

# **The World Anti-Doping Code WADA**



# **International Cheer Union Guidelines & Operations Manual**

**For the ICU Drug Testing  
& Control Program**

Volume # 1 Number 1

April 2009

# The International Cheer Union

## Introduction:

The International Cheer Union has adopted the rules and regulations of the World Anti-Doping Agency (hereafter, "WADA") and the membership has approved and accepted the terms and conditions as set forth in this "CODE."

The acceptance of the Code is a mandate approved and accepted by the International Cheer Union and it is assumed that the membership of the ICU must and will comply with these rules as agreed upon by the ICU. It is also understood that each and every member federation must and will comply with the rules and regulations as set forth by the member respective National Olympic Committee or Sports Ministry. It is also assumed that these rules will be any less stringent than the rules in this document that are approved and accepted by the memberships of the ICU.

The ICU follows the rules and mandates established and set forth by the International Olympic Committee and Sportaccord as it applies to integrity, fair-play and sportsmanship. With these guidelines, the ICU understands and endorses competition in the most fair and equitable manner, including maintaining the necessity of a drug free sports environment.

The International Cheer Union will maintain its support and endorsement of these rules and policies and will assure its member a continual and constant effort of commitment to the policies, rules, regulations and protocols set forth in this Code.

For the International Cheer Union:

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Jeff Webb  
President

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Karl Olson  
Secretary General

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Date

By the ICU, April 2009

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# **INTERNATIONAL CHEER UNION'S ANTI-DOPING RULES**

## **INTRODUCTION**

### **Preface**

At the International Cheer Union Congress held on April 27, 2009 in Orlando, Florida, USA, The International Cheer Union accepted the ICU'S proposed World Anti-Doping Code (the "Code"). These Anti-Doping Rules are adopted and implemented in conformance with International Cheer Union's responsibilities under the Code, and are in furtherance of the International Cheer Union's continuing efforts to eradicate doping in the sport of Cheer.

Anti-Doping Rules, like Competition rules, are sport rules governing the conditions under which sport is played. Athletes accept these rules as a condition of participation. Anti-Doping Rules are not intended to be subject to or limited by the requirements and legal standards applicable to criminal proceedings or employment matters. The policies and minimum standards set forth in the Code and implemented in these Anti-Doping Rules represent the consensus of a broad spectrum of stakeholders with an interest in fair sport and should be respected by all courts and adjudicating bodies.

### **Fundamental Rationale for the Code and International Cheer Union's Anti-Doping Rules**

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport"; it is the essence of Olympism; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other participants
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport. For that reason, the International Cheer Union rejects and abhors any use of drugs and any performance enhancing elements that could be used by athletes to alter their play or performance.

### **The International Cheer Union's Commitment to Anti-Doping**

During the International Cheer Union's first World Championships, which were conducted under the jurisdiction of the ICU in April, the ICU conducted its first Doping program and reported the detail of the programs to its membership. All the basic procedures and protocols were followed and the Member Federations and participants were perfectly cooperative in this effort. The ICU is confident that its members will regard and respect the rules set forth by the ICU to combat and control doping in Cheer.

## Scope

These Anti-Doping Rules shall apply to the International Cheer Union, as so set forth in this document, each National Federation of the ICU, and each Participant in the activities of the ICU or any of its National Federations by virtue of the participant's membership, accreditation, or participation in the ICU, its National Federations, or their activities or Events. Any Person who is not a member of a National Federation and who fulfills the requirements to be part of the ICU Registered Testing Pool, must become a member of the person's National Federation, and must make himself or herself available for testing, at least twelve months before participating in any ICU sanctioned or sponsored International Events or events of his/her National Federation.

To be eligible for participation in an ICU event, a competitor must be member, as so determined or designated by his or her National Federation. Such an ICU assignment will only be issued to competitors who have personally signed the Appendix 1, in the actual form approved by the ICU Executive Committee. All forms from under-age applicants must be counter-signed by their legal guardians. This will apply to all athletes who participate in an ICU sanctioned or conducted event; participating and also representing their respective National Federation.

