive personal information, or intimate knowledge about each other's lives outside the sport relationship.

2. Intentional Exposure of Private Areas

An Adult Participant violates this Code by intentionally exposing breasts, buttocks, groin, or genitals, or induces another to do so, to an Adult when there is a Power Imbalance, or to a Minor.

3. Inappropriate Physical Contact

An Adult Participant violates this Code by engaging in inappropriate physical contact with a Participant when there is a Power Imbalance. Such inappropriate contact includes, but is not limited to, intentionally:

- i. touching, slapping, or otherwise contacting the buttocks or genitals of a Participant;
- ii. excessively touching or hugging a Participant;
- iii. kissing a Participant.

4. Willful Tolerance

A Participant violates this Code by willfully tolerating any form of Prohibited Misconduct, when there is a Power Imbalance between that Participant and the individual(s) who are being subjected to the Prohibited Conduct.

F. Aiding and Abetting

Aiding and Abetting occurs when one knowingly:

1. Aids, assists, facilitates, promotes, or encourages the commission of Prohibited Conduct by a Participant;
2. Allows any person who has been identified as suspended or otherwise ineligible by the Center to be in any way associated with or employed by an organization affiliated with or holding itself out as

affiliated with an NGB, LAO, the USOPC, or the Olympic & Paralympic Movement;

3. Allows any person who has been identified as suspended or otherwise ineligible by the Center to coach or instruct Participants;
4. Allows any person who has been identified as ineligible by the Center to have ownership interest in a facility, an organization, or its related entities, if that facility/organization/related entity is affiliated with or holds itself out as affiliated with an NGB, LAO, the USOPC, or the Olympic & Paralympic Movement;
5. Provides any coaching-related advice or service to an Athlete who has been identified as suspended or otherwise ineligible by the Center;
6. Allows any person to violate the terms of any temporary measures or any sanctions imposed by the Center.

In addition, a Participant also violates the Code if someone acts on behalf of the Participant to engage in Aiding or Abetting, or if the guardian, family member, or Advisor of a Participant, including Minor Participants, engages in Aiding or Abetting.

G. Misconduct Related to Reporting

1. Failure to Report

An Adult Participant who fails to report actual or reasonably suspected Sexual Misconduct or Child Abuse to the Center and, when appropriate, to law

enforcement may be subject to disciplinary action under the Center's resolution procedures and may also be subject to federal or state penalties.

- e. The obligation to report is broader than reporting a pending charge or criminal arrest of a Participant; it requires reporting to the Center any conduct which, if true, would constitute Sexual Misconduct or Child Abuse. The obligation to report to the Center is an ongoing one and is not satisfied simply by making an initial report. The obligation includes reporting, on a timely basis, all information of which an Adult Participant becomes aware, including the names of witnesses, third-party reporters, and Claimants.
- f. The obligation to report includes personally identifying information of a potential Claimant to the extent known at the time of the report, as well as a duty to reasonably supplement the report as to identifying information learned at a later time.
- g. Participants should not investigate or attempt to evaluate the credibility or validity of allegations involving Sexual Misconduct or Child Abuse. Participants making a good faith report are not required to prove the reports are true before reporting.

2. Intentionally Filing a False Allegation

In addition to constituting misconduct, filing a knowingly false allegation that a Participant engaged in Prohibited Conduct may violate state criminal law and civil defamation laws. Any Participant making a knowingly false allegation in a matter over which the

Center exercises jurisdiction shall be subject to disciplinary action by the Center.

- a. An allegation is false if the events reported did not occur, and the person making the report knows the events did not occur.
- b. A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable misconduct, an unsubstantiated allegation alone is not grounds for a Code violation.

H. Misconduct Related to the Center's Process

The behaviors identified below constitute Prohibited Conduct and may give rise to a sanction. In addition, a Participant also violates the Code if someone acts on behalf of the Participant and engages in any of the following Prohibited Conduct, including a Participant's Advisor, or the guardian, or family member of a Minor Participant. In such a case, the Participant and, if the party acting on behalf of the Participant is also a Participant, that person, may be sanctioned.

1. Abuse of Process

A Participant, or someone acting on behalf of a Participant, violates this Code by directly or indirectly abusing or interfering with the Center's process by: (a) falsifying, distorting, or misrepresenting information, the resolution process, or an outcome; (b) destroying or concealing information; (c) attempting to discourage an

individual's proper participation in, or use of, the Center's processes; (d) harassing or intimidating (verbally or physically) any person involved in the Center's processes before, during, or following proceedings (including up to, through, and after any review by an arbitrator); (e) publicly disclosing a Claimant's identifying information⁴; (f) failing to comply with a temporary measure or other sanction; (g) distributing or otherwise publicizing materials created or produced during an investigation or Arbitration as a part of these policies or procedures, except as required by law or as expressly permitted by the Center; (h) influencing or attempting to influence another person to commit abuse of process; or (i) having another individual take any part of or complete any Center-required training for them.

I. Retaliation

Retaliation or attempt to do the same by a Participant, someone acting on behalf of a Participant, an NGB, LAO, the USOPC, or any organization under the Center's jurisdiction is prohibited.

Retaliation is any adverse action or threat to take any adverse action against any person related to allegations of Prohibited Conduct.

Adverse actions include, but are not limited to:

threatening, intimidating, harassing, coercing, or any other action or conduct with the potential effect of dissuading any reasonable person from reporting Prohibited Conduct or engaging in activity related to any reporting or investigative processes.

Retaliation may take place at any time, including before, during, or after an individual's reporting or engagement in the processes of the Center or other relevant organization under the Center's jurisdiction.

Retaliation may be present even where there is a finding that no violation occurred. Retaliation does not include good-faith actions lawfully pursued in response to a report of a Code violation.

J. Minor Athlete Abuse Prevention Policies / Proactive Policies

It is a violation of the Code for a Participant to violate any provision of the Minor Athlete Abuse Prevention Policies or other proactive policies adopted by the NGBs, LAOs, or the USOPC. Proactive policies set standards for professional boundaries, minimize the appearance of impropriety, and have the effect of preventing boundary violations and prohibiting grooming tactics.⁵ Tailored to a specific sport, context, legal structure or constituency, such policies may address overnight travel rules (e.g., preventing unrelated Adult Participants and Minors from sharing

⁴ The Protecting Young Victims from Abuse and Safe Sport Authorization Act of 2017 requires that the Center "protect the privacy and safety of the [Claimant]." However, a Claimant may waive this provision by choosing to publicly disclose their own identifying information at any time.

⁵ "Grooming" describes the process whereby a person engages in a series or pattern of behaviors with a goal of engaging in sexual misconduct. Grooming is initiated when a person seeks out a vulnerable minor. Once selected, offenders will then earn the minor's trust, and potentially the trust of the minor's family. After the offender has engaged the minor in sexually inappropriate behavior, the offender seeks to maintain control over them. Grooming occurs through director, in-person or online contact.

rooms under specified circumstances), massages and rubdowns, social media and electronic communications, photography, locker rooms, one-on-one meetings and gifting.

