



Results Management, Hearings and Decisions Guidelines

Version 1.0

October 2014

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1.0 Introduction and Scope

The *Signatories* to the World Anti-Doping Code (*Code*) recognize that efficient and effective Results Management is key to the fight against doping in sport. They also recognize that this process shall be conducted in accordance with the principles set out in the *Code* and the International Standards (*IS*).

In conjunction with several key stakeholders, the World Anti-Doping Agency (*WADA*) has prepared these Guidelines to harmonize the practice of *Anti-Doping Organizations* (*ADOs*) in Results Management. The term Results Management is not defined in the *Code*, but according to *Code* Article 7, this process encompasses the timeframe between pre-hearing administration of potential Anti-Doping rule violations (*ADRVs*), Laboratory analysis (or the collection of other evidence establishing a potential *ADRV*), notification and charge, through to resolution of the process. Sections on the hearing phase, appeals and *Substantial Assistance* are therefore also included in these Guidelines.

Given the importance of issuing fully reasoned and comprehensive decisions in respect of the procedural rights and general principles of law, these Guidelines also include recommendations regarding the hearing process and the resultant decision. They are not designed to assist in the assessment/review of the merits of a potential *ADRV* or of the applicable *Consequences* under the *Code*. Given the complexity of dealing with cases where an *Athlete* or other *Person* provides *Substantial Assistance*, a specific section has been added to address this issue.

These Guidelines are a model for best practice developed as part of the World Anti-Doping Program. They have been drafted to provide *ADOs* with Results Management responsibilities with a document detailing in a step-by-step fashion the phases of the Results Management process, hearing, and decision processes, and execution. These Guidelines build on existing anti-doping practices to promote harmonization in the administration of potential *ADRVs*.

These Guidelines are not mandatory but are intended to provide clarity and additional guidance to *ADOs* as to the most efficient, effective and responsible way of discharging their responsibilities in terms of Results Management. Various *Signatories* have already created their own approach to Results Management and many have proven to be fair, effective systems. These Guidelines aim at ensuring that the basic principles of the *Code* are duly respected.

As with all Guidelines under the *Code*, this document is subject to ongoing review and assessment to ensure it continues to reflect best practice moving forward. *WADA* encourages feedback on this document and recommends stakeholders consult *WADA's* Web site, <http://www.wada-ama.org> for the latest version.

1.1 Definitions

This document includes defined terms from the *Code*, International Standard for testing and Investigations (ISTI), International Standard for Laboratories (ISL), International Standard for Therapeutic Use Exemptions (ISTUE), and International Standard for the Protection of Privacy and Personal Information (ISPPPI). *Code* terms are written in italics. *IS* terms are underlined. Capitalized terms used, but not defined in this document, are as defined in the *ADO's* Anti-Doping Rules.

Definition are provided in Guidelines Section 7.0.

1.2 Key Provisions

Users of these Guidelines are advised to familiarize themselves with key provisions of the *Code* and *IS* listed below.

1.2.1 Key Code provisions

- Article 2: Anti-Doping Rule Violations
- Article 3: Proof of Doping
- Article 7: Results Management
- Article 8: Right to a Fair Hearing and Notice of Hearing Decision
- Article 10.13: Automatic Publication of Sanction
- Article 10.6.1: *Substantial Assistance*
- Article 13: Appeals
- Article 14: Confidentiality and Reporting
- Article 15: Application and Recognition of Decisions
- Article 17: Statute of Limitations
- Article 20: Roles and Responsibilities of *Signatories*
- Article 21: Roles and Responsibilities of *Athletes* and *Athlete Support Personnel*

1.2.2 Key ISTI provisions

- Article 11: Gathering and Using Intelligence
- Article 12: Investigations
- Annex A: Investigating a Possible Failure to Comply
- Annex I5: Results Management (Whereabouts cases)

1.2.3 Key ISL provisions

- Article 5.2.2: Handling and Retention of *Samples*
- Article 5.2.4.3.2: B *Sample* Confirmation
- Article 5.2.6: Documentation and Reporting

2.0 Results Management and Adjudication Process Responsibilities

2.1 Overview

ADOs are required by *Code* Article 20 to vigorously pursue all potential Anti-Doping rule violations (ADRVs) within their jurisdiction¹.

When a case arises, the first issue to address is therefore jurisdiction, i.e. which *ADO* has Results Management Authority (RMA) for a case.

International Federations (IFs) and *National Anti-Doping Organizations (NADOs)* bear primary responsibility for Results Management. In certain situations, other parties also have Results Management-related responsibilities, e.g. *Major Event Organizations (MEOs)* and *Regional Anti-Doping Organizations (RADOs)*. Some National Federations (NFs) may have responsibilities if an IF delegates the adjudication process responsibility to the *Athlete's* NF or other *Person* concerned (Guidelines Section 2.3).

In these Guidelines, the party responsible for launching investigations and taking action on an ADRV is the Results Management Authority (RMA).

Athletes, Athlete Support Personnel and other *Persons* must cooperate with *ADOs* investigating ADRV². This is particularly important in case of Non-Analytical ADRVs.

WADA shall monitor compliance with the *Code*, i.e. whether *ADOs* conduct Results Management and hearings in a *Code*-compliant manner. *WADA* shall ensure that the mandatory provisions of the *Code* are duly implemented and respected, that cases are dealt with in a timely fashion to protect the rights of both the Anti-Doping Community and the *Athletes*. *WADA* has the right to appeal any decision if it believes that it is not compliant with the *Code*. This is essential in ensuring a harmonized application of the rules.

¹ *Code* Articles 20.1.7, 20.2.7, 20.3.10, 20.4.10, 20.5.7 and 20.6.5.

² *Code* Article 21.

2.2 Responsible ADO

For *Adverse Analytical Findings* (AAFs), the RMA is the ADO that initiated and directed the Sample Collection Session, namely the Testing Authority by default, unless another ADO has been specifically identified.

For Non-Analytical violations, the RMA will be the ADO which *Athlete* or other *Person* first provides notice to an *Athlete* or other *Person* of an asserted ADRV.

2.3 Governing Rules

An Anti-Doping case will in most cases be governed by the RMA's Anti-Doping rules. If the RMA is a NADO, this may mean that the NADO will apply the Anti-Doping rules implemented by a National Governing Body within its jurisdiction. In some cases, an International Federation (IF) acting as the RMA may delegate this authority to a National Federation (NF) or a NADO, depending on the status of the *Participant* concerned. In such instances, the delegated body will act as the RMA, applying the IF's Anti-Doping rules.

2.4 Clarification on Specific Jurisdiction Issues

In cases where a NADO's rules do not give 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 where the NADO declines to exercise such authority, the default RMA is the IF or a third party as directed by the IF rules.

2.4.1 Additional Testing

When a NADO conducts additional *Testing* pursuant to *Code* Article 5.2.6, it shall be considered as the RMA (*Code* Article 7.1). However, if the NADO only directs the Laboratory to perform additional types of analysis at the NADO's expense, the IF or the MEO retains jurisdiction over Results Management.

2.4.2 WADA-conducted Testing

If a test is conducted by WADA on its own initiative or an ADRV is discovered by WADA, the RMA will be the ADO designated by WADA.

2.4.3 Major Events

For AAFs arising from MEO tests or other ADRVs discovered at *MEO Events*, MEOs shall have primary responsibility for conducting the Results Management and hearing processes for the purpose of determining whether or not the *Athlete* has committed an ADRV.

The Anti-Doping rules used by MEOs typically provide that the *Consequences* applied by the MEO in respect of such ADRV are limited to the exclusion from the Event and/or *Disqualification*.

MEOs are then required to promptly forward the matter to the relevant IF (including a copy of the MEO decision and all supporting documents). Should the MEO be a *Signatory* to the Code, the IF shall recognize the MEO's decision with respect to the ADRV and impose a period of *Ineligibility* in accordance with Code Article 7.1.1.

2.4.4 Whereabouts Failures (Filing Failures or Missed Tests)

The RMA in relation to potential Whereabouts Failure will be the IF or the NADO with whom the *Athlete* files his or her whereabouts information. *Athletes* are only required to file their whereabouts with one *ADO*, and this *ADO* shall be responsible for the management of potential Filing Failures. Missed Tests should be managed by the *ADO* which has initiated the attempted test. It is important that any *ADO* that records a Whereabouts Failure submits this information to WADA via the Anti-Doping Administration and Management System (*ADAMS*), so this information is available to other *ADOs*.

2.4.5 Results Management for Athlete Passport cases

Results Management for *Atypical Passport Findings (ATPFs)* or *Adverse Passport Findings (APFs)*³ shall be administered by the Passport Custodian, regardless of whether another *ADO* was the Testing Authority of the test(s) that ultimately prompted the *ATPF* or *APF*.

For *Athlete Biological Passport (ABP)* purposes, the Passport Custodian shall always inform WADA and the NADO/IF (where applicable) of a decision to 1) bring a case forward, or 2) terminate the Results Management process.

In circumstances where an *Athlete* is tested by two or more *ADOs* in the context of the *ABP*, it's important that all *ABP* tests recorded by one *ADO* be visible/accessible to the other(s) via *ADAMS* to allow an overview of the *Athlete's Passport*.

³ Blood and urine.

2.4.6 Retired Athlete

Per *Code* article 7.11, if an *Athlete* or other *Person* retires while Results Management is underway, the *ADO* conducting the process retains jurisdiction until the process is finalized.

If an *Athlete* or other *Person* retires before any Results Management process has begun, the RMA is the *ADO* that would have had jurisdiction at the time the ADRV was committed.

2.5 Disputes

If more than one *ADO* claims to have jurisdiction over a case, and discussion in good faith fails, *WADA* settles the dispute and decides which *ADO* manages the Results Management process. *WADA*'s decision may be appealed to the Court of Arbitration for Sport (*CAS*) within 10 days from its notification (*Code* Article 7.1). Guidelines Annex A summarizes the protocol on disputes.

3.0 Results Management: Pre-Hearing Phase

3.1 Timeliness

In the interest of fair, effective sport justice, any asserted ADRV should be prosecuted in a timely manner. Irrespective of the type of ADRV involved, any *ADO* should be able to conclude Results Management and the hearing process within a maximum of 6 months of the date of commission⁴ or of discovery of the ADRV⁵.

If an *ADO* fails to render a decision within a reasonable deadline set by *WADA*, the Agency may elect to bring the case directly before the *CAS*. The *CAS* may decide that the costs of the proceedings and *WADA*'s attorney fees shall be paid by the RMA (*Code* Article 13.3).

⁴ For an ADRV resulting from an *AAF*, the date of commission is the date of the Sample Collection Session.

⁵ There may be exceptions in particularly complex cases, e.g. cases that include detailed scientific evidence and numerous experts' statements and opinions, and/or where the hearing is delayed due to the experts' availability. Further, for Non-Analytical matters, there may be no specific date when the ADRV was "discovered." The best practice timeframe is for the hearing to occur no more than 6 months from the date the RMA notified the *Participant*.

3.2 Statute of Limitations

No ADRV proceedings can commence against an *Athlete* or other *Person* unless he/she was notified within 10 years from the date the ADRV is asserted to have occurred (*Code* Article 17). If there is any doubt that the violation was committed within the 10-year period, the RMA should take reasonable steps to determine that the ADRV does fall within the limitation period before taking action.

3.3 Confidentiality

The Results Management phase is confidential. *ADOs* are encouraged to strictly limit access to, and disclosure of, information collected or processed during this phase solely on a need-to-know basis. Premature breaches of confidentiality could have serious consequences⁶ and result in significant legal claims being made by the *Person(s)* affected.

3.4 Review of Adverse Analytical Findings⁷

Guidelines Annex M provides a flow chart of the associated Results Management *AAF* process.

3.4.1 Reporting of A *Sample* results by the Laboratory

All *AAFs* shall be reported by the Laboratory via *ADAMS* within 10 working days of the *Sample's* receipt⁸ by the Testing Authority, the relevant IF and *WADA*⁹.

The Laboratory's report must indicate the *Sample* code, the type of test (*In-Competition* or *Out-of-Competition*), the sport, the date of the Sample Collection Session, the test results, and all other information set out in the ISL¹⁰. The *ADO* shall ensure that its *ADAMS* account is properly configured to receive *AAF* notifications.

⁶ Consultation of the International Standard for the Protection of Privacy and Personal Information (ISPPPI) is recommended.

⁷ Code Article 7.2.

⁸ ISL Article 5.2.6.5.

⁹ ISL Article 5.2.6.10.

¹⁰ ISL Articles 5.2.6.6 and 5.2.6.8.

The Laboratory reports and documents any abnormality observed at the time of the *Sample's* receipt that may adversely affect the *Sample's* integrity (ISL Article 5.2.2.3), e.g. the seal on a *Sample* bottle appeared damaged, or a blood *Sample* has been transported outside of recommended temperature ranges.

The Laboratory then notifies the RMA and seeks instructions regarding rejection or *Testing* of *Samples* for which irregularities are noted. If the RMA decides not to proceed with the case, the *Sample* rejection is documented.

3.4.2 Initial review (Code Article 7.2)

Upon receipt of an *AAF*, the RMA conducts an initial review before notifying the *Athlete*, as per *Code* Articles 7.3, 14.1.1 and 14.1.3.

As an important very first step, the *ADO* reviews the Doping Control Officer's (DCO's) report and verifies that the *Sample* code matches the number in the report and Chain of Custody documentation. This precaution validates that the *Sample* analyzed by the Laboratory was the Sample provided by the *Athlete*.

3.4.2.1 Therapeutic Use Exemption

The RMA shall ascertain whether a *TUE* exists in relation to the *Prohibited Substance* that has been detected in the *Athlete's Sample*. In most instances, this can be done by consulting the *Athlete's* records in *ADAMS*, although the RMA should also contact another *ADO*, such as the IF or *NADO* that might have approved a *TUE* for the *Athlete*. However, if the RMA is handling a case that involves an overseas *Athlete*, it makes sense to contact the *NADO* (or equivalent body) in the *Athlete's* home country¹¹.

If an applicable *TUE* exists on the *Athlete's* record, a further check should be done to ensure that the *Athlete* has complied with any relevant imposed restrictions (e.g. *TUE*-specified dosage levels). If it appears that the *TUE* is valid and any terms have been complied with, the RMA will notify relevant parties that no further action will follow¹².

¹¹ Depending on the *Athlete's* level (International/National/other), there may be restrictions on granting a retroactive *TUE*. If so, the *Athlete* should be offered the possibility to establish that the *AAF* resulted from a legitimate Therapeutic Use of the *Prohibited Substance*. See the *Code's* definition of *Athlete*, *Code* Article 4.4.5 and the *ISTUE*. The decision on a retroactive *TUE* is taken by the Therapeutic Use Exemption Committee (TUEC) of the organization with jurisdiction over the *Athlete*.

¹² *Code* Article 14.1.4.

3.4.2.2 Glucocorticosteroids and Beta-2 Agonists

Glucocorticosteroids¹³ are prohibited when administered by oral, intravenous, intramuscular or rectal routes. Other routes of administration are authorized¹⁴.

However, as Laboratories will report any glucocorticosteroids finding as an *AAF*, the RMA, should verify the route of administration used as part of its Initial Review before prosecuting a case as an *AAF*.

The RMA should first verify any relevant information appearing on the *Doping Control* form and, if required, contact the *Athlete* to enquire about the route of administration.

This basic verification with the *Athlete* is recommended. If the route of administration indicated by the *Athlete* is authorized, the RMA should also verify with the Laboratory or other experts that the level detected in the *Sample* match the route and administration dosage indicated by the *Athlete*.

Beta-2 Agonists¹⁵ are prohibited except inhaled salbutamol, inhaled formoterol and salmeterol when taken by inhalation according to the manufacturer's recommended Therapeutic regimen. The *Presence* in urine of salbutamol or formoterol exceeding the limit indicated on the *Prohibited List*, is presumed not to be an intended Therapeutic Use, and shall be prosecuted as an *AAF* – unless the *Athlete* provides evidence, through a controlled pharmacokinetic study, that the abnormal result was the outcome of Therapeutic Use of the inhaled dose, up to the maximum indicated on the *Prohibited List*.

For these substances, some Laboratories report a Presumptive Adverse Analytical Finding to the Testing Authority and enquire if a Confirmation Procedure is required. The Testing Authority(or RMA, if a different *ADO*) then checks if a *TUE* has been granted, and/or contacts the *Athlete* to enquire about the route of administration (Guidelines Annex L).

If a case involving glucocorticosteroids or a Beta-2 Agonist is closed by the RMA, *WADA* and the parties indicated in *Code* Article 14.1.4, are to be duly informed of the outcome and the reasons.

¹³ *Prohibited List* Section S9.

¹⁴ For example, intraarticular, periarticular, peritendinous, epidural, intradermal or inhalation, and topical preparations when used for auricular, buccal, dermatological, gingival, nasal, ophthalmic and perianal.

¹⁵ *Prohibited List* Section S3.

3.4.2.3 Apparent departure from the ISTI and/or ISL and related notification

One of the fundamental purposes of the ISTI and ISL is to establish processes and procedures that help ensure that an *AAF* is a genuine finding, not open to question or doubt. Therefore, the RMA must review if any apparent departure from the ISTI and/or the ISL could have caused the *AAF*.

WADA-accredited Laboratories are presumed to have conducted the *Sample* analysis and custodial procedure in accordance with the ISL (*Code* Article 3.2.2).

Nevertheless, the RMA should review the Analysis Result Record, any other information available, and the context of the result. If the RMA considers it necessary, an ISL review can also include a review of the Laboratory Documentation Package (if available at that stage) the Laboratory prepares to support the *AAF*. The sole purpose of the review is to identify if a serious, obvious departure from the ISL could have resulted in the *AAF*.

Similarly, the RMA must review relevant documentation, particularly the *Doping Control* form and any Supplemental Reports, to ensure that there have not been any apparent departures from the ISTI that could have caused the *AAF* or otherwise put its validity into serious question.

Examples of apparent departures that might require further investigation include:

- The absence of any signature by the *Athlete* or an Athlete Representative on the *Doping Control* form, or
- Indication in the documentation that a partial *Sample* appeared to have been left unsupervised and unsealed.

If the RMA considers that the departure is not the cause of the *AAF*, the case will be prosecuted, but the RMA may have to establish to a hearing panel that the departure did not undermine the *AAF*'s validity (*Code* Article 3.1 and 3.2.2).

3.4.2.4 Notification if the case is not brought forward after the initial review

The RMA will decline to bring the case forward as an *AAF* in the following situations:

1. There is a valid *TUE* in place consistent with the *Use* and dosage; or
2. There is a departure from an *IS* that likely caused the *AAF*.

If the RMA decides not to bring the case forward after the initial review, it must notify the *Athlete*, their *NADO*, the responsible IF and *WADA* without delay (*Code* Articles 7.3 and 14.1.2).

Given this decision may be appealed (*Code* Article 13.2), the notification should contain a brief summary stating why the case hasn't proceeded.

For a departure, the RMA should also consider conducting additional *Athlete Testing*.

The RMA selects the mode of notification (i.e. letter, fax or e-mail). The most efficient mode is preferable, subject to the RMA ensuring communication is secure and protects the recipient's privacy rights. Ideally, exchanges via e-mail are encrypted.

3.4.3 *Athlete* notification after the initial review and notification of the asserted ADRV (charge)

If no apparent departure from the ISL or ISTI is identified and no *TUE* exists for the *Prohibited Substance*, the RMA must proceed as soon as possible (*Code* Articles 7.3, 7.10).

The RMA has two options at this stage:

- Notify the *Athlete* of the *AAF*. Request the *Athlete* provide an explanation for the *AAF*. Advise him/her that unless a satisfactory explanation is received (by a date set by the RMA), the *Athlete* will be provisionally suspended (if the substance at stake is *Non-Specified Substance*). Inform the *Athlete* he/she can request a *B Sample* analysis. Advise that *AAF* disciplinary proceedings will follow.
- Notify the *Athlete*, charging him/her with having committed an ADRV in the same communication. A number of *ADOs* choose to combine the *AAF* notification and the charge. This is for the relevant *ADO* to decide, and can often depend upon a case's particular circumstances. If the case relates to a *Non-Specified Substance*, the *Provisional Suspension* can be imposed at this stage. If an *ADO* can contact an *Athlete* immediately, the option of a single communication is quicker and simpler.

This section takes the second approach. See Guidelines Templates A and B. Whether the *Prohibited Substance* at stake is a *Specified Substance* or a *Non-Specified Substance* determines which template the RMA will use as it makes a difference concerning the imposition of a *Provisional Suspension*.

If an RMA adopts the approach of notifying and then sending the charge letter at a later stage (after the *B Sample* analysis for example), that is also acceptable under the *Code*.

The *AAF* letter of notification and charge should be sent as soon as possible, specifying:

- The *AAF*, clearly identifying the *Prohibited Substance(s)* reported by the Laboratory, in accordance with the *Prohibited List*;
- Assertion of an ADRV, based on *Code* Article 2.1;
- The *Athlete's* right to provide a written explanation within a set deadline for the finding in his/her *Sample*;
- The *Athlete's* rights regarding the B *Sample* analysis:
 - a. The right to request prompt analysis of the B *Sample* and all information concerning the B *Sample* analysis (Guidelines Section 3.4.4.1);
 - b. The right to attend the B *Sample* opening/analysis or be represented;
 - c. The right to request the Laboratory Documentation Package from the RMA. The Laboratory should normally provide these documents to the RMA within 10 days of the request (ISL Article 5.2.6.13).
- *Provisional Suspension*:
 - a. If the *Prohibited Substance* at stake is a *Non-Specified Substance*, the letter should include notice of the imposition of a *Provisional Suspension* and indicate the process for challenging the Suspension.
 - b. If the substance at stake is a *Specified Substance*, the notification (Guidelines Template B) should either impose a *Provisional Suspension*, or offer the *Athlete* the opportunity to accept a *Provisional Suspension* (Guidelines Template G) pending the resolution of the matter (*Code* Article 7.3). For cases the RMA believes a period of *Ineligibility* is a likely outcome, it is recommended that a *Provisional Suspension* be imposed.

Provisional Suspensions are addressed in detail in Guidelines Section 4.0.

- *Consequences* of the ADRV: At this point, the RMA may also indicate the *Consequences* to be sought and offer the *Athlete* the opportunity to

promptly admit the ADRV to benefit from *Code* Article 10.6.3 (Prompt Admission) or Article 10.11.2 (Timely Admission), where applicable.¹⁶

- The *Athlete* should also be made aware of the possibility to provide *Substantial Assistance* and benefit from *Code* Article 10.6.1 (Guidelines Section 6).
- The charge letter should refer to the hearing process that will follow, and include copies of all relevant documents, including the AAF, the Laboratory Documentation Package (if available at that time) and the Doping Control form. If timing is an issue, the Laboratory Documentation Package can be supplied to the *Athlete* at a later date.

The *Athlete's* NADO, the IF and WADA shall be notified simultaneously (*Code* Article 14.1.2).

3.4.4 B Sample analysis

3.4.4.1 Who can request the B Sample analysis?

Both the *Athlete* and the RMA have the possibility to request the B *Sample* analysis (*Code* Article 7.3). When notifying an *Athlete* after the initial review, the RMA shall inform the *Athlete* of his/her right to request the analysis of the B *Sample*.

The *Athlete* must be clearly informed that if he/she fails to file such request within the stipulated time frames, the right to a B *Sample* analysis is waived. It is advisable to always seek a clear, expressly written confirmation or waiver directly from the *Athlete* as to his/her intentions regarding the B *Sample* analysis and not to leave this issue unclear or uncertain (Guidelines Templates A and B).

If the *Athlete* does not request the B *Sample* analysis or expressly waives his/her right to have the B *Sample* analysis, the ADO may still request the analysis.

¹⁶ Several considerations will apply in the indication of *Consequences*. In most cases, the RMA should stipulate the *Consequences* based on the sanctions explained in *Code* Article 10. This means that for *Presence* cases, the stipulated *Consequences* will be either a 2-year or 4-year period of *Ineligibility*. In this regard, any investigation undertaken by the RMA may be relevant (e.g. the use of a *Specified Substance Out-of-Competition* carries a presumption that the ADRV was not "intentional").

The *Athlete* should be advised of the potential for sanction reduction based on *Code* Article 10. However, the RMA should be cautious about proposing a reduced sanction, except in special cases where it's clear the *Athlete* should benefit. If the ADRV is a second violation, the RMA should specify a sanction based on *Code* Article 10.7.4.

The RMA can, at its discretion, charge a fee for the B *Sample* analysis. The fee should equal the actual cost to the RMA and the Laboratory.

3.4.4.2 Where is the B *Sample* analysis performed?

The B *Sample* analysis is performed in the same Laboratory as the A *Sample*¹⁷.

3.4.4.3 Timing and right to attend the B *Sample* opening and analysis

If the B *Sample* analysis is requested by the *Athlete* or the RMA, the *Athlete* shall be informed of his/her right to attend the B *Sample* opening and analysis or be represented¹⁸. Once the scheduled date, time and place for the B *Sample* analysis are confirmed with the Laboratory, the *Athlete* should be notified immediately to determine his/her respective availability.

Recommendation: Upon receipt of the A *Sample* finding, confirm a suitable date for the B analysis with the Laboratory and include it in the *Athlete's* first notification letter¹⁹.

Pursuant to the ISL, the B *Sample* analysis should occur as soon as possible, and no later than 7 working days from the A *Sample* AAF notification²⁰ to avoid potential degradation of the *Sample* and unnecessary delay of the proceedings.

While not mandatory, the aim of this 7-day rule is to improve *Testing* efficiency. Compliance with the time limit may not be practically possible in every instance, especially if the *Athlete* wishes to attend the analysis. However, any extensions beyond the 7-day limit must be brief.

¹⁷ ISL Article 5.2.4.3.2.2. The only exception to this rule is Article 5.3.5 stipulating that if a specific technology is not within the Laboratory's scope of accreditation, a *Sample* may be transferred to another Laboratory with the required accreditation. However, in this case, both A and B *Samples* shall be transferred.

¹⁸ Other *Persons* (i.e. lawyer, coach or Athlete Representative) are authorized to attend the B *Sample* confirmation (ISL Article 5.2.4.3.2.6).

¹⁹ In CAS 2008/A/1607, the Arbitration Panel considered that even if a procedural error is unlikely to affect the result of a B *Sample* analysis, such error can be so serious as to invalidate the entire *Testing* procedure. The Panel further noted that "an athlete's right to be given a reasonable opportunity to observe the opening and testing of a 'B' sample is of sufficient importance that it needs to be enforced even in situations where all of the other evidence available indicates that the Appellant committed an anti-doping rule violation."

²⁰ ISL Article 5.2.4.3.2.1.

For that purpose, the ISL further stipulates²¹ that if the *Athlete* or the *Athlete's Representative* does not respond to the invitation, or continuously claims not to be available on the date of the opening despite reasonable²² attempts to accommodate their dates (e.g. visa needed), the analysis shall proceed. An independent witness²³ will be appointed by the *Laboratory* to verify that the B *Sample* container shows no trace of *Tampering* and that the identifying numbers match those on the *Sample* collection document.

If the B *Sample* analysis does not confirm the results of the A *Sample* analysis, and a *Provisional Suspension* had already been imposed or voluntarily accepted, the *Provisional Suspension* shall be immediately lifted.

3.5 Review of Atypical Findings (Code article 7.4)

3.5.1 Situations in which a Laboratory may report an ATF

An *ATF* is a report from a *Laboratory* or other *WADA-Approved Laboratory* for the *ABP* that requires further investigation by the *RMA* prior to the determination of an *ADRV*. The report indicates that the *Laboratory* has identified certain factors in an *Athlete's Sample* that, while not constituting an *ADRV*, merit further investigation.

The precise nature of the investigation depends on the *Prohibited Substance* associated with the *ATF*. Guidelines Annex C describes the individual investigatory steps and follow-up actions associated with the various *Prohibited Substances* that can give rise to an *ATF*.

As with an *AAF*, an initial review is required to determine if an applicable *TUE* has been granted or if any apparent departure from the *ISTI* or the *ISL* might have caused the *ATF*. If that review does not reveal an applicable *TUE* or a departure from the applicable *IS*, the *ADO* conducts the required investigation.

An *ATF* may be reported in the following situations:

²¹ ISL Article 5.2.4.3.2.6.

²² "Reasonable" is not defined in the ISL. This is to be evaluated case by case.

²³ The witness should be independent from both the *RMA* and the *Laboratory*.

-
- a. Inconclusive GC-C-IRMS: On occasions, when an isotope-ratio mass spectrometry (IRMS) analysis is applied as a Confirmation Procedure, the Laboratory may be unable to make a definitive conclusion on the endogenous or exogenous origin of the *Prohibited Substance* (endogenous anabolic androgenic steroids). The Laboratory then reports the IRMS finding as an *ATF*.
 - b. 19-NA (nandrolone Metabolite): The Laboratory detects a level of 19-NA superior to a certain level in a *Sample* from a female *Athlete* using norethisterone (contraceptive).
 - c. Human growth hormone (hGH): Per *WADA's* Guidelines for hGH isoform differential immunoassays, the Laboratory may report an *ATF* for hGH cases.
 - d. Human Chorionic Gonadotropin (hCG): The finding of hCG in the urine of a male *Athlete* at concentrations greater than a certain level may be an indicator of hCG Use for doping purposes. Due to certain factors, additional investigations may be necessary. For this reason, Laboratories occasionally report an *ATF*²⁴.
 - e. Erythropoietin (EPO): As described in the Technical Document on Harmonization of Analysis and Reporting of Erythropoiesis Stimulating Agents (ESAs) by Electrophoretic Techniques (TD EPO), the *Sample* may be reported as an *ATF*.
 - f. Boldenone: A Laboratory may report an *ATF* when the results of the IRMS analysis are inconclusive, and the concentrations are estimated below a certain level.
 - g. Formestane: The aromatase inhibitor²⁵ formestane may be naturally found in urine *Samples* at low concentration and requires a similar Analytical Testing as an endogenous anabolic androgenic steroid. If the IRMS is inconclusive, the Laboratory may report an *ATF*.
 - h. Other *Prohibited Substances* as notified by *WADA* from time to time.

²⁴ See Template E.

²⁵ *Prohibited List* Section S4.1.

3.5.2 Notifications

The RMA will not provide notice of an *ATF* to the *Athlete* until the investigation is completed (*Code* Article 7.4.1), with the following exceptions:

- a. If the *ATF* concerns hCG, the *Athlete* is informed without delay, as the *ATF* may be connected with a serious health issue; or
- b. Analysis of the B *Sample* is required as part of the investigations²⁶.