The ICU's respective National Federations must guarantee that all athletes who are designated, as their members must accept the Rules of the ICU, including these ICU Anti-Doping Rules compiled in accordance with the World Anti-Doping Code.

It is the responsibility of each National Federation to ensure that all national-level testing on the National Federation's Athletes complies with these Anti-Doping Rules. In some cases, the National Federation itself will be conducting the Doping Control described in these Anti-Doping Rules. In other countries, many of the Doping Control responsibilities of the National Federation have been delegated or assigned by statute to a National Anti-Doping Organization or are assigned by the countries National Olympic Committee or Ministry of Sport. In those countries, references in these Anti-Doping Rules to the National Federation shall apply, as applicable, to the National Federation's National Anti-Doping Organization.

These Anti-Doping Rules shall apply to all Doping Controls over which the ICU and its National Federations have jurisdiction.

### **IMPORTANT!**

Note: Any and all references to "IF" in all the following highlighted areas shall pertain specifically to the International Cheer Union. References to National Federations shall pertain specifically to the National Federations that are member of the ICU.

In addition, the terms "International Cheer Union" and "ICU" shall be used interchangeably.

There are references to the term "IF" throughout the document, and in particular, in the standardized areas that cannot be changed. It should be assumed that such references would apply to the International Cheer Union or the ICU, unless otherwise specified.

References throughout the document to "National Federations" shall mean National Federations that are members of the International Cheer Union, unless otherwise specified.

## **ARTICLE 1                    DEFINITION OF DOPING**

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.8 of these Anti-Doping Rules.

## **ARTICLE 2                    ANTI-DOPING RULE VIOLATIONS**

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

The following constitute anti-doping rule violations:

### **2.1 The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's bodily Specimen**

2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their samples. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping violation under Article 2.1.

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

2.1.3 Excepting those substances for which a quantitative reporting threshold is specifically identified in the Prohibited List or international standards, the detected presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.

2.1.4 As an exception to the general rule of Article 2.1, the Prohibited List may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.

### **2.2 Use or Attempted Use of a Prohibited Substance or a Prohibited Method**

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

2.2.2 The success or failure of the Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.

### **2.3 Refusing, or failing without compelling justification, to submit to Sample collection after notification as authorized in these Anti-Doping Rules or otherwise evading Sample collection.**

**2.4 Violation of applicable requirements regarding Athlete availability for Out-of-Competition Testing, including failure to file required whereabouts information and missed tests which are declared based on rules which comply with the International Standard for Testing. Any combination of three missed tests and/or filing failures within an eighteen-month period as determined by Anti-Doping Organizations with jurisdiction over the Athlete shall constitute an anti-doping rule violation.**

**2.5 Tampering, or Attempting to tamper, with any part of Doping Control.**

**2.6 Possession of Prohibited Substances and Methods**

2.6.1 Possession by an Athlete at any time or place of a substance that is prohibited in Out-of-Competition Testing or a Prohibited Method” with “Possession by an Athlete In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited Out-of-Competition;

2.6.2 Possession of a Prohibited Substance that is prohibited in Out-of-Competition Testing or a Prohibited Method by Athlete Support Personnel” with “Possession by an Athlete Support Personnel In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Support Personnel Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited Out-of-Competition”. Also please replace “Event” with “Competition.

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

**2.8 Administration or Attempted administration to any Athlete In-Competition of any Prohibited Method or Prohibited Substances, or administration of Attempted administration to any Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substances that is prohibited Out-of-Competition, or assisting, encouraging, adding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation.**

## **ARTICLE 3 PROOF OF DOPING**

**3.1 Burdens and Standards of Proof except as provided in Articles 10.4 and 10.6, where there Athlete must satisfy a higher burden of proof,**

ICU and its National Federations shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether ICU or its National Federation has established an anti-doping rule violation to the comfortable satisfaction of the hearing body bearing in mind the seriousness of the allegation, which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Rules place the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