X. **REPORTING**

A. **General Requirements**

1. Adult Participants must know their reporting requirements under this Code, state law, and federal law. Lack of knowledge about a reporting obligation is not a defense.
2. Nothing in this Code shall be construed to require a victim of child abuse or other misconduct to self-report.
3. No one should investigate suspicions or allegations of child abuse or other Prohibited Conduct, or attempt to evaluate the credibility or validity of allegations as a condition of reporting to the Center or to appropriate authorities.
4. The reporting requirements under this section are an individual obligation of each Adult Participant. Reporting to a supervisor or administrator does not relieve an Adult Participant of the obligations to report as specified under this section. Adult Participants must report even if they believe someone else has already reported.

5. Adult Participants must follow any other reporting requirements imposed by their organization.
6. Reports to the Center can be made:
 - a. Through the [U.S. Center for SafeSport's online reporting form](http://www.uscenterforsafesport.org/report-a-concern) (www.uscenterforsafesport.org/report-a-concern).
 - b. By Phone at 720-531-0340, during regular business hours (Monday-Friday, 8:00 AM MT – 4:00 PM MT.) or toll-free at 1-833- 5US-SAFE (24-hours per day, 7-days per week).

B. **Reporting Requirements related to Child Abuse, including Child Sexual Abuse**

1. An Adult Participant who learns of information or reasonably suspects that a child has suffered an incident of child abuse, including sexual abuse, must immediately:
 - a. Make a report to law enforcement⁶ **AND**
 - b. Make a report to the U.S. Center for SafeSport **AND**
 - c. Comply with any other applicable reporting requirements under state law.⁷
2. Reporting to the Center alone is not sufficient. You must report to both the Center and to law enforcement, and comply with any other applicable state or federal laws.

⁶ The agency designated by the Attorney General, consistent with federal requirements set forth in section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. § 20341).

⁷ Information about state reporting requirements is available at <https://www.childwelfare.gov/topics/responding/reporting>

3. Child Abuse includes incidents that involved a victim who is a minor at the time of the alleged incident, even if the victim is now an adult.

C. Reporting Requirements Relating to Sexual Misconduct

1. An Adult Participant who learns of information or reasonably suspects that an incident(s) of Sexual Misconduct has occurred, must immediately report the incident(s) directly to the Center.
2. This reporting requirement applies regardless of whether the suspected victim is an adult or minor.
3. If the Sexual Misconduct involves a minor, it must be reported as child abuse pursuant to Section X.B above.

D. Additional Misconduct that Adult Participants must report to the Center:

1. Criminal Charge(s) or Disposition(s) involving sexual misconduct or misconduct involving Minors.
2. Misconduct related to the Center's process, including suspected incident(s) of:
 - a. Aiding and Abetting
 - b. Abuse of Process
3. Retaliation.

E. Emotional & Physical Misconduct and Proactive Policies

1. An Adult Participant who learns of information or reasonably suspects that an incident(s) of emotional or physical misconduct (including bullying, stalking,

hazing, and harassment) prohibited under the Code has occurred must report it to the organization (USOPC, NGB, or LAO) with which the Participant is affiliated.

2. An Adult Participant who learns of information or reasonably suspects a violation of the Minor Athlete Abuse Prevention Policies or other proactive policies must report it to the organization (USOPC, NGB, or LAO) with which the Participant is affiliated.
3. In lieu of reporting to the USOPC, NGB, or LAO, an Adult Participant can satisfy the reporting requirements in Section X.E by reporting to the Center.

F. Anonymous Reports

Reports may be made anonymously to the Center. Anonymity means the Center will not know the personally identifying information of the reporter. It does not mean that the underlying information will be protected.

However, an anonymous report may limit the Center's ability to investigate and respond to a report, and if an Adult Participant reports anonymously, it may not be possible for the Center to verify that mandatory reporting obligations have been satisfied.

Consequently, the Center strongly encourages Adult Participants to provide their name and contact information when reporting.

G. Confidentiality for Third-Party Reporters

Unless necessary to the Center's investigation or resolution of a matter, the Center does not disclose a

Third-Party Reporter’s personally identifying information.

H. Reporting Options for Claimants

A Claimant may choose to make a report to the Center to pursue resolution under these procedures and may also choose to make a report to law enforcement or pursue available civil or administrative remedies. A Claimant may pursue one, some, or all of these options at the same time.

A Claimant who wishes to pursue criminal action in addition to, or instead of, making a report under these procedures should contact law enforcement or legal counsel directly.

XI. RESOLUTION PROCEDURES

A. Initiating Proceedings

When the Center receives a report of allegations that fall within its exclusive authority, or accepts jurisdiction over allegations within its discretionary authority, it will notify the relevant NGB, or the USOPC, conduct a preliminary inquiry, and, if appropriate, undertake an investigation to determine whether a Participant violated the Code.

B. Substantive Standards and Procedural Rules

When the alleged conduct by a Participant occurred prior to the effective date of the Code, the Center may apply other substantive standards in effect at the time of the conduct that are analogous to Prohibited Conduct, including then effective criminal laws or previous standards promulgated by the Center, NGB, LAO, or

USOPC. However, in all cases, these resolution procedures will be used to investigate and resolve matters, regardless of when the incident of Prohibited Conduct occurred.

C. Standard of Proof

The Center bears the burden of gathering sufficient evidence to reach a determination, based on the preponderance of the evidence, that a Participant violated the Code. A “preponderance of the evidence” means “more likely than not.”

D. Consolidation

Matters involving more than one Claimant or more than one Respondent may, in the Center’s discretion, be consolidated into a single matter.

E. Related Proceedings

1. Effect of Criminal or Civil Proceedings

Because the standards for finding a violation of criminal law are different from the standards for finding a violation of the Code, the resolution of a criminal proceeding without a Criminal Disposition is not determinative of (but may be relevant to) whether a violation of the Code has occurred. Conduct may violate the Code even if the Respondent is not charged, prosecuted or convicted for the behavior that could constitute a potential violation of the Code, is acquitted of a criminal charge, or legal authorities decline to prosecute.

Apart from the application of the Code as it relates to

Criminal Charge(s) and Disposition(s), the Center's resolution will not be precluded merely because (a) a civil case or criminal charges involving the same incident or conduct have been filed, (b) criminal charges have been dismissed or reduced; or (c) a civil lawsuit has been settled or dismissed.

2. No Waiver of Other Legal Remedies

Participating in the Center's process does not extend or restrict a person's right to file charges or claims regarding the underlying allegations with any other agency, law enforcement, or court. This is not intended to create or grant a right of action against the Center or in any way waive the Center's, the USOPC's, an NGB's, or any other applicable party or entity's immunity, if any, under the Protecting Young Victims from Abuse and Safe Sport Authorization Act of 2017 or any other legal theory.

F. Coordinating with Law Enforcement

The Center may contact any law enforcement agency that is conducting its own investigation to inform that agency that the Center is also investigating, to ascertain the status of the criminal investigation, and to determine the extent to which any evidence collected by law enforcement may be available to the Center in its investigation. At the request of law enforcement, the Center may delay its investigation temporarily while an external law enforcement agency is gathering evidence. The Center will resume its investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation. The Center may also provide some or all of its case information, documentation, or evidence to law enforcement.