In the following situations, the RMA can identify an *Athlete* after first providing him/her notice of the *ATF*:

- An *ADO* receives a request from *MEO* shortly before one of its *International Events* to disclose if any *Athlete* on the list provided by the *MEO* has a pending *ATF*.
- An *ADO* receives a request from a sport organization responsible for meeting an imminent deadline to select team members for an *International Event*, to disclose if any *Athlete* on the list provided by the sport organization has a pending *ATF*.

Once the investigation is completed, if none of the above-listed exceptions applies, and the *ADO* decides to bring the *ATF* forward as an *ADRV*, then the *Athlete* shall be notified as per an *AAF*.

3.6 Review of Athlete Biological Passport findings

Results Management for an *APF* (*Code* Article 7.5) is described in detail in an ad hoc Technical Document in Guidelines Annex J and represented in a flow chart in Guidelines Annex N. An RMA building an *APF*-based case must consult and comply with this Technical Document.

Here's a high-level view of how an *ABP* works:

1. An *Athlete* will provide a number of blood and/or urine *Samples* over time.
2. These will be analyzed and the Laboratory, or other WADA-Approved Laboratory for the ABP , will measure the relevant steroidal (for urine

²⁶ The *Athlete* is notified and informed of his/her right to the B *Sample* analysis (*Guidelines* Section 3.4.3).

Samples) or haematological (for blood *Samples*) variables and enter them into *ADAMS*.

3. The *Athlete's Passport* is updated as soon as the biological data (steroid or haematological profile) is matched in *ADAMS* with the *Doping Control* form, underscoring the importance of uploading the information on the *Doping Control* form into *ADAMS*.
4. The Adaptive Model is automatically applied to the *Athlete's Passport* to identify any *ATPFs* that warrant further attention and review.

The *Passport* process is managed by the Athlete Passport Management Unit (APMU), a dedicated team (or individual) located at a Laboratory or within an *ADO*.

Following the 'one *Athlete* – one *Passport*' principle, *ADOs* are encouraged to work cooperatively to ensure that *Testing* is coordinated appropriately with all biological profiles collated within the *Athlete's Passport* in *ADAMS*. Each *Athlete* should have a Passport Custodian to ensure that all *ADOs* with *Testing* jurisdiction over the *Athlete* do not work in isolation.

The Passport Custodian is responsible for:

- Sharing *Passport* information with other *ADOs*, as appropriate and in accordance with the ISPPPI, and
- Initiating the Results Management procedure.

Preferably, an agreement providing a framework for collaboration in the sharing of *Passports* and related Results Management procedure is ratified by the *ADOs* in advance. Guidelines Annex J includes a template agreement developed by WADA.

3.6.1 Hematological *Passport*

When an *ATPF* has been identified in a haematological *Passport* (Guidelines Annex J), the APMU is required to send the profile and any other relevant information or documentation to an independent expert appointed by the *ADO*.

The expert will examine the *Passport*, and draw his or her conclusions. The submission of the profile to the expert shall be done in a timely manner and be dealt with anonymously.

The actions that follow the expert's examination of the *Passport* depend on his/her conclusions:

1. If the expert considers the *Passport* normal, he/she will provide advice on appropriate follow up.
2. If the expert considers it highly likely that the *Passport* is due to a pathological condition, the RMA immediately informs the *Athlete*.

3. If the expert considers it is highly likely that the *Passport* is the result of doping practices, further Results Management will be conducted (Guidelines Section 3.6.3).

3.6.2 Steroidal *Passport* (urine)

When a *Doping Control* form is entered into *ADAMS* and matched with Laboratory results, the *Passport* is automatically updated and processed by *ADAMS'* Adaptive Model. *ATPFs* are declared based on the results of the Adaptive Model, and *ADAMS* will automatically request the Laboratory to proceed with a Confirmation Procedure that includes a GC-C-IRMS analysis.

If the *ATPF* is confirmed by a GC-C-IRMS analysis, an *AAF* will be reported by the Laboratory and the Testing Authority becomes responsible for Results Management. If the IRMS Confirmation Procedure results are inconclusive²⁷, the APMU must send the steroidal *Passport* to an Expert for review. This could lead to the assertion of an ADRV or a recommendation to conduct further *Target Testing* on the *Athlete*.

Conversely, if the steroid profile of the *Sample* cannot be added²⁸ to the *Athlete's* steroidal *Passport* in *ADAMS* within 14 days of receipt of the *Sample* by the Laboratory, the profile in question will be verified against population-based values.

If the profile is flagged as atypical, the Laboratory will receive an automatic "Suspicious Profile Confirmation Procedure Request" notification through *ADAMS*. The Laboratory will then proceed with the Confirmation Procedure(s) unless, after contacting the Testing Authority, the latter can justify within 7 calendar days that the Confirmation Procedure is not necessary. The Laboratory will report an *ATF* if the Confirmation Procedure results are inconclusive. If the GC-C-IRMS is positive, Results Management is to be conducted (Guidelines Section 3.6.3).

²⁷ Guidelines Section 3.5.1, first paragraph.

²⁸ When there's no match in *ADAMS* because the Testing Authority has not entered the *Doping Control* form into the database.

3.6.3 Results Management for *Passports*

If the initial expert review finds the *ATPF* is consistent with doping, the *Passport* must then be reviewed by two additional experts (Guidelines Annex J):

1. If all three experts do not agree that the *ATPF* is consistent with doping, the APMU may request additional information (e.g. whereabouts, medical information) or recommend the Passport Custodian pursue additional *Testing*.
2. If the experts unanimously agree that the *ATPF* is consistent with doping, the APMU compiles an ABP Documentation Package (Guidelines Annex J).
3. The ABP Documentation Package is then sent to the same three-member Expert Panel to review the information and provide a joint evaluation to be added to the ABP Documentation Package. If the Panel confirms their prior position, the APMU declares an *APF*.
4. The RMA/Passport Custodian is then responsible for:
 - a. Advising the *Athlete* and *WADA* that the RMA is considering charging the *Athlete* with an ADRV (Guidelines Template D).
 - a. Inviting the *Athlete* to provide his/her own explanations in a timely manner on his/her *ATPF*.
 - b. Providing the *Athlete* and *WADA* the ABP Documentation Package.

Upon receipt of the *Athlete's* explanations and supporting documentation, the Expert Panel reviews the evidence and reassesses/reasserts its prior opinion, which includes one of the following conclusions:

- a. A unanimous opinion that the *Athlete* likely used a *Prohibited Substance* or *Prohibited Method*: The RMA proceeds with the Results Management and notifies the *Athlete* of the asserted ADRV (Guidelines Template F).
- b. No unanimous opinion: The Expert Panel may/may not recommend *Target Testing* or further investigations.

The experts' opinion is binding for the *ADO* that consulted them. However, once further tests are conducted on the *Athlete*, the entire profile may be reviewed again.

3.7 Review of Whereabouts Failures and Whereabouts Violations

Results Management is to be conducted following each reported potential Missed Test or Filing Failure (*Code* Article 7.6). Further, given that a combination of three Missed Tests and/or Filing Failures within a 12-month period by an *Athlete* in a *Registered Testing Pool (RTP)* constitutes an ADRV (*Code* Article 2.4), Results Management shall also be conducted to ensure that an appropriate decision is rendered²⁹.

ISTI Article I.5.1 reflects *Code* Article 7.1.2 and identifies which *ADOs* have RMA over an *Athlete's* Filing Failures, Missed Tests or for pursuing a charge against an *Athlete* who has three Whereabouts Failures recorded against him/her.

The RMA is the IF or the *NADO* with whom the *Athlete* files his/her whereabouts information. If an *Athlete* is included in IF and *NADO RTPs*, the *ADOs* must agree to whom the *Athlete* should provide his/her whereabouts information (ISTI Article I.2.2).

If the respective *ADOs* cannot come to an agreement, *WADA* decides based on the *Athlete's* best interests. *WADA's* decision is final.

For Filing Failures, the Results Management responsibility falls to the *ADO* with whom the *Athlete* must file his/her whereabouts information.

For Missed Tests, the RMA is the *ADO* that has authorized/ordered the test (*Guidelines* Section 2.4.4).

Results Management for an apparent Filing Failure and Missed Test is described in detail in *Guidelines Annexes K and O* (flow chart), with notice letters provided in *Template H*.

When three Whereabouts Failures are recorded against an *Athlete* within a 12-month period, the RMA notifies the *Athlete* and the *ADOs* mentioned in *Code* Article 14.1.2 without delay, and brings proceedings against the *Athlete* for a *Whereabouts Violation* (*Code* Article 2.4).

If the RMA fails to bring proceedings against an *Athlete* within 30 days of *WADA* receiving notice of the three Whereabouts Failures, the RMA is deemed to have

²⁹ A single Whereabouts Failure won't necessarily amount to a Whereabouts Failure, depending on the fact it could amount to an ADRV for *Evading* or *Tampering* (e.g. *CAS* 2008/A/1612).

decided that no ADRV was committed for purposes of triggering the appeal rights set out in *Code* Article 13.2.

3.8 Review of Other Anti-Doping Rule Violations

3.8.1 Investigation and collection of evidence

When an *ADO* becomes aware of a potential ADRV (other than an *AAF*, an *ATF*, a Whereabouts Violation or *ATPF*), it should conduct any appropriate follow-up investigation without unnecessary delay and notify *WADA*, in accordance with *Code* Article 7.6 or 7.7³⁰.

Other potential ADRVs include: *Use or Attempted Use*, Refusal, Failure to Comply to Sample collection, *Evading*, *Tampering* or *Attempted Tampering*, *Possession*, *Trafficking* or *Attempted Trafficking*, *Complicity*, and *Prohibited Association* (*Code* Articles 2.2, 2.3, 2.5, 2.6, 2.7, 2.9 and 2.10).

ADOs should do everything in their power to ensure they can capture or receive evidence of ADRVs (*ISTI* Article 12.3). It is important that the *ADO* gather as much information as possible in the form of admissible and reliable evidence, to ensure that a reasoned decision can be made by a hearing panel. Any investigation or evidence gathering should be conducted confidentially, fairly and effectively.

As stipulated in *Code* Article 3.2, facts related to ADRVs may be established by any reliable means. The above-listed Non-Analytical Violations may be established by the following evidence, from all available sources: *Athlete* or other *Person's* admission, credible testimony of third *Persons*, reliable documentary evidence (e.g. picture, video, other documents), reports (DCO, police, other regulatory and disciplinary bodies), and other analytical data/information. (This list is obviously non-exhaustive.)

The reporting/recording of facts, events or incidents that could constitute an ADRV shall be made by the witnesses as soon as possible after they occur. Any contemporaneous record or information may prove extremely useful to support an ADRV (e.g. telephone records, photos, third person statement, and other testimony).

³⁰ Several *Code* Articles suggest that all potential ADRVs involving Presence, *Use* or *Attempted Use* by an *Athlete* require follow-up investigations to determine the role of any *Athlete Support Personnel*: 7.7, 20.1.7 (International Olympic Committee [IOC]), 20.2.7 (International Paralympic Committee [IPC]), 2.3.10 (IFs), 20.4.10 (*National Olympic Committees* [NOCs] and *National Paralympic Committees* [NPCs]), 2.5.7 (*NADOs*), and 20.6.5 (*MEOs*).

3.8.1.1 Investigating a possible Failure to Comply (Evading, Refusal, Failure to submit to *Sample* collection or *Tampering*)

There is a key difference between a) Failure to submit to *Sample* collection, b) Refusal cases and c) Evasion cases. For the first 2 ADRVs, the *Athlete* must have been notified, whereas the latter requires the *Athlete* to have avoided being notified.

For Failure to submit to *Sample* collection and Refusal cases, the issue of whether or not there was a potential ADRV largely depends on the *Doping Control* Documentation and the witness evidence of the relevant *Doping Control* Personnel.

The RMA will need to review the *Doping Control* Documentation to ensure that the *Athlete* was properly notified, understood the implications of being notified and, in particular, was clearly advised of the potential implications of not providing a *Sample*.

It is good practice to get the *Athlete's* explanation as to why he/she refused to provide a *Sample*, or failed to comply with such a request. If necessary, any follow-up investigations should be conducted and completed before disciplinary proceedings begin.

For example, if an *Athlete* provides an explanation as to why he/she had to terminate the Sample Collection Session before a *Sample* was collected, that explanation should be investigated by the RMA to ascertain if it might constitute a "compelling justification" for not providing a *Sample*.

For Evasion cases, the RMA should review the *Doping Control* Documentation carefully and interview as many *Persons* as possible who were present at the time of the alleged Evasion.

Evasion is an offence that requires proof of the *Athlete's* state of mind, which can be inferred by factual evidence.

For example, if a DCO reports to a Testing Authority that he/she notified a group of *Athletes* that they were to be in a draw to select individuals to provide a *Sample*, and subsequently, one *Athlete* absented himself/herself without telling anyone, the facts can be used as evidence that the *Athlete* was Evading notification.

Again, it is good practice to get the *Athlete's* explanation of why he/she refused to provide a *Sample*, or failed to comply with such a request, and, if necessary, conduct and complete any follow-up investigations before disciplinary proceedings commence.

In both Failure to Comply and Refusal cases, the RMA should investigate the matter promptly, and, in particular, interview the relevant DCO as soon as he/she is

available. The RMA should ensure that the relevant DCO is available to provide evidence at any hearing.

3.8.1.2 Prohibited Association

When an *ADO* becomes aware of a potential case of Prohibited Association (*Code* Article 2.10), the following steps should be taken:

1. The *ADO* advises the *Athlete* or other *Person* in writing of the disqualifying status of the *Athlete Support Personnel* (Guidelines Template C).
2. The *ADO* ensures that the *Athlete* or other *Person* is provided the opportunity to explain why he/she can't reasonably avoid the association³¹.
3. The *ADO* ensures that the *Athlete* or other *Person* is provided with the opportunity to explain why the relevant *Athlete Support Personnel* is not disqualified.

The *ADO* may wish to provide a means by which any issues arising from the 2nd and 3rd bullet points above are resolved as preliminary matters before any ADRV proceedings begin.

If the Prohibited Association continues despite the warning addressed to the *Athlete* or other *Person* (and resolution of any preliminary issue), proceedings shall be instigated.

3.8.2 Notifications

Based on the results of its investigation, if an *ADO* concludes that proceedings should be brought against an *Athlete* or other *Person* asserting the commission of an ADRV, it gives notice of that decision in accordance with *Code* Article 14.1 (Guidelines Template F).

Prior to notifying the *Athlete* or other *Person* of the asserted ADRV, the RMA determines if a prior ADRV exists. The RMA may consult *ADAMS* and other relevant *ADOs* to determine if the ADRV at stake is the first one committed by the *Athlete* or other *Person* (*Code* Article 7.8). This is important, given that the *Consequences* set forth by the *Code* are very different depending on the existence of a previous ADRV.

The first notification of an ADRV must identify the ADRV in question and clearly describe the sequence of events, facts or data, and all supporting documents

³¹ For example, where the *Athlete Support Personnel* is the father, mother or child of the *Athlete* or other *Person*.

that led the *ADO* to initiate an investigation into a potential ADRV. For an *AAF*, the *Athlete* must be given the opportunity to provide a written explanation before formal charges are brought against him/her (2nd notification).

Based on the results of its investigation, if an *ADO* concludes that proceedings should not be brought against the *Athlete* or other *Person*, it notifies *WADA* and the *Athlete* or other *Person's* IF and *NADO* in writing in accordance with *Code* Article 14.1.4 and *ISTI* Article 12.4.3.

In practice, this should take place on the basis that there are Information Sharing protocols in place between the relevant parties, to protect the *Athlete* or other *Person's* rights as much as possible. Information Sharing should ensure that all possible avenues of investigation and further action have been exhausted.

4.0 ***Provisional Suspensions***

Provisional Suspension is a conservative measure imposed by a RMA upon an *Athlete* or *Athlete Support Personnel* after that *Person* has been notified or charged with an ADRV supported by sound, reliable evidence. Under *Provisional Suspension* the *Person* suspended is "barred temporarily from participating in any *Competition* or activity" prior to the final resolution of the ADRV issue³².

Provisional Suspension protects the integrity of *Competition*, and strikes a balance between the rights of an individual *Athlete* or *Athlete Support Personnel* and the rights of others involved in sport. *Provisional Suspension* is mandatory in certain situations; in others, it is discretionary.

There are no formalities regarding the imposition of *Provisional Suspension*. The mechanics for doing so should be set out in the relevant *ADO's* Anti-Doping rules and/or in the processes adopted by the relevant RMA. Usually, a simple notification of suspension contained within the notification or charge communication is sufficient. Implementation of the suspension depends on the facts of a particular case and the sport involved.

4.1 ***Mandatory Provisional Suspension***

If an *Athlete* is notified of an *AAF* related to a *Non-Specified Substance*, a *Provisional Suspension* must be imposed, with one exception: the *AAF* results from

³² See Guidelines Section 7.1 for the definition of *Consequences of Anti-Doping Rule Violations*.

the *Use of a Contaminated Product* (Code Article 7.9.1). Technically, the Code requires that a *Provisional Suspension* be imposed and the *Athlete* then apply to have it lifted, based on the assertion that the AAF results from the *Use of a Contaminated Product*. Guidelines Section 5.3 examines this situation in detail.

The *Athlete* must be given the opportunity to challenge the imposition of the *Provisional Suspension* in a *Provisional Hearing* (Guidelines Section 4.5).

As stipulated in Code Article 7.9.2, if the subsequent B *Sample* analysis doesn't confirm the A *Sample* analysis, the *Athlete* should not be subject to any further *Provisional Suspension*.

4.2 Discretionary *Provisional Suspension*

At their discretion, ADOs may adopt rules that provide for the imposition of a *Provisional Suspension* for any ADRV other than those related to an AAF of a *Non-Specified Substance* (Code Article 7.9.2). The *Athlete* or *Athlete Support Personnel* must have an opportunity to challenge the imposition of the *Provisional Suspension* in a *Provisional Hearing* (Guidelines Section 4.5).

Whether or not to impose a *Provisional Suspension* is a matter for the RMA to decide, taking into account all the facts and evidence. The RMA should keep in mind that if an *Athlete* continues to compete after being notified and/or charged in respect of an ADRV, and is subsequently found to have committed an ADRV, any results, prizes and titles achieved and awarded in that timeframe may be subject to *Disqualification* and forfeited. Given the potentially disruptive effect on sport and other *Athletes*, it is usually recommended that the RMA impose a *Provisional Suspension*.

4.3 *Provisional Suspensions and Contaminated Products*

If an *Athlete* can demonstrate that the ADRV is likely to have involved a *Contaminated Product*, a mandatory *Provisional Suspension* may be lifted³³.

Consequences are potentially more lenient if contamination is established as the explanation for an AAF (Code Article 10.5.1.2). The intent is to avoid having an *Athlete* subject to a *Provisional Suspension* during the proceedings, then be

³³ The Code defines a *Contaminated Product* as a product that contains a *Prohibited Substance* that isn't disclosed on the product label or in information available in a reasonable Internet search.

suspended for a period that is shorter than the length of the proceedings themselves.

The *Athlete* has the burden of proof, but at this stage (the question of *Provisional Suspension*), the standard of proof is low. The *Athlete* only needs to show that this origin is “likely.”

This explanation in itself does not mean that a *Provisional Suspension* must be lifted. If shown to be the case, a hearing panel “may” eliminate the *Provisional Suspension*.

There may be good reasons why a *Provisional Suspension* shouldn’t be lifted, e.g. the *Athlete* retains the benefit accrued from the Use of the relevant *Prohibited Substance*.

When notified of his/her *Provisional Suspension* by the RMA, the *Athlete* should be informed that he/she can submit evidence that this positive test result is the *Consequence* of the intake of a *Contaminated Product*, and therefore avoid the imposition of a *Provisional Suspension*.

Although a *Provisional Suspension* is mandatory in AAF/ADRV matters involving *Non-Specified Substances*, if an RMA is satisfied that (a) the *Athlete’s* explanation regarding the Use of a *Contaminated Product* is credible, and (b) no unfairness to other *Athletes* will result from the *Athlete* being permitted to compete, the RMA’s decision not to impose a *Provisional Suspension* is not contrary to the *Code*.

In practice, this means that:

- a. If the RMA is aware that the AAF may be connected to the Use of a *Contaminated Product*, then it may decline to impose a *Provisional Suspension*.
- b. If an *Athlete* is notified by a RMA in relation of an AAF in respect of a *Non-Specified Substance*, and the *Athlete* believes that the AAF may be connected to the Use of a *Contaminated Product*, then he/she can request that the RMA lifts the *Provisional Suspension*. The RMA can either agree to the request, or have the issue resolved at a hearing³⁴.

³⁴ A hearing will be required if, for example, the RMA doesn’t accept the *Athlete’s* assertion that the AAF relates to the use of a *Contaminated Product*, or the relevant product doesn’t fall within the *Code* definition of “*Contaminated Product*.” If there is a hearing, the *Athlete* will have to show (on the balance of probabilities) that it was “likely” a *Contaminated Product* was involved. The *Athlete* will need to explain to the hearing panel how and why the *Contaminated Product* was used, and why the *Athlete* believes that the relevant product falls within the *Code* definition. The RMA may also argue that there will be a wider risk of unfairness if the *Athlete* is permitted to compete.

4.4 Voluntary Suspension

An *Athlete* (or other *Person*) can voluntarily accept a *Provisional Suspension* from the relevant RMA, with any period covered by the suspension credited against any period of *Ineligibility* later imposed.

In practice, this will arise if a RMA declines to impose a Discretionary *Provisional Suspension*. An *Athlete* (or other *Person*) may elect to accept a *Provisional Suspension* if, for example, he/she accepts that an ADRV may have been committed, but disputes the charge and/or the *Consequences*. An *ADO* may require notice of any such *Provisional Suspension* be communicated in writing.

If the *Athlete* alleged to have committed a Whereabouts Violation, intends to dispute the charge and the length of any ban, it makes sense for the *Athlete* to accept a suspension so that any period of *Ineligibility* would start at an early stage in the proceedings.

The *Code* expressly says that no inference should be drawn from an *Athlete* taking this action, and, in particular, his/her acceptance should not be regarded an admission of guilt. An *Athlete* can disapply such a suspension at any time without penalty.

4.5 Provisional Hearings

Code Articles 7.9.1 and 7.9.2 require that an *Athlete* have the ability to challenge the imposition of a *Provisional Suspension*. This challenge takes place in a *Provisional Hearing*.

Other than the provisions referred to above concerning *Contaminated Products*, there are no grounds specified in the *Code* upon which a hearing panel might disapply a *Provisional Suspension*. However, an *ADO* can implement its own rules in this regard.

An *Athlete* or *Athlete Support Personnel* might challenge the imposition of a *Provisional Suspension* on the following grounds:

- a. The charge has no reasonable prospect of being upheld, e.g. due to a serious flaw in the case, such as the RMA is alleged not to have jurisdiction over the *Athlete* or *Athlete Support Personnel*; or
- b. There is a strong, arguable case that the circumstances are such that no period of *Ineligibility* is likely to be imposed; or
- c. Other facts make it clearly unfair to impose a *Provisional Suspension* prior to a full hearing.

In all instances, the key issue for a hearing panel to consider will be where the balance of fairness lies.

5.0 Adjudication Process

5.1 The Hearing

Any *Athlete* or other *Person* who has been formally charged with an ADRV is entitled to a fair, impartial and timely hearing (*Code Article 8*).

5.1.1 Pre-hearing matters

ADRV proceedings complete several important stages before a hearing takes place. These can be managed in multiple ways, but the recommended course is as follows:

- a. The *Athlete* or *Athlete Support Personnel* will be charged by the RMA with committing an ADRV.
- b. The *Athlete* or *Athlete Support Personnel* will indicate if he/she disputes the charge, the *Consequences*³⁵, or neither.
- c. If there is a dispute (or the *Consequences* must be fixed by a hearing panel, even if there is no dispute) the RMA will arrange for the charge to be resolved by a hearing panel.
- d. A hearing panel will be formed to resolve the charge, and ideally the Chairperson of the panel (see below) will establish a framework for how the hearing should proceed. This should set out how the RMA will present its case and when it will disclose the evidence that it has to support the charge.
- e. The RMA and the *Athlete* or *Athlete Support Personnel* will exchange their evidence and provide a pre-hearing submission that explains their case.

This means that, as far as possible, when the hearing takes place, the *Athlete* or *Athlete Support Personnel* knows exactly what he or she has been charged with, including the evidence provided by the RMA to justify the charges.

³⁵ In the case the RMA proposed the *Consequences* in the charge letter.

It should also make clear to the *Athlete* or *Athlete Support Personnel* what part of the relevant Anti-Doping rules the RMA says apply, and any legal arguments that the RMA will make.

If an *Athlete* or *Athlete Support Personnel* is charged with committing an ADRV, there will usually be a dispute as between the RMA that charged the *Athlete* or *Athlete Support Personnel*. That dispute will be in respect of liability ('Did the *Athlete* or *Athlete Support Personnel* commit the ADRV?) and/or *Consequences* ('What period of *Ineligibility*/other sanction should be imposed on the *Athlete* or *Athlete Support Personnel*?')³⁶. In cases where liability is not disputed, the *Consequences* are still often disputed, usually because the *Athlete* or *Athlete Support Personnel* seeks to show that one or more of the 'saving' provisions in *Code* Articles 10.4, 10.5 or 10.6 apply.

If neither liability nor *Consequences* are disputed, the comments referred to below in the Section 5.1.4 are relevant.

If the parties are likely to be making legal arguments about a case, it is helpful if they make it clear what these are and what their position is in their pre-hearing submissions, based on their interpretation of the Anti-Doping rules and any reference to other Anti-Doping decisions (either at a National Level, or in relation to cases decided by the *CAS*). It is also helpful if copies of these decisions are supplied to the hearing panel (and the opposing party) prior to the hearing, to allow for full preparation.

5.1.2 Fair hearings³⁷

The *Code* requires disputes to be resolved by a hearing panel, and for the hearing before such panel to be conducted in a "fair" manner. The concept of 'Fairness' is not defined, although *WADA* acknowledges that the concepts associated with the 'right to a fair hearing' referred to in Article 6.1 of the Convention for the Protection of Human Rights and Fundamental are an important reference point.

A fair hearing process encompasses a number of features, including:

- Provision of an impartial hearing panel;

³⁶ A dispute as to liability will not normally arise in *Presence* cases, because the ADRV arises if a *Sample* is found to contain a *Prohibited Substance*. It will usually arise in Non-Analytical cases, because the *ADO* has a responsibility to prove that the ADRV has taken place. If liability is disputed, the *Consequences* will be disputed also.

³⁷ *Code* Article 8.1.

- Access to evidence;
- Ability of the *Athlete* or *Athlete Support Personnel* to question the evidence used to base a charge;
- Practical matters such as access to translation; and
- A reasonable timeframe.

These points are discussed in more detail below.

It is not a *Code* requirement that a hearing should take place in person. Indeed, it will often be the case that hearings can only take place remotely, that is, by the participants joining together using technology. There are no restrictions as to the technology that can or should be used, but include means such as conference calling, video conferencing technology or other online communication tools. In some circumstances, it may also be fair or necessary to conduct a hearing “in writing,” based on written materials without an oral hearing. This might typically be the case in relation to matters where all the facts are agreed, and the only issue is as to the *Consequences*.

5.1.2.1 A Fair and Impartial Hearing Panel

There are no particular requirements as to what sort of person can or should be part of a hearing panel. The usual format of a hearing panel is that it takes the form of a tribunal, with three members, although in simple cases a hearing panel comprised of one person may be sufficient if all the parties agree. One member of the hearing panel should be appointed as ‘the Chairperson’. The Chairperson has no formal responsibilities but will be the person who leads the hearing, by, for example, telling the parties how the hearing panel would like the hearing conducted, which evidence should be presented in which order, and what issues the hearing panel feels it needs to consider. The Chairperson is usually someone with a legal background, although this is not essential, particularly if the hearing panel has access to an ad hoc legal advisor appointed to assist the hearing panel with any legal issues that arise in relation to the relevant Anti-Doping rules (for example, the length of sanction that can be imposed in relation to a particular ADRV).

The other members of the hearing panel should provide a collective expertise in relevant fields, such as science, medicine or sport. For example, if a claim is made by an *Athlete* that a certain *Prohibited Substance* was used *Out-of-Competition*, rather than *In-Competition*, a hearing panel member with a science background will be helpful. The intention is that a hearing panel has as broad a cross-section as is available in terms of experience, skills and background. It is particularly helpful for retired *Athletes* or *Athlete Support Personnel* to be members of hearing panels (there is no formal bar on competing *Athletes* or *Athlete Support Personnel* being

members of hearing panels, but such an appointment would need to be made sensitively).

A hearing panel must approach all disputes without having made any determination as to the outcome. This requires each member of a hearing panel to be 'impartial'. Members of a hearing panel should not have any formal role in the governance of the organization whose Anti-Doping rules the *Athlete* or *Athlete Support Personnel* is charged with breaching. Such a *Person* will risk being put in a position of conflict of interest if, for example, the outcome of a hearing will reflect positively or negatively on the organization. Indeed it will be difficult for such a *Person* to avoid the appearance of being in a position of conflict, which is, for practical purposes, the same as an actual conflict³⁸.

The hearing panel should operate according to clear hearing procedures, which must be available to the parties. It should have some degree of discretion so that it can adapt those procedures to the particular case before it. For example, if the *Athlete* or *Athlete Support Personnel* is not represented by legal counsel, the hearing body may have to be more flexible and take a more active role in the questioning to ensure that the hearing is fair.

How a hearing panel is appointed depends on the *ADO* that has charged the *Athlete* or *Athlete Support Personnel* chooses to operate, but will generally involve that *ADO* having access to a number of potential hearing panel members, collectively referred to as a 'pool.' The pool will be appointed by the *ADO*, or can be provided by a specialist dispute resolution service provider³⁹. The pool size and composition will be determined by the number and nature of the charges that the *ADO* anticipates being involved in so there is no conflict of interest and appropriate expertise. When a charge is ready to be determined by a hearing panel, the *ADO* (or its service provider) will appoint a hearing panel comprised of pool members which the *ADO* considers to be an appropriate hearing panel given the nature of the relevant charge and the evidence to be put forward by the *ADO* and the *Athlete* or *Athlete Support Personnel*. The *Athlete* or *Athlete Support Personnel* must have an opportunity to challenge the appointment of any member if there is cause to do so.

³⁸ That is not to say that a member of a hearing panel can have no connection with the relevant organization (or sport): members who have a background in and familiarity with a particular sport will frequently be the best-placed people to be part of a hearing panel. To counter-balance this, it is helpful if a person with no such connections with the particular organization or sport is also a member of the hearing panel.

³⁹ For example, The American Arbitration Association, The German Court of Arbitration for Sport, Sport Resolution in the United Kingdom.

Examples of such cause would be that the relevant member appears to have a conflict, or has a procedural impediment to appointment.