**3.2 Methods of Establishing Facts and Presumptions**

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

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

If the Athlete rebuts the preceding presumption by showing that a departure from the International Standard occurred, then ICU or its National Federation shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

3.2.2 Departures from the any other international standard for laboratories and other anti-doping rule or policy, which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such results. If the Athlete or other Person establishes that departures from the another International Standard or other anti-doping rule which reasonably could have caused the Adverse Analytical Finding or other anti-doping rule violation occurred then ICU or its National Federation shall have the burden to establish that such departures did not cause the Adverse Analytical Finding or the factual basis for the anti-doping rule violation.

3.2.3 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.

3.2.4 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions either from the hearing panel or from the *Anti-Doping Organization* asserting the anti-doping rule violation.

## **ARTICLE 4 THE PROHIBITED LIST**

### **4.1 Incorporation of the Prohibited List**

These Anti-Doping Rules incorporate the Prohibited List that is published and revised by WADA as described in Article 4.1 of the Code. The ICU will make the current Prohibited List available to each National Federation, and each National Federation shall ensure that the current Prohibited List is available to its members and constituents.<sup>1</sup>

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

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<sup>1</sup>  
Models of Best Practice

Unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and revisions shall go into effect under these Anti-Doping Rules three months after publication of the Prohibited List by WADA without requiring any further action by the International Cheer Union. As described in Article 4.2 of the Code, the International Cheer Union may, upon the recommendation of its Executive Committee, request that WADA expand the Prohibited List for the sport of Cheer or certain disciplines within the sport of Cheer. The ICU may also, upon the recommendation of its Executive Committee, request that WADA include additional substances or methods, which have the potential for abuse in the sport of Cheer, in the monitoring program described in Article 4.5 of the Code. As provided in the Code, WADA shall make the final decision on such requests by the ICU.

#### 4.2.2 Specified Substances

For purposes of the application of Article 10 (Sanctions on Individuals), all *Prohibited Substances* shall be “Specified Substances” except (a) substances in the classes of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. *Prohibited Methods* shall not be Specified Substances.

*[Comment to Article 4.2.2: In drafting the Code there was considerable debate among stakeholders over the appropriate balance between inflexible sanctions which promote harmonization in the application of the rules and more flexible sanctions which better take into consideration the circumstances of each individual case. This balance continued to be discussed in various CAS decisions interpreting the Code. After three years experience with the Code, the strong consensus of stakeholders is that while the occurrence of an anti-doping rule violation under Articles 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers) and 2.2 (Use of a Prohibited Substance or Prohibited Method) should still be based on the principle of strict liability, the Code sanctions should be made more flexible where the Athlete or other Person can clearly demonstrate that he or she did not intend to enhance sport performance. The change to Article 4.2 and related changes to Article 10 provide this additional flexibility for violations involving many Prohibited Substances. The rules set forth in Article 10.5 (Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances) would remain the only basis for eliminating or reducing a sanction involving anabolic steroids and hormones, as well as the stimulants and the hormone antagonists and modulators so identified on the Prohibited List, or Prohibited Methods.]*

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

As provided in Article 4.4.3 of the Code, WADA’s determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List and the classification of substances into categories on the Prohibited List shall be final and shall not be subject to challenge by an Athlete or other Person, based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

### 4.4 Therapeutic Use

4.4.1 Athletes with a documented medical condition requiring the use of a Prohibited Substance or a Prohibited Method must first obtain a Therapeutic Use Exemption (“TUE”). The presence of a Prohibited Substance or its Metabolites or Markers (Article 2.1), Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Article 2.2), Possession of Prohibited Substances or Prohibited Methods (Article 2.6) or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method (Article 2.8) consistent with the provisions of an applicable TUE issues pursuant to the International Standard for Therapeutic Use Exemptions shall not be considered an anti-doping rule violation.