G. Statute of Limitations or Other Time Bars

The Center assesses a Participant's fitness to participate in sport. As past conduct informs current fitness, no criminal, civil, or rules-based statutes of limitations or time bars of any kind prevent the Center from investigating, assessing, considering, and adjudicating any relevant conduct regardless of when it occurred.

H. Methods of Resolution

1. Administrative Closures

The Center, in its discretion, may administratively close a matter. This may be done as a result of insufficient evidence, a Claimant(s) who elects not to participate in the resolution process, or other factors as determined by the Center. The Center may, upon receipt of new information or evidence, or a change in circumstances, reopen the matter for further investigation.

2. Informal Resolution

A Respondent may, at any time before a matter is final, elect to resolve allegations of Prohibited Conduct by accepting responsibility for a policy violation. A Participant's doing so provides for the opportunity to informally resolve the matter, and the Center will determine the appropriate sanction. An informal resolution is not a settlement, but does constitute a final and binding disposition of the matter. The outcome and sanctions of an informal resolution may be published by the Center.

3. Formal Resolution

A Formal Resolution occurs after the Center has completed an investigation and issues its Decision. A Respondent may request a hearing of the Center's Decision if a violation is found.

I. Participation

1. Parties

The parties to an investigation and arbitration are the Center and the Respondent. During the investigation, the Claimant and Respondent will have an opportunity to submit information and relevant evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the investigator to each other or to any witness.

Neither the Claimant nor Respondent are required to participate in the investigation nor any form of resolution under these procedures. However, full cooperation and participation in the resolution process is important to ensure that all relevant information and evidence are presented so the Center can determine whether a Code violation occurred. If a Claimant or Respondent declines to cooperate or participate in an investigation, the Center will make its decision based on the available evidence; alternatively, the Center may, in its discretion, choose not to proceed.

- a. Where a Claimant declines or is otherwise unable to participate in an investigation or hearing, the Center's ability to resolve the allegations may be

limited. In such cases, the Center may pursue the report if it is possible to do so without the Claimant's participation in the investigation or resolution (e.g., where there is other relevant evidence of the Prohibited Conduct, such as recordings, corroborating reports from other witnesses, or physical evidence). Even with such evidence, however, the Center may only be able to respond to the report in limited and general ways.

- b. If during the investigative process (i.e., prior to the Decision being issued), information or evidence that is available to the Respondent, including testimonial evidence, is not provided to the investigator, such information or evidence will not be considered in determining whether a violation of the Code occurred.

2. Advisors

Throughout the resolution process, Claimant(s) and Respondent(s) each have the right to choose and consult with an advisor. The advisor may be any person, including an attorney. However, a party or witness involved in the investigation or hearing, or an employee of, board member of, or legal counsel for the USOPC, an NGB, an LAO or the Center, cannot serve as an advisor.⁸ The Claimant and Respondent may be accompanied by their respective advisors at any meeting or proceeding related to the investigation, hearing, and resolution of a report under these procedures. While the advisors may

⁸ This provision does not intend to interfere with the USOPC's Office of Athlete Ombuds' performance of statutorily mandated functions, nor does it contemplate the Center's Resource & Process Advis

provide support and advice to the parties at any meeting or proceeding, they may not speak on behalf of the Claimant or Respondent, or otherwise participate in such meetings or proceedings except as provided herein.

3. Witnesses

Witnesses who are Participants are expected to participate and cooperate in the Center's investigation and any associated proceedings. Any witness likely to provide testimonial evidence in an Arbitration, whether in person or by affidavit or declaration, must, if requested, consent to be interviewed by the Center within a reasonable time prior to any hearing.

4. Claimant's Request for Anonymity

A Claimant may request that personally-identifying information not be shared with a Respondent. The Center will seek to honor the Claimant's request(s) if it is possible to do so while also protecting the health and safety of the Claimant and the sporting community. However, the Center may not be able to proceed with an investigation or resolution of a matter if a Claimant requests anonymity.

5. Privacy

The Center is committed to protecting the privacy of all individuals involved in the investigation and resolution of reported allegations. With respect to any report under these procedures, the Center, in its discretion, will make reasonable efforts to protect the privacy of individuals involved in the Center's

process, while balancing the need to gather information to assess a report and to take steps to eliminate Prohibited Conduct.

Information will be shared as necessary with Center staff and counsel, witnesses, and the parties. It may also be necessary for the Center to notify the NGB or the USOPC (a) of an allegation involving a Participant from that organization; (b) if the Center implements a temporary measure; (c) of procedural status updates; and (d) of any sanctions.

Parental/Guardian Notification

The Center reserves the right to notify guardians of Claimants regarding any health or safety risk.

J. Procedural Rights of Respondents

Federal law provides Respondents with certain procedural rights. 36 USC § 220541(a)(1)(H). For any action taken against a Respondent, including an investigation, the imposition of sanctions, or any other disciplinary action, the Center must provide procedural due process to the Respondent, which includes:

1. The provision of written notice of allegations against the Respondent;
2. The right to be represented by counsel or other advisor;
3. An opportunity to be heard during the investigation;
4. A reasoned written decision from the Center if a violation is found;
5. The ability to challenge through arbitration any temporary measures or sanctions imposed by the Center.

Federal law permits the Center to impose temporary measures or sanctions before providing an opportunity to arbitrate. 36 USC § 220541(a)(2)(A).

K. Recordings

No audio or video recording of any kind is permitted during interviews or meetings, except as authorized and conducted by the Center.

L. Prior or Subsequent Conduct

Prior or subsequent conduct of the Respondent may be considered for any purpose, including in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Code violation, may be deemed relevant to determining responsibility for the conduct under investigation. Determining the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially like the conduct under investigation or indicates a pattern of similar Prohibited Conduct.

Evidence relating to other sexual behavior or the sexual predisposition of the Claimant cannot be considered in any decision, nor admitted as evidence in any arbitration, unless the probative value of the use or admission of such evidence, as determined by the Center or the arbitrator, as applicable, substantially outweighs the danger of—

- (i) any harm to the alleged victim; and
- (ii) unfair prejudice to any party.

M. Relevance

The Center has the discretion to determine the relevance of any proffered evidence. In general, statements of opinion as to any person’s general reputation for any character trait, rather than direct observations or reasonable inferences from the facts, will not be considered.

N. Investigation Report

A final Investigation Report will be prepared that sets forth the investigator’s findings of fact. This report will be shared with the Claimant(s) and Respondent(s) upon issuance of the Decision. The Investigation Report and any attachments are considered confidential.

O. Decision

The Center will determine whether there is sufficient information, by a preponderance of the evidence, to support a finding that Respondent violated the Code. If there is a finding that the Respondent violated the Code, the Decision will note the violation and identify an appropriate sanction(s). The Claimant and Respondent will be notified of the Decision. Such Notice of Decision will set forth any violation(s) of the Code, as supported by the rationale set forth in the Decision and Investigation Report; the sanction(s) imposed against the Respondent (if applicable); and the rationale for any sanction(s) imposed. The Notice of Decision is considered confidential; however, the outcome reflected in the Decision—including whether a violation was found, the nature of the underlying misconduct, and any

sanctions imposed—is not.

P. Requesting a Stay of the Sanction(s)

At any time, the Center—on its own or at the request of a Respondent—may stay a sanction(s). Whether to stay a sanction(s) is within the Center’s sole discretion and is not reviewable.