Once the composition of a hearing panel is determined (which can and should take place early in the course of the disciplinary proceedings), the hearing panel will hear the charge by reference to the evidence submitted by the parties.

5.1.2.2 Opening a Hearing

Anti-Doping hearings are intended to be informal in terms of matters such as presentation of evidence and submissions, and so there are no set formats for how a hearing should proceed. However, it is helpful if hearings follow the same basic model, which encompass:

- a. Welcomes those present, and introduces him/herself and the members of the hearing panel.
- b. Briefly explains the purpose of the hearing, and asks the parties (and their representatives and witnesses) to identify themselves.
- c. Invites witnesses to either stay in the hearing room, or wait in another room⁴⁰, pending the giving of their evidence.
- d. Asks the parties to make a brief statement on their positions in the case.
- e. Asks the lead party (that is, the party that is bringing the case: in first instance hearings, this will be the *ADO*; in appeals, it will be the *ADO* or the relevant *Participant*) to start the proceedings by presenting the evidence that it has that supports its position.

5.1.2.3 Hearing Evidence

A fundamental precept of all Anti-Doping proceedings is that the *ADO* which has charged the *Athlete* or *Athlete Support Personnel* with committing an ADRV must prove that the ADRV was committed. The *Athlete* or *Athlete Support Personnel* doesn't have to prove that they didn't commit the ADRV.

This means that the *ADO* must present its evidence to a hearing panel and demonstrate that that evidence shows that the ADRV was committed. As explained above, this evidence should be shared with the *Athlete* or *Athlete Support Personnel* before the hearing takes place. This is so that the *Athlete* or *Athlete Support Personnel* (a) understands the case that is being made against them; (b) can

⁴⁰ It is important that the witnesses stay in another room if they are giving evidence of facts, where the facts are disputed.

investigate the evidence that has been prepared by the *ADO* against them; and (c) can prepare their own evidence in response.

Evidence can take the form of documents, witness evidence, expert evidence or a combination of the three. The *Athlete* or *Athlete Support Personnel* should indicate prior to a hearing which evidence they accept, and which they don't. This also applies to the *ADO* and the evidence put forward by the *Athlete* or *Athlete Support Personnel*. Evidence that isn't challenged will be presented to the hearing panel by the *ADO* as being evidence that isn't the subject of any dispute⁴¹.

Agreeing to evidence prior to a hearing allows the focus to be on the issues that really matter. This approach can be particularly useful in relation to background facts in a case⁴². An agreement can be made in writing by the parties. Evidence contained in a witness statement can also be confirmed as being agreed⁴³.

The evidence that is relied on by the *ADO* should generally be contained in the statement of one or more witnesses who have a close knowledge of the case. It is not essential that a witness gives evidence on matters that he or she has direct knowledge⁴⁴. However, it's very important that witness statements are signed and contain a specific confirmation that the statement is true.

The same principles should apply to evidence relied upon by an *Athlete* or *Athlete Support Personnel*. Hearing panels will, however, recognize that it is frequently the case that an *Athlete* or *Athlete Support Personnel* won't have the resources and access to specialist advice that an *ADO* has. There will therefore be a greater degree of informality about how an *Athlete* or *Athlete Support Personnel* provides his/her evidence⁴⁵.

⁴¹ For example, evidence that an *Athlete* or *Athlete Support Personnel* is subject to the relevant Anti-Doping rules, that a *Sample* was collected from an *Athlete* on a certain date, that a *Sample* contains a *Prohibited Substance*, that a *Prohibited Substance* entered an *Athlete's* system by way of a particular supplement, that a supplement was used on a particular date, that an *Athlete* declined to provide a *Sample* after being notified, and so on.

⁴² For example, in a case involving an *AAF*, the background facts, including how and when the *Athlete* was notified, the content of the *Doping Control* form, the Chain of Custody and subsequent Laboratory analysis, and the positive finding, will be accepted by both parties.

⁴³ For example, in an Analytical case, the *ADO* will have conducted an initial review of the finding. The evidence regarding this can be contained in a witness statement provided by an *ADO* representative, which the *Athlete* can indicate (prior to the hearing) that he/she does not dispute.

⁴⁴ For example, in a case where an *Athlete* says that a supplement was the cause of an *AAF*, a representative of an *ADO* may say in a statement 'the supplement was analysed and contains a *Prohibited Substance*'. That representative will not have done the analysis and is only reporting something that he or she has been told. This is not an issue.

⁴⁵ Indeed, if an *Athlete* or *Athlete Support Personnel* simply wishes to attend a hearing and present his/her evidence then, that should be allowed.

The *Athlete* or *Athlete Support Personnel* must be allowed to question, or 'cross-examine', any *Person* who provides evidence at a hearing. This provides the *Athlete* or *Athlete Support Personnel* with the opportunity to ask questions about all aspects of the evidence. It is also an opportunity for the members of the hearing panel to ask witnesses questions. Similarly, the *ADO* must be allowed to cross-examine the witnesses of the *Athlete* or *Athlete Support Personnel*.

It is essential that the *Athlete* or *Athlete Support Personnel* understands the evidence that is being relied upon by the *ADO*. This might, in certain cases, raise practical issues such as translation, or preparation time. An *ADO* should make sure that all significant evidence is made available to an *Athlete* or *Athlete Support Personnel* in the language that that person is most comfortable with. It should also allow that *Person* sufficient time to examine the evidence and make any enquiries or investigations they need to make. These are both matters that should be managed by the Chairperson of the hearing panel in the pre-hearing' phase.

A hearing should end only when both the *ADO* and the *Athlete* or *Athlete Support Personnel* (a) have presented all the evidence they want to rely on to the hearing panel and (b) have been provided with an opportunity to ask questions to the witnesses who have put forward that evidence.

5.1.2.4 Closing a hearing

Once the hearing of the evidence concludes, the Chairperson should invite the *ADO* and the *Athlete* or *Athlete Support Personnel* to summarize their respective positions in a closing statement.

During the course of the closing statement, each party may wish to make submissions about legal points that arise in relation to the case. These should be made by reference to (a) the summary of the legal position that the party is taking, as detailed in the pre-hearing phase, and (b) how (if at all) that position has been modified by the evidence presented to the hearing panel. In any case, the parties should make reference to the relevant Anti-Doping rules and how they apply to the facts established by the evidence (especially to support any reduction of the sanction being sought). The *Athlete* or *Athlete Support Personnel* should have the 'last say' that should be the one that close the hearing.

5.1.3 Event Hearings

Event Hearings take place during the course of an *Event*, such as a Major Event where the *MEO* conducts a Sample Collection Session (Code Article 8.2). The *Samples* are analyzed within a timeframe that can produce an *AAF* during the timeframe of the *Event*. If this happens, the *MEO* will want to take action to void any results and disbar the *Athlete* from its *Competition*⁴⁶.

This will usually require a hearing. The main and obvious difference between *Event* Hearings and hearings outside of an *Event* is the time within which they are convened. *Event* Hearings are conducted on an 'expedited' basis, meaning that they take place very soon after an *Athlete* or *Athlete Support Personnel* is charged with committing an ADRV. This is in the interests of both the *MEO* (it needs results to be revised quickly and *Competition* schedules to be amended if an *Athlete* is not eligible to compete) and the *Athlete* or *Athlete Support Personnel* (both of whom will want the matter resolved quickly so that they can resume participation).

There are no special rules regarding expedited hearings, in that they must also be "fair."

5.1.4 Waiver of hearing

Often there is no dispute between an *ADO* and an *Athlete* or *Athlete Support Personnel* as regards an ADRV charge. The *Athlete* or *Athlete Support Personnel* may admit the wrongdoing and accept the *ADO*'s case regarding the *Consequences* to be imposed. In such situations, there is no need for a hearing to be conducted no dispute to resolve.

If this is the case, the relevant Anti-Doping rules might make provision for the matter to be resolved without a hearing, for example, by the parties agreeing that an ADRV has been committed and the *Athlete* or *Athlete Support Personnel* accepting the *Consequences*. But as Section 5.2.3 below notes, such resolutions require a "reasoned decision" for the *ADOs* with a right of appeal and the *Athlete* to understand the outcome.

In particular, if an *ADO* has applied the provisions in Code Article 10 that allow for the imposition of a reduced sanction, it should explain how these have been applied

⁴⁶ The most obvious example of this scenario is the Olympic Games. The IOC requires *Athletes* to provide *Samples* during the Olympic Games, and if a *Sample* results in an *AAF*, then the *Athlete* is excluded from *the Olympic Games*. This system is the same for all *MEOs*. The *MEO* is the RMA for the *Consequences* in relation to the *Event* (*Disqualification*, exclusion) but the case shall then be referred to the applicable IF in relation to other *Consequences* (period of *Ineligibility*, etc.) as stipulated in Code Article 7.1.1.

on the basis of the facts and any legal justification, such as reference to similar cases decided by Anti-Doping disciplinary tribunals.

Special consideration should be given to the recording of decisions whereby a suspension of part of the sanction is agreed based on *Substantial Assistance*.

5.1.5 Single CAS hearing

Code Article 8.5 contains a provision that allows an *ADO* and an *Athlete* or *Athlete Support Personnel* to have an ADRV matter determined by the *CAS* at a single hearing. All parties to the case must agree to this, as well as the relevant IF and *WADA*. This is a different way of approaching such hearings (*CAS* is usually engaged to resolve appeal hearings). The advantage lies in the potential cost savings, especially if the nature of the case is such that the need for ultimate resolution by the *CAS* is clear⁴⁷.

5.2 The Decision

5.2.1 Timing

The decision shall be rendered shortly⁴⁸ after the hearing. The hearing process shall be conducted as soon as possible after the notification of the asserted ADRV to the *Athlete* or other *Person*. Once a decision has been taken by the hearing panel in charge of the case, the responsible *ADO* shall ensure that a complete and reasoned decision is notified to the parties with a right of appeal under *Code* Article 13.2.3 as provided in *Code* Article 14.2 on a timely basis.

Any process delay is potentially harmful to the sport and the fight against doping and may lead *WADA* to refer the case directly to *CAS* at the RMA's cost (*Code* Article 13.3).

5.2.2 Content

As stipulated in *Code* Article 8.4, the Anti-Doping decision should include an explanation of the reason(s) for the *Consequences* (*Code* Article 14.2.1). This

⁴⁷ This approach avoids the combined costs of holding a hearing in first instance, and then rehearing the entire case before the *CAS*. It may also ensure that a final decision is rendered promptly, which may be of interest to all parties. Additionally, in complex cases (e.g. *ABP* cases), the first instance panel may not have the required level of expertise to properly assess the asserted ADRV.

⁴⁸ According to *Code* Article 14.3.2, the disposition of the Anti-Doping matter will be publicly reported. This means that the decision will be issued and notified to the applicable parties within a 20-day period.

obligation is also applicable when the *Athlete* waives his/her right to a hearing and accepts the *Consequences* sought by the RMA.

This is necessary to allow the parties with a right of appeal to review the decision in an appropriate fashion. The decision structure is provided in Guidelines Template I.

The following information appears in the written decision:

a. Jurisdiction and applicable rules

The first question to address is the jurisdiction and the applicable rules. The hearing panel in charge of the case shall ensure that it has jurisdiction to deal with the case on the basis of the applicable rules. The rules on the basis of which the case was dealt with shall be indicated in the decision.

b. Factual background

In this section of the decision, the chronology of the case shall be presented. If the case is based on an *AAF*, the date of the Sample Collection Session, the place, the type of *Sample* (blood or urine), *In-Competition* or *Out-of-Competition*, etc. shall be indicated, as well as the Laboratory which conducted the analysis, the date of the Analysis Result Record and the *Prohibited Substance* detected. If a B *Sample* analysis was requested and performed, this shall also appear in this section of the decision. If the case is a Non-Analytical one, a full and detailed description of the facts which led to the instigation of proceedings by the RMA shall be made.

c. ADRV – Rule(s) violated

In this section, the hearing panel's consideration as regards the establishment of the ADRV shall be presented. In case of an *AAF*, the hearing panel shall confirm that the *Prohibited Substance* detected is a *Prohibited Substance*, that there was no departure from the *International Standards*, or that the alleged departure(s) did or did not cause the *AAF*. If the case is a Non-Analytical one, the hearing panel shall, in this section, assess the evidence presented and explain why it considers that the evidence presented by the RMA meets or does not meet the required standard of proof. In case the hearing panel considers that the ADRV is established, it shall expressly indicate the Anti-Doping rule(s) violated.

d. Sanction

The decisions shall then address the issue of the applicable sanction or regime of sanction for the ADRV in question (alone or in combination with others) and then consider whether or not there are circumstances which could justify the imposition of a reduced sanction or an increased sanction, and if so, provide the reasons for the sanction ultimately imposed. Sanctions

imposed from within a range must be explicitly justified (e.g. in cases of *Specified Substances* or *Contaminated Products*: Code Articles 10.5.1.1 or 10.5.1.2).

Once the sanction has been set, the hearing panel shall indicate the date on which the period of *Ineligibility* starts (Code Article 10.11). If the start date is not the decision date, this shall be explained. The hearing panel is also required to indicate the relevant period of disqualification of the results in accordance with Code Article 10.8 . A mandatory part of each sanction shall include automatic publication, except in the case of a *Minor* (Guidelines Section 5.3.5).

e. Appeals routes

Last but not least, the decision shall indicate the possible appeals routes and the deadline to proceed.

5.2.3 Acceptance form/waiver of hearing

A decision is still required by the hearing panel even though the *Athlete* has waived his/her right to a hearing, admitted an ADRV and accepted the *Consequences* sought by the *ADO*. This requirement is stipulated in Code Article 8.3: A reasoned decision explaining the action taken is necessary even in the case the *Athlete* or other *Person* accepted the sanction sought by the RMA.

This reasoned decision is necessary for the parties with a right of appeal to review the case and the hearing panel reasoning. It shall therefore be notified to all parties with a right of appeal under Code Article 13.2.3.

5.2.4 Notification

The reasoned decision (ideally with all supporting documents) shall be notified without delay to the *Athlete* or other *Person* as well as to any party with a right of appeal under Code Article 13.2.3⁴⁹. Where the decision is not in one of the *WADA* official languages, it shall include a short summary in English or French⁵⁰.

⁴⁹ Code Article 14.1.4.

⁵⁰ Code Article 14.2.1.

5.2.5 Publication (**Code Article 10.13**)

A mandatory part of each sanction shall include automatic publication as provided in *Code Article 14.3*. The following information shall be made public by the RMA within 20 days from the decision date:

- *Athlete* or other *Person's* name
- Sport
- Anti-Doping rule violated and the *Prohibited Substance* or *Prohibited Method* involved, if applicable
- The *Consequences* (sanction).

At a minimum, this information shall be posted on the responsible *ADO's* Web site for the longer of one month or the duration of the period of *Ineligibility*. If the *Athlete* or other *Person* is a *Minor*, no publication is required (*Code Article 14.3.6*).

5.2.6 **ADO's post-decision duties**

Code Signatories, in particular IFs and *NADOs*, shall take appropriate action to ensure proper enforcement of the *Consequences* of ADRVs (*Code Articles 20.3.10* and *20.5.7*).

5.2.6.1 **Prohibition of participation**

ADOs shall ensure that the sanctions pronounced are duly respected, and that no *Athlete* or other *Person* sanctioned for an ADRV takes part in the sport. Any breach of the prohibition against participation during *Ineligibility* shall be immediately prosecuted in accordance with *Code Article 10.12.3*.

This prohibition is quite extensive, as the *Athlete* or other *Person* serving a period of *Ineligibility* cannot take part in the sport in any capacity. It means for example that a suspended *Athlete* cannot carry over any function in a national association or member club, even administrative or managerial functions.

5.2.6.2 Availability for Testing

An *Athlete* subject to a period of *Ineligibility* shall be made aware by the responsible *ADO* that they shall remain subject to *Testing* during the period of *Ineligibility*⁵¹.

5.2.6.3 Return to training

An *Athlete* may return to train with a team or use the facilities of a club before the end of his/her period of *Ineligibility* under the conditions in *Code* Article 10.12.2.

5.2.6.4 Recognition of decisions

The final adjudication of any *Signatory* that is consistent with the *Code* and within that *Signatory's* authority, shall be applicable worldwide, recognized and respected by all other *Signatories* (*Code* Article 15).

5.3 Appeals

5.3.1 Principles

The majority of decisions rendered under *Code*-compliant rules may be appealed (*Code* Article 13.1). See *Code* Article 13.2 for a detailed list of the types of decisions that may be appealed. Once an appeal has been lodged, the appealed decision remains in effect, unless the appeals body orders otherwise.

Depending on the status of the *Athlete* or other *Person*, or on the hearing body whose decision is appealed, an appeal is lodged either before the National-Level reviewing body or the *CAS*.

For *ADOs* having an internal appeals body, an appeal can be lodged before appealing to the *CAS*. Should no other party make an appeal before an existing *ADO* internal appeals body, *WADA* has the right to appeal directly to the *CAS* and has no obligation to exhaust internal remedies.

⁵¹ *Code* Article 10.12.1. Not every *Athlete* serving a period of *Ineligibility* will be required to provide a *Sample* during this period. *Athletes* who are required to provide a *Sample* must provide whereabouts information. The *RMA* should request *Sample* collection if it wishes to conduct "reinstatement testing" while the *Athlete* is banned. If an *Athlete* fails to provide accurate whereabouts information, the *RMA* is entitled to treat the *Athlete* as having retired. If the *Athlete* subsequently wishes to return to sport, *Code* Article 5.7.2 will apply, conditional on the *Athlete* providing the required whereabouts information.

5.3.2 Cases of international nature

If a case arises from an *International Event* or involves an *International-Level Athlete*, as defined by the relevant IF, the first instance decision may be appealed exclusively before the CAS. Parties with a right of appeal to the CAS are listed in *Code Article 13.2.3*.

Some IFs have their own appeals body. The *Athlete* or other *Person* may have the obligation under the applicable IF rules to appeal his/her case first before this body. As indicated above in Section 5.3.1, *WADA* isn't required to exhaust internal remedies.

5.3.3 Other cases

If the case is not a case of international nature, the decision may be appealed before the National-Level reviewing body, which shall be independent from the *ADO* having issued the appealed decision and impartial. The procedural rules shall be set in the responsible *ADO's* rules⁵². The parties with a right of appeal to the CAS are listed in *Code Article 13.2.3*.

The decision rendered by the National-Level appeal body may be appealed further to the CAS but only by the applicable IF, *WADA* and, where applicable, the IOC and the IPC (*Code Article 13.2.3*).

5.3.4 Deadlines

The deadline to file an appeal with the CAS is set in the rules of the applicable *ADO*. As recommended in *WADA's* Model Rules, the deadline is generally 21 days.

The deadline starts:

- On the date of reception of the full case file by the appealing party (decision and supporting documents), if such case file is requested within 15 days of receipt of the reasoned decision. An *ADO* with the right of appeal can request a copy of the full case file (*Code Article 14.2.2*).

This is particularly important, as parties such as *WADA* or the applicable IF may decide to appeal a decision to the CAS without having taken part in the case prior to the lodging of their appeal. In the absence of a time limit set in

the applicable *ADO* rules, the time limit for appeal before the *CAS* is 21 days from receipt of the decision appealed against⁵³.

- On the date of reception of the reasoned decision by the appealing party, if the case file was not requested within 15 days from the notification of the reasoned decision.

The deadline to file an appeal before the national-level reviewing body shall be set in the rules of the applicable *ADO* or in the rules of the tribunal in charge of the appeals in case it is separated from the *ADO*. It is generally 21 days as recommended in *the Model Rules* published by *WADA*. Any deadline shall not start running before the appealing party has received the full case file for the reasons indicated above.

A specific rule applies to *WADA*. The deadline for the filing deadline for an appeal filed by shall be the later of: (a) 21 days after the last day on which any other party in the case could have appealed, or (b) 21 days after *WADA*'s receipt of the complete file relating to the decision.

5.3.5 Notification of appeals decisions

Appeals decisions shall be notified and publicly disclosed as described in Guidelines Sections 5.2.4 and 5.2.5 above.

5.3.6 Appeal to the CAS

The *CAS* is an arbitration body specialized in sport-related disputes and having its seat in Lausanne, Switzerland. The *CAS* is the last resort disciplinary body for doping-related matters under the *Code*. Doping cases may also be referred to the *CAS* at an earlier stage, e.g. when an *ADO* fails to hold a hearing or to render a decision (*Code* Articles 13.3 and 8.5), or when all parties agree.

All appeals before the *CAS* take the form of a complete re-hearing of the issues on appeal, and the *CAS* panel can substitute its decision for the decision subject to the appeal.

CAS decisions are final and binding for all parties involved. The *CAS* hearing procedure is detailed in the Code of Sports-related Arbitration and Mediation Rules.

⁵³ Code of Sports-related Arbitration and Mediation Rules Article R49 (www.tas-cas.org).

5.3.7 Appeals to the Swiss Federal Tribunal

CAS decisions can be appealed to the Swiss Federal Tribunal. Such an appeal should be filed within 30 days from notification of the CAS decision. However, the the Swiss Federal Tribunal's scope of review is limited to public order issues, such as:⁵⁴

- Irregular constitution of the Arbitration Panel.
- Issue regarding jurisdiction.
- Violation of key principles (e.g. equal treatment of the parties, right to be heard, etc.)⁵⁵.

6.0 Substantial Assistance

6.1 Principle

The *Substantial Assistance* provisions in discovering or establishing ADRVs are detailed in *Code* Article 10.6.1.

⁵⁴ Swiss Federal Act on Private International law (PILS) Article 190 (Excerpts): The award is final from the time it's communicated. Proceedings for setting aside the award may only be initiated:

- a. where the sole arbitrator has been improperly appointed or where the arbitral tribunal has been improperly constituted;
- b. where the arbitral tribunal has wrongly accepted or denied jurisdiction;
- c. where the arbitral tribunal has ruled beyond the claims submitted to it, or failed to decide one of the claims;
- d. where the principle of equal treatment of the parties or their right to be heard in an adversary procedure has not been observed;
- e. where the award is incompatible with public policy.

For preliminary decisions, setting aside proceedings can only be initiated on the grounds of a and b; the time limit runs from the communication of the decision.

⁵⁵ PILS Article 190 (Excerpts): The award is final from the time when it is communicated. Proceedings for setting aside the award may only be initiated:

- a. where the sole arbitrator has been improperly appointed or where the arbitral tribunal has been improperly constituted;
- b. where the arbitral tribunal has wrongly accepted or denied jurisdiction;
- c. where the arbitral tribunal has ruled beyond the claims submitted to it, or failed to decide one of the claims;
- d. where the principle of equal treatment of the parties or their right to be heard in an adversary procedure has not been observed;
- e. where the award is incompatible with public policy.

As regards preliminary decisions, setting aside proceedings can only be initiated on the grounds of the above paragraphs 2(a) and 2(b); the time limit runs from the communication of the decision.

Substantial Assistance allows for the partial suspension of part of an *Athlete's* or *Athlete Support Personnel's* period of *Ineligibility*, if he/she provides information supporting the resolution of another ADRV (or a separate disciplinary or criminal matter)⁵⁶.

6.2 Jurisdiction

A RMA can agree to partial suspension of a period of *Ineligibility* in cases that it brings against an *Athlete* or *Athlete Support Personnel*. However, depending on when the suspension is agreed, other parties may be involved in that decision:

- a. The RMA can exercise its discretion to suspend unilaterally in any case before there is an appeal or the time for appeal has expired.
- b. The RMA can refuse to exercise its discretion to suspend before there is an appeal or the time for appeal has expired, in which case the *Athlete* or *Athlete Support Personnel* can appeal that refusal.
- c. The RMA can exercise its discretion to suspend after an appeal or the time for appeal has expired, but needs the agreement of the IF and WADA to do so.
- d. The RMA can refuse to exercise its discretion to suspend after an appeal or the time for appeal has expired (or be unable to do so because the IF and WADA don't agree) in which case the *Athlete* or *Athlete Support Personnel* can appeal.

6.3 Requirements

The *Code* establishes that a number of components need to be satisfied before a sanction suspension can be agreed

- a. The *Athlete* or *Athlete Support Personnel* must fully disclose in a signed written statement all information that he or she possesses in relation to other ADRVs.
- b. The information must be credible and must comprise an important part of any case that is initiated or, if no case is initiated, must have provided a sufficient basis upon which such a case could have been brought.

⁵⁶ For example, an *Athlete* commits an ADRV that carries a 4-year period of *Ineligibility* as a sanction. The *ADO* agrees a suspension of 2 years on the basis that the *Athlete* has provided *Substantial Assistance*. This means the *Athlete* remains subject to a 4-year period of *Ineligibility*, with the final 2 years suspended. In turn, this means the *Athlete* is eligible to compete after serving 2 years of the ban. A suspension is not the same as a reduction.

- c. The *Athlete* or *Athlete Support Personnel* must cooperate with the investigation and adjudication of any case (including by testifying at a hearing if requested to do) in any Anti-Doping case, or a disciplinary or criminal matter based on the information supplied by the *Athlete* or *Athlete Support Personnel*.
- d. The length of the suspension is based on “the seriousness of the Anti-Doping Rule Violation committed by the *Athlete* or *Athlete Support Personnel* and the significance of the *Substantial Assistance* provided by the *Athlete* or *Athlete Support Personnel* to the effort to eliminate doping in sport.” (Code Article 10.6.1.1).

6.4 Full Disclosure

No RMA should agree to suspend a sanction unless it is satisfied that the *Athlete* or *Athlete Support Personnel* has provided a full and frank disclosure of all of the facts surrounding the ADRV committed by the *Athlete* or *Athlete Support Personnel*.

In a case involving a positive test, this will mean that the *Athlete* will have to explain how the *Use* of the *Prohibited Substance* came about, where it was obtained, how long it had been *Used* for, and so on.

The RMA should also be satisfied that the *Athlete* or *Athlete Support Personnel* has provided a full and frank disclosure of all previous ADRVs. The *Code* provides that if an *Athlete* or *Athlete Support Personnel* admits having committed other ADRVs in the past, they will not to be treated as being separate ADRVs (*Code* Article 10.7.4).

6.5 Nature of Information

The *Code* provides that any information provided must be credible and must comprise an important part of any case that is initiated or, if no case is initiated, must have provided a sufficient basis upon which such a case could have been brought.

The complexity of this component depends on the nature of the relevant ADRV. If the information leads to another *Person* testing positive, the RMA can treat this requirement as having been satisfied. Outside of Analytical cases, the issue of whether or not assistance is *Substantial Assistance* is not straightforward. The *CAS* ruling in the *IAAF vs. Pelaez* matter (CAS 2011/A/2678) states that:

“assistance will not qualify as substantial unless and until it actually results in the discovery or establishment of an anti-doping rule violation by a third

party, or unless and until it actually results in the discovery or establishment of a criminal offence or of a breach of professional rules by a third party."

Unless it is clear and obvious that the assistance provided has been "substantial," a RMA must decline to exercise its discretion in such matters, and invite the *Athlete* or *Athlete Support Personnel* to demonstrate why a sanction suspension is warranted.

6.6 Full Cooperation

The *Code* requires an *Athlete* or *Athlete Support Personnel* to cooperate with the investigation and adjudication of any case (including by testifying at a hearing, if requested), any Anti-Doping case, disciplinary or criminal matter, based on the information supplied by the *Athlete* or *Athlete Support Personnel*⁵⁷.

This component is (in the main) straightforward, although there are one or two complications that may arise. The requirement will not arise if the *Athlete* or *Athlete Support Personnel* provides assistance which results in an *AAF* being recorded against another *Person* for a *Prohibited Substance* – a RMA will not need the *Athlete* or *Athlete Support Personnel* to testify in such cases.

In Non-Analytical cases, if the *Athlete* or *Athlete Support Personnel's* information is an important part of the case against another *Person*, then the *Athlete* or *Athlete Support Personnel* must agree to act as a cooperative witness in the case in any hearing. The fact that he or she has been offered a sanction suspension in return for providing assistance will be disclosed to the other person and the relevant hearing panel. In this regard, the *Athlete* or *Athlete Support Personnel* will be advised that the other person or the hearing panel may require him or her to attend a hearing, even if the RMA does not require this.

6.7 Extent of Sanction Suspension

The *Code* requires that the length of any sanction suspension is to be based on the seriousness of the ADRV committed by the *Athlete* or *Athlete Support Personnel* and the significance of the *Substantial Assistance* provided by the *Athlete* or *Athlete Support Personnel* to the effort to eliminate doping in sport.

A recommended approach for a RMA is as follows:

⁵⁷ See definition of *Substantial Assistance*.

- The maximum sanction suspension will be agreed only in exceptional cases where the *Athlete* or *Athlete Support Personnel* makes a full and prompt admission, cooperates immediately and offers assistance which results in another ADRV matter being discovered or established, or offers significant assistance to law enforcement;
- A sliding scale will apply thereafter, whereby a sanction suspension's length will depend upon the point in proceedings when an *Athlete* or *Athlete Support Personnel* provided information;
- It is recommended that no suspension will be offered in cases which involve the *Athlete* or *Athlete Support Personnel's Trafficking* to a *Minor* or *Administration* to a *Minor*. These are serious and egregious violations.

6.8 Transparency and Athlete Risk

All *Athletes* or *Athlete Support Personnel* who provide *Substantial Assistance* will be concerned about the extent to which they might be associated with the information that they have provided, and thereby suffer some form of adverse consequences by being perceived as an informant.

In respect of the actual reasoned decision, the decision can be silent as to the fact of a suspension. This can be achieved by ensuring that the record of the suspension is kept confidential as between the parties. However, in certain cases, associating the *Person* who has been given a suspension with the evidence supplied may be unavoidable.

Actual association by giving of evidence is straightforward. Implied association is less straightforward – this might arise if an *Athlete* is banned for x years, but returns to involvement with sport in (say) $x - 2$ years. Observers may conclude that the reason for the early return is that the *Athlete* or *Athlete Support Personnel* must have provided assistance to the Anti-Doping authorities, and indeed must have given assistance in relation to a specific case. How likely this is will depend on each case. That risk needs to be communicated to the *Athlete* or *Athlete Support Personnel* by a RMA: even though the process of a case may not require the *Athlete's* or *Athlete Support Personnel's* involvement to be disclosed, the overall circumstances may lead others to conclude that this must have been the case.

6.9 Exceptional Cases

In truly exceptional cases, *WADA* has the power to agree a full sanction suspension, and restoration of results and prizes, with confidentiality restrictions. Such cases will require the involvement of a number of parties (*Code* Article 10.6.1.2).