4.4.2 Athletes included by the ICU in its Registered Testing Pool and other Athletes prior to their participation in any International Event must obtain a TUE from the ICU (regardless of whether the Athlete previously has received a TUE at the national level). TUE's granted by the ICU shall be reported to the athlete's National Federation and to WADA. Other Athletes subject to Testing may obtain a TUE from their National Anti-Doping Organization or other body designated by their National Federation. National Federations shall promptly report any such TUE's to IF and WADA.

4.4.3 The ICU Executive Committee shall appoint a panel of physicians to consider requests for TUE's (the "TUE Panel"). Upon the ICU's receipt of a TUE request, the Chair of the TUE Panel shall appoint one or more members of the TUE Panel (which may include the Chair) to consider such request. The TUE Panel member(s) so designated shall promptly evaluate such request in accordance with the International Standard for Therapeutic Use Exemptions and render a decision on such request, which shall be the final decision of the ICU.

4.4.3.1 International-Level Athletes who are included in the ICU's Registered Testing Pool, should apply to the ICU for the TUE at the same time the athlete first provides whereabouts information to the ICU and, except in emergency situations, no later than 21 days before the Athlete's participation at an International Event.

4.4.3.2 Athletes participating in International Events who are not included in the ICU Registered Testing Pool must, except in emergency situations, request a TUE from the ICU no later than 21 days before the Athlete's participation at an International Event.

4.4.4 WADA, at the request of an Athlete or on its own initiation, may review the granting or denial of any TUE to an International Level Athlete or a national level Athlete that is included in a Registered Testing Pool. If WADA determines that the granting or denial of a TUE did not comply with the International Standard for Therapeutic Use Exemptions in force at the time then WADA may reverse that decision. Decisions on TUE's are subject to further appeal as provided in Article 13.

## **ARTICLE 5                    TESTING**

### **5.1 Authority to Test**

All Athletes affiliated with a National Federation shall be subject to Testing by the ICU, the Athlete's National Federation, and any other Anti-Doping Organization responsible for Testing at a Competition or Event in which they participate. All Athletes affiliated with a National Federation, who is a member of the ICU, including Athlete's serving a period of ineligibility or a provisional suspension, shall also be subject to Testing at any time or place, with or without advance notice, by the ICU, WADA, the Athlete's National Federation, the National Anti-Doping Organization of any country where the Athlete is present, or of which the Athlete is a national, resident, license-holder or member of a sports organization, the IOC during the Olympic Games, and the IPC during Paralympic Games and any other anti-doping organization responsible for testing at a competition or event in which they participate.

### **5.2 Responsibility for IF Testing**

The ICU's Anti-Doping Commission, shall be responsible for overseeing all Testing conducted by the ICU. Testing may be conducted by members of the ICU's Anti-Doping Commission or by other qualified persons so authorized by the ICU.

### **5.3 Testing Standards**

Testing conducted by ICU and its National Federations shall be in substantial conformity with the International Standard for Testing in force at the time of Testing.

5.3.1 Blood (or other non-urine) Samples may be used either to detect Prohibited Substances or Prohibited Methods or for screening procedure purposes only. If the blood is collected for screening only, it will have no other consequences for the Athlete other than to identify him/her for a urine test under these anti-doping rules. In these circumstances, the ICU may decide at its own discretion which blood parameters are to be measured in the screening Sample and what levels of those parameters will be used to indicate that an Athlete should be selected for a urine test.

### **5.4 Coordination of Testing**

The ICU and its respective National Federations shall promptly report completed tests through the WADA clearinghouse to avoid unnecessary duplication in Testing.