Q. Requesting Arbitration Hearing

Upon issuance of a Decision, a Respondent has ten Days to request a hearing before an arbitrator. If Respondent does not make such a request within ten Days, the Decision is no longer subject to review, except as permitted herein. If a Respondent timely requests that the Center grant an extension of time to request an Arbitration, the Center may, in its discretion, grant such request.

R. Reopening a Matter

At any time, the Center—on its own or at the request of a Claimant or Respondent—may reopen a matter based upon new evidence that was previously unavailable or a change in circumstances that could substantially impact the original finding or sanction. Whether to reopen a case is within the Center’s sole discretion and is not reviewable.

S. Confidentiality – Release/Use of Materials

The Center’s decisions, investigation reports, and other work product are confidential under 36 USC § 220541(f)(4)(C). The following documents or

evidence related to the response and resolution process must remain confidential, in that they may not be disclosed outside of the proceedings, except as may be required by law or authorized by the Center: the Notice of Decision; the Investigation Report and any documents or evidence attached thereto, including interview statements of a Claimant, Respondent, or other witnesses; any audio recordings or transcripts of those recordings created as part of the investigative process; all documents or evidence submitted to or prepared by the arbitrator, including any hearing transcripts. Violation of this provision, including by an advisor for an involved party, may constitute an Abuse of Process.

While the physical documentation must remain confidential, the relevant NGB or the USOPC, or its affiliates may disclose the outcome of the matter, including the Summary of Decision, to those parties or organizations with a need to know so that the outcome can be properly effectuated or understood.

Additionally, subject to the Abuse of Process provision (including the prohibition on identifying a Claimant), the Center does not impose any restrictions on a Claimant’s or Respondent’s ability to discuss the incident, their participation in the Center’s process, or the outcome of that process.

If any person or entity misrepresents the process, the underlying facts, or the outcome of a matter, the Center reserves the right to publicly correct the record.

XII. TEMPORARY MEASURES

A. By the Center

1. Timing

The Center may implement Temporary Measures at any time. A Temporary Measure shall be effective immediately upon notice, unless stated otherwise. Temporary Measure(s) will remain in effect until the Center expressly removes the Temporary Measure(s).

2. Standard

When implementing a temporary measure, the Center evaluates whether (i) the measure is reasonably appropriate based on the seriousness of the allegations and the facts and circumstances of the case; (ii) the measure is reasonably appropriate to maintain the safety or well-being of the Claimant, other Athletes, or the sport community; or (iii) the allegations against the Respondent are sufficiently serious that the Respondent's continued participation in the sport could be detrimental to the best interest of sport and those who participate in it.

When the allegations involve child sexual abuse, the age of those allegations is not relevant to this determination.

3. Remedies

Temporary measures may include, but are not limited to, altering training schedules, providing or requiring chaperones, implementing contact limitations, implementing measures prohibiting one-on-one interactions, and suspensions from participation in

some or all aspects of sport activity. If measures require monitoring or chaperoning, the Respondent may be required to locate, arrange and pay for some or all of those services as a condition of continued participation pending completion of the investigation.

4. Review by Arbitrator

In all instances when a Temporary Measure materially affects the opportunity to participate (e.g., suspension), the Participant may challenge the measure by requesting an Arbitration, in accordance with Arbitration Rule 40.

5. Modifiable

The Center may modify a Temporary Measure at any time.

6. Failure to Comply with Temporary Measures

Failure to comply with a Temporary Measure constitutes an independent violation of the Code.

B. By the USOPC, NGB, or LAO

Upon the Center's issuance of a Notice of Exercise of Jurisdiction, any temporary measures previously imposed by the USOPC, NGB, or LAO will be automatically and immediately adopted by the Center as its own, and will be applicable throughout all Olympic, Paralympic, Pan American and Para Pan sports in the United States, and will remain in effect unless and until the Center modifies those measures.

XIII. SANCTIONS

Where there is sufficient evidence through the resolution procedure to support a finding that a Participant violated the Code, the Center will determine whether or the extent to which a Participant may participate in sport and may impose one or more sanctions. Different incidents constituting a violation of the same policy may arise out of markedly different circumstances, including various case-specific aggravating or mitigating factors.

A. Sanctions

One or more of the following sanctions may be imposed singularly or in combination:

- *Written warning*
An official, written notice and formal warning that a Participant has violated the Code and that more severe sanctions will result should the Participant be involved in other violations.
- *Probation*
A specified period of time during which, should any further violations of the Code occur during the probationary period, it will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements.
- *Suspension or other eligibility restrictions*
Suspension for a specified period of time from participation, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of the

USOPC, any NGB, or any LAO, or at a facility under the jurisdiction of the same. In the Center's discretion, a suspension may include restrictions or prohibitions from some types of participation but allowing participation in other capacities.

A suspended Participant is eligible to return to sport after the suspension lapses, but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension.

- *Ineligibility*
Ineligibility to participate until further notice, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of the USOPC, any NGB, or any LAO, or at a facility under the jurisdiction of the same. Ineligibility is typically imposed when a Respondent has pending charges, in violation of the Criminal Charges or Disposition provision.
- *Permanent Ineligibility*
Permanent ineligibility to participate, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of the USOPC, any NGB, or any LAO or at a facility under the jurisdiction of the same.
- *Other discretionary sanctions*
The Center may, in its discretion, impose other sanctions for Prohibited Conduct, including, but not limited to, other loss of privileges, no contact directives, requirement to complete educational or other programs, or other restrictions or conditions as deemed necessary or appropriate.

B. Considerations

Factors relevant to determining appropriate sanctions include, without limitation:

1. The Respondent's prior history;
2. A pattern of inappropriate behavior or misconduct;
3. The ages of individuals involved;
4. Whether the Respondent poses an ongoing or potential threat to the safety of others;
5. Respondent's voluntary disclosure of the offense(s), acceptance of responsibility for the misconduct, and cooperation in the Center's process;
6. Real or perceived impact of the incident on the Claimant, the USOPC, NGB(s), LAO(s), or the sporting community;
7. Whether given the facts and circumstances that have been established, continued participation in the Olympic & Paralympic Movement is appropriate; or
8. Other mitigating and aggravating circumstances.

Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed.

C. Publication

The Center is required under 36 USC § 220541(a)(1)(G) to maintain a publicly-available searchable database of Participants whose eligibility has in some way been restricted by the Center, the USOPC, an NGB, or an LAO.

XIV. ARBITRATION RULES

1. Application

These Rules shall apply to arbitrations arising out of the Code. No other arbitration rules shall be applicable. Each Participant, by virtue of membership, affiliation, or participation or other activity making them subject to the jurisdiction of the Center, agrees to abide by and be subject to these Arbitration Rules as the sole and exclusive method of resolving any challenge to the Center's eligibility decision(s) or the Center's processes.

2. Scope

Arbitration shall resolve whether a Respondent violated the Code and the appropriate sanction.

3. Arbitrator Qualifications

The pool of arbitrators for the Center's cases shall consist of individuals who are U.S. citizens and meet the SafeSport Arbitrator Qualifications (Exhibit 2), as determined by the arbitration body. All arbitrators in the Center's arbitrator pool will receive specialized training.