6.10 Reinstatement of Full Sanction

As indicated above, application of a *Substantial Assistance* provision does not lead to a reduction of the sanction but a partial suspension of the execution of the otherwise applicable period of *Ineligibility*. The reason of this system is to ensure the *ADO* has the possibility to reinstate the original period of *Ineligibility* if the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible assistance upon which the suspension of the period of *Ineligibility* was based, or when it appears that the information provided was not accurate (*Code Article 10.6.1.1*).

If the *ADO* decides to reinstate the original period of *Ineligibility*, this decision can be appealed as per *Code Article 13*.

7.0 Definitions

7.1 2015 Code Defined Terms

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 and related Technical Documents, identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

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

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

Athlete: Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of "Athlete." In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at

all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

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

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

Atypical Passport Finding (APF): 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 10.12.1; (c) Provisional Suspension means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure or Public Reporting 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.

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

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

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

Fault: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Minor*, special considerations such as 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 his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.5.1 or 10.5.2.

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

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

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

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

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

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

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

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

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

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

Metabolite: Any substance produced by a biotransformation process.

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

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

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

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

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

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

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

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

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

[Comment: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the steroids

were in the cabinet and that the Athlete intended to exercise control over the steroids. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]

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

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

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

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

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

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

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

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

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

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

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

Specified Substance: See Article 4.2.2.

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

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

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

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

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

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

Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

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

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.

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

7.2 ISTI Defined Terms

Athlete Representative: A person designated by the *Athlete* to assist with the verification of the *Sample* collection procedure, (not including the passing of the *Sample*). This person may be a member of the *Athlete's Support Personnel*, such as a coach or team doctor, a family member, or other. For *In-Competition Testing* the *Athlete Representative* must have the appropriate accreditation to access the *Doping Control Station*.

Chain of Custody: The sequence of individuals or organizations who have responsibility for the custody of a *Sample* from the provision of the *Sample* until the *Sample* has been delivered to the laboratory for analysis.

Code Article 2.4 Whereabouts Requirements: The whereabouts requirements set out in Annex I of the International Standard for Testing and Investigations, which apply to *Athletes* who are included in the *Registered Testing Pool* of an International Federation or a *National Anti-Doping Organization*.

Doping Control Officer (DCO): An official who has been trained and authorized by the *Sample Collection Authority* to carry out the responsibilities given to DCOs in the International Standard for Testing and Investigations.

Failure to Comply: A term used to describe anti-doping rule violations under *Code* Articles 2.3 and/or 2.5.

Filing Failure: A failure by the *Athlete* (or by a third party to whom the *Athlete* has delegated the task) to make an accurate and complete *Whereabouts Filing* that enables the *Athlete* to be located for *Testing* at the times and locations set out in the *Whereabouts Filing* or to update that *Whereabouts Filing* where necessary to ensure that it remains accurate and complete, all in accordance with Article 1.3 of the International Standard for Testing and Investigations.

Missed Test: A failure by the *Athlete* to be available for *Testing* at the location and time specified in the 60-minute time slot identified in his/her Whereabouts Filing for the day in question, in accordance with Article I.4 of the International Standard for Testing and Investigations.

No Advance Notice Testing: *Sample* collection that takes place with no advance warning to the *Athlete* and where the *Athlete* is continuously chaperoned from the moment of notification through *Sample* provision.

Results Management Authority (RMA): The organization that is responsible, in accordance with *Code* Article 7.1, for the management of the results of *Testing* (or other evidence of a potential anti-doping rule violation) and hearings, whether (1) an *Anti-Doping Organization* (for example, the International Olympic Committee or other *Major Event Organization*, WADA, an International Federation, or a *National Anti-Doping Organization*); or (2) another organization acting pursuant to the authority of and in accordance with the rules of the *Anti-Doping Organization* (for example, a National Federation that is a member of an International Federation). In respect of Whereabouts Failures, the Results Management Authority shall be as set out in Article I.5.1.

Sample Collection Personnel: A collective term for qualified officials authorized by the Sample Collection Authority to carry out or assist with duties during the Sample Collection Session.

Sample Collection Session: All of the sequential activities that directly involve the *Athlete* from the point that initial contact is made until the *Athlete* leaves the Doping Control Station after having provided his/her *Sample(s)*.

Suitable Specific Gravity for Analysis: Specific gravity measured at 1.005 or higher with a refractometer, or 1.010 or higher with lab sticks.

Suitable Volume of Urine for Analysis: A minimum of 90 mL, whether the laboratory will be analysing the *Sample* for all or only some *Prohibited Substances* or *Prohibited Methods*.

Testing Authority: The organization that has authorized a particular *Sample* collection, whether (1) an *Anti-Doping Organization* (for example, the International Olympic Committee or other *Major Event Organization*, WADA, an International Federation, or a *National Anti-Doping Organization*); or (2) another organization conducting *Testing* pursuant to the authority of and in accordance with the rules of the *Anti-Doping Organization* (for example, a National Federation that is a member of an International Federation).

Unsuccessful Attempt Report: A detailed report of an unsuccessful attempt to collect a *Sample* from an *Athlete* in a *Registered Testing Pool*, setting out the date

of the attempt, the location visited, the exact arrival and departure times at the location, the steps taken at the location to try to find the *Athlete* (including details of any contact made with third parties), and any other relevant details about the attempt.

Whereabouts Failure: A Filing Failure or a Missed Test.

Whereabouts Filing: Information provided by or on behalf of an *Athlete* in a *Registered Testing Pool* that sets out the *Athlete's* whereabouts during the following quarter, in accordance with Article I.3 of the International Standard for Testing and Investigations.

7.3 Results Management Guidelines Defined Terms

Athlete Biological Passport Documentation Package: The material produced by the Laboratory and Athlete Passport Management Unit to support an *Adverse Passport Finding* such as, but not limited to, analytical data, Expert Panel comments, evidence of confounding factors as well as other relevant supporting information.

Expert Panel: The Experts, with knowledge in the concerned field, chosen by the *Anti-Doping Organization* and/or Athlete Passport Management Unit, who are responsible for providing an evaluation of the *Passport*. For the Haematological Module, Experts should have knowledge in one or more of the fields of clinical haematology (diagnosis of blood pathological conditions), sports medicine or exercise physiology. For the Steroidal Module, the Experts should have knowledge in Laboratory analysis, steroid doping and/or endocrinology.

The Panel may include a pool of appointed Experts and any additional ad hoc Expert(s) who may be required upon request of any of the appointed Experts or by the Athlete Passport Management Unit of the *Anti-Doping Organization*.

Non-Analytical: The anti-doping rule violations set out in Article 2.2, Article 2.3, Article 2.4, Article 2.5, Article 2.6, Article 2.7, Article 2.8, Article 2.9 and Article 2.10 of the *Code*.

Passport: A collation of all relevant data unique to an individual *Athlete* that may include longitudinal profiles of *Markers*, heterogeneous factors unique to that particular *Athlete* and other relevant information that may help in the evaluation of *Markers*.

Passport Custodian: The *Anti-Doping Organization* responsible for result management of the *Athlete's Passport* and for sharing any relevant information associated to the *Athlete's Passport* with other *Anti-Doping Organization(s)*.

Results Management: Pre-hearing administration of potential anti-doping rule violations.

7.4 ISL Defined Terms

Adaptive Model: A mathematical model that was designed to identify unusual longitudinal results from *Athletes*. The model calculates the probability of a longitudinal profile of *Marker* values assuming, that the *Athlete* has a normal physiological condition.

Analytical Testing: The parts of the *Doping Control* process involving *Sample* handling, analysis and reporting following receipt in the Laboratory.

Athlete Passport Management Unit (APMU): A unit composed of a *Person* or *Persons*, designated by the *Anti-Doping Organization*, responsible for the administrative management of the *Passports* advising the *Anti-Doping Organization* for intelligent, *Targeted Testing* liaising with the Expert Panel compiling and authorizing an Athlete Biological Passport Documentation Package and reporting *Adverse Passport Findings*.

Confirmation Procedure: An analytical test procedure whose purpose is to identify the presence or to measure the concentration/ratio of one or more specific *Prohibited Substances*, *Metabolite(s)* of a *Prohibited Substance*, or *Marker(s)* of the *Use of a Prohibited Substance* or *Method* in a *Sample*.

[*Comment: A Confirmation Procedure for a threshold substance shall also indicate a concentration/ratio of the *Prohibited Substance* greater than the applicable Decision Limit (as noted in the TD DL).]*

Decision Limit (DL): a concentration, accounting for the maximum permitted combined uncertainty, above which an *Adverse Analytical Finding* shall be reported.

Initial Testing Procedure: An analytical test procedure whose purpose is to identify those *Samples* which may contain a *Prohibited Substance*, *Metabolite(s)* of a *Prohibited Substance*, or *Marker(s)* of the *Use of a Prohibited Substance* or *Prohibited Method* or the quantity of a *Prohibited Substance*, *Metabolite(s)* of a *Prohibited Substance*, or *Marker(s)* of the *Use of a Prohibited Substance* or *Prohibited Method*.

International Standard for Laboratories (ISL): The International Standard applicable to Laboratories as set forth herein.

Laboratory(ies): WADA-accredited laboratory(ies) applying test methods and processes to provide evidentiary data for the detection of *Prohibited Substances*, *Methods* or *Markers* on the *Prohibited List* and, if applicable, quantification of

a Threshold Substance in *Samples* of urine and other biological matrices in the context of anti-doping activities.

Laboratory Documentation Packages: The material produced by the Laboratory to support an analytical result such as an *Adverse Analytical Finding* as set forth in the *WADA* Technical Document for Laboratory Documentation Packages.

Major Event: A series of individual international *Competitions* conducted together under an international multi-sport organization functioning as a ruling body (e.g., the Olympic Games, Pan American Games) and for which a significant increase of resources and capacity, as determined by *WADA*, is required to conduct *Doping Control* for the *Event*.

Presumptive Adverse Analytical Finding: The status of a *Sample* test result for which there is a suspicious result in the Initial Testing Procedure, but for which a confirmation test has not yet been performed.

Threshold Substance: An exogenous or endogenous *Prohibited Substance*, *Metabolite* or *Marker* of a *Prohibited Substance* which is analyzed quantitatively and for which an analytical result (concentration, ratio or score) in excess of a pre-determined Decision Limit constitutes an *Adverse Analytical Finding*. Threshold Substances are identified as such in the Technical Document on Decision Limits (TD DL).

WADA-Approved Laboratory for the ABP: Laboratory(ies) not otherwise accredited by *WADA*; applying test methods and processes in support of an *Athlete Biological Passport* program and in accordance with the criteria for approval of non-accredited laboratories for the *Athlete Biological Passport*.

7.5 ISTUE Defined Terms

Therapeutic: Of or relating to the treatment of a medical condition by remedial agents or methods; or providing or assisting in a cure.

Therapeutic Use Exemption Committee (TUEC): The panel established by an *Anti-Doping Organization* to consider applications for *TUEs*.

7.6 ISPPPI Defined Terms

Personal Information: Information, including without limitation Sensitive Personal Information, relating to an identified or identifiable *Participant* or relating to other *Persons* whose information is Processed solely in the context of an *Anti-Doping Organization's Anti-Doping Activities*.

[3.2 Comment: It is understood that Personal Information includes, but is not limited to, information relating to an Athlete's name, date of birth, contact details and sporting affiliations, whereabouts, designated therapeutic use exemptions (if any), anti-doping test results, and results management (including disciplinary hearings, appeals and sanctions). Personal Information also includes personal details and contact information relating to other Persons, such as medical professionals and other Persons working with, treating or assisting an Athlete in the context of Anti-Doping Activities. Such information remains Personal Information and is regulated by this Standard for the entire duration of its Processing, irrespective of whether the relevant individual remains involved in organized sport.]

Processing (and its cognates, Process and Processed): Collecting, retaining, storing, disclosing, transferring, transmitting, amending, deleting or otherwise making use of Personal Information.

Third Party: Any natural *Person* or legal entity other than the natural *Person* to whom the relevant Personal Information relates, Anti-Doping Organizations and Third-Party Agents.

ANNEXES

Annex A: Protocol for Code Article 7.1

The World Anti-Doping Code (*Code*) aims at ensuring harmonized, coordinated and effective Anti-Doping programs at the International and National Level. *Code* Article 7, in particular, was drafted to harmonize Results Management procedures of *Anti-Doping Organizations (ADOs)*.

As part of this framework, the World Anti-Doping Agency (*WADA*) was given the authority by its stakeholders to settle Results Management disputes between *ADOs*. *In the event that such dispute should arise, the following process should be followed:*

- a. **Prior to contacting WADA**, any *ADO* challenging another *ADO's RMA* over a case shall submit its claim to the challenged *ADO* in written form with full supporting reasons.
- b. If the challenged *ADO* rejects this claim, or does not respond within **7 days** of receipt of the challenging *ADO's* claim, the challenging *ADO* can address a written request to review the case to *WADA's* Director General, sending a copy to the challenged *ADO*. The request and copy should include a clear description of the situation with full supporting reasons and documentation, and all relevant correspondence between the challenging and the challenged *ADOs*.
- c. Upon receipt of the request, *WADA's* Director General will immediately ask the challenged *ADO* for its position on the claim and the grounds for rejection, if applicable. The challenged *ADO* shall provide *WADA* an answer within **7 days** following receipt of *WADA's* request.
- d. Upon receipt of the challenged *ADO's* position, or if no answer is provided within the **7 days**, *WADA* will render a decision within the next **14 days**.

Annex B: Checklist for Adverse Analytical Findings Report

Below are the basic steps all *Anti-Doping Organizations (ADOs)* shall routinely perform when in receipt of an *Adverse Analytical Finding (AAF)* report from a Laboratory.

1. Receipt of the Laboratory Analytical Result Record
 - Carefully read the Analytical Result Record and make sure that it contains all relevant information (*Sample* code, *Athlete's* gender, date of Sample Collection Session, Testing Authority, Suitable Specific Gravity for Analysis, Suitable Volume of Urine for Analysis, etc.).
 - Make sure that you don't miss any comment the Laboratory may have included.
 - Always verify the date of the Sample Collection Session, the date of receipt at the Laboratory and the date of analysis to immediately identify any unusual delays in the *Sample* transportation/storage or analytical process that should be investigated.
 - Don't hesitate to seek further clarification from the Laboratory, if necessary.

2. Conducting the initial review
 - If you aren't the Sample Collection Authority, make sure to obtain the *Doping Control* form as soon as possible upon receipt of the Analytical Result Record.
 - Verify that the *Sample* code on the *Doping Control* form matches the *Sample* code on the Analytical Result Record.
 - 👉 Laboratories usually allocate a different *Sample* code called an internal code – you must always refer to the *Sample* code.
 - If in doubt, verify the spelling of the name of the *Athlete* and nationality against any reliable database available in the sport in question.
 - Verify that the *Doping Control* form is completed correctly and includes the *Athlete's* signature.
 - Carefully read and record any comment made by the *Athlete* in the declaration of medication/supplement box and in the general comment box of the *Doping Control* form.
 - Make sure that there is no Supplementary Report Form attached to the main *Doping Control* form.

- Carefully verify with your *ADO*, or any other relevant *ADO*, if the *Athlete* has a Therapeutic Use Exemption (*TUE*) on file.
- If this is the case, check that the *TUE* covers the *Prohibited Substance* in question and the date of the Sample Collection Session. Also validate that the concentration found in the *Sample* is consistent with the route of administration and dosage indicated on the *TUE* approval.
- Make sure that any serious apparent departure from the relevant *International Standard* is properly investigated before proceeding further with the Results Management process.
- If you have concerns about the Sample Collection Session procedure, don't hesitate to contact the Doping Control Officer (DCO) in charge of the Sample Collection Session directly or through the Sample Collection Authority.
- If you have concerns regarding the Chain of Custody or storage conditions, you can ask the Sample Collection Authority to provide you with the Chain of Custody information or ask the Laboratory to confirm that the *Sample*, or batch in which it was received, was in good condition.

3. Notifying the *Athlete* of an *AAF*⁵⁸

- Upon completion of the initial review, the *Athlete* should always be notified promptly in writing.
- This notification can be combined with the "charge" letter as indicated in Guidelines Section 3.4.3. This letter contains information about the *AAF* and the *Athlete's* rights under the *Code*, including the right to provide an explanation and the right to B *Sample* analysis.
- Ensure that the first notification contains all information mentioned in the template letter (see Guidelines Templates A and B).
- Indicate a clear deadline for (i) requesting B *Sample* analysis (e.g. 5 days) and (ii) provide an explanation in writing (e.g. 7 days).
- The notification can be served by registered letter, courier, fax or e-mail. Send the notice directly to the *Athlete* through a secure means or through a reliable intermediary (e.g. his/her National Federation, agent, coach, legal representative or parents, if the *Athlete* is a *Minor*).

⁵⁸ Templates A and B

- You may refer to the postal or e-mail address(es) indicated by the *Athlete* on the *Doping Control* form or use the mailing address provided by the *Athlete* in his/her whereabouts information.
- If you use the *Athlete's* e-mail, activate any read receipt or delivery receipt feature available in your e-mail account to avoid any misunderstanding on whether or not the *Athlete* actually received the notice sent to him/her.
- If the notification is sent to the National Federation, coach or legal representative, ensure that you receive a confirmation that the *Athlete* has been duly informed of the content of the notification and of his/her rights (see Template of Confirmation Receipt Form).
- As the procedure is confidential at this point, you must ensure that only *Persons* in your *ADO* with a need-to-know have access to the *AAF* case.
- The *Doping Control* form and Analytical Result Record must, at the minimum, be attached to the first notification letter.

4. Following up on the first notification

B *Sample* analysis

- B *Sample* analysis is a priority. Contact the Laboratory at the time of notification or immediately after to confirm one or more dates when the analysis can be scheduled.
- Ensure that the *Athlete* has either expressly requested or expressly waived the right to his/her B *Sample* analysis. This issue should never be left unclear.
- If the *Athlete* hasn't requested B analysis by the deadline designated, it is recommended to write to them a second time to confirm that in the absence of a request from them, your *ADO* considers that they have waived their right to the B *Sample* analysis.
- If the *Athlete* has requested the analysis of their B *Sample*, you must confirm to them by return:
 - i. Where the *Sample* analysis will take place, with the full address and contact details of the Laboratory (the same that performed the A *Sample* analysis);

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- ii. The date(s) proposed by the Laboratory – another deadline shall be indicated to choose or confirm the date(s) proposed by the Laboratory;
 - iii. Their right to attend the B *Sample* analysis or to be represented;
 - iv. That an independent surrogate will be appointed to witness the opening of the B *Sample* if he cannot attend or if he cannot send a representative;
 - v. The financial conditions; and
 - vi. His right to request the B *Sample* analysis Laboratory Documentation Package.
- An *Athlete* who has requested the analysis of their B *Sample* may seek a postponement of the B analysis. Whilst such requests may be granted on reasonable and objective grounds (visa, long travel, expert's availability), your *ADO* is entitled to reject them should they be unjustified, unreasonable or should they result in delaying the B *Sample* analysis well beyond the initial deadline.
 - Irrespective of whether or not the *Athlete* has requested the B analysis, the results of the -analysis shall be communicated to the *Athlete* and/or their representative(s).

Athletes' explanation

- If the *Athlete* has provided an explanation within the designated time-line, you should immediately follow-up on any new issue raised in the explanation (e.g. alleged departure(s), medical explanation...).
- Even if the *Prohibited Substance* detected is not a Threshold Substance, you may ask the Laboratory to provide you with the concentration of the *Prohibited Substance* or the *Metabolite* found in the *Athlete's Sample*, which could help assessing the plausibility of the *Athlete's* explanation.
- If the *Athlete* has not filed an explanation within the designated deadline, this should be acknowledged.
- You may accept extensions of the deadline to provide an explanation, especially if the case is a complex one. However, this new deadline shall not apply to the deadline for requesting the B *Sample* analysis if the same deadline was initially granted.
- Except in exceptional circumstances, no more than one explanation shall be accepted at this stage of the proceedings knowing that the *Athlete* will have

a further opportunity to file a full defense brief before the relevant hearing body at a later stage.

5. Formally charging the *Athlete*

- A formal notice of charge shall be sent to the *Athlete* in writing normally upon receipt of the B analysis results (if it has been conducted) and/or upon preliminary review of the *Athlete's* explanation and all evidence on file. As indicated above in this Annex as well as in Section 3.4.3, this letter can be sent earlier and combined with the *AAF* notification after the initial review.
- This notice shall clearly identify the ADRV(s) the *Athlete* is considered to have committed, the applicable *Consequences* and the *Athlete's* right to a hearing and all related information (when, to whom and in what form should the request for a hearing be sent?).
- Before sending the notice of charge, the *ADOs* should systematically and carefully verify on *ADAMS* or any other reliable database, if the *Athlete* has committed any other ADRV(s) in the previous 10 years (statute of limitation).
- The *Provisional Suspension* could be imposed at this stage if it hasn't been imposed already.
- At this stage, the *Athlete* can be given the opportunity to admit the ADRV with all *Consequences*.

Annex C: Investigations of *Atypical Findings*

As indicated in Guidelines Section 3.5, an *Atypical Finding (ATF)* is a report from a Laboratory or other WADA-Approved Laboratory for the ABP that requires further investigation by the Results Management Authority (RMA) prior to the determination of an Anti-Doping Rule Violation (ADRV). It's an indication that the Laboratory has identified certain factors to do with an *Athlete's Sample* that, while not constituting an ADRV, merit further investigation.

The precise nature of the investigation depends on the *Prohibited Substance* with which the *ATF* is associated. The individual investigatory steps and follow-up actions are described below.

1. Inconclusive GC-C-IRMS⁵⁹

On occasions, when isotope ratio mass spectrometry (IRMS) analysis is applied as a Confirmation Procedure⁶⁰, the Laboratory may not be able to make a definitive conclusion regarding the endogenous or exogenous origin of the *Prohibited Substance*. In such cases, the Laboratory will report the IRMS finding as an *ATF*.

If the steroid profile for the *Sample* constitutes an *Atypical Passport Finding (ATPF)*, as determined by the Adaptive Model when the steroid profile of the *Doping Control* form matched *Sample* is compared with the previous longitudinal steroid profile of the *Athlete*, the *ADO* should have the Athlete Passport Management Unit (APMU) review the *Athlete's* profile to determine if the *ATPF* constitutes an ADRV, or if further *Testing* is required.

In addition to "ATPF Confirmation Procedure Request" notifications, IRMS analysis may be triggered by a "Suspicious Steroid Profile Confirmation Procedure Request," i.e. when the steroid profile of the *Sample* is deemed suspicious because it meets any of the criteria specified in the Technical Document on Endogenous Anabolic Androgenic Steroids (TD EAAS), but the steroid profile can't be processed by the Adaptive Model.

⁵⁹ See *WADA's* Guidelines for the detection of synthetic forms of endogenous anabolic androgenic steroids by GC-C-IRMS.

⁶⁰ For example, when following the analysis of the *Markers* of the steroid profile, the Laboratory receives an ATPF Confirmation Procedure Request or a "Suspicious Steroid Profile Confirmation Procedure Request" notification through *ADAMS*, or a request for the confirmatory analysis of boldenone or formestane findings.

In such cases, if the *Sample* is matched to a *Doping Control form* in *ADAMS*, but there is no previous longitudinal steroid profile of the *Athlete* (*Athlete* tested only once, i.e. steroid profile values are only available for this one *Sample*), the *ADO* shall collect additional *Sample(s)* to establish a longitudinal steroid profile that can be processed by the Adaptive Model and subsequently reviewed by the APMU, as appropriate.

Conversely, if the *Sample* can't be matched with a *Doping Control form* in *ADAMS*, the *ADO* should check if a previous longitudinal steroid profile of the *Athlete* exists (e.g. for *ADOs* not using *ADAMS* or not entering the *Doping Control form* information into *ADAMS* that may have longitudinal steroid profile records for the *Athlete*), and have it reviewed by the APMU, which would determine if the suspicious profile of the *Sample* constitutes an *ADRV* or if further *Testing* is required. If no such previous longitudinal steroid profile records exist, then the *ADO* shall collect additional *Sample(s)* to establish such a profile. The APMU should suggest the optimal timing of the subsequent *Sample*.

2. Nandrolone Metabolite (19-NA)

When the Laboratory detects in a *Sample* from a female *Athlete* using norethisterone (contraceptive) a level of 19-NA (nandrolone metabolite) superior to 10 ng/mL, it will report the finding as an *ATF*⁶¹. It's advisable for the *ADO* to perform further *Testing* on the *Athlete*.

3. Human growth hormone (hGH)

Tests for the detection of doping with hGH were developed to distinguish between the proportions of hGH found under normal physiological conditions and those found after doping with recombinant (exogenous) hGH.

For an initial Presumptive Adverse Analytical Finding on the *A Sample*, the Laboratory proceeds with a Confirmation Procedure. The Laboratory will conclude an *AAF* only if the analytical results exceed the respective Decision Limit (DL) values established for both confirmation assays. When the analytical results exceed the DL values for only one of the two assays employed for the Confirmation Procedure, the Laboratory will report the

⁶¹ TDNA2014

finding as an *ATF*⁶². *Target Testing* of the *Athlete* by the competent *ADO* is recommended.

4. Human Chorionic Gonadotropin (hCG)⁶³

The finding of hCG in the urine of a male *Athlete* at concentrations greater than 5 mIU/ml may be an indicator of hCG use for doping purposes⁶⁴. However, due to certain factors⁶⁵, additional investigations might be necessary. For this reason, the Laboratories occasionally report an *ATF*. If an *ATF* is reported for hCG, the RMA must immediately notify the *Athlete* of the Laboratory finding and urge them to submit to medical follow-up investigations to address the possibility of a pathophysiological condition as the cause of the elevated total urinary hCG concentration, given that the cause could be a testicular cancer⁶⁶. The RMA shall also advise *WADA* when clinical investigations are conducted on an *Athlete*.

If the results of the clinical investigations performed on the *Athlete* do not show a pathophysiological cause for the elevated total hCG finding, the RMA should conduct at least two (2) follow-up No-Advance Notice Tests on the *Athlete*. The follow-up *Samples* should be analyzed at the same Laboratory that produced the *ATF*.

If the follow-up tests reflect similar suspicious results as defined under the *WADA* Guidelines for the reporting and management of hCG findings, the RMA should conclude that no *ADRV* has occurred, and no further investigations are necessary. This information shall be documented in the dossier of the *Athlete* concerned and shared with *WADA* (and other *ADOs*, as relevant).

If the Initial Testing Procedure(s) for a follow-up test produces elevated values for total hCG which differ from the initial test, the RMA should treat

⁶² See *WADA's* Guidelines for hGH isoform differential immunoassays.

⁶³ Guidelines Template E.

⁶⁴ See *WADA's* Guidelines for reporting and management of human chorionic gonadotropin (hCG) findings.

⁶⁵ Complexity of hCG isoform composition in urine, reported association of some hCG molecular forms with pathophysiological conditions such as cancer.

⁶⁶ The *ADO* should also advise *WADA* when clinical investigations are conducted on an *Athlete*.

the results as suspicious⁶⁷ and contact WADA for further instructions on the Results Management process of the case.

If a follow-up test produces a Presumptive Adverse Analytical Finding from the repeat of the Initial Testing Procedure, and the Confirmation Procedure confirms the presence of intact hCG at concentrations greater than 5 mIU/mL (after adjusting to a urine SG of 1.0203) and is reported as an AAF, the Results Management process is followed, as in the case for *Use of other Prohibited Substances or Prohibited Methods*.

If medical information is provided by the *Athlete* to support the claim that the result is due to a physiological or pathological condition, such information shall be taken into account in the Results Management of the case.

A copy of the report confirming an elevated concentration of hCG, including the results of the initial and subsequent follow-up tests, and any related analytical or clinical information, are forwarded to WADA.

5. Erythropoietin (EPO)

The Technical Document on Harmonization of Analysis and Reporting of Erythropoiesis Stimulating Agents (ESAs) by Electrophoretic Techniques (TD EPO) recommends the application of a unique electrophoretic method (IEF or SDS-PAGE or SAR-PAGE) for the Confirmation Procedure of ESA findings. Therefore, the Laboratory will report the result as either Negative or an AAF.

On occasion, the Laboratory may choose to apply a second detection method as additional scientific evidence to arrive at a final conclusion. If so, the acceptance and identification criteria must be fulfilled on both procedures employed before reporting an AAF. When the acceptance and identification criteria are met for only one of the methods employed for the Confirmation Procedure, the *Sample* will be reported as an ATF. *Target Testing* of the *Athlete* by the competent ADO is advised.

6. Boldenone

⁶⁷ The *Sample* is considered suspicious since urinary total hCG concentrations associated with physiological or pathological conditions (e.g. 'familial' hCG, cancer) are usually maintained at a constant level or increased over time with disease progression. Therefore, decreased concentrations of total hCG in follow-up test(s) may be indicative of previous *Use* of the *Substance* for doping purposes, while increased concentrations may warrant further clinical investigations. These suspicious cases should be further elucidated by performing a battery of hCG tests, specific for different hCG isoforms, at specialized reference Laboratories.

In addition to the possible reporting of an *ATF* for boldenone or boldenone *Metabolite(s)* when the results of the GC-C-IRMS analysis (which is mandatory when the concentrations of boldenone and/or its *Metabolite(s)* in the *Sample* are between 5 ng/mL and 30 ng/mL) are inconclusive, a Laboratory may report an *ATF* when the concentrations are estimated below 5 ng/mL (after adjustment for urine specific gravity, if needed). *Target Testing* of the *Athlete* by the competent *ADO* is advised.

7. Formestane

Formestane is an aromatase inhibitor⁶⁸ which may be naturally found in urine samples at low concentration and requires a similar Analytical Testing as an EAAS. In some cases, if the IRMS is not conclusive, the Laboratory may report an *ATF*.

8. Other findings

An *ATF* may be reported by the Laboratory if it considers that a result is suspicious, but can't be confirmed as an *AAF*⁶⁹. The required investigation will then depend on the nature of the case (e.g. *Target Testing*, longitudinal study, GC-C-IRMS analysis, etc.). Keeping a detailed records of any *ATF* reported against an *Athlete* is recommended.

⁶⁸ *Prohibited List* Section S4.1.

⁶⁹ For example, in cases of prednisone/prednisolone (microbial degradation), Presumptive Adverse Analytical Finding in A *Sample*, but not enough urine left – B *Sample* splitting necessary, etc.