4. Parties

The parties to the Arbitration will be the Center and the Respondent. A reference to the parties, the Center, the Respondent or the Claimant will include any parent or guardian of a Minor, unless otherwise stated herein.

5. Advisor

A Claimant or Respondent may have a single advisor, at

that party's own expense. The advisor may but need not be an attorney.

The Respondent's advisor, if any, may participate in the pre-hearing conference, confer with the Respondent during the hearing, clarify procedural questions, present opening and closing arguments on behalf of the Respondent, suggest questions to the Respondent and the arbitrator during witness examinations, or to the extent direct examination by the parties is permitted, question witnesses on behalf of the Respondent.

A Claimant or Respondent intending to have an advisor shall notify the Center and the arbitration body of the name and address of the advisor a minimum of 24 hours before the date set for the hearing or other proceeding at which the advisor is first to appear. The parties are responsible for keeping the arbitration body informed of any changes in advisors. Notice given to a designated advisor shall be deemed notice to the advisee.

6. Confidentiality

The arbitration, including all pre-hearing matters, shall be subject to the confidentiality provisions set forth in the Code and other confidentiality policies adopted by the Center.

7. Initiating Arbitration

After receiving a request for an Arbitration hearing, the Center will send a notice to the Respondent and the Arbitration administrator informing them that an Arbitration has been initiated and requesting confirmation of an email address to which notice will be deemed received upon mailing to such address. The

notice shall set forth (i) the alleged violation; (ii) the sanction determined by the Center; (iii) the recipient's confidentiality obligations; and (iv) that any recipient who violates confidentiality obligations shall be subject to the jurisdiction of the Center and may be held, after proper process, to have violated the Code. The Arbitration will be deemed initiated upon receipt by the administrator of the necessary fees.

8. Number of Arbitrators

There shall be one arbitrator.

9. Arbitrator Appointment – Merits Arbitration

- a. Promptly after Arbitration is initiated, the Arbitration body will send simultaneously to Respondent and the Center an identical list of nine arbitrators, all of whom shall be attorneys or retired judges. The parties are encouraged to agree to an arbitrator from the submitted list and to advise the Arbitration body of their agreement.
- b. Within 48 hours after receiving the arbitrator list, the Center and the Respondent each may strike the names of up to two arbitrators from the list and return the list to the Arbitration body. If a party does not return a strike list within the time specified, all persons named in the list shall be deemed acceptable to that party. The names stricken by a party will not be disclosed to the other party.
- c. From among the persons not stricken by the parties, the Arbitration body shall invite an arbitrator to serve. If, for any reason, an arbitrator cannot be appointed from the submitted lists, the Arbitration

body shall have the power to make the appointment from among the other attorneys or retired judges of the pool, not to include any arbitrator previously stricken by a party.

10. Notice to Arbitrator of Appointment

Notice of the appointment of the arbitrator, whether appointed by the parties or by the Arbitration body, shall be sent to the arbitrator by the Arbitration body, together with a copy of these Rules. A signed acceptance by the arbitrator shall be filed with the Arbitration body.

11. Jurisdiction and Conflicts of Interest

a. Jurisdiction

The arbitrator shall have the power to rule on the arbitration body's jurisdiction, including any objections with respect to the existence, scope or validity of the Arbitration agreement. Any challenges to the arbitrator's jurisdiction must be made in the position statement and shall be decided at or before the commencement of the hearing.

b. Conflicts of interest

Any person appointed as an arbitrator shall disclose to the arbitration body any circumstance that could affect impartiality or independence, including any bias, any financial or personal interest in the result of the Arbitration, or any past or present relationship with the parties or witnesses.

The arbitration body shall communicate any information concerning a potential conflict of interest to the relevant parties and, as appropriate, to

the arbitrator.

A party may file an objection with the Arbitration body contesting an arbitrator's continued service due to a conflict of interest. Upon receiving an objection, the arbitration body shall determine whether the arbitrator should be disqualified and shall inform the parties of its decision, which shall be conclusive. The parties may agree in writing that an appointed arbitrator subject to disqualification will not be disqualified.

c. Replacing a conflicted arbitrator

If the arbitration body determines that a selected arbitrator has a conflict of interest with one of the parties and the parties do not agree to waive the conflict, then the arbitration body shall select a substitute arbitrator from the remaining attorneys or retired judges not stricken by the parties. If the appointment cannot be made from the list, the arbitration body shall have the power to make the appointment from among other attorneys or retired judges in the arbitrator pool without the submission of additional lists, not to include any arbitrator previously stricken by a party.

12. Vacancies

If an arbitrator is no longer able to hear a case for which the arbitrator has been appointed, the arbitration body shall select a substitute arbitrator from the remaining attorneys or retired judges not stricken by the parties. If the appointment cannot be made from the list, the arbitration body shall have the power to make the appointment from among the other attorneys or retired

judges of the full arbitrator pool without the submission of additional lists, not to include any arbitrator previously stricken by a party.

13. Submissions to and Communication with Arbitrator

Except as provided herein, no party shall communicate unilaterally concerning the arbitration with an arbitrator or a candidate for an arbitrator position. Any documents submitted by any party to the arbitration body or to the arbitrator (with the exception of arbitrator strike lists and, when appropriate, *ex parte* submission of witness questions) shall simultaneously be provided to the other party or parties to the arbitration.

14. Hearing Concerning Sanctions and Criminal Charges or Dispositions

If a Respondent requests a hearing concerning only the Center's sanctions, or regarding a Criminal Charge or Disposition, the following Rules apply:

a. Scope

The violation and the underlying facts will be deemed established and irrebuttable. The arbitrator will determine whether the Center's sanctions are appropriate given the facts and circumstances, as established.

b. Standard of review

The arbitrator is authorized to modify the sanction only upon finding that the Center abused its discretion.

c. Briefing

Within ten Days of the arbitrator's appointment, the Respondent shall file a position statement setting forth the basis for the challenge to the sanction. Within seven Days of the Respondent's filing, the Center shall file its position statement.

d. Oral argument

The decision shall be based on the parties' briefs and the Decision. However, the arbitrator may in the arbitrator's discretion allow for oral argument.

e. Decision

The arbitrator will render a final and binding written decision to all parties within five Days from briefing, or if oral argument is allowed, within five Days of oral argument.

15. Procedural Due Process

The SafeSport Code and 36 USC § 220541(a)(1)(H) provide a Respondent with certain procedural due process protections. A Respondent who alleges violations of these rights can raise the claim before the arbitrator only if the Respondent has previously informed the Center of the alleged violation and given the Center an opportunity to cure the violation. An arbitrator can order a party to take any reasonable steps necessary to cure the violation, except for dismissal of the action.