Annex D: TD 2014 EAAS: Endogenous Anabolic Androgenic Steroids

Consult the Technical Document for endogenous anabolic androgenic steroids on *WADA's* Web site:

www.wada-ama.org/en/resources/science-medicine/td2014-eaas-20

Annex E: TD2014 IRMS: Detection of synthetic form of Endogenous Anabolic Androgenic Steroids by GC-C-IRMS

Consult the Technical Document for the detection of synthetic forms of endogenous anabolic androgenic steroids by GC-C-IRMS on *WADA's* Web site:

www.wada-ama.org/en/resources/science-medicine/td2014-irms

Annex F: Guidelines: Reporting and management of hCG findings

Consult the Guidelines for Reporting & Management of Human Chorionic Gonadotrophin (hCG) Findings on *WADA's* Web site:

www.wada-ama.org/en/resources/laboratories/guidelines-reporting-and-management-of-hcg-findings

Annex G: Guidelines: Reporting and management of hGH findings

Consult the Guidelines for anti-doping analyses: hGH Isoform Differential Immunoassays on *WADA's* Web site:

www.wada-ama.org/en/resources/laboratories/guidelines-detection-of-doping-with-hgh

Annex H: TD2014 NA: Harmonization of analysis and reporting of 19-norsteroids related to nandrolone

Consult the Technical Document for the harmonization of analysis and reporting of 19-Norsteroids on *WADA's* Web site:

www.wada-ama.org/en/resources/science-medicine/td2014-na

Annex I: TD2014 EPO: Harmonization of analysis and reporting of ESAs

Consult the Technical Document for the harmonization of the method for the identification of recombinant erythropoietins and analogues on *WADA's* Web site:

<https://www.wada-ama.org/en/resources/science-medicine/td2014-epo>

Annex J: TDRMR2015: Results Management Requirements for the ABP and Collaboration Agreement

WADA Technical Document – TD2015RMR

Document Number:	TD2015RMR	Version Number:	1.0
Written by:	WADA	Approved by:	WADA Executive Committee
Date:	20 September 2014	Effective Date:	01 January 2015

Administrative Management

The *Anti-Doping Organization (ADO)* referred to throughout this document on Results Management is the Passport Custodian.

These processes shall be administered and managed by an Athlete Passport Management Unit (APMU) on behalf of or within the ADO. The APMU will initially review profiles to facilitate targeting recommendations to the ADO when appropriate, or refer to the Expert Panel as appropriate. Management and communication of the biological data, APMU reporting and Expert reviews shall be conducted in ADAMS and be shared by the Passport Custodian with other ADO(s) with *Testing* jurisdiction over the *Athlete* to coordinate further *Passport Testing*.

This Appendix describes a step-wise approach to the review of an *Athlete's Passport*:

- The review begins with the creation of a longitudinal profile and application of the Adaptive Model.
- In case of an *Atypical Passport Finding (ATPF)*, an Expert conducts an initial screening and returns an evaluation based on the information available at that time.
- The process may culminate in the creation of an ABP Documentation Package and Expert Panel opinion following the reception of all information, including any explanation from the *Athlete*.

Laboratories or WADA-Approved Laboratories for the ABP are presumed to have conducted the *Sample* analysis and custodial procedures in accordance with the International Standard for Laboratories (ISL) and Technical Documents (TDs). The *Athlete* or other *Person* may rebut this presumption by establishing that a departure from the ISL and/or TDs occurred, which could reasonably have significantly

modified the result. In such cases, the ADO shall have the burden to establish why such a departure does not invalidate the result.

2. Review by the Adaptive Model

The Adaptive Model is capable of identifying atypical values or profiles that warrant further attention and review. The Adaptive Model predicts for an individual an expected range within which a series of *Marker* values falls assuming a normal physiological condition. Outliers correspond to those values out of the 99%-range (0.5 - 99.5 percentiles).

For the Haematological Module, an *ATPF* is generated when the haemoglobin concentration (HGB) and/or stimulation index OFF-score (OFFS) value of the last test falls outside the expected intra-individual ranges. Furthermore, the longitudinal profile composed of (up to) the last 20 valid HGB and/or OFFS values is considered as atypical when deviating from the expected ranges, as determined by the Adaptive Model. An *ATPF* is only generated by the Adaptive Model on values of the primary *Markers* HGB and OFFS.

For the Steroidal Module, an *ATPF* is generated when the value of the T/E ratio of the last test falls outside the expected intra-individual ranges. In addition, the "longitudinal steroid profile" composed of (up to) the last 20 valid values of the T/E ratio is considered as atypical when deviating from the expected ranges, as determined by the Adaptive Model. An *ATPF* is only generated by the Adaptive Model on values of the primary *Marker* T/E ratio.

A specificity of 99% is used to identify both haematological and steroidal *ATPFs* that warrant further investigation and/or results management. In the case of a "longitudinal steroidal profile," an *ATPF* caused by an atypically high T/E value will trigger a Confirmation Procedure as established in the TD2014EAAS.

If the longitudinal profile consists of a unique value (*Athlete* tested only once), and this unique value is deemed atypical by the Adaptive Model (with a negative or inconclusive IRMS if applicable, see TD2014EAAS for details on the management of Confirmation Procedures and IRMS analyses in case of a first test result), the ADO should consider collecting an additional *Sample* before sending it to a member of the Expert Panel for review. The APMU should suggest the optimal timing of the subsequent *Sample*.

[Comment: If there is a departure from WADA ABP requirements for collection, transport and analysis of Samples, the corresponding result should not be considered in the Adaptive Model calculations. However, the non-conforming biological result should remain in the Athlete's Passport and may be used for reference and Target Testing purposes. Any non-conforming result (e.g. a blood

result analyzed after 48 hours) may be included in the Expert Panel assessment of a profile provided, if the Expert Panel's attention is drawn to this particular result. The APMU will coordinate with the appropriate Laboratory or WADA-Approved Laboratory for the ABP and Expert Panel to ensure the validity of any non-conforming result.]

3. The Initial Expert Review

For the Steroidal Module, if a result rendered by a Laboratory represents an *ATPF* caused by an atypically high T/E value, the *Sample* will undergo Confirmation Procedures, including GC-C-IRMS analysis. If the result of the GC-C-IRMS Confirmation Procedure is negative or inconclusive, then the APMU should advise the *ADO* on further *Testing* and/or seek an Expert review. An Expert review is not required when the GC-C-IRMS Confirmation Procedure renders a positive result and is reported by the Laboratory as an *Adverse Analytical Finding (AAF)*. In such cases, a normal Results Management process shall be followed by the *ADO* which constitutes the Results Management Authority.

If the Haematological Module renders an *ATPF*, then the results/profile must be reviewed by an Expert chosen by the APMU. This should occur in a timely manner.

The Expert shall review the *Passport* anonymously (without reference to the specific *Athlete* by name) and conduct his/her activities in strict confidence. The Expert shall evaluate the *Passport* and respond back to the APMU, which will trigger further APMU action:

<u>Expert</u> Evaluation	<u>APMU</u> Action
Normal.	Continue normal <i>Testing</i> pattern.
<i>Passport</i> suspicious: Further data is required.	Alert <i>ADO</i> to do Target <i>Testing</i> and provide recommendations.
Considering the information within the <i>Athlete's Passport</i> , it is highly unlikely that the longitudinal profile is the result of a normal physiological or pathological condition, and likely may be the result of the <i>Use of a Prohibited Substance or Prohibited Method</i> .	Send to two other <u>Experts</u> , as per section 4 of this Appendix.
Considering the information within the <i>Passport</i> , it is highly likely that the <i>Athlete</i> has a pathological condition.	Inform the <i>Athlete</i> via the <i>ADO</i> (or send to other <u>Experts</u>).

[Comment: The ABP is not intended as a health check or for medical monitoring but rather is a tool to detect the possible Use of Prohibited Substance(s) or Prohibited Method(s). Nevertheless, the Experts, via the APMU, will contact the Athlete, via the ADO, if there is a high likelihood of pathology. It is important that the ADO educates the Athletes to ensure that they undergo regular health monitoring and not rely on the ABP for this purpose.]

4. Review by Three Experts

In the event that the evaluation of the appointed Expert in the initial review supports the proposition that the profile is unlikely to be the result of a normal physiological or pathological condition, the *Passport* shall then be sent by the APMU to a group of three Experts for review, composed of the Expert appointed in the initial review and two other Experts chosen by the APMU from the Expert Panel.

For the review of a Haematological *Passport*, the group of three Experts should be composed of individuals with knowledge in the fields of clinical haematology, sport medicine and/or exercise physiology. For the review of the Steroidal *Passport*, the group of three Experts should be composed of individuals with knowledge in the fields of Laboratory analysis, steroid doping and/or clinical endocrinology.

The APMU is responsible for liaising with the Experts and for advising the ADO of the subsequent Expert assessment. The review of the three Experts must follow the same logic as presented in section 3 of this document. The group of Experts can confer before they finalize their opinion. The group can also seek advice from an appropriate outside Expert, although this must be done with strict confidentiality.

If more information is required to review the file, the Experts can request further details, such as those related to medical issues, sport practice and/or training. Such requests are directed via the APMU to the ADO. The Experts will conduct the review based on the Athlete's blood or urine profile data, and any additional information requested from ADO(s) or Laboratories relating to any *Sample* in the Athlete's profile.

A unanimous opinion among the three Experts is necessary in order to proceed with possible results management which means that all three Experts come to the conclusion that considering the available information contained within the *Passport* at this stage, it is highly likely that a *Prohibited Substance* or *Prohibited Method* had been used, and unlikely that it is the result of any other cause. The conclusion of the Experts must be reached with the three Experts assessing the Athlete's *Passport* with the same data (i.e three Expert opinions cannot be accumulated over time, as data is added to a profile).

If there is no unanimity among the three Experts, the APMU may follow up on requests for additional information or expertise, or recommend the *ADO* to pursue additional *Testing*.

5. Follow up on Expert Reviews and Compilation of the *ABP* Documentation Package

If the evaluation of the three Experts supports the proposition that the *Athlete* has likely used a *Prohibited Substance* or *Prohibited Method*, and that the result is unlikely due to any another cause, the APMU shall be responsible for the compilation of the *ABP* Documentation Package. The APMU might confer with the group of Experts to determine the scope of such compilation, including the recommended elements and the number of tests that need to be included.

*[Comment: It is only mandatory to have a full Laboratory Documentation Package for those tests that are deemed essential by the APMU and Expert Panel. The other tests, for example those that confirm the baseline levels of a Marker, only require a Certificate of Analysis. A template of the Certificate is available to Laboratories and WADA-Approved Laboratories for the *ABP* upon request to WADA.]*

The following key information needs to be included in both Haematological and Steroidal Modules of the *ABP* Documentation Package:

- Age of the *Athlete*.
- Gender of the *Athlete*.
- Sport and discipline.
- Type of test.
- *Sample* code number.
- Internal Laboratory (or WADA-Approved Laboratory for the *ABP*) *Sample* number.
- Biological data and results obtained by the Adaptive Model.
- *Competition* information.
- Chain of Custody documentation.
- Information from the *Doping Control* forms for each *Sample* collected during the period, as determined by the APMU and Expert Panel.

For the Haematological Module, this additional information is required:

- Information on possible exposure to altitude of the *Athlete* for the period defined by the Expert Panel.

- Temperature conditions during the transport of the blood *Samples*.
- Laboratory (or WADA-Approved Laboratory for the ABP) documentation, including blood results.
- Scatter grams.
- Internal and external quality controls.
- Information on whether the *Athlete* received a blood transfusion and/or suffered significant blood loss in the prior three months.

For the Steroidal Module, this additional information is required:

- pH of the urine *Sample*.
- Specific gravity of the urine *Sample*.
- Laboratory documentation, including screening and confirmed (when applicable) values of steroid concentrations and ratios.
- GC-C-IRMS results, when applicable.
- Indications of ethanol consumption: urinary concentrations of ethanol and/or ethanol *Metabolites*.
- Indications of bacterial activities (e.g. A/5 α -androstandione ratio, pH, fraction of free forms of Testosterone, 5 α - and 5 β -androstanedione, 4-androstenedione or DHEA).
- Indications of medications taken (declared or detected) that may influence the "steroid profile," such as corticosteroids, human chorionic gonadotrophin (hCG), ketoconazole, contraceptives and 5 α -reductase inhibitors.

The ABP Documentation Package shall be sent to the same three-member Expert Panel, which will subsequently review the additional information. The Expert Panel is responsible for providing a joint evaluation to be signed by all three Experts and included in the ABP Documentation Package.

If the Expert Panel confirms their previous position, considering the information within the *Passport* at this stage, that it is highly likely that a *Prohibited Substance or Prohibited Method* had been used, and unlikely that it is the result of any other cause, the APMU will declare an *Adverse Passport Finding (APF)*. The ABP Documentation Package is then reviewed by the *ADO*.

The review at this stage is anonymous, however it is accepted that some specific information provided may allow one to identify the *Athlete*. This shall not affect the validity of the process.

The *ADO* will then be responsible for:

- e. Advising the *Athlete* and *WADA* that the *ADO* is considering the assertion of an anti-doping rule violation (ADRV) against the *Athlete*.
- f. Providing the *Athlete* and *WADA* the ABP Documentation Package.
- g. Inviting the *Athlete* to provide his/her own explanation, in a timely manner, of the data provided to the *ADO*.

6. Review of Explanation from *Athlete*

Upon receipt of explanation and supporting information from the *Athlete* (or in the event no explanatory information is provided), the Expert Panel shall review the information provided by the *ADO*, the information (if any) provided by the *Athlete* and any additional information that the Panel considers necessary to render its opinion in coordination with both the *ADO* and the APMU. It is accepted that this review may no longer be anonymous. The Panel shall then reassess or reassert its previous opinion that includes one of the following statements:

- h. Unanimous opinion of the Panel that based on the information in the *Passport*, it is highly likely that the *Athlete* used a *Prohibited Substance* or *Prohibited Method*, and that it was unlikely to find the *Passport* abnormal assuming any other cause; or
- i. Based on the available information, the Panel is unable to unanimously reach an opinion and, in such a case, the Panel may or may not recommend further investigation or *Testing*.

7. Disciplinary Proceeding

If the Expert Panel expresses the opinion set forth in a. of section 6, then the *ADO* shall be informed by the APMU. The *ADO* will then proceed to results management in accordance with *Code* Article 7.5.

In the event the *Athlete* has been found to have committed an ADRV based on the *Passport*, the *Athlete's Passport* shall be reset upon their return to *Competition*, following completion of the relevant period of suspension to maintain their anonymity for potential APMU and Expert Panel reviews conducted in the future.

When an *Athlete* is sanctioned by means other than the *ABP*, the Haematological and/or Steroidal *Passport* will remain in effect, except in those cases where the *Prohibited Substance* or *Prohibited Method* resulted in an alteration of the haematological or steroidal *Markers*, respectively (e.g. for *AAF* reported for anabolic androgenic steroids, hCG, masking agents or diuretics, which may affect the *Markers* of the "steroid profile," or for the *Use* of Erythropoiesis-Stimulating Agents

or blood transfusions, which would alter the haematological *Markers*). In such instances, the *Athlete's* profile(s) would be reset from the time of the beginning of the sanction.

Template

A non-mandatory template sharing of information agreement is contained herein to facilitate the sharing and mutual recognition of biological data between *ADOs* that share *ABP* interests on the same *Athlete* (eg. *National Anti-Doping Organization* and *International Federation*).

Collaboration Agreement

Between

[•]

(hereinafter referred to as “[A]”)

and

[•]

(Hereinafter referred to as “[B]”)

WHEREAS [A] is the [*Anti-Doping Organization (ADO)*] recognized by the World Anti-Doping Agency (*WADA*) and is responsible for *Doping Control* and *Athlete Biological Passport (ABP)* Programs for *Athletes* included in its *Registered Testing Pool (RTP)*;

WHEREAS [B] is the [*ADO*] recognized by *WADA* and is responsible for *Doping Control* and *ABP* Programs for *Athletes* included in its *RTP*;

WHEREAS the principle of the *ABP* is to have one and only *Passport* for each *Athlete*;

WHEREAS it is therefore of utmost importance that organizations that test the same *Athlete* collaborate to ensure that only one organization consolidate all result for a single *Athlete* and ensure result management of this *Athlete Passport*;

WHEREAS [A] and [B] now wish to collaborate on the planning, *Testing* and results management of the *Doping Control* and *ABP* Programs of the *Athletes* included in their respective *RTPs*, in accordance with the terms of this Agreement.

PURPOSE

The purpose of this Agreement is to provide a framework for collaboration between [A] and [B] (each a Party and collectively the Parties) in relation to the collection and exchange of *Athletes' Passports* and related results management procedures.

THEREFORE, it is agreed upon between the Parties:

Clause 1 - Definitions

Capitalized and italicized terms used in this Agreement shall have the meanings ascribed to them under the World Anti-Doping Code ("*Code*") and the *International Standards*, both as amended from time to time. For ease of reference, relevant definitions have been reproduced in Schedule 1 attached hereto.

Additional definitions created for the purposes of this Agreement shall be underlined and have the following meanings:

- 1.1 "Agreement" means this Collaboration Agreement.
- 1.2 "Passport Purposes" means the gathering and collation of *Passports* according to the *ABP Operating Guidelines* and related Technical Documents (TDs).
- 1.3 "Confidential Information" means all information (however recorded or preserved) disclosed by a Party or its Representatives to the other Party and that Party's Representatives after the date of this Agreement concerning:
 - (a) the existence and terms of this Agreement;
 - (b) any information that would be regarded as confidential by a reasonable business person relating to:
 - (i) the business, affairs, customers, clients, suppliers or future plans of the disclosing Party; or
 - (ii) the operations, processes, product information, know-how, designs, trade secrets or software of the disclosing Party; and
 - (c) any information collected, developed or exchanged by the *Parties* in the course of carrying out this Agreement, including, but not limited to, *Passports* and other relevant or potentially relevant doping-related information.
- 1.4 "Operating Guidelines" means the most recent version of the *ABP Operating Guidelines* adopted by *WADA* and available on *WADA's* Web site.
- 1.5 "Representative" means an employee, officer, representative, agent or adviser of a Party.

Clause 2 – *Passport Testing* and information sharing

- 2.1 [A] and [B] agree to provide each other with a copy of its updated *RTP* for *Passport Purposes* upon request and to discuss the composition of the respective [A] and [B] *RTPs* where appropriate, in particular when [A] and [B] have *Testing* jurisdiction over the same *Athlete*.
- 2.2 [A] shall conduct *Testing* of the *Athletes* in [A]'s *RTP* for *Passport Purposes* and [B] shall conduct *Testing* of *Athletes* in [B]'s *RTP* for *Passport Purposes*, including by means of *Target Testing*. For such purposes:
- 2.2.1 [A] or [A] APMU and [B] or [B] APMU may share intelligence with each other as regards the *Target Testing* of *Athletes* on [A]'s *RTP* or [B]'s *RTP*, as the case may be.
- 2.2.2 [A] and [B] shall each ensure that it has *Testing* jurisdiction with regard to the tests conducted under this Agreement.
- 2.2.3 For the avoidance of doubt, nothing in this Clause 2 shall prevent [A] or [B] from *Testing* any *Athlete* within its jurisdiction for *Passport Purposes* at any time, irrespective of the *Athlete's* status on [A]'s *RTP* for *Passport Purposes* or [B]'s *RTP* for *Passport Purposes*.
- 2.2.4 All *Samples* under this Agreement will be collected in compliance with the International Standard for Testing, the International Standard for Laboratories, and the Operating Guidelines.
- 2.2.5 [A] and [B] shall each bear its own costs of *Testing* (including the costs of storage, transportation and analysis of *Samples*).
- 2.3 Each Party agrees that it shall, at its own cost, exclusively use *ADAMS*, and ask the relevant APMU to use *ADAMS*, for recording doping control forms and *Passports* relating to any *Athlete* tested for *Passport Purposes* under this Agreement.
- 2.4 In any case where an *Athlete* has been tested under this Agreement for *Passport Purposes*, the relevant Party shall record the *Passport* on *ADAMS*, or ensure that it is being recorded by the relevant APMU, as soon as reasonably practical following the test and shall take whatever steps are necessary to ensure that the other Party is able to access the relevant *Passport* through *ADAMS*. If for whatever reason the *Passport* cannot be accessed by the other Party through *ADAMS*, the Party shall provide the relevant *Passport* to the other Party in such other form as the other Party may reasonably request.
- 2.5 [A] and [B] shall use the *Passports* under this Agreement for *Passport Purposes* only. The relevant Testing Authority in each case shall ensure that the *Athlete's* prior written consent has been obtained for the sharing of the *Passports* with the other Party for such purposes.

Clause 3 – Passport Results Management Process

- 3.1 For each *Athlete* included in both [A] and [B] *RTPs*, the Parties shall establish which of [A] or [B] is the Passport Custodian.
- 3.2 The APMU of the Passport Custodian is responsible for results management in accordance with the most recent TD on Result Management Requirements for the *ABP* adopted by *WADA*. For *Athletes* included in both [A] and [B] *RTPs*, *Passports* shall be reviewed after each test by the APMU of the Passport Custodian independently of if [A] or [B] was the Testing Authority that conducted the last test.
- 3.3 In *ADAMS*, the Party assigned as the Passport Custodian may share the *Athlete's Passport* with the other Party, including the APMU report, targeting recommendations and Expert reviews.
- 3.4 The Parties have established an Expert Panel ([A] Expert Panel and [B] Expert Panel respectively) working with respectively [A] APMU or [B] APMU in accordance with the Operating Guidelines. Parties shall determine the members of their *ABP Expert Panel* from time to time, and shall notify each other upon request of an updated list of their *ABP Expert Panel*.
- 3.5 Parties shall immediately notify each other in writing of the referral of any *Athlete's* case for review by the other Party's *ABP Expert Panel* in accordance with the Operating Guidelines, as well as the outcome of such review.
- 3.6 For the avoidance of doubt, *Passport* data collected under this Agreement by [A] and [B] should, whenever possible, be combined for the purposes of pursuing a potential anti-doping rule violation (ADRV) or other results management procedure pursued against an *Athlete* in accordance with the *Code* and *International Standards*.

Clause 4 – Passport Disciplinary Procedures

- 4.1 If upon review the [A] *ABP Expert Panel* or [B] *ABP Expert Panel* (as appropriate) decides that there is no known reasonable explanation for the profile information contained in the *Passport* other than the use by the *Athlete* of a *Prohibited Substance* or *Prohibited Method*, the *Athlete's* case shall proceed as an asserted ADRV.
- 4.2 Where the Passport Custodian Party decides not to proceed with an asserted ADRV, such decision will not affect the ability of the other Party or *WADA* to appeal such decision.

Clause 5 – Effective Date and Termination

- 5.1 This Agreement shall become effective on the date of signature and will remain in effect until terminated.

- 5.2 Notwithstanding Clause 5.3, if either Party wishes to terminate this Agreement, it shall give thirty (30) days' written notice to the other Party of its intention to terminate the Agreement. Upon receipt of the written notice of termination, this Agreement will terminate thirty (30) days after such notice is delivered.
- 5.3 Either Party may terminate this Agreement immediately if the other Party commits a material breach of any term of this Agreement and (if such breach is remediable) fails to remedy that breach within a period of thirty (30) days after being notified in writing of the breach.
- 5.4 The Parties agree that after the effective date of termination of this Agreement each Party may continue to use all Passports and Confidential Information provided to it by the other Party, provided that it is only used for anti-doping purposes and for a period up to, but not exceeding, the statute of limitations of the *Code* then in force (currently 8 years). The Parties will thereafter, upon request, return, destroy, aggregate or anonymize all Passports and Confidential Information in its control or possession provided to it by the other Party, unless applicable law or other applicable regulations prevents the Party from returning or destroying all or part of the Passports or Confidential Information.

Clause 6 – Authority

- 6.1. The Parties hereby represent that they have the full power and authority to enter into and perform this Agreement, and the Parties know of no agreement, promises, or undertakings that would prevent the full execution and performance of this Agreement.
- 6.2. Notwithstanding the above and for the avoidance of doubt, the Parties acknowledge and agree that nothing in this Agreement affects or modifies their respective rights and obligations, and those of other relevant Third Parties, under the “Agreement Governing the Use and Sharing of Information in *ADAMS*” that the Parties entered into with *WADA*.

Clause 7 - Indemnity

Each Party (the “Breaching Party”) shall indemnify and hold harmless the other Party (the “Non-Breaching Party”) against any and all costs, charges, damages, expenses and losses (including costs incurred in recovering same) that are incurred by the Non-Breaching Party as a result of any breach of this Agreement by the Breaching Party up to a maximum of [•]. The provisions of this Clause 8 shall survive termination of this Agreement.

Clause 8 – Confidentiality

- 8.1 The Parties shall at all times keep confidential (and ensure that their Representatives keep confidential) any Confidential Information which they may acquire in accordance with this Agreement and shall not disclose or use such Confidential Information other than in fulfillment of the Agreement except:

-
- (i) with the consent of the other Party; or
 - (ii) if such information has come into the public domain otherwise than by breach by that Party of this clause; or
 - (iii) as required by law or other applicable regulations.
- 8.2. The duties of the Parties in this Clause 8 shall survive the expiration or earlier termination of this Agreement.
- 8.3. The receiving Party agrees that it will only disclose the disclosing Party's Confidential Information to its directors, employees, consultants or professional advisors on a strictly need-to-know basis in connection with Passport Purposes and then only after such person has been advised of the requirements of this Agreement.

Clause 9 – Data Privacy

- 9.1 The Parties acknowledge that the sharing of Personal Information under this Agreement is necessary to allow each Party to fulfill its obligations under the *Code* and is in accordance with applicable data protection laws.
- 9.2 The Parties shall collect, Process, store and disclose all Personal Information under this Agreement with the *Athlete's* consent and in accordance with the International Standard for the Protection of Privacy and Personal Information (ISPPPI).
- 9.3 Each Party shall notify the other Party promptly of any accidental, unauthorized, or unlawful destruction, loss, alteration, or disclosure of, or access to, the Personal Information (“Security Breach”), and take immediate steps to rectify any Security Breach.
- 9.4 Neither Party shall disclose *Passports* collected under this Agreement to any Third Party (save for the purposes of the [A] ABP Expert Panel or [B] ABP Expert Panel review), without the express prior written consent of the other Party unless such disclosure is required by law or occurs as a result of Section 9.2.

Clause 10 – Miscellaneous

- 10.1 This Agreement is intended to be the sole and complete statement of obligation of the Parties as to the subject matter hereof, and supersedes all previous agreements, understandings, negotiations and proposals as to such subject matter.
- 10.2 The failure of either Party at any time to demand strict performance of the terms of the Agreement shall not be construed as a waiver of the right to demand or receive complete performance of all rights, promises and covenants in this Agreement.
- 10.3 This Agreement does not establish either Party to be the agent of the other Party or create a joint venture or similar relationship between the Parties and no Party shall have

the power to obligate or bind the other Party in any manner whatsoever. The Parties hereto shall act in all respects as independent contractors.

- 10.4 Neither Party may assign, directly or indirectly, by operation of law, change of control or otherwise, this Agreement or any of its rights and obligations hereunder, without the prior written consent of the other Party, which shall not be unreasonably withheld.
- 10.5 The Parties agree that any and all amendments to this Agreement must be made in writing to be signed by the Parties; no amendment can be made by electronic means.
- 10.6 If any provision or provisions of this Agreement shall be held to be invalid, illegal, or unenforceable, such provision shall be enforced to the fullest extent permitted by applicable law and the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.
- 10.7 A *Person* who is not a party to this Agreement shall not have any rights under or in connection with this Agreement. The rights of the Parties to terminate, rescind or agree any variation, waiver or settlement under this Agreement are not subject to the consent of any person that is not a party to this Agreement.
- 10.8 Section and other headings in this Agreement are for convenience of reference only and shall not constitute a part of or otherwise affect the meaning or interpretation of this Agreement.

Clause 11 - Notices

- 11.1 Any notice required to be given under this Agreement shall be in writing and shall be delivered personally, sent by fax or sent by commercial courier, to the other Party required to receive the notice at its address as set out below:

(i) [A]:
Address: [•]
For the attention of: [•]
Fax number: [•]

(ii) [B]:
Address: [•]
For the attention of: [•]
Fax number: [•]

or at such other address as the relevant Party may specify by notice in writing to the other Party.

- 11.2 Any notice shall be deemed to have been duly given:
- (a) if delivered personally, at the time of delivery at the address referred to in Clause 12.1;
 - (b) if delivered by commercial courier, at the time of signature of the courier's receipt; or
 - (c) if sent by fax, at the time of transmission.

Clause 12 – Applicable Law and Jurisdiction

- 12.1 This Agreement and any dispute or claim arising out of or in connection with it or its subject matter shall be governed by and construed in accordance with the law of [•].
- 12.2 Both Parties accept and agree to comply with any relevant and applicable laws and regulations.
- 12.3 The Parties agree that any dispute, arguments or claims arising with respect to or in connection with the execution of this Agreement (as well as any subsequent amendment hereof, including, for example, its structure, validity, effectiveness, interpretation, execution, infringement or termination, and also any non-contractual claim relating hereto) shall be the object of an amicable resolution. In the absence of amicable resolution, the dispute shall be submitted to the exclusive jurisdiction of the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, and settled definitively in accordance with the Code of Sports-related Arbitration. The panel will consist of one arbitrator. The language of the arbitration will be [•].

Clause 13 - Signatories

The signatories to this Agreement hereby warrant that they have read and agree to the terms, conditions and provisions of this Agreement, including any Appendices, and have full power and authority to sign for and bind their respective organizations.

Clause 14 - Counterparts

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

**In the name and on behalf of
[A]**

.....[Name, Position]

Date: _____

**In the name and on behalf of
[B]**

.....[Name, Position]

Date: _____

Annex K: Results Management of Whereabouts Failures⁷⁰

ISTI Article I.5.1 identifies which *Anti-Doping Organizations (ADOs)* have Results Management Authority (RMA) over an *Athlete's Filings Failures* and Missed Tests. ISTI Article I.5.1 also identifies which *ADO* is responsible for pursuing a charge against an *Athlete* who has three Whereabouts Failures recorded against them in a 12-month period.

1. Results Management in respect of an apparent Filing Failures

- 1.1 The only *ADO* that has Results Management responsibility of an *Athlete's* apparent Whereabouts Failure is the *ADO* to which the *Athlete* submits their Whereabouts Filings. (ISTI clause I.5.2.)
- 1.2 ISTI Article I.3.6 sets out each of the elements that must be present to declare a Whereabouts Failure. The first step in the Results Management process for an apparent Whereabouts Failure is for the RMA to determine if all elements specified in ISTI Article I.3.6 are present.
- 1.3 Taking these in turn, the RMA must decide if it will be able to demonstrate, to the comfortable satisfaction of the hearing panel, each of the following:
 - 1.3.1 The *Athlete* received written notice of his/her inclusion in the *Registered Testing Pool (RTP)*, and of the *Consequences* of failing to make proper Whereabouts Filings on a quarterly basis, in accordance with ISTI Article I.3.6(a). The *Athlete* failed to make an adequate and/or a timely Whereabouts Filing. In the case of a second or third Whereabouts Failure in the same quarter, the requirements of ISTI Article I.3.6(c) were met, i.e., when notified of an apparent Whereabouts Failure, the *Athlete* was given notice of a deadline by which the Whereabouts Filing must be made to avoid a further Whereabouts Failure. In ordinary circumstances, the deadline given should be no less than 24 hours after receipt of the notice and no later than the end of the month in which the notice is received.
 - 1.3.2 The *Athlete's* failure to make an adequate or a timely Whereabouts Filing was at least negligent. In accordance with ISTI Article

⁷⁰ All related templates letters are available in Template H.

1.3.6(d), negligence is presumed based on proof of the Failure to Comply, and to rebut that presumption the *Athlete* will have to show that no negligent behavior on his/her part caused or contributed to the failure. In this regard, the following non-exhaustive guidance may be helpful:

- 1.3.2.1 If the *Athlete* has delegated filing responsibility to a third party, the *Athlete* remains responsible for any negligence by that third party.
 - 1.3.2.2 The presumption may be rebutted if (for example) the *Athlete* can show that there was a systemic technical fault with the Whereabouts Filing system, such that none of the options that should have been available for providing the information were in fact available, and he/she was not able, despite best efforts, to get assistance or otherwise to circumvent that fault.
 - 1.3.2.3 The *ADO* is entitled to expect the *Athlete* to be able to provide objective evidence to substantiate the excuse offered, beyond simply his/her word.
- 1.4 If the RMA determines that all of the elements of a Whereabouts Failure specified in ISTI Article 1.3.6 are present, it must send a notice of the apparent Whereabouts Failure to the *Athlete* in accordance with ISTI Article 1.5.2(d). It should copy that notice to other *ADOs* (e.g. *WADA*, International Federation [IF], *NADO*, National Federation [NF]) as appropriate. A template notice (which an *ADO* will need to adapt before use to reflect its particular circumstances) is set out at the Guidelines Template H, Document 2. If, having assessed the *Athlete's* response, the *ADO* decides that all of the elements of a Whereabouts Failure are not present, it must send a notice to that effect to the *Athlete*, copied to *WADA*, the IF or *NADO* (as applicable) and the NF. A template notice (which an *ADO* will need to adapt before use to reflect its particular circumstances) is provided in Guidelines Template H, Document 3.
- 1.5 If the *ADO* still maintains that all of the elements of a Whereabouts Failure are present, then it should so notify the *Athlete*, and advise the *Athlete* of the right to an administrative review of that decision. A template notice (which an *ADO* will need to adapt before use to reflect its particular circumstances) is provided in the Guidelines Template H, Document 4.
- 1.6 If the *Athlete* requests an administrative review of the decision to record a Whereabouts Failure against him/her, the *RMA* should gather all of the information relevant to that Whereabouts Failure, including any comments provided by the *Athlete*, and forward it to a *Person* (or a panel of *Persons*)

who has not been previously involved in any way in the processing or consideration of the alleged Whereabouts Failure, and who is otherwise impartial. Such *Person* (or panel of *Persons*) should review the file with a view to considering if all of the elements of a Whereabouts Failure are present, taking due account of any comments provided by the *Athlete*.

- 1.7 Once the administrative review is concluded, the *Athlete* must be advised of the decision reached, i.e., either (1) that the matter will not be taken forward as an alleged Whereabouts Failure; or (2) that an alleged Whereabouts Failure is being recorded against the *Athlete*. A template notice (which an *ADO* will need to adapt before use to reflect its particular circumstances) is provided in Guidelines Template H, Document 5. The RMA is required to advise *WADA* and all other relevant *ADOs* of the *Athlete's* Whereabouts Failure (or that the matter will not be taken forward as an alleged Whereabouts Failure). (See *ISTI* Article I.5.2(g)). If *ADAMS* is being used, then this can be done by recording the fact of the Whereabouts Failure in the *Athlete's* profile in *ADAMS*.
- 1.8 It should be noted that if the matter is ever brought before a hearing panel, the *Athlete* is entitled to dispute the allegation that he/she has committed a Whereabouts Failure, even if he/she has not previously requested an administrative review. (See *ISTI* Article I.5.5). In such a dispute, it will be the RMA's burden to prove that a Whereabouts Failure was committed. Consequently, the *ADO* needs to ensure that it keeps on file accurate, complete and competent evidence of the Filing Failure.

2. Results Management in respect of an apparent Missed Test

- 2.1 The *ADO* responsible for Results Management for an apparent Missed Test is also the *ADO* that manages the *Athlete's* Whereabouts Filing.
- 2.2 *ISTI* Article I.4.3 specifies the required elements of a Missed Test. Therefore, the Results Management process should be as follows.
- 2.3 First, the Doping Control Officer (DCO) must file an Unsuccessful Attempt Report with his/her *ADO*. If the DCO's *ADO* ordered the mission on behalf of another *ADO*, which retained RMA responsibilities on the mission, then the DCO's *ADO* must confirm the Unsuccessful Attempt Report is complete and must forward it to that other *ADO* (the responsible *ADO*) without delay.
- 2.4 Next, the responsible *ADO* must determine if it appears that all of the elements of a Missed Test specified in *ISTI* Article I.4.3 are present. The RMA must decide if it will be able to demonstrate, to the comfortable satisfaction of any hearing panel, each of the following:

- 2.4.1 The *Athlete* received written notice of his/her inclusion in the *RTP* in question, and of the *Consequences* of any failure to be available for *Testing* at the location specified for the 60-minute time slot, in accordance with ISTI Article 1.4.3(b).
- 2.4.2 The DCO's attempt to test the *Athlete* took place during the 60-minute time slot specified by the *Athlete* for the day in question, at the location specified by the *Athlete* for that time slot. As part of this enquiry, the *ADO* shall confirm that the information provided to the DCO was the most accurate and up-to-date whereabouts information received from the *Athlete* for the time period covered by the collection order.
- 2.4.3 The DCO did what was reasonable in the circumstances, given the nature of the specified location, to try to locate the *Athlete* during the 60-minute time slot, short of giving the *Athlete* advance notice of the test. That the *Athlete*'s failure to be available for *Testing* at the specified location during the specified 60-minute time slot was at least negligent. In accordance with ISTI Article 1.4.3, negligence is presumed on showing that the *Athlete* was not where he/she said they would be; and to rebut the presumption of negligence, the *Athlete* has to show that no negligent behavior on his/her part caused or contributed to him/her (i) being unavailable for *Testing* at such location during such time slot; and (ii) failing to update his/her most recent Whereabouts Filing to give notice of a different location where he/she would instead be available for *Testing* during a specified 60-minute time slot on the relevant day. In this regard, the following non-exhaustive guidance may be helpful:
- 2.4.3.1 The *Athlete* is responsible for ensuring he/she is available for *Testing* at the location and time specified for the 60-minute time slot.
- 2.4.3.2 It isn't an acceptable excuse that the *Athlete* didn't know an attempt was being made to test him/her because the doorbell was not working, or that the *Athlete* didn't hear the doorbell because he/she was wearing headphones, or in the shower.
- 2.4.3.3 It isn't an acceptable excuse for the *Athlete* to say he/she was in the pool at the sports complex at a time when he/she had said he/she would be in the gym at the sports complex.
- 2.4.3.4 It isn't an acceptable excuse, for the *Athlete* to say that the coach made a late change to the training venue, or that the team or NF

- required the *Athlete* to be elsewhere. The *Athlete* should have updated his/her Whereabouts Filing to reflect such changes to his/her whereabouts information.
- 2.4.3.5 A car accident or other medical emergency might be a sufficient excuse, if it meant that the *Athlete* was unable to be at his/her specified location for the 60-minute time slot and that he/she was unable to update his/her Whereabouts Filing to reflect where he/she would be instead.
- 2.4.3.6 The *ADO* is entitled to expect the *Athlete* to be able to provide objective evidence to substantiate the excuse offered, beyond simply his/her own word.
- 2.5 If the responsible *ADO* determines that all of the elements of a Missed Test specified in ISTI Article 1.4.3 are present, it must send a notice of the apparent Missed Test to the *Athlete*, in accordance with ISTI Article 1.5.2(d). It should copy that notice to *WADA*, the IF, the *NADO*, the NF, and all other *ADOs* with *Testing* jurisdiction over the *Athlete*. A template notice (which an *ADO* will need to adapt before use to reflect its particular circumstances) is provided in Guidelines Template H, Document 7.
- 2.6 If the *Athlete* responds by disputing the apparent Missed Test, the *ADO* must reconsider, in light of that response, if all of the elements of a Missed Test specified in ISTI Article 1.4.3 are present. The *ADO* may request further information from the DCO and/or from the *Athlete* or any other relevant party for this purpose.
- 2.7 Once it has completed its reconsideration, the RMA must notify the *Athlete* whether or not it maintains that there's been a Missed Test.
- 2.7.1 If the RMA doesn't maintain that there's been a Missed Test, the notice must be copied to *WADA*, the IF or *NADO* (as applicable) and the NF. A template notice, which an *ADO* will need to adapt before use to reflect its particular circumstances, is provided in Guidelines Template H, Document 8.
- 2.7.2 If the RMA maintains that there's been a Missed Test, the notice must advise the *Athlete* of his/her right to an administrative review. A template notice, which an *ADO* will need to adapt before use to reflect its particular circumstances, is provided in Guidelines Template H, Document 9.
- 2.8 If the *Athlete* requests an administrative review of the decision to record a Missed Test against him/her, the *ADO* should gather all of the information

relevant to that alleged Missed Test, including any comments provided by the DCO and the *Athlete*, and forward it to a *Person* (or a panel of *Persons*) who hasn't been previously involved in any way in the processing or consideration of the alleged Missed Test, and is otherwise impartial. Such *Person* (or panel of *Persons*) should review the file with a view to considering if all elements of a Missed Test are present, taking into account of any comments provided by the DCO and the *Athlete*.

- 2.9 Once the administrative review is concluded, the *Athlete* must be advised of the decision reached, i.e. either (1) that the matter will not be taken forward as an alleged Missed Test, or (2) that an alleged Missed Test is being recorded against the *Athlete*. A template notice (which an *ADO* will need to adapt before use to reflect its particular circumstances) is provided in Guidelines Template H, Document 10.
- 2.10 The RMA is required to advise *WADA* and all other relevant *ADOs* of the *Athlete's Missed Test* (or that the matter will not be taken forward as an alleged Missed Test). (ISTI Article I.5.2(c)). If *ADAMS* is being used, then this can be done simply by recording the fact of the Missed Test in the *Athlete's* profile in *ADAMS*.
- 2.11 If the matter is ever brought before a hearing panel, the *Athlete* is entitled to dispute the allegation that he/she has committed a Missed Test, even if he/she has not previously requested an administrative review (ISTI Article I.5.5). In such a dispute, the responsible *ADO* has the burden to proof that a Missed Test was committed. Consequently, the *ADO* needs to ensure that it keeps on file accurate, complete and competent evidence of the Missed Test.

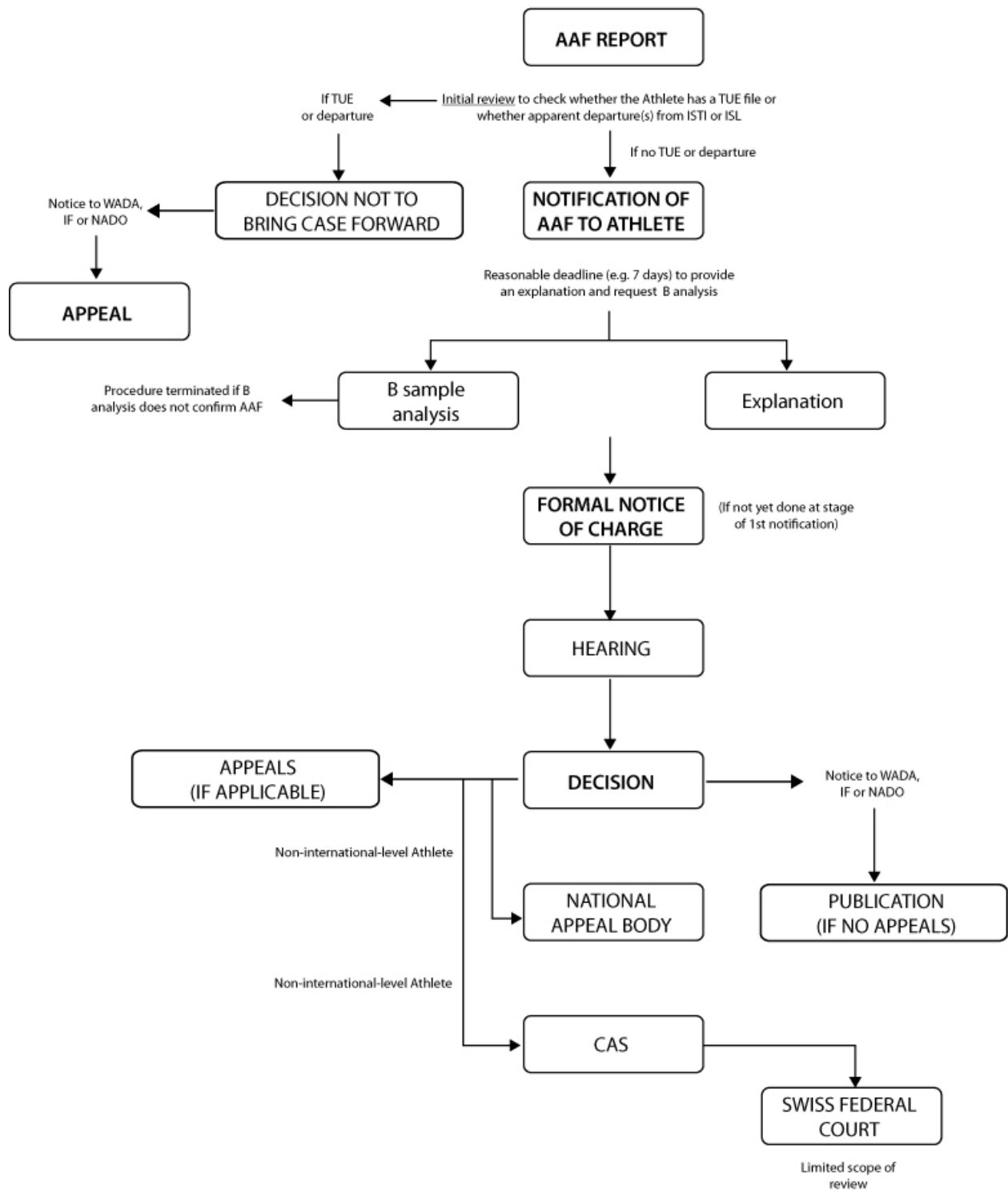
Annex L: Guideline for *TUE* enquiries by Accredited Laboratories

Consult these Guidelines on *WADA*'s Web site:

<https://www.wada-ama.org/en/resources/laboratories/guidelines-tue-enquiries-by-accredited-laboratories>

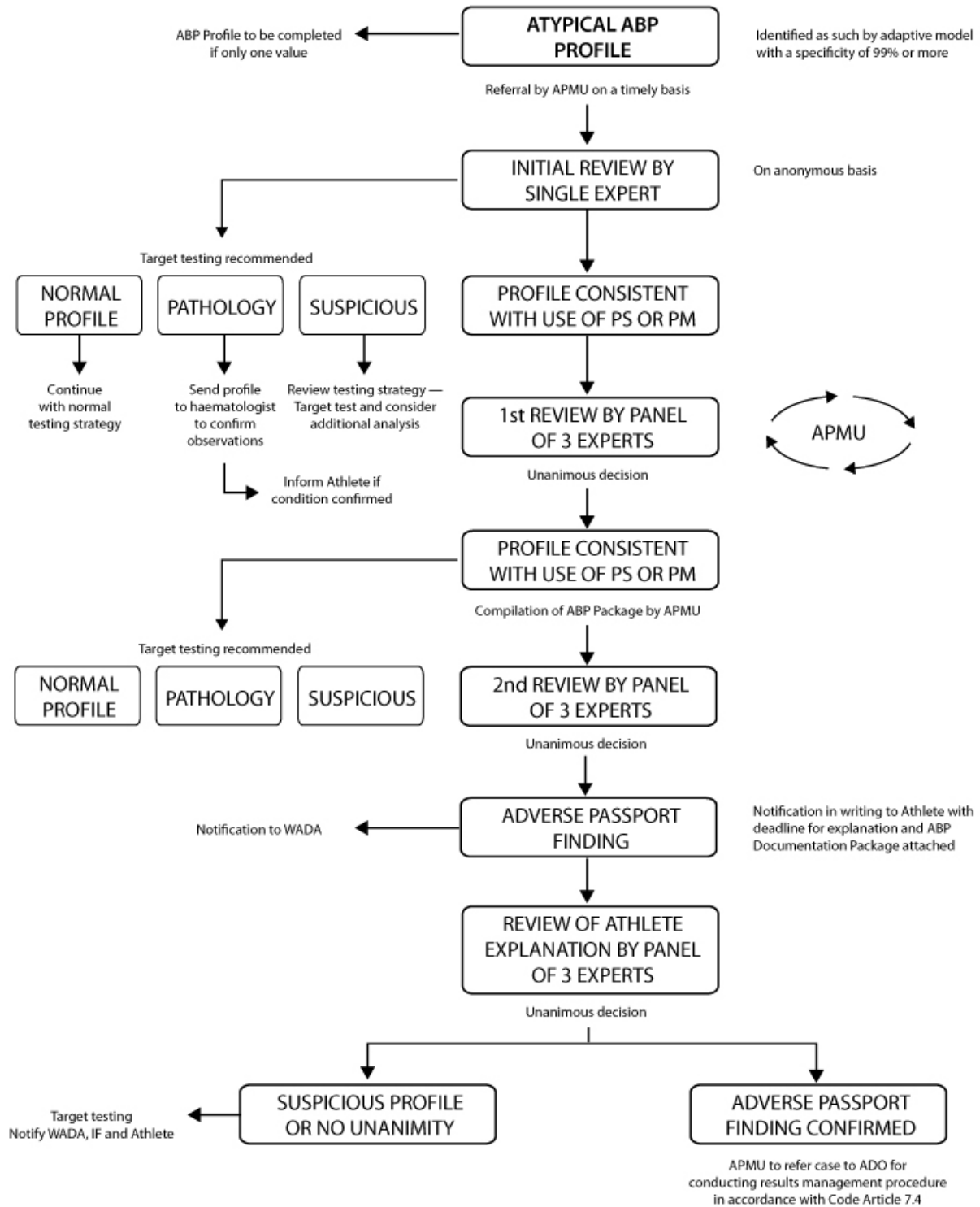
Annex M: Chart: Results Management Process – AAF

RESULTS MANagements PROCESS — ADVERSE ANALYTICAL FINDING (AAF)



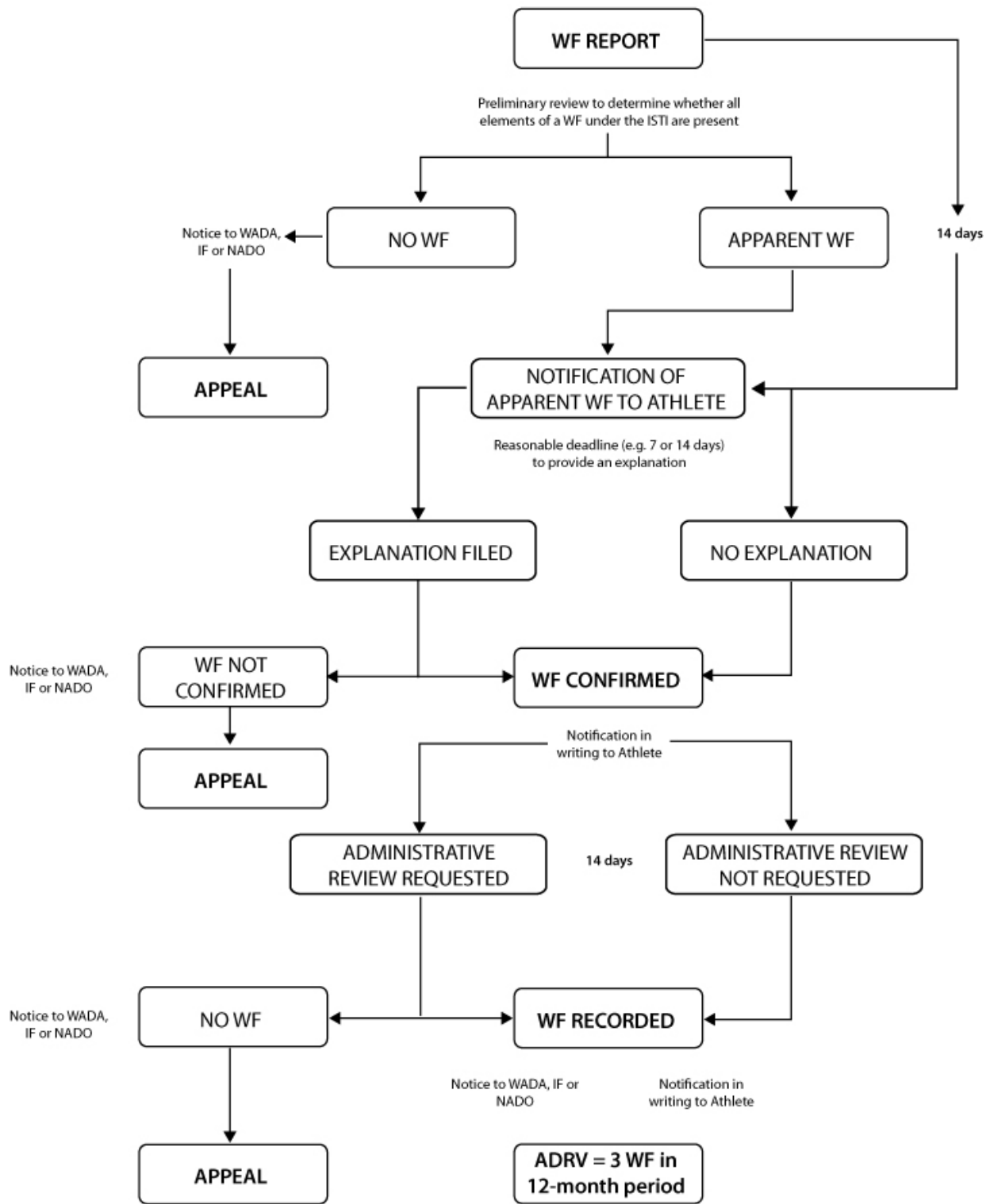
Annex N: Chart: Athlete Passport Process

RESULTS MANagements PROCESS — ATYPICAL PROFILES (HAEMATOLOGICAL MODULE)



Annex O: Chart: Whereabouts Failures

RESULTS MANagements PROCESS — WHEREABOUTS FAILURES (WF)



TEMPLATES

Template A: **AAF Notice of charge and Mandatory Provisional Suspension (Non-Specified Substances)**

CONFIDENTIAL

[Athlete's name and address]

By courier and e-mail: [Athlete's e-mail address]

[date]

Notice of Charge and *Provisional Suspension* under the [ADO] Anti-Doping Rules

Dear [Athlete's name],

I am writing to give you formal notice that you are being charged with a violation of the [ADO] Anti-Doping Rules [rules]. These are referred to as "the ADR" in this letter.

1. The Anti-Doping Rules

1.1 You are subject to and bound to comply with the ADR. Capitalized terms used but not defined in this letter are as defined in the ADR.

1.2 Pursuant to the ADR, [ADO] is responsible for conducting the anti-doping disciplinary proceedings associated with this matter.

2. Facts

2.1 On [date of Sample collection], a [ADO] *Doping Control Officer* ("DCO") collected a urine *Sample* from you. Assisted by the DCO, you split the *Sample* into two separate bottles, which were given reference numbers A [Sample code number] (the "A *Sample*") and B [Sample code number] (the "B *Sample*").

2.2 Both *Samples* were transported to the World Anti-Doping Agency (“WADA”) -accredited Laboratory in [city], the [name of the Laboratory] (the “Laboratory”). The Laboratory analyzed the A *Sample* in accordance with the procedures set out in WADA’s International Standard for Laboratories. Analysis of the A *Sample* returned an *Adverse Analytical Finding* (“AAF”) for the following:

2.2.1 [name of the *Prohibited Substance*]

2.3 [name of the *Prohibited Substance*] is listed as an exogenous [name of the class of the *Substance on the Prohibited List*] under [numbering of the class of the *Substance on the Prohibited List*] of WADA’s [year] *Prohibited List*.

2.4 According to our records, you do not have a Therapeutic Use Exemption (“TUE”) to justify the Presence of [name of the *Prohibited Substance*] in your system.

3. Charge

3.1 The AAF in your A *Sample* has been reviewed (in accordance with Article [article number] ADR), and it has been determined that you have a case to answer for a violation of Article [article number] ADR), namely the Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete’s Sample*.

3.2 You are hereby formally charged with the commission of an anti-doping rule violation (‘ADRV’) for the Presence of:

3.2.1 [name of the *Prohibited Substance*] in a *Sample* provided by you on [date of *Sample* collection] numbered A [Sample code number], in violation of Article [article number] ADR.

4. Consequences

4.1 Our records indicate that this is your first ADRV, therefore you will be subject to the *Consequences* specified in the Article [article number] ADR for a first offence, which means a period of *Ineligibility* of 4 years.

4.2 Pursuant to Article [article number] ADR, [ADO] will assert that the *Consequences* which should be imposed upon you should be a period of *Ineligibility* of 4 years.

4.3 Article [article number] ADR explains that you may avoid the application of a period of *Ineligibility* of 4 years by establishing that the ADRV was not intentional. In such cases, a period of *Ineligibility* of 2 years will be imposed.

4.4 Any period of *Ineligibility* imposed may be:

4.4.1 Eliminated completely, if you can establish *No Fault or Negligence* pursuant to Article [article number] ADR;

4.4.2 Reduced by up to a maximum of one half of the period of *Ineligibility* otherwise applicable, if you can establish *No Significant Fault or Negligence* pursuant to Article [article number] ADR; or

4.4.3 Reduced to a minimum of two years, if you promptly admit the charge of committing an ADRV contrary to Article [article number] ADR. Any such reduction shall be applied at our discretion (with WADA's consent) and contingent on (a) your degree of *Fault* and (b) our assessment of the seriousness of your ADRV contrary to Article [article number] ADR.

4.4.4 Partially suspended if you assist [ADO] in uncovering and/or establishing an ADRV by another *Athlete* or *Athlete Support Personnel* pursuant to Article [article number] ADR. Discretion exists under Article [article number] ADR to suspend up to three-quarters of the period of *Ineligibility* if you assist [ADO] (or another ADO, such as the [name of relevant IF/NADO]) in uncovering or establishing one or more ADRVs by another *Athlete* or *Athlete Support Personnel*.

5. **Provisional Suspension**

5.1 Subject to paragraph 5.2 below, from [time] on [deadline to submit explanations], and in accordance with Article [article number] ADR, you are hereby provisionally suspended from participating in any [IF]-sanctioned *Competition* prior to the final decision being reached at a hearing of this matter. Your *Provisional Suspension* will extend to all *Competitions, Events* or other activities that are organized, convened, authorized or recognized by any other World Anti-Doping Code-compliant body.

5.2 You may avoid the application of this *Provisional Suspension* if you are able to provide [ADO] with an adequate explanation for the AAF before [time of day] on [deadline to submit explanations]. Failure to do so will result in the *Provisional Suspension* becoming effective on the date and time given above.

5.3 If you do not provide an adequate explanation by this deadline and a *Provisional Suspension* is consequently imposed, Article [article number] ADR stipulates that you will not have the right to apply to have that *Provisional Suspension* lifted prior to the full hearing of this matter.

6. What happens next

6.1 Your explanation:

6.1.1 If you want to avoid being provisionally suspended, you must provide an explanation for the AAF by [time] on [deadline to submit explanations]. You should also include if you admit or deny the charge. If you do not provide an adequate explanation in respect of the AAF the *Provisional Suspension* will come into automatic effect.

6.2 Admitting the charge:

6.2.1 If you admit the charge, you will be deemed to have accepted the accuracy of the AAF made in respect of the A *Sample* and to have waived your right to have the B *Sample* analyzed to confirm that finding (see paragraph 7 below as regards the B *Sample*).

6.2.2 If you admit the charge, you must accept the *Consequences* set out in paragraph 4.1.

6.3 Acceptance of the charge, but no agreement as to *Consequences*:

6.3.1 You have the right to accept the charge, but ask that the [ADO disciplinary panel] determine what *Consequences* should be imposed upon you.

6.3.2 Any request must be made to the [ADO disciplinary panel], which can be contacted via [contact Person for ADO disciplinary panel] on [phone number] or by e-mail at [e-mail address]. You can of course contact [ADO] also to ask that a hearing be convened.

6.4 Denial of the charge:

6.4.1 You have the right to deny the charge and to have the matter referred to [ADO disciplinary panel] which will determine the case at a hearing. It will be [ADO]'s burden to prove the charge against you to the comfortable satisfaction of the tribunal. If [ADO] is unable to discharge this burden, then the charge against you will be dismissed.

6.4.2 If the charge is upheld or you later admit the ADRV, the [ADO disciplinary panel] will determine what *Consequences* should be imposed upon you.

6.4.3 If you deny the charge, you can request a full expedited hearing to be convened as soon as possible to resolve this matter. Any such request must be made to the [ADO disciplinary panel]. Again, you can also contact [ADO] to ask that a hearing be convened.

6.5 Irregardless, you must provide a detailed response to this Notice of Charge by [deadline to respond to Notice of Charge]. If you fail to respond by this deadline,

you will be deemed to have admitted the charge and accepted the *Consequences* outlined in paragraph 4.3 above.

7. Optional B *Sample* analysis

7.1 You have the right to have your B *Sample* analyzed to confirm (or otherwise) the *AAF* made in relation to your A *Sample*.

7.2 If you choose to have your B *Sample* analyzed, the analysis will take place at the Laboratory at a date and time to be advised. You are entitled to attend the opening and analysis of the B *Sample*, or the Laboratory will arrange for an independent third party to be present.

7.3 Alternatively, you may waive your right to a B *Sample* analysis. In those circumstances, you will be deemed to have accepted the A *Sample* result, but you may still challenge the matter at a hearing if you wish.

7.4 Please note that if you request the analysis of the B *Sample* and that analysis confirms the *AAF* made in relation to the A *Sample*, you will be required to pay the cost of that analysis, which is [cost of B *Sample* analysis, plus VAT if applicable] (see Article [article number] ADR). If the B *Sample* analysis does not confirm the *AAF*, then you will not have to pay the costs of that analysis.