16. Pre-Hearing Conference

a. The arbitrator shall schedule as soon as practicable

- a preliminary pre-hearing conference with the parties by telephone or video conference, but no sooner than four Days and no later than 10 Days after the arbitrator is appointed.
- b. At least two Days before the pre-hearing conference, the Respondent shall provide the Center and arbitration body with a written answer to the Center's Decision against them (to include a written statement containing Respondent's summary of the factual rebuttal to the violation and the defenses the Respondent intends to raise at the arbitration) and the documentary evidence and witnesses that the Respondent intends to present at the hearing, including a short summary of the expected testimony of such witnesses.
 - i. If the Respondent fails to submit the required information and then later attempts to call a witness or introduce documentary evidence, including affidavits or declarations, at the hearing not provided in the answer, the Arbitrator, upon request of the Center, must either (i) preclude the witness or documentary evidence from admission at the hearing, or (ii) postpone the hearing at Respondent's expense so that the Center can interview the witness or review the evidence.
 - ii. If a proposed witness refuses to be interviewed by the Center, the Arbitrator shall preclude the witness from testifying or otherwise providing evidence at the hearing.
 - c. The pre-hearing conference will be directed by the arbitrator and shall be the exclusive opportunity of the parties to address issues that need to be resolved before the hearing, including, but not limited to:
 - iii. The timeline for the exchange of position statements, list of evidence, and list of witnesses. The position statement shall address any expected evidentiary issues, challenges to jurisdiction, and any other disputed issues.
 - iv. The scheduling and logistics of the hearing, to include without limitation the amount of time each side will have to present its evidence. Absent exceptional circumstances, the arbitrator will schedule the hearing to be completed within a single, eight-hour day. The arbitrator may schedule more than one pre-hearing conference only if the arbitrator determines that an additional conference is necessary.
 - v. The arbitrator shall issue a written decision that memorializes decisions made and agreements reached during or following the pre-hearing conference.

17. Discovery

Respondents will receive from the Center a Notice of Decision, Investigation Report, and any exhibits to the Investigation Report, redacted for any personally identifying information. There shall be no additional discovery.

18. Date and Time of Hearing

The arbitrator shall use best efforts to ensure that the hearing is completed and the decision rendered within 15 Days of the pre-hearing conference.

Although the arbitrator shall make reasonable accommodations to the parties and their advisors with regard to scheduling, the parties and their advisors have a duty to be reasonably available to ensure the ability of the arbitration process to render a reasonably prompt result. The arbitrator, in the arbitrator's sole discretion, may rule that the unavailability of a party's advisor is not grounds for postponing the hearing.

Failure by the arbitrator or the Center to adhere to the timelines set forth herein shall not be grounds for overturning the arbitrator's decision.

19. Place of Hearing

The hearing will be conducted telephonically or by videoconference except as authorized by the arbitrator in extraordinary circumstances, in which case the hearing may be held in person at a location in the United States determined by the arbitrator. If a hearing is held in person, the arbitrator may nonetheless permit Claimant(s) or witness(es) to appear behind screens, by telephone or via videoconference. For all hearings, whether in person, telephonically, or by videoconference, the seat of the arbitration shall be Denver, Colorado.

20. Attendance

Unless the arbitrator and the parties agree otherwise, only the following individuals shall be present at the hearing: (1) the Center's representatives; (2) the

Respondent; (3) the Claimant(s); (4) the Claimant(s) and Respondent's respective advisors; and (5) witnesses during their own testimony.

21. Oaths

Before proceeding with the hearing, each arbitrator will take an oath of office if required by law. The arbitrator will require witnesses to testify under oath if it is required by law.

22. Interpreters

All arbitration proceedings shall be conducted in English. Any party who would like an interpreter is responsible for coordinating directly with the interpreter and is responsible for the costs of the interpreter service. The interpreter must be free of conflicts of interest and approved by the Center.

23. Continuance

The arbitrator may continue any hearing upon agreement of the parties, upon request of a party or upon the arbitrator's own initiative. Unless agreed, postponements shall be discouraged and only granted in compelling circumstances. A party or parties causing a postponement of a hearing will be charged a postponement fee, as set forth in the arbitration fee schedule.

24. Arbitration in the Absence of a Party or Advisor

Subject to Section XI(J), the arbitration may proceed in the absence of any party or advisor who, after notice, fails to be present or to obtain a postponement. The

arbitrator shall require the party who is present to submit evidence that the arbitrator may require for the making of a decision.

25. Standard of Proof

The Arbitration shall use a preponderance of the evidence standard to determine if a Participant has violated the Code.

26. Rules of Evidence

- a. Strict conformity to legal rules of evidence shall not be necessary, and hearsay evidence may be considered.
- b. The Center's Decision and Investigative Report with Appendices shall be admitted into evidence and the arbitrator shall give them appropriate weight.
- 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, irrelevant or unreliable.
- d. The arbitrator shall take into account applicable principles of privilege, including without limitation those involving the confidentiality of communications between an attorney and client and between a physician and patient.
- e. Any statement from a Minor, be it written, recorded or live, and whether direct or hearsay, shall be admissible.
- f. Evidence relating to other sexual behavior or the

sexual predisposition of the Claimant cannot be admitted as evidence in any arbitration unless the probative value of the use or admission of such evidence, as determined by the arbitrator, substantially outweighs the danger of—

- (i) any harm to the alleged victim; and
- (ii) unfair prejudice to any party.

27. Evidence by Affidavit

The arbitrator may receive and consider the evidence of witnesses by declaration or affidavit and shall give it such weight as the arbitrator deems appropriate after considering any objection made to its admission.

28. Hearing

Unless the parties agree that the arbitrator can determine the case without an oral hearing and on written briefing alone (which the parties may do whether the matter relates to liability and sanctions or sanctions only), the arbitrator will hold an oral hearing.

a. Arbitrator to manage proceedings expeditiously

The arbitrator, exercising discretion, shall conduct the proceedings expeditiously and may direct the order of proof, bifurcate the hearing between the violation and sanction portions of the hearing, and direct the parties to focus their presentations on issues the decision of which could dispose of all or part of the case.

b. Opening Statements

Each party shall be entitled to present a concise

opening statement prior to the presentation of evidence. The Center or its advisor shall present its opening statement first, followed by the Respondent.

c. Presenting evidence

Both the Center and the Respondent shall be entitled to an equitable amount of time to present evidence in support of or in opposition to the alleged violations, as determined by the arbitrator at the pre-hearing conference. Absent exceptional circumstances, the parties will be expected to complete the hearing in a single, eight-hour business day. The arbitrator will track the time used by each party during the course of proceedings and enforce the time limits to ensure equitable time to both parties. The parties will be permitted, subject to any pre-hearing orders, to present documentary evidence through the submission of exhibits and to present testimony through affidavit or in-person testimony of witnesses.

The Center will present its evidence first. The Respondent will present its evidence second. The Center may then present any rebuttal evidence.

d. Examining witnesses

1. The Claimant shall be subject to questioning by only the arbitrator unless the Claimant agrees to direct examination and cross-examination by the opposing party.
2. Unless the Claimant elects to be questioned directly by the parties, no later than five Days before the hearing, the Center and the

Respondent each may submit, *ex parte* to the arbitrator, proposed questions and lines of inquiry for the questioning of the Claimant. The arbitrator will review the submitted questions and lines of inquiry and will, in the arbitrator's discretion, determine which are appropriate and relevant based on the understanding of the matter and to ensure the arbitrator's ability to render a decision in the matter. The arbitrator also may ask such other questions which the arbitrator deems appropriate.