7.5 Please confirm as soon as possible if you would like to have your B *Sample* analyzed.

In accordance with the ADR, a copy of this letter is being sent to 1) [NF Contact Person], [NF], 2) [IF Contact Person], [IF] and 3) WADA Results Management. Each is bound, in accordance with Article [article number] ADR, to maintain confidentiality in this matter until the B *Sample* analysis has been concluded or until the B *Sample* analysis is waived.

Your identity may be publicly disclosed after receipt of this notice, but no earlier than the effective date and time of the *Provisional Suspension* outlined in paragraph 5 above.

Yours sincerely,

[Sender Signature]

cc: NF, IF, WADA

Enclosures:

- [Applicable anti-doping rules];
- WADA [year] *Prohibited List*;
- *Doping Control* form dated [date];
- Analysis Results Record dated [date];
- Laboratory Documentation Package dated [date].

Template B: *AAF Notice of Charge with optional Provisional Suspension (Specified Substances)*

CONFIDENTIAL

[*Athlete's name and address*]

By courier and e-mail: [*Athlete's e-mail address*]

[*date*]

Notice of Charge and *Provisional Suspension* under the [*ADO*] Anti-Doping Rules

Dear [*Athlete's name*],

I am writing to give you formal notice that you are being charged with a violation of the [*rules*], referred to as "the ADR" in this letter.

1. The Anti-Doping Rules

1.1 You are subject to and bound to comply with the ADR. Capitalized terms used, but not defined in this letter, are as defined in the ADR.

1.2 Pursuant to the ADR, [*ADO*] is responsible for conducting the anti-doping disciplinary proceedings associated with this matter.

2. Facts

2.1 On [*date of Sample collection*], a [*ADO*] *Doping Control Officer* ("*DCO*") collected a urine *Sample* from you. Assisted by the *DCO*, you split the *Sample* into two separate bottles, which were given reference numbers A [*Sample code number*] (the "*A Sample*") and B [*Sample code number*] (the "*B Sample*").

2.2 Both *Samples* were transported to the World Anti-Doping Agency ("*WADA*")-accredited *Laboratory* in [*city*], the [*name of the Laboratory*] (the "*Laboratory*"). The *Laboratory* analyzed the *A Sample* in accordance with the procedures set out in *WADA's* International Standard for Laboratories. Analysis of the *A Sample* returned an *Adverse Analytical Finding* ("*AAF*") for the following:

2.2.1 [*name of the Prohibited Substance*]

2.3 [name of the *Prohibited Substance*] is listed as an exogenous [name of the class of the *Substance on the Prohibited List*] under [numbering of the class of the *Substance on the Prohibited List*] of WADA's [year] *Prohibited List*.

2.4 According to our records, you do not have a Therapeutic Use Exemption ("TUE") to justify the presence of [name of the *Prohibited Substance*] in your system.

3. Charge

3.1 The AAF in your A *Sample* has been reviewed (in accordance with Article [article number] ADR) and it has been determined that you have a case to answer for a violation of Article [article number] ADR, namely the Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*.

3.2 You are hereby formally charged with the commission of an anti-doping rule violation ('ADRV') for the Presence of:

3.2.1 [name of the *Prohibited Substance*] in a *Sample* provided by you on [date of *Sample* collection] numbered A [Sample code number], in violation of Article [article number] ADR.

4. Consequences

4.1 Our records indicate that this is your first ADRV, therefore you will be subject to the *Consequences* specified in Article [article number] ADR for a first offence, which means a period of *Ineligibility* of UP to 4 years.

4.2 Pursuant to Article [article number] ADR, [ADO] will assert that the *Consequences* which should be imposed upon you should be a period of *Ineligibility* of UP to 4 years.

4.4 Article [article number] ADR explains that a period of *Ineligibility* of 4 years will be imposed where [ADO] can establish that the ADRV was intentional. If [ADO] is unable to establish that the ADRV was intentional, a period of *Ineligibility* of 2 years will be imposed.

4.5 Any period of *Ineligibility* imposed may be:

4.5.1 Eliminated completely, if you can establish *No Fault or Negligence* pursuant to article [article number] ADR;

4.5.2 Reduced down to a reprimand, depending on your degree of *Fault*, if you can establish *No Significant Fault or Negligence* pursuant to Article [article number] ADR; or

4.5.3 Partially suspended if you assist [ADO] in uncovering and/or establishing an ADRV by another *Athlete* or *Athlete Support Personnel* pursuant to Article [article number] ADR. Discretion exists under Article [article number] ADR to suspend up to three-quarters of the period of *Ineligibility* if you assist [ADO] (or another ADO, such as the [name of relevant IF/NADO]) in uncovering or establishing one or more ADRVs by another *Athlete* or *Athlete Support Personnel*.

5. Optional Provisional Suspension

5.1 Pursuant to Article [article number] ADR, you are NOT provisionally suspended pending the resolution of your case and may continue to participate in *Competitions*, *Events* and other activities organized, convened, authorized or recognized by other World Anti-Doping Code *Signatories*.

5.2 However, please note that based on Article [article number] ADR, the competitive results you obtain from the date of your AAF through the commencement of any *Provisional Suspension* or period of *Ineligibility* will be *Disqualified*, unless fairness requires otherwise.

5.2 Article [article number] ADR allows you to voluntarily accept a *Provisional Suspension*. If you elect to do so and thereafter respect this *Provisional Suspension*, you will receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* that may ultimately be imposed upon you. If you accept to do so, please complete the attached form and send it to [name of relevant IF/NADO].

6. What happens next

6.1 Your explanation:

6.1.1 If you want to avoid being provisionally suspended, you must provide an explanation for the AAF by [time] on [deadline to submit explanations]. You should also include if you admit or deny the charge. If you do not provide an adequate explanation regarding the AAF, the *Provisional Suspension* will come into automatic effect.

6.2 Admitting the charge:

6.2.1 If you admit the charge, you will be deemed to have accepted the accuracy of the AAF made in respect of the A *Sample*, and to have waived your right to have the B *Sample* analyzed to confirm that finding (see paragraph 7 below as regards the B *Sample*).

6.2.2 If you admit the charge you must accept the *Consequences* set out in paragraph 4.1.

6.3 Acceptance of the charge but no agreement as to *Consequences*:

6.3.1 You have the right to accept the charge, but ask that the [ADO disciplinary panel] determine what *Consequences* should be imposed upon you.

6.3.2 Any request must be made to the [ADO disciplinary panel] which can be contacted via [contact Person for ADO disciplinary panel] on [phone number] or by e-mail at [e-mail address]. You can, of course, contact the [ADO] also to ask that a hearing be convened.

6.4 Denial of the charge:

6.4.1 You have the right to deny the charge and to have the matter referred to [ADO disciplinary panel], which will determine the case at a hearing. It will be [ADO]'s burden to prove the charge against you to the comfortable satisfaction of the tribunal. If [ADO] is unable to discharge this burden, then the charge against you will be dismissed.

6.4.2 If the charge is upheld or you later admit the ADRV, the [ADO disciplinary panel] will determine what *Consequences* should be imposed upon you.

6.4.3 If you deny the charge, you can request a full expedited hearing, which will be convened as soon as possible to resolve this matter. Any such request must be made to the [ADO disciplinary panel]. Again, you can also contact [ADO] to ask that a hearing be convened.

6.5 Irregardless, you must provide a detailed response to this Notice of Charge by [deadline to respond to Notice of Charge]. If you fail to respond by this deadline, you will be deemed to have admitted the charge and accepted the *Consequences* outlined in paragraph 4.3 above.

7. Optional B *Sample* analysis

7.1 You have the right to have your B *Sample* analyzed to confirm (or otherwise) the *AAF* made in relation to your A *Sample*.

7.2 If you choose to have your B *Sample* analyzed, the analysis will take place at the Laboratory at a date and time to be advised. You are entitled to attend the opening and analysis of the B *Sample*, or the Laboratory will arrange for an independent third party to be present.

7.3 Alternatively, you may waive your right to analysis of your B *Sample*. In those circumstances, you will be deemed to have accepted the A *Sample* result, but you may still challenge the matter at a hearing if you wish.

7.4 Please note that if you request the analysis of the B *Sample* and that analysis confirms the AAF made in relation to the A *Sample*, you will be required to pay the cost of that analysis, which is [cost of B *Sample* analysis, plus VAT if applicable] (see Article [article number] ADR). If the B *Sample* analysis does not confirm the AAF, then you will not have to pay the costs of that analysis.

7.5 Please confirm as soon as possible if you would like to have your B *Sample* analyzed.

In accordance with the ADR, a copy of this letter is being sent to 1) [NF Contact Person], [NF], 2) [IF Contact Person], [IF] and 3) WADA Results Management. Each is bound, in accordance with Article [article number] ADR to maintain confidentiality in this matter until the B *Sample* analysis has been concluded or until the B *Sample* analysis is waived.

Your identity may be publicly disclosed after receipt of this notice but no earlier than the effective date and time of the *Provisional Suspension* outlined in paragraph 5 above.

Yours sincerely,

[Sender Signature]

cc: NF, IF, WADA

Enclosures:

- [Applicable anti-doping rules];
- WADA [year] *Prohibited List*;
- *Doping Control* form dated [date];
- Analysis Results Record dated [date];
- Laboratory Documentation Package dated [date].

Template C: Prohibited Association (first letter)

CONFIDENTIAL

[*Athlete's name and address*]

By courier and e-mail: [*Athlete's e-mail address*]

[*date*]

Article 2.10 Notice under the [*ADO*] Anti-Doping Rules

This is an Article 2.10 Notice letter and requires your immediate attention.

Dear [*Athlete's name*]

This Article 2.10 Notice concerns your obligations pursuant to Article 2.10 of the [*ADO*] Anti-Doping Rules. These Rules are referred to as "the ADR" in this letter.

1. The Anti-Doping Rules

1.1 You are subject to and bound to comply with the ADR. Capitalized terms used, but not defined in this letter, are as defined in the ADR.

1.2 Article 2.10 of the ADR provides that the following conduct will constitute an Anti-Doping Rule Violation ("ADRV"):

2.10 Prohibited Association

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

2.10.1 If subject to the authority of an *ADO*, is serving a period of *Ineligibility*; or

2.10.2 If not subject to the authority of an *ADO*, and where *Ineligibility* has not been addressed in a Results Management process pursuant to the World Anti-Doping Code ("*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 the ADR if *Code*-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of 6 years from the criminal, professional or

disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

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

For ease of reference, we refer in this letter to any *Person* who falls within one of the descriptions contained in Articles 2.10.1, 2.10.2 or 2.10.3 as a “Disqualified Person.” Article 2.10 makes “associating” with a “Disqualified Person” an ADRV.

The reason we are writing to you is that we have reason to believe that you are associating, and/or have been associating with, a Disqualified Person. This letter explains why we believe this to be the case and what action we require from you.

2. The Disqualified Person

The Disqualified Person with respect to whom we are providing you with notice is [Name]. We explain below why we believe that [Name] is a Disqualified Person.

[The letter should explain why it is believed that [Name] is a Disqualified Person. If the Disqualified Person is such because he/she falls within Article 2.10.1 – that is, that he/she is serving a doping ban – that will be straightforward to substantiate. It is expected that most cases will be of this nature.]

If the Disqualified Person falls within Article 2.10.2, the letter will need to:

- (a) describe in reasonable detail the criminal, disciplinary or professional proceeding that it is said would have constituted a violation of the ADR if Code-compliant rules had been applicable to the Disqualified Person, including the date of the relevant “finding” from those proceedings and wherever possible, a copy of the relevant notice of decision/conviction record/other official document; and*
- (b) explain how this conduct would have constituted a violation of the ADR if Code-compliant rules had been applicable to the Disqualified Person.*

If Article 2.10.3 is being relied upon, there will be at least two Disqualified Persons. The first Disqualified Person will be the “front or intermediary,” and the second will be the Disqualified Person for whom the first Disqualified Person is acting as a “front or intermediary.” The letter will need to explain the basis upon which both Persons are considered to be Disqualified Persons.]

We will be writing separately to [Name] to notify him/her that we have sent you this Article 2.10 Notice. This letter will provide [Name] with an opportunity to

dispute our assertion that he/she is a Disqualified Person. We refer to this further below in the section “Next Steps.”

3. Association

The Comment to *Code* Article 2.10 gives the following examples of “association”: “obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing [an] *Athlete Support Person* to serve as an agent or representative.” The Comment also says, “prohibited association need not involve any form of compensation.”

We believe you have been “associating” with [Name]. We base this belief on the following.

[The letter should explain in reasonable detail the basis for the belief that [Athlete] has been associating with [Name]. The evidence may be a combination of witness evidence, open source information such as news reports, press articles and the like. The evidence must support a strong case that both the “association” is taking place, and the nature of the association falls within Code Article 2.10. This must be capable of being shown to meet a “comfortable satisfaction” standard. If so, the Athlete must show that the association is not in a “professional or sporting capacity.” The Athlete need only show this on a “balance of probabilities” standard.]

You are required, pursuant to the ADR, to stop associating with [Name]. We expand on this below.

4. Next Steps

We require you to do the following:

- (a) If you dispute our claim that [Name] is a Disqualified Person, either you or [Name] must explain why. If you believe that [Name] is not a Disqualified Person, please let us know – with detailed reasons – within 14 days of the date of this letter.
- (b) We will endeavor to bring this letter to [Name]’s attention. However, we suggest that you provide a copy of this letter to [Name]. If [Name] disputes that he/she is a Disqualified Person, he/she can contact us directly. He/she must do so within 15 days of becoming aware of this letter.
- (c) Article 2.10 provides that you will not commit any ADRV in connection with your association with [Name], if you can show that you cannot

“reasonably avoid” associating with [Name]. The onus is on you to show this. If you believe that you cannot reasonably avoid associating with [Name], please let us know – with detailed reasons – within 14 days of the date of this letter.

- (d) If you claim that [Name] is not a Disqualified Person and/or you are unable to reasonably avoid associating with [Name] within the time frames stipulated, we will consider the basis for your claim and advise you within 7 days if we accept or reject that claim. If we accept the claim, this Article 2.10 Notice will be withdrawn. If we reject the claim, we will explain why, and paragraph (f) below will apply. If we reject the claim, that does not mean that you are precluded from relying on it on any subsequent disciplinary proceedings that we may bring against you.
- (e) If you do not claim that [Name] is not a Disqualified Person and/or you are unable to reasonably avoid associating with [Name], we require you to cease all association with [Name] within 28 days of receipt of this letter.
- (f) If you claim that [Name] is not a Disqualified Person and/or you are unable to reasonably avoid associating with [Name], but we reject the claim, we will require you to cease all association with [Name] within 28 days of the notification of the rejection.

5. Anti-Doping Rule Violation

If you fail to cease all association with [Name] within the timeframes stipulated in Paragraph 4(e) or (f) above, this matter may result in disciplinary proceedings being brought against you. In particular, you may be charged with committing an ADRV contrary to Article 2.10. The sanction provided for in the ADR in respect of such a violation is a period of *Ineligibility* from sport of between 1 and 2 years.

I look forward to hearing from you as soon as possible.

Yours sincerely,

[NADO]

Template D: *Athlete Passport: Notification of potential ADRV*

CONFIDENTIAL

[*Athlete's name and address*]

By courier and e-mail: [*Athlete's e-mail address*]

[*date*]

Investigations into a potential anti-doping rule violation under Article [*article number*] of the [*ADO*] Anti-Doping Rules.

Dear [*Athlete's Name*],

In accordance with Article [*article number*] of the [*ADO*] Anti-Doping Rules ("the ADR"), the [*ADO*] has initiated an investigation into a potential anti-doping rule violation ("ADRV") committed by you pursuant to the *Athlete Biological Passport* ("ABP") Program.

The evidence that has triggered this investigation is a series of blood tests results collected in the course of the [*ADO*]'s *Out-of-Competition* blood *Testing* program in [*year*] and [*year*]. As a member of the [*ADO*]'s *Registered Testing Pool*, you were tested on a regular basis by the [*ADO*] during this period, for the purposes of measuring your blood variables in accordance with the [*ADO*] ADR.

The haematological profile constituted in your case and comprising [*number of tests*] blood variables measurements between [*date*] and [*date*] has been identified as being abnormal by the [*ADO*]'s *Adaptive Model* with a probability of 99.9% or more.

In accordance with Article [*Article number*] of the [*ADO*] ADR, your blood profile was submitted to an Expert Panel for an initial review on an anonymous basis. The Expert Panel includes three experts with knowledge in the fields of clinical haematology (diagnosis of blood pathological conditions), Laboratory medicine/haematology (e.g. assessment of quality control data, analytical and biological variability, instrument calibration, etc.), and sports medicine and exercise physiology specialized in haematology.

Upon reviewing your blood profile, the Expert Panel unanimously expressed the opinion that it was highly unlikely that your longitudinal profile was the result of a normal physiological or pathological condition, and that it may be the result of the *Use of a Prohibited Substance or a Prohibited Method*.

Moreover, the preliminary review conducted by the [ADO] under Article [Article number] of the [ADO] ADR did not show any Therapeutic Use Exemption ("TUE") on file or any departure from the [ADO] ADR, the [ADO] blood *Testing* protocol or the International Standard for Laboratories, which could have explained this abnormal profile.

In light of the above, the [ADO] is considering bringing charges against you for an ADRV under Article [article number] of the [ADO] ADR (*Use or Attempted Use of a Prohibited Substance or a Prohibited Method*).

Before formal charges are brought against you, you have an opportunity under Article [article number] of the [ADO] ADR, to provide an explanation for this abnormal profile. Your explanation, if any, must be provided to [ADO] in writing, no later than [date].

You will receive, shortly by courier, a complete file constituting your *ABP*, including the following documentation for each of the [number of tests] blood tests indicated above:

- *Doping Control* form
- Chain of Custody form
- Blood *Sample* analysis (Laboratory Documentation Package)

Upon receipt of your explanation, the matter shall be referred back to the Expert Panel for further review (Article [article number] of the [ADO] ADR). If, following such review, the Expert Panel concludes that it is highly likely that you have *Used a Prohibited Substance or Method* and unlikely that the profile is the result of any other cause or, alternatively, if no explanation is forthcoming from you by the above deadline, the case will be proceeded with as an asserted ADRV in accordance with the disciplinary procedures set out under Article [article number] of the [ADO] ADR.

The [ADO] will ensure that confidentiality is strictly maintained until expiration of the confidentiality period under the [ADO] ADR, and cannot be held responsible for any premature breach of confidentiality by a third party.

We remain at your disposal for any question/clarification arising from the contents of this letter.

Yours sincerely,

[ADO]

Template E: Notice of hCG finding

CONFIDENTIAL

[*Athlete's name and address*]

By courier and e-mail: [*Athlete's e-mail address*]

[*date*]

[**ADO**] Anti-Doping *Testing Program: Results of Testing*

Test Mission Code:

Date:

Event:

Dear [*Athlete's Name*],

You will recall that you provided a urine *Sample* at the above *Event*. I am writing to advise you of the outcome of the *Sample* analysis. The Laboratory has reported that your *Sample* contained a concentration of Human Chorionic Gonadotrophin (hCG), a Peptide Hormone listed as prohibited on the World Anti-Doping *Prohibited List* ("the *List*").

hCG is an "endogenous" hormone produced naturally in the human body. For this reason, the *List* sets a threshold for findings in relation to hCG, which take account of the fact that a certain amount of hCG would be expected to be found. Amounts above this threshold suggest that an *Athlete* is using hCG for doping purposes.

The Laboratory has reported the presence of hCG in your *Sample* at a level which is below the threshold. However, it has been reported as an "*Atypical Finding*," which requires [**ADO**] to undertake further investigation. We are required to do so because, not only is the presence of hCG a potential indication that an *Athlete* may have been using hCG for doping purposes, it might also indicate that an *Athlete* has a medical condition (of which he may be unaware) that is resulting in unusual levels of hCG being produced by the body.

Pursuant to the above, we would like to investigate this matter with your cooperation. In this regard, you are advised to consult with a medical practitioner

(your general practitioner), and show them this letter as soon as possible. The medical practitioner should then conduct any tests necessary to confirm whether the presence of hCG has resulted from a medical condition. Once this *Testing* has been carried out, you should inform us of the outcome as soon as possible.

I appreciate that the contents of this letter may cause you to have further questions, therefore, please contact me using the details above or via e-mail at [ADO e-mail address] and I would be happy to discuss any queries you might have.

Yours sincerely,

[ADO]

Template F: Notice of Charge (non-analytical ADRVs)

[Athlete's name and address]

By courier and e-mail: [Athlete's e-mail address]

[date]

Notice of Charge and *Provisional Suspension* under the [ADO] Anti-Doping Rules

Dear [Athlete's name],

I am writing to give you formal notice that you are being charged with a violation of the [ADO] Anti-Doping Rules, referred to as "the ADR" in this letter. Capitalized terms used, but not defined in this letter, are as defined in the ADR.

In accordance with Article [article number] ADR, you are *Provisionally Suspended* with immediate effect from all *Competitions, Events* or other activities that are organized, convened, authorized or recognized by the [ADO] until this matter has been resolved.

The Anti-Doping Rules

- 1.1 As the holder of a [ADO] license, you are subject to and bound to comply at all times with the [ADO] ADR, a copy of which is enclosed.
- 1.2 (IF APPLICABLE) Pursuant to Article [article number] of the [ADO] ADR, [ADO] has delegated responsibility for Results Management, including pursuing charges for anti-doping rule violations ("ADRVs"), to [Results Management Authority]. It is in that capacity, i.e. Results Management Authority ("RMA") under the [ADO] ADR, that [Results Management Authority] is writing this letter to you.

Charges

- 2.1 You are hereby formally charged with:
 - 2.1.1 [ADRV], in violation of [ADO] ADR Article [article number];
- 2.2 The facts on which these charges are based are as follows:
 - 2.2.1 [Please list relevant facts here, including relevant evidence, substances and procedural steps].

Provisional Suspension

- 3.1 In accordance with ADR Article [article number], you are immediately provisionally suspended from participation in all *Competitions, Events* or other activities that are organized, convened, authorized or recognized by the [ADO] until this matter has been resolved. You are also prohibited from such activities in any other sport with World Anti-Doping Code (*Code*)-compliant rules. Please contact the [ADO] if you have any questions about the terms of your *Provisional Suspension*.
- 3.2 You have the right to apply to have your *Provisional Suspension* lifted prior to the full hearing of this matter. Any application must be made to the [ADO Disciplinary Panel]. The [ADO Disciplinary Panel] is an independent, impartial body appointed to adjudicate on anti-doping matters. It can be contacted via [ADO Disciplinary Panel contact Person] on [contact information].

Hearing and Consequences

- 4.1 **Hearing:** In accordance with Article [article number] of the [ADO] ADR, this matter will be determined at a hearing of the [ADO Disciplinary Panel] convened to hear and determine this matter at a time and place to be decided in accordance with the [ADO Disciplinary Panel] procedural rules.
- 4.2 If you deny the charges, [ADO] will have to prove the charges against you to the comfortable satisfaction of the [ADO Disciplinary Panel] appointed to hear the matter. If [ADO] is unable to do this, the charges against you will be dismissed. If [ADO] is able to do this, and so the charges are upheld, the [ADO Disciplinary Panel] will determine what *Consequences* should be imposed.
- 4.3 If you admit the charges, [ADO] will refer this matter to the [ADO Disciplinary Panel] for the purpose of determining the *Consequences* that should be imposed upon you.
- 4.4 **Consequences:** Our records indicate that this is your first ADRV. If that is so, you will be subject to the *Consequences* specified in Article [article

[number] ADR for a first offence, which means a period of *Ineligibility* of at least [applicable sanctions depending on ADRV].

4.4.1 The period of *Ineligibility* imposed may be:

- 4.4.1.1 **Eliminated completely**, if you can establish *No Fault or Negligence* pursuant to Article [article number] ADR.
- 4.4.1.2 **Reduced** by up to a maximum of half of the period of *Ineligibility* otherwise applicable, if you can establish *No Significant Fault or Negligence* within the meaning of Article [article number] ADR.
- 4.4.1.3 **Reduced** to a minimum of 2 years, if you promptly admit the charge of committing an ADRV contrary to Article [article number] ADR. Any such reduction shall be applied at our discretion (with WADA's consent) and contingent on (a) your degree of *Fault* and (b) our assessment of the seriousness of your ADRV contrary to Article [article number] ADR.
- 4.4.1.4 **Suspended** in part, if you assist [ADO] in uncovering and/or establishing one or more ADRVs by another *Athlete* or *Athlete Support Personnel* (e.g. coach, physiotherapist, etc.) pursuant to Article [article number] ADR.

What happens next

- 5.1 You must now contact [ADO] to confirm if you admit or deny these charges before [time] on [date].
- 5.2 **Please note:** if you fail to respond by this deadline, you will be deemed to have admitted the charges and [ADO] will refer this matter to the [ADO Disciplinary Panel] and ask that a tribunal be appointed to determine the *Consequences* pursuant to 4.4 above.
- 5.3 If you deny the charges and/or wish to dispute the *Consequences* to be imposed upon you, you **must** let us know. We will then refer the matter to the [ADO Disciplinary Panel] to be heard and determined.
- 5.4 If you have any questions about the contents of this letter, please do not hesitate to contact [ADO] via [contact Person at ADO] on [contact phone number], or at [contact e-mail address].
- 5.5 Finally, please note that a copy of this letter is being sent to: 1) [NF contact Person], [NF], 2) [IF/NADO contact Person], [IF/NADO], 3) World Anti-Doping Agency (WADA) Results Management.

Each of them is bound, in accordance with the *Code* and Article [article number] ADR, to keep the contents of this letter strictly confidential pending resolution of this matter.

Yours sincerely,

[Sender Signature]

cc: [NF], [NF Contact Person], [NADO/IF Contact Person], [NADO/IF],
WADA Results Management

Enc:

- [ADO] ADR ;
- [Relevant evidence for the alleged ADRV].

Template G: Acceptance of *Provisional Suspension*

[ADO]

ACCEPTANCE OF *PROVISIONAL SUSPENSION*

- I, [Athlete's name], (born [date of birth]), accept *Provisional Suspension* as a result of the Laboratory finding reported to me on [date of AAF notification] in my urine *Sample* N° [Sample number] collected *Out-of-Competition* on [date of Sample collection] in the framework of the [ADO] Anti-Doping Program.
- I understand and accept that I will not be able to compete in any *Competition* under the jurisdiction of the [ADO] [and/or its Member Federations (if applicable)] pending the final resolution of my case.
- I understand that the period of the *Provisional Suspension*, beginning on the date the [ADO] is notified of the present acceptance, will be deducted from any period of *Ineligibility* that I might ultimately receive in my case.
- I understand and accept that the [ADO] will communicate my acceptance of *Provisional Suspension* to the [NF], [IF/NADO] and the World Anti-Doping Agency.
- I understand and accept that my acceptance of the *Provisional Suspension* is purely voluntary and optional. I understand that I am entitled to proceed with my case, to a hearing if necessary, regardless of whether I accept this *Provisional Suspension*.
- I understand and accept that I may serve this *Provisional Suspension*, and it may ultimately be determined by the relevant Panel that no doping offence has occurred.
- I understand and accept that I am still subject to *Testing* pending the outcome of this matter.

Signature of *Athlete*

Date

Printed Name of *Athlete*

Template H: Whereabouts Templates

Doc. No.	Document Description
1	Notice to <i>Athlete</i> of inclusion in <i>Registered Testing Pool</i>
2	Notice to <i>Athlete</i> of apparent <u>Filing Failure</u>
3	Notice of decision not to take matter forward as a <u>Filing Failure</u>
4	Notice of decision to take matter forward as a <u>Filing Failure</u>
5	Notice of result of administrative review of apparent <u>Filing Failure</u>
7	Notice to <i>Athlete</i> of apparent <u>Missed Test</u>
8	Notice of decision not to take matter forward as a <u>Missed Test</u>
9	Notice of decision to take matter forward as a <u>Missed Test</u>
10	Notice of result of administrative review of apparent <u>Missed Test</u>

Document No. 1: Notice to *Athlete* of inclusion in *Registered Testing Pool*

[*Athlete's name and address*]

By courier and e-mail: [*Athlete's e-mail address*]

[date]

[ADO] Anti-Doping Rules ("the ADR")

Out-of-Competition Testing: WHEREABOUTS INFORMATION

Dear [*Athlete's name*],

Please read this letter very carefully. It explains that you are required, under the ADR, to provide us with information about where you can be found for purposes of *Out-of-Competition Testing* during the following period: _____.

Repeated Failure to Comply without proper excuse, to provide this information, or to be available for *Testing* at the location(s) you specify, will constitute an anti-doping rule violation ("ADRV") under the ADR, the sanctions for which are a period of *Ineligibility* to participate in sport of 12 to 24 months (1st offence) or more (for 2nd and subsequent offences). It is therefore important that you read this letter very carefully, and take great care to comply with its requirements.

Information Required

You are one of the *Athletes* designated for inclusion in the *Registered Testing Pool* of _____ [*insert name of International Federation or NADO, as applicable*]. You must therefore comply with the following requirements.

You must notify us of where you will be for each day of the next quarter, i.e. for each day of the period from [1 January 2015 to 31 March 2015/1 April 2015 to 30 June 2015/1 July 2015 to 30 September 2015/1 October 2015 to 31 December 2015] [*delete as applicable*], by providing the following information:

1. For each day during the forthcoming quarter (including weekends), you must tell us one specific location and one specific 60-minute time slot between 6 a.m. and 11 p.m. where you will be available for *Testing* at that location.

- If your plans change so that you will no longer be at the specified location during the specified time slot, you must update your Whereabouts Filing prior to that time slot either to provide a new location for that time slot or to provide a different time slot and location.
2. For each day during the forthcoming quarter (including weekends), you must give us the full address of the place where you will be residing, i.e., staying overnight (e.g. home, hotel, temporary lodgings).
 - If your plans change so that you will be staying at a different place on a particular night, you must update your Whereabouts Filing prior to that night to provide the new address where you will be staying that night.
 3. You must give us the name and address of any place where you will be training, working, or conducting any other regular activity during the relevant quarter (including weekends), and the usual timeframes for such regular activities.
 - If your regular activities change, e.g. if you stop training in the mornings and train in the afternoons instead, or if you train at the gym on Mondays and Thursdays, then move to Tuesdays and Fridays, you must update your Whereabouts Filing to reflect that change.
 - However, if you simply change your regular schedule on an occasional basis, e.g. one Monday you decide as a “one-off” to train in the gym rather than the pool, but next Monday you plan to go back to your regular schedule of training in the pool, then you do not have to make any change to your Whereabouts Filing to reflect that “one-off” change.
 4. You must tell us your *Competition* schedule for the following quarter, including the date(s), time(s) and venues (name and address) where you are scheduled to compete during the quarter. Again, if this changes, you must update your Whereabouts Filing to reflect the change.

How to provide the required information to us

Our preferred method for providing whereabouts information is the World Anti-Doping Agency’s (“WADA’s”) Anti-Doping Administration and Management System (“ADAMS”), a secure Web-based system that allows you to enter your whereabouts information directly and accurately in an easy, convenient manner. Instructions on how to use ADAMS are enclosed with this letter.

Your ADAMS username and password

Site address: <http://www.wada-ama.org/en/>

Username:

Password:

Deadline

You must enter the required whereabouts information using *ADAMS* **no later than**

Updating Whereabouts information

It may be that you do not know at this time your exact whereabouts on each day in the next quarter. Nonetheless, you should be sure to meet the filing deadline specified above, and provide the required details for each day to the best of your knowledge. You should then update them as and when the details change.

Alternatively, your current plans may subsequently change after you make your initial Whereabouts Filing, in which case you should immediately update the information directly using *ADAMS*.

Important: Make sure the information you file is accurate at all times

In case you have no direct access to *ADAMS*, updates to your Whereabouts information may be made by Short Message Service (SMS). Instructions on how to use the SMS component are enclosed with this letter.

In the unlikely event that (a) *ADAMS* is not available online, and (b) you cannot update your Whereabouts information using SMS, you should download an electronic Whereabouts Form at [www._____](http://www._____.), complete it accurately and fax, e-mail or post it to us (to be marked "Private & Confidential"), as follows:

By mail:

Or by confidential fax:

Or by e-mail:

Confidentiality

We will maintain the confidentiality of the whereabouts information that you provide. It will only be used to facilitate *Out-of-Competition Testing* by us under the

ADR or by another competent anti-doping authority that has accepted the same confidentiality obligations.

Please note that any other anti-doping authority with the requisite authority under the World Anti-Doping Code may test you *Out-of-Competition* at any time, whether using the whereabouts information that you are providing or otherwise.

Sanctions for non-compliance

It is very important to ensure that you file the required whereabouts information by the deadline specified above. A failure to do so without adequate excuse will constitute a Filing Failure under the ADR.

It is also very important that you file accurate information about your whereabouts, and that you update this information as soon as you know of any change of plans, so that you are available for *Testing* at the declared whereabouts if an *ADO* seeks to test you. Failure to be available at the whereabouts you specified for the 60-minute time slot without adequate excuse is a Missed Test under the ADR.

If you commit three Filing Failures and/or Missed Tests in one 12-month period, that constitutes an ADRV under the ADR, for which the sanction is a ban of 12 to 24 months (first offence) or more (for second and subsequent offences).

Personal Responsibility

You may wish to have your coach or agent assist you in complying with these whereabouts requirements. That is permitted. However, please note that **you remain personally responsible** for any Failure to Comply with the requirements of the ADR. As with any other ADRV, a tribunal would not accept a plea that you delegated the task to someone else and should not be blamed for his/her failure to carry it out properly.

* * * *

If you have any concerns about the contents of this letter, please contact _____ at the following telephone number: _____.

A duplicate of this letter is enclosed. Please sign and date it in the space provided below and **send it back to us** at the following address to confirm receipt of this notice:

[insert return address]

Yours sincerely,

[Sender Signature]

Receipt acknowledged by *Athlete*:

Sign: _____

Name (print): _____

Date: _____

Document No. 2: Notice of apparent Filing Failure

[*Athlete's name and address*]

By courier and e-mail: [*Athlete's e-mail address*]

[*date*]

Formal notice pursuant to the Anti-Doping Rules (the "ADR") of the [insert name of *Anti-Doping Organization* ("ADO")]

Dear [*Athlete's name*],

I am writing to you in my capacity as [*Anti-Doping Officer*] for [*ADO*] to notify you of your apparent Failure to Comply with the Whereabouts Filing requirements of the ADRs, and to invite you to make any comments before we come to a final decision on the matter. Please read this letter carefully, as it could have serious *Consequences* for you.

Whereabouts requirements

By letter dated _____, we advised you that you have been included in our *Registered Testing Pool*, and therefore that under the ADR (consult the document on the following Web site: _____), you are required to make a Whereabouts Filing at the beginning of each quarter, providing the specified information about your whereabouts each day in the forthcoming quarter, in accordance with the International Standard for Testing and Investigations (ISTI) Article 1.3. Consult the ISTI document on the World Anti-Doping Agency's ("*WADA's*") Web site, <http://www.wada-ama.org>.

Apparent Filing Failure

As of the date of this letter, however, we have not received a Whereabouts Filing from you for the current quarter, i.e. [*January-March / April-June / July-September / October-December*] [*delete as applicable*].

From our review of the file, it appears that all of the elements of a Filing Failure are present in this case. It therefore appears that you have committed a Filing Failure.

Consequences if a Filing Failure is recorded against you

One Whereabouts Failure (whether a Filing Failure or a Missed Test) does not on its own constitute an anti-doping rule violation (“ADRV”) under the ADR. Instead, there must be 3 Whereabouts Failures (whether Filing Failures or Missed Tests) within a 12-month period. According to your file, [no Whereabouts Failures have] [1 Whereabouts Failure has] [2 Whereabouts Failures have] [delete as applicable] been recorded against you in the last 12 months. Therefore, if a further Filing Failure is declared against you as a result of this current process, you will have [1] [2] [3] [delete as applicable] pending Whereabouts Failure(s) recorded against you.

Where 3 Whereabouts Failures are recorded against you in any 12-month period, a hearing panel may be asked to determine if you have committed an ADRV under the ADR. The burden will be on the [ADO] to prove to the satisfaction of the hearing panel that you have committed the 3 alleged Whereabouts Failures. If it does so, the hearing panel will have discretion to impose a period of *Ineligibility* on you of 12 to 24 months (or more, if this is not your 1st offence).

You will have the right to dispute any or all of the alleged Whereabouts Failures at the hearing. However, your defense may be weakened if it depends upon alleged facts that you raise for the first time at the hearing, instead of raising them in response to this letter. Therefore, you are strongly advised to raise any facts that you believe are relevant **now**, in response to this letter.

Action Required (1): Comments on apparent Filing Failure

Please respond to this letter within 14 days, specifying if you accept that you have committed a Filing Failure or alternatively if you believe you have not committed a Filing Failure. In the latter case, please explain, in as much detail as possible, the reasons for your belief.

For example, if you claim you did make the required Whereabouts Filing for the current quarter, please explain how and when you did so. If you did not make such filing, but claim that that failure was not due to any negligence on your part, please explain the basis of that claim in full. You should enclose copies of all documents or other evidence on which you seek to rely in your explanation.

We will then reassess, in light of your comments, if all elements of a Filing Failure set out in ISTI Article I.4.3 are present in this case. If we determine that each element is present, you will be given further notice and an opportunity to ask for a further review of the case before a final determination is made.

Action Required (2): Making the Missing Whereabouts Filing

In order to remedy your apparent Filing Failure, please submit a Whereabouts Filing for the current quarter, including all of the information required under ISTI Article I.3 for each remaining day in the quarter, by no later than _____ [insert deadline, which must be no less than 24 hours after receipt of this notice and no later than the end of the month in which the notice is received – in ordinary circumstances, 5 working days should be appropriate].

Please note carefully: If you fail to comply with this requirement, you will be investigated for a further Filing Failure, and if all of the required elements are present then a Whereabouts Failure will be declared against you.

* * * *

Please consider the contents of this letter very carefully, and make sure we receive (A) your full written response to the apparent Filing Failure within 14 days of the date of this letter, i.e., by _____ [insert deadline]; and (B) your Whereabouts Filing for the remainder of the quarter by no later than _____ [insert deadline].

If you have any questions about the content of this letter, you can contact me at _____ [insert contact details].

Yours sincerely,

[Sender Signature]

Document No. 3: Notice of decision not to take matter forward as a Filing Failure

[Athlete's name and address]

By courier and e-mail: [Athlete's e-mail address]

[date]

Formal notice pursuant to the Anti-Doping Rules (the "ADR") of the [ADO]

Dear [Athlete's name],

I refer to my letter to you dated _____, notifying you of your apparent Filing Failure and inviting you to provide any comments within 14 days of the date of that letter.

We have received your response, asserting that a Filing Failure should not be recorded against you for the following reasons: _____. [insert summary of Athlete's comments].

We have considered your comments carefully, and we agree that in the circumstances a Filing Failure should not be recorded against you, for the following reasons: _____. [insert summary of ADO's reasoning].

In accordance with the ADR and the requirements of the International Standard for Testing and Investigations (ISTI) Article I.5.2(c), by copy of this letter we are notifying the following parties of our decision in this matter: 1) [NF contact Person], [NF], 2) [IF contact Person], [IF] or [NADO contact Person], [NADO], and 3) World Anti-Doping Agency (WADA) Results Management.

Please note that each of these parties has the right to challenge our decision. Subject to such possible challenge, however, this matter is now closed.

If you have any questions about the contents of this letter, you can contact me at _____ [insert contact details].

Yours sincerely,

[Sender Signature]

cc: [NF, IF or *NADO*, *WADA*]

**Document No. 4: Notice of decision to take matter forward as a
Filing Failure**

[*Athlete's name and address*]

By courier and e-mail: [*Athlete's e-mail address*]

[*date*]

Formal notice pursuant to the Anti-Doping Rules (the "ADR") of the [ADO]

Dear [*Athlete's name*]

I refer to my letter to you dated _____, notifying you of your apparent Filing Failure and inviting you to provide any comments within 14 days of the date of that letter.

Declaration of Filing Failure

[*Delete as appropriate:*]

[*That deadline has now passed, and we have not received any comments from you.*]

OR

[*We have received your response, in which you acknowledge/do not dispute your failure to provide the Whereabouts Filing for the current quarter.*]

OR

[*We have received your response, asserting that a Filing Failure should not be recorded against you for the following reasons: _____.*] [*insert summary of Athlete's comments*].

We have considered your comments carefully, but we maintain that in the circumstances a Filing Failure should be recorded against you, for the following reasons: _____. [*insert summary of ADO's reasoning*].

I am therefore writing to confirm that we intend to record a Filing Failure against you, with the *Consequences* set out in my letter dated _____.

Right to administrative review

You have the right to request an administrative review of this decision, in which a *Person* not previously involved in the assessment of this matter would review the file to determine whether or not all of the elements of a Filing Failure specified in the International Standard for Testing and Investigations (ISTI) Article 1.3.6 are present.

Please advise us within 7 days of the date of this letter if you wish such a review to take place. Otherwise, we will proceed to record a Filing Failure against you, as set out in my letter of _____.

If you have any questions about the contents of this letter, you can contact me at _____ [insert contact details].

Yours sincerely,

[Sender Signature]

**Document No. 5: Notice of result of administrative review
of apparent Filing Failure**

[Athlete's name and address]

By courier and e-mail: [Athlete's e-mail address]

[date]

Formal notice pursuant to the Anti-Doping Rules ("ADR") of the [insert name of Anti-Doping Organization ("ADO")]

Dear [Athlete's name]

By letter dated _____, I advised you of our intention to record a Filing Failure against you under the ADR. In response, you requested an administrative review of that decision. I am now writing to advise you of the results of that administrative review.

The review was carried out by _____ [insert name(s)], who were not involved in our initial assessment of this matter as an apparent Filing Failure. They considered the file to determine whether all of the elements of a Filing Failure set out in the International Standard for Testing and Investigations (ISTI) Article I.3.6 are present in this case.

Their conclusion is that [delete as applicable]:

EITHER

All elements of a Filing Failure specified in ISTI Article I.3.6 **are** present in this case and therefore a Whereabouts Failure should be recorded against you. As mentioned in my letter dated _____, this is the [1st/2nd /3rd] Whereabouts Failure recorded against you in the past 12 months. [in the case of a 1st or 2nd strike:] If you commit [1] [2] more Whereabouts Failures within 12 months of the first, then you will be charged with commission of an anti-doping rule violation ("ADRV") under the ADR. **OR** [in the case of a 3rd strike:] You will, therefore, shortly receive a letter charging you with commission of an ADRV under the ADR.

If you have any questions about the contents of this letter, you can contact me at _____ [insert contact details].

OR

All elements of a Filing Failure specified ISTI Article I.3.6 are **not** present in this case, and therefore a Whereabouts Failure should not be recorded against you in this matter, for the following reasons:_____. [insert summary of ADO's reasoning].

In accordance with the ADR and the requirements of ISTI Article I.5.2(g), by copy of this letter we are notifying the following parties of our decision in this matter: 1) [NF contact Person], [NF], 2) [IF contact Person], [IF] or [NADO contact Person], [NADO], and 3) World Anti-Doping Agency (WADA) Results Management.

Please note that each of these parties has the right to challenge our decision. Subject to such possible challenge, however, this matter is now closed.

If you have any questions about the contents of this letter, you can contact me at _____ [insert contact details].

Yours sincerely,

[Sender Signature]

cc: [NF, IF or NADO, WADA]

Document No. 6: Unsuccessful Attempt Report
--

**REGISTERED TESTING POOL ATHLETE
UNSUCCESSFUL ATTEMPT FORM**

ATHLETE ATTEMPTED

ATHLETE's NAME		DCO's NAME	
ATHLETE's NATIONALITY		MISSION CODE #	
ATHLETE's SPORT		TESTING AUTHORITY	
ATHLETE's GENDER	MALE <input type="checkbox"/> FEMALE <input type="checkbox"/>	SAMPLE COLLECTION AGENCY	

INFORMATION ON WHEREABOUTS USED

WHEREABOUTS PROVIDED BY (SPORT FEDERATION OR NADO)	
WHEREABOUTS LAST UPDATED (DATE OF SUBMISSION)	
DESIGNATED ONE-HOUR PERIOD (00:00 – 00:00)	
DESIGNATED LOCATION (PHYSICAL ADDRESS)	

(ENCLOSE A COPY OF THE WHEREABOUTS USED IN THE ATTEMPT WITH THIS UNSUCCESSFUL ATTEMPT FORM.)

ATTEMPTED LOCATION

DESCRIPTION OF LOCATION (E.G. FACILITY NAME)	
STREET ADDRESS (INCLUDING APT. #, ETC.)	
CITY & COUNTRY (INCLUDING PROVINCE, COUNTY OR STATE)	
OTHER RELEVANT INFORMATION (E.G. BUZZER #, ETC.)	

DESCRIPTION OF ATTEMPT

TIME OF ARRIVAL & DEPARTURE	ARR:	DEP:
I HAVE TALKED TO (ROLE & NAME) (E.G. COACH, TEAMMATE, PARENT)		
THIRD PARTY CONTACT INFORMATION (E.G. TEL. # ETC., IF PROVIDED)		

**DESCRIBE IN DETAIL, EFFORTS MADE TO
LOCATE THE *ATHLETE* AT THIS LOCATION.**

DESCRIPTION SHOULD INCLUDE, BUT NOT BE LIMITED TO, A PHYSICAL DESCRIPTION OF THE LOCATION, A SUMMARY OF HOW CONTACT WAS ATTEMPTED (DOORBELL, THIRD PARTY CONTACT, ETC.), AND THE FREQUENCY AND TIMING OF THESE ATTEMPTS WITHIN THE *ATHLETE'S* DESIGNATED 60-MINUTE PERIOD.

CONFIRMATION

BY SIGNING BELOW, I CONFIRM THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT THIS INFORMATION MAY BE USED IN ASSERTING AN ANTI-DOPING RULE VIOLATION AGAINST AN *ATHLETE*.

DOPING CONTROL OFFICER SIGNATURE

DATE OF SIGNATURE

**THIS FORM SHOULD BE RETURNED TO THE RELEVANT *ANTI-DOPING ORGANIZATION*
NO LATER THAN 10 DAYS FROM THE DATE OF ATTEMPT.**

Document No. 7: Notice of an apparent Missed Test

[Athlete's name and address]

By courier and e-mail: [Athlete's e-mail address]

[date]

Formal notice pursuant to the Anti-Doping Rules ("the ADR") of the [ADO]

Dear [Athlete's name]

I am writing to you in my capacity as [Anti-Doping Officer] for [ADO] to notify you of your apparent Failure to Comply with the whereabouts requirements of the ADR, and to invite you to make any comments before we come to a final decision on the matter. Please read this letter carefully, as it may have serious *Consequences* for you.

Whereabouts requirements

By letter dated _____, we advised you that you have been included in our *Registered Testing Pool*, and therefore that under the ADR (a copy of which can be found on the following Web site: _____), you are required to make a Whereabouts Filing at the beginning of each quarter, providing certain specified information about your whereabouts each day in the forthcoming quarter, and are further required to be available for *Testing* at those declared whereabouts, in accordance with the International Standard for Testing and Investigations (ISTI) Article I.3 (consult the ISTI document on WADA's Web site, www.wada-ama.org).

Apparent Missed Test

In your most recent Whereabouts Filing, you declared that you would be available for *Testing* on the following day at the following time and place:

Date: [insert date]
Time: [insert 60-minute time slot specified for that day]
Location: [insert location specified for 60-minute time slot for that day]

We sent a Doping Control Officer (“DCO”) to test you on that day at that time and place. However, the DCO was unable to locate you for testing. [A copy of the DCO’s Unsuccessful Attempt Report is enclosed, providing details of the attempt.]

[Note: An ADO may provide a copy of the Unsuccessful Attempt Report at this stage, or alternatively may hold it back until the stage of the Missed Test being taken forward or cancelled, following the Athlete’s response.]

From our review of the file, it appears that all of the elements of a Missed Test (set out in ISTI Article I.4.3) are present in this case. It therefore appears that you have committed a Whereabouts Failure under the ADR.

Action Required

Please respond to this letter within 14 days, specifying if you accept that you have committed a Whereabouts Failure or alternatively if you believe you have not committed a Whereabouts Failure. In the latter case, please explain, in as much detail as possible, the reasons for your belief.

For example, if you claim you were present at the location specified for the specified 60-minute time slot for the day in question, please provide any corroborating evidence and comment on why the DCO was unable to find you for Testing. If you were not present, but claim that your absence (and your failure to update your Whereabouts Filing to reflect that absence) was not due to any negligence on your part, please explain the basis of that claim in full. You should enclose copies of all documents or other evidence on which you seek to rely in your explanation.

We will then reassess, in light of your comments, whether each element of a Missed Test specified in ISTI Article I.4.3 is present in this case. If we determine that each element is present, you will be given further notice and an opportunity to ask for a further review of the case before a final determination is made.

Consequences if a Whereabouts Failure is recorded against you

One Whereabouts Failure (whether a Filing Failure or a Missed Test) does not on its own constitute an anti-doping rule violation (“ADRV”) under the ADR. Instead, there must be 3 Whereabouts Failures (whether Filing Failures or Missed Tests) within a 12-month period. According to your file, [no Whereabouts Failures have] [1 Whereabouts Failure has] [2 Whereabouts Failures have] [delete as applicable] been recorded against you in the last 12 months. Therefore, if a further Whereabouts Failure is declared against you as a result of this current

process, you will have [1] [2] [3] [delete as applicable] Whereabouts Failures recorded against you.

Where 3 Whereabouts Failures are recorded against you in any 12-month period, you may be charged with an ADRV under the ADR. The burden will be on the [ADO] to prove to the satisfaction of the hearing panel that you have committed the 3 alleged Whereabouts Failures. If it does so, the hearing panel will have discretion to impose a period of *Ineligibility* on you of 12 to 24 months (more, if this is not your 1st offence).

You will have the right to dispute any or all of the alleged Whereabouts Failures at the hearing. However, your defense may be undermined if it depends upon alleged facts that you raise for the first time at the hearing, i.e. that you have not raised in response to this letter. Therefore, you are strongly advised to raise any facts that you believe are relevant **now**, in response to this letter.

* * * *

Please consider the contents of this letter very carefully, and make sure we receive your full written response within 14 days of the date of this letter, i.e. by _____ [insert deadline].

If you have any questions about the contents of this letter, you can contact me at _____ [insert contact details].

Yours sincerely,

[Sender Signature]

[cc: NF, IF or NADO, WADA]

[Enclosure: Unsuccessful Attempt Report]

Document No. 8: Notice of decision not to take a matter forward as a Missed Test

[*Athlete's name and address*]

By courier and e-mail: [*Athlete's e-mail address*]

[*date*]

Formal notice pursuant to the Anti-Doping Rules (“ADR”) of the [*insert name of Anti-Doping Organization (“ADO”)*]

Dear [*Athlete's name*],

I refer to my letter to you dated _____, notifying you of your apparent Missed Test and inviting you to provide any comments within 14 days of the date of that letter.

We have received your response, asserting that a Missed Test should not be recorded against you for the following reasons: _____. [*insert summary of Athlete's comments*].

We have considered your comments carefully, and we agree that, in the circumstances, a Missed Test should not be recorded against you for the following reasons: _____. [*insert summary of ADO's reasoning*].

In accordance with the ADR and the requirements of the International Standard for Testing and Investigations (ISTI) Article I.5.3, by copy of this letter we are notifying the following parties of our decision in this matter: 1) [*NF contact Person*], [*NF*], 2) [*IF contact Person*], [*IF*] or [*NADO contact Person*], [*NADO*], and 3) World Anti-Doping Agency (*WADA*) Results Management.

Please note that each of these parties has the right to challenge our decision. Subject to any such challenge, however, this matter is now closed.

If you have any questions about the contents of this letter, you can contact me at _____ [*insert contact details*].

Yours sincerely,

[Sender Signature]

cc: [NF, IF or *NADO*, *WADA*]

Document No. 9: Notice of decision to take a matter forward as a Missed Test

[*Athlete's name and address*]

By courier and e-mail: [*Athlete's e-mail address*]

[*date*]

Formal notice pursuant to the Anti-Doping Rules ("the ADR") of the [ADO]

Dear [*Athlete's name*]

I refer to my letter to you dated _____, notifying you of your apparent Missed Test and inviting you to provide any comments within 14 days of the date of that letter.

Declaration of Missed Test

[*delete as appropriate*]

[*That deadline has now passed, and we have not received any comments from you.*]

OR [*We have received your response, in which you acknowledge/do not dispute your failure to be available for Testing at the date, time and place specified in your most recent Whereabouts Filing.*]

OR [*We have received your response, asserting that a Missed Test should not be recorded against you for the following reasons: _____. [insert summary of Athlete's comments].*]

AND [*Only applies to 2nd and 3rd options above, in which a response was received.*]

We have considered your comments carefully, but we maintain that, in the circumstances, a Missed Test should be recorded against you for the following reasons: _____. [*insert summary of ADO's reasoning*].

I am therefore writing to confirm that we intend to record a Missed Test against you, with the *Consequences* set out in my letter dated _____. [*where applicable (see ISTI Article I.5.3)*] [*I enclose in this regard a copy of the Unsuccessful Attempt Report filed by the Doping Control Officer in this matter*].

Right to Administrative Review

You have the right to request an administrative review of this decision, in which a *Person* not previously involved in the assessment of this matter would review the file to determine whether or not all elements of a Missed Test specified in the International Standard for Testing and Investigations Article I.4.3 are present.

Please advise us within 7 days of the date of this letter if you wish such a review to take place. Otherwise, we will proceed to record a Missed Test against you, as set out in my letter of _____.

* * * *

If you have any questions about the contents of this letter, you can contact me at _____ [insert contact details].

Yours sincerely,

[Sender Signature]

[cc: NF, IF or NADO, WADA]

[Enclosure: Unsuccessful Attempt Report]

**Document No. 10: Notice of result of administrative review of
apparent Missed Test**

[Athlete's name and address]

By courier and e-mail: [Athlete's e-mail address]

[date]

Formal notice pursuant to the Anti-Doping Rules ("ADR") of the [ADO]

Dear [Athlete's name]

By letter dated _____, I advised you of our intention to record a Whereabouts Failure against you under the ADR on account of your apparent Missed Test on _____ [insert date]. In response, you requested an administrative review of that decision. I am now writing to advise you of the results of that administrative review.

The review was carried out by _____ [insert name(s)], who was/were not involved in our initial assessment of this matter as an apparent Missed Test. They considered the file to determine whether all of the elements of a Missed Test set out the International Standard for Testing and Investigations (ISTI) Article 1.4.3 are present in this case.

Their conclusion is that [delete as applicable]:

EITHER

All elements of a Missed Test set out in ISTI Article 1.4.3 **are** present in this case and, therefore, a Whereabouts Failure should be recorded against you. As mentioned in my letter dated _____, this is the [1st/2nd/3rd] Whereabouts Failure recorded against you in the past 12 months. [in the case of a 1st or 2nd strike:] If you commit [1] [2] more Whereabouts Failures within 12 months of the 1st, you will be charged with commission of an anti-doping rule violation ("ADRV") under the ADR.

OR [in the case of a 3rd strike:] You will therefore shortly receive a letter charging you with commission of an ADRV under the ADR.

If you have any questions about the contents of this letter, you can contact me at _____ [insert contact details].

OR

All elements of a Missed Test specified in ISTI Article I.4.3 are **not** present in this case and, therefore, a Whereabouts Failure should not be recorded against you for the following reasons: _____. [insert summary of ADO's reasoning].

In accordance with the ADR and the requirements of ISTI Article I.5.3, by copy of this letter, we are notifying the following parties of our decision in this matter: 1) [NF contact Person], [NF], 2) [IF contact Person], [IF] or [NADO contact Person], [NADO], and 3) World Anti-Doping Agency (WADA) Results Management.

Please note that each of these parties has the right to challenge our decision. Subject to any such challenge, however, this matter is now closed.

If you have any questions about the contents of this letter, you can contact me at _____ [insert contact details].

Yours sincerely,

[Sender Signature]

cc: [NF, IF or NADO, WADA]

Template I: Reasoned Decision

Structure of the decision

1. Details of the case

- 1.1 Members of Disciplinary panel (or Anti-Doping Appeal Board)
- 1.2 Name of accused *Athlete*
- 1.3 Sports Federation involved (and representative if present)
- 1.4 Name of *Athlete Representative*, if any
- 1.5 Name of prosecutor (on appeal, the name of *Anti-Doping Organization's* ["ADO's"] representative)
- 1.6 Venue of hearing
- 1.7 Date of hearing

2. Introduction and Jurisdiction

- 2.1 This is the final Decision of the [Anti-Doping Tribunal] as between [FEDERATION/ADO] and [ATHLETE] relating to an Anti-Doping Rule Violation ("ADRV") arising from the [FEDERATION] Anti-Doping Rules ("the ADR")
- 2.2 The [FEDERATION] is the governing body for the sport of [SPORT] in [COUNTRY]. [IF APPLICABLE] [ADO] is the *National Anti-Doping Organization* ("NADO") for [COUNTRY].
- 2.3 The *Athlete* is a [AGE] year-old competitor in [SPORT]. At all material times, he/she was subject to the jurisdiction of [FEDERATION] and bound to comply with the ADR. Pursuant to the ADR, [ADO/FEDERATION] was empowered to conduct *Doping Control*, as those terms are used in the ADR, in respect of all *Athletes* subject to the jurisdiction of the [FEDERATION].

3. Background and charges

- 3.1 Tested for *Prohibited Substances* on [AAF date].
- 3.2 Analyzed by the World Anti-Doping Agency (WADA)-accredited [Laboratory] in [location of Laboratory]
- 3.3 Substances identified in the *Sample* number [Sample number].

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- 3.4 *Adverse Analytical Finding* (“AAF”) reviewed, and no departures from the International Standards for Laboratories or International Standards for Testing and Investigations was identified. The *Athlete* does not hold a Therapeutic Use Exemption (TUE).
- 3.5 Notification of charge to the *Athlete* on [date] [reference specific rules violated].

4. Procedural issues and plea

Procedural steps and choices made by the *Athlete* with regard to procedure:

- 4.1 Notice of Charge [include reference to the specific rules violated]
- 4.2 Request/Waiver of B *Sample Testing*
- 4.3 Representation at the hearing
- 4.4 Presence of an interpreter at the hearing and associated costs
- 4.5 Explanation of the *Athlete’s* rights
- 4.6 *Athlete’s* plea

5. Evidence

- 5.1 The evidence presented by the prosecutor in this matter consisted of:
- 5.1.1 Details of the *Testing* process that were...
 - 5.1.2 The *Doping Control* form that indicates...
 - 5.1.3 The A *Sample* reports, indicating [substances detected in sample]...
 - 5.1.4 The Chain of Custody form from the *Doping Control* session showing...
 - 5.1.5 Expert testimony from AB who testified: ...
- 5.2 The evidence presented by the *Athlete* was as follows: ...

6. Assessment of evidence

(In this section the report may need to comment on the **reliability** of the *Testing* process / results and the **probability** of the *Athlete’s* version.)

7. Finding

The presence of the substances identified as [substances detected in Sample] was established by the A Sample reports, which were not contested by the Athlete. The concentration of [concentration of substance with unit] is above WADA's Decision Limit of [Decision Limit with unit] [if applicable]. This is in violation of Article [article number].

The Athlete's explanation for the presence of the substances was ...

This explanation is a reasonable / unreasonable one because ...

For the reasons outlined above the Committee has determined that the Athlete is [guilty/not guilty] of the offences outlined in the charges and [is/is not] in violation of Article [article number] of the [applicable ADR].

8. Evidence and argument on Sanction

- 8.1 Principle of *Strict Liability* (Article [article number])
- 8.2 Personal circumstances and explanation/Remorse/Apology
- 8.3 Reasons for elimination/reduction of period of *Ineligibility* (Article [article number])
- 8.4 Impact of Sanction
- 8.5 Reference to precedent – previous decisions

9. Right to appeal

Decisions of the [ADO Disciplinary Panel] may be appealed [BY ATHLETE/FEDERATION/WADA] as provided in Article [article number] of the Rules.

10. Decision on Sanction

- 10.1 *Ineligibility* until [DATE]
 - 10.1.1 "During the period of *Ineligibility*, in accordance with [RULE], the Athlete shall not be permitted to participate in any capacity in a *Competition* or other activity (other than authorized anti-doping education or rehabilitation programs) organized, convened or authorized by:
 - 10.1.1.1 the [FEDERATION] or by any body that is a member of, or affiliated to, or licensed by the [FEDERATION];
 - 10.1.1.2 any *Signatory* (as that term is defined in the ADR);

10.1.1.3 any club or other body that is a member of, or affiliated to, or licensed by, a *Signatory* or a *Signatory's* member organization; or

10.1.1.4 any professional league or any international- or national-level *Event* organization.

10.1.2 Start date of *Ineligibility* (backdated, if provisionally suspended).

10.2 Disqualification of Results

10.2.1 Pursuant to [RULE], any individual results obtained by the *Athlete* since the date of the violation are hereby disqualified, with all resulting *Consequences*, including forfeiture of any medals, titles, points and prizes.

Dated at [place] on [date]

[Signatures of 3 Committee members]

[Name /Title]

[Signature]

[Name /Title]

[Signature]

[Name /Title]

[Signature]

[cc: NF, IF or NADO, WADA]