3. If the arbitrator has been the sole questioner of the Claimant, then after the arbitrator's direct questioning of the Claimant is completed, the witness will be temporarily excluded from the hearing so that the arbitrator can discuss with each of the parties separately appropriate follow-up questions or supplemental lines of inquiry for the arbitrator to consider. The arbitrator will ask follow-up questions of the witness that the arbitrator deems appropriate.
4. The parties may question all other witnesses directly, provided that the arbitrator shall have the authority to limit questioning of witnesses or lines of inquiry based on, without limitation, relevance, that the questioning is cumulative, the age or mental capacity of the witness, or that the questioning has become harassing or abusive.
5. Examining Minors – the presumption is that a Minor will not testify live at a hearing; however, with the permission of the Minor's parents or guardians (or in extraordinary circumstances, without such permission), the Minor may testify

if so desired.

The arbitrator shall determine the manner in which Minor's evidence shall be given, including whether any or all questioning of the Minor (live or via video) will be completed outside the presence of their parent(s) or guardian(s), bearing in mind (a) the objective of achieving a fair hearing, (b) the possible damage to a Minor's welfare from giving evidence, and (c) the possible advantages that the Minor's evidence will bring to determining the facts.

A Minor may only be asked to testify in exceptional circumstances as determined by the arbitrator. In making this decision, the arbitrator shall consider:

- a. the Minor's wishes and feelings, in particular, the Minor's willingness to give evidence (an unwilling Minor should rarely, if ever, be obligated to give evidence);
- b. the Minor's particular needs and abilities;
- c. whether the case depends on the Minor's allegations alone;
- d. corroborative evidence;
- e. the age of the Minor;
- f. the maturity, vulnerability, understanding, capacity and competence of the Minor;
- g. whether a matter can be properly adjudicated without further questioning of the Minor;
- h. the wishes and views of any parent, person with parental responsibility for the Minor, or

any guardian, if appropriate; and

- i. whether the Minor has given evidence to another tribunal or court related to the subject matter of the proceeding, the way in which such evidence was given, and the availability of that evidence.

e. Role of the Claimant

The Claimant is not a party, but has the right to be present during the hearing and to give testimony as a witness if called, but shall not otherwise participate in the hearing.

f. Closing statements

Each party will be entitled to present a concise closing statement after the close of evidence and before the hearing is concluded. The Center will present its closing statement first, followed by the Respondent, and the Center will be allowed time for a reply.

g. Hearing closed to the public

The hearing shall be closed to the public.

i. No disclosure of information

All documentary information obtained by the Center, Respondent, or the Claimant exclusively through the arbitration, including the arbitral decision, shall be deemed confidential not to be disclosed outside of the Center's process except as expressly provided herein.

ii. Recording

At the request of any party or the arbitrator, hearings shall be recorded by the arbitration body and retained by the Center in its confidential files, but shall not be made available to any party or third party except as determined by the Center or any lawful order of a Court. The requesting party is responsible for arranging and paying for the recording.

h. Closing of Hearing

- i. After all evidence has been submitted at the hearing, the arbitrator shall specifically inquire of each party whether it has any further evidence to offer or witnesses to be heard. Unless the arbitrator determines that additional evidence or witness(es) are required to resolve the controversy, the arbitrator will declare the hearing closed.
- ii. There shall be no post-hearing briefing ordered except in exceptional circumstances. If documents or responses are to be filed as directed by the arbitrator, or if briefs are to be filed, the hearing shall be declared closed as of the final date set by the arbitrator for the receipt of briefs.

29. 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 promptly state an objection in writing shall be deemed to

have waived the right to object to such noncompliance.

30. Extensions of Time

For good cause shown, the arbitrator may extend any period of time established by these Rules, except the time for making the decision, keeping in mind the need to resolve these disputes expeditiously; the unavailability of an advisor—after an arbitrator’s efforts to reasonably accommodate the advisor’s schedule—shall not be considered good cause except in exceptional circumstances. The arbitrator shall notify the parties of any extension.

31. Notice and Receipt

The parties each must provide an email address to the arbitration body and opposing parties/advisors upon initiation of an arbitration under the Rules. Notice sent to that email address shall be considered actual notice to the party effective upon delivery.

32. Decisions

a. Time

The reasoned decision shall be made promptly by the arbitrator after the close of evidence, and, unless otherwise agreed by the parties or specified by law, no later than seven Days from the date of close of the evidence or any briefing ordered by the arbitrator. To allow the Center sufficient time to arrange to share the outcome with the Claimant(s), the arbitration body will initially transmit the decision to the Center. Four hours later, the Center shall share the outcome with the Claimant(s) and the arbitration body shall

transmit the decision to the Respondent(s).

b. Form

In all cases, the arbitrator shall render a written, reasoned final decision, which shall be signed by the arbitrator. All identifying information of the Claimant (including name), and witnesses (other than the Respondent) shall be redacted. If the arbitrator determines that there has been no violation, then the Respondent may request that the arbitrator redact their name or identifying information in the final decision.

c. Scope

The arbitrator may grant such remedy or relief the arbitrator deems just and equitable and within the scope of the Code and the Sanctioning Guidelines.

d. Delivery to parties

The final decision shall be deemed delivered to the parties if transmitted as provided in these Rules.

33. Modifying Decision

Within three Days after the transmittal of the arbitrator's final decision, any party, upon notice to the other parties, may request the arbitrator, through the arbitration body, only to correct any clerical, typographical, or computational errors in the decision. The arbitrator is not empowered to re-determine the merits of any matter already decided. The other parties shall be given two Days to respond to the request. The arbitrator shall dispose of the request within two Days after transmittal

by the arbitration body to the arbitrator of the request and any response thereto.

34. No Appeal

The arbitration decision shall be considered final and binding. The parties waive, to the fullest extent permissible by law, any right to challenge in court the arbitrator's decision.

35. Filing Fees and Expenses

a. The arbitration body shall prescribe filing and other administrative fees and expenses to compensate it for the cost of providing services. The fees in effect when the fee or charge is incurred shall be applicable.

b. Initiating arbitration

i. Arbitration fees and expenses

The Respondent shall pay a full deposit for all fees and expenses associated with the arbitration as set forth in Exhibit 1. If, within 30 calendar days of the request for arbitration, the Respondent fails to provide the deposit, the Center or the arbitration body will issue a notice of failure to pay. If payment is not made within five Days after the notice of failure to pay is issued, or an extension is not granted, then the opportunity to request arbitration lapses and the Decision is final.

ii. Hardship exemption

Respondents may, at the discretion of the Center,

obtain a hardship exemption from payment of some of these fees through written certification that they have insufficient funds to cover arbitration.

36. Other Fees and Expenses

The expenses of witnesses for any party shall be paid by the party producing such witnesses. Parties shall be responsible for their own advisor's fees and costs, and all other expenses not expressly assumed by the Center. A party who successfully seeks a continuance shall pay a continuance fee as set forth in Exhibit 1.

37. Arbitrator's Compensation

Arbitrators shall be compensated at the rates set forth in the arbitration fee schedule (Exhibit 1).

If there is disagreement concerning the terms of compensation, an appropriate rate shall be established with the arbitrator and the arbitration body, and confirmed to the parties. Any arrangement for the compensation of an arbitrator shall be made through the arbitration body and not directly between the parties and the arbitrator.

38. Allocating Fees and Expenses

The arbitrator shall, in the final reasoned decision, allocate fees and expenses as follows:

- a. If a violation is not found, the Center shall reimburse the Respondent for all arbitration fees and expenses paid to the arbitration body, pursuant to Exhibit 1, below.

- b. If the case involves multiple violations, and the arbitrator modifies some violations but not all, the arbitrator has the discretion to allocate the fees and expenses paid to the arbitration body.
- c. If, in a sanctions-only hearing, the sanction is reduced the arbitrator may reapportion responsibility for all arbitration fees and expenses paid to the arbitration body between the Center and the Respondent.

39. Interpreting and Applying These Rules

The arbitrator shall interpret and apply these Rules insofar as they relate to the arbitrator's powers and duties.

40. Temporary Measures

The following Rules govern Temporary Measures hearings.

a. Timing

At any time after Notice of a Temporary Measure, when those temporary measures materially affect the opportunity to participate (e.g., suspension), Respondent may request a hearing which shall take place no later than 72 hours after the Respondent submits the required fees or at such time as the parties otherwise agree.

b. Arbitrator

If the Center imposes or seeks to impose Temporary Measures before the appointment of a merits

arbitrator on a Decision, then a special arbitrator will be appointed by the arbitration body solely to conduct the Temporary Measures hearing. This special arbitrator shall not be considered for appointment to review a final Decision. If the Center imposes or seeks to impose Temporary Measures after the appointment of an arbitrator for review of a Decision, then the appointed arbitrator shall conduct the Temporary Measures hearing.

c. Filing fees and expenses

The arbitration body shall prescribe filing and other administrative fees and expenses to compensate it for the cost of providing services. The fees in effect when the fee or charge is incurred shall be applicable. The Center shall pay a deposit of \$2,000.00 for the fees and expenses and the Respondent shall pay \$600.00 for the fees and expenses associated with a Temporary Measures arbitration as set forth in Exhibit 1. The Respondent shall not be responsible for filing fees if qualifying for a Hardship Exemption.

d. Procedures

i. Expedited proceedings

The Temporary Measures hearing is an expedited proceeding to quickly resolve whether sufficient evidence exists to satisfy the arbitrator that the temporary relief requested is appropriate based on the known facts and circumstances of the case at the time of the hearing. The Temporary Measures hearing is not intended to be the hearing necessary to finally resolve

whether the Respondent has committed a violation or what the appropriate sanctions should be if a violation is found to have occurred.

ii. Pre-hearing Conference

The arbitrator shall hold a brief pre-hearing conference solely to address scheduling of the hearing.

iii. Position Statements

The Center and Respondent may each submit a position statement of no more than five pages setting forth the basis for their respective positions. Each party may also present such evidence as it deems necessary. The position statement may also address jurisdictional objections or allegations that the Center failed to follow its procedures. All other issues and objections, if any, are reserved and preserved for a hearing on the final Decision.

iv. Length of Hearing

Except in exceptional circumstances, the Temporary Measures hearing will last no longer than two hours.

e. Standard of review

To affirm Temporary Measures, the arbitrator must find based on the evidence presented, that: (i) the measure is reasonably appropriate based on the seriousness of the allegations and the facts and circumstances of the case; (ii) the measure is reasonably appropriate to maintain the safety or

well- being of the Claimant, other Athletes, or the sport community; or (iii) the allegations against the Respondent are sufficiently serious that the Respondent's continued participation in the sport could be detrimental to the best interest of sport and those who participate in it. In all cases, there shall be a rebuttable presumption that the allegations, as presented, are true. When the allegations involve child sexual abuse, the age of those allegations is not relevant to this determination.

f. Decision

The arbitrator may approve, reject, or modify the Temporary Measures imposed or proposed by the Center. The arbitrator shall issue a decision regarding the Center's request for Temporary Measures either orally at the conclusion of the hearing, with a written reasoned order to follow, or by a written reasoned decision issued within 24 hours of the close of the Temporary Measures hearing. The decision is inadmissible and shall be given no weight in an arbitration on the final Decision, if any.

g. No appeal

Neither the Center nor the Respondent may appeal the arbitrator's decision. The denial of the requested relief shall not, however, prejudice the Center's right to seek Temporary Measures in the same case in the future based on information or evidence not previously in the Center's possession. In such cases, the Respondent will be offered another hearing.

Exhibit 1

JAMS ARBITRATION FEES

The arbitration body for U.S. Olympic and Paralympic SafeSport Arbitrations is JAMS, www.jamsadr.com. Applicable arbitration fees are as stated, effective April 1, 2023.

\$5,200.00 Single arbitrator for a single hearing day. Additional hearing days will be billed to the U.S. Center for SafeSport at \$650 per hour.

\$2,600.00 Single arbitrator, temporary measures hearing:

- A deposit for the full price of JAMS fees and neutral rates is due at the time an Arbitration is requested. Any refunds are subject to the cancellation/continuance policy listed below.
- Applicable arbitrator travel costs will be charged.
- The above fees exclude usage of facilities. A room rental fee not to exceed \$300/day will be charged.

CANCELLATION/CONTINUANCE POLICY

<i>Cancellation/Continuance period</i>	<i>Fee</i>
14 or more calendar days prior to hearing	<ul style="list-style-type: none">• Arbitration, single arbitrator, 50% is refundable• Temporary Measures Hearing, non-refundable

- Hearing fees are non-refundable if time scheduled (or a

portion thereof) is cancelled or continued after the cancellation date. The cancellation policy exists because time reserved and later cancelled generally cannot be replaced. In all cases involving non-refundable time, the party requesting the hearing is responsible for the fees of all parties.

- JAMS reserves the right to cancel the hearing if fees are not paid as required by the applicable cancellation date and JAMS confirms the cancellation in writing.

Exhibit 2
SafeSport Arbitrator Qualifications

INDEPENDENCE

Each arbitrator shall be independent. An arbitrator is “independent” if (a) the individual has no current, material affiliation or relationship, directly or indirectly, with the United States Center for SafeSport, the United States Olympic & Paralympic Committee (USOPC), any National Governing Body (NGB), any Paralympic Sports Organization (PSO), the Athletes Advisory Council of the USOPC (AAC), or any other affiliated organization such as an Olympic Training Center or designated partner, and (b) such person is free of any direct or indirect relationships that create an actual or perceived conflict of interest that could reasonably be expected to interfere with the exercise of independent judgment of such person. Before an arbitrator may be selected for the JAMS SafeSport Panel, the individual shall disclose any potential conflicts of interests to JAMS.

KNOWLEDGE

In addition to independence, arbitrators shall have a demonstrated working knowledge of sexual assault, domestic violence, child sexual abuse, grooming, trust dynamics, and trauma-informed questioning/forensic interviewing protocol. Experience involving emotional, physical, and sexual misconduct in sport is strongly preferred.

WORKING EXPERIENCE

Arbitrators shall have experience working in at least one of the following areas:

- In criminal law as a judge, district attorney, or defense attorney, with specific experience in sexual misconduct

- Law enforcement, with specific experience in sexual misconduct
- As a social worker
- A Title IX coordinator or investigator
- As a guardian *ad litem*, or
- Other comparable working experience.