### **5.5 Athlete Whereabouts Requirements**

5.5.1 The ICU shall identify a Registered Testing Pool of those Athletes who are required to provide up-to-date whereabouts information to the ICU. The ICU may revise

its Registered Testing Pool from time to time as appropriate<sup>3</sup>. Each Athlete in the

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3(3) *The purpose of the IF Registered Testing Pool is to identify top-level International Athletes who the ICU requires to provide whereabouts information to facilitate Out-of-Competition Testing by the ICU and WADA. For most IFs, this list will be comparable to the list of Athletes in the ICU's existing agreement with WADA for Out-of-Competition Testing. The ICU's criteria for inclusion of Athletes on this list may vary by sport. For example, criteria for inclusion might be based on: current or past world rankings, established performance standards (e.g., times or distances). The registered testing pool should aim at your best athletes. As a minimum it should contain selected team athletes but it should not extend to all National Teams of all your National Federations. If an Olympic IF wants some guidance for a number of athletes to include in the registered testing pool, it can be the number of Athletes that participate in the Olympic Games.*

*Examples for the criteria which could be used separately or in combination include:*

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Registered Testing Pool shall file quarterly reports with the ICU on forms provided by the ICU which specify on a daily basis the locations and times where the Athlete will be residing, training and competing. Athletes shall update this information as necessary so that it is current at all times. The ultimate responsibility for providing whereabouts information rests with each Athlete, however, it shall be the responsibility of each National Federation to use its best efforts to assist the ICU in obtaining whereabouts information as requested by the ICU.

5.5.2 Any Athlete in the ICU Registered Testing Pool who is unavailable for Testing on three attempts during any period of 18 consecutive months shall be considered to have committed an anti-doping rule violation pursuant to Article 2.4. For each attempt, the Doping Control Officer shall visit all locations during the times specified by the athlete for that date and shall stay two hours at each location. Notification shall be sent to the athlete between each attempt that is to be counted as an unavailable test.

5.5.3 Any Athlete in the ICU Registered Testing Pool who fails to timely submit a required quarterly whereabouts report after receipt of two formal written warnings from the ICU or a National Federation to do so in the preceding 18 months shall be considered to have committed an anti-doping rule violation pursuant to Article 2.4.

5.5.4 Each National Federation shall also assist their National Anti-Doping Organization in establishing a national level Registered Testing Pool of top-level national Athletes who are not already included in the ICU's Registered Testing Pool. The National Federation/National Anti-Doping Organization may establish its own whereabouts reporting requirements and criteria for Article 2.4 violations applicable to those Athletes.

5.5.5 Whereabouts information provided pursuant to Articles 5.5.1 and 5.5.4 shall be shared with WADA and other Anti-Doping Organizations having jurisdiction to test an Athlete on the strict condition that it be used only for Doping Control purposes.

## **5.6 Retirement and Return to Competition**

5.6.1 An Athlete who has been identified by the ICU for inclusion in the ICU's Registered Testing Pool shall continue to be subject to these Anti-Doping Rules, including the obligation to be available for No Advance Notice Out-of-Competition Testing, unless and until the Athlete gives written notice to IF that he or she has retired or until he or she no longer satisfies the criteria for inclusion in the ICU's Registered Testing Pool and has been so informed by the ICU.

5.6.2 An Athlete who has given notice of retirement to the ICU may not resume competing unless he or she notifies the ICU at least six months before he or she expects to return to competition and is available for unannounced Out-of-Competition Testing, at any time during the period before actual return to competition.

5.6.3 National Federations/National Anti-Doping Organizations may establish similar requirements for retirement and returning to competition for Athletes in the national Registered Testing Pool.

## **5.7 Selection of Athletes to be tested**

5.7.1 At International Events, the ICU Executive Committee shall determine the number of finishing placement tests, random tests and target tests to be performed.

Examples:

Alternative 1:

The following Athletes shall be tested for each Competition at an International Event.

For a World Cheer event: One Athletes selected at random from each of the top three finishing teams, plus one Athlete selected at random from a randomly-selected team outside the top three finishing teams and if so determined by the ICU Executive Committee, one Athlete selected at random from each of the other teams in the Competition that finish among the top ten teams.

Alternative 2:

The ICU Executive Committee shall target a certain number of athletes not necessarily linked to final placements in order to maximize the diversity of athletes tested or based on information provided by the WADA Clearinghouse on previous tests.

5.7.2 At National Events, each National Federation shall determine the number of Athletes selected for Testing in each Competition and the procedures for selecting the Athletes for Testing.

5.7.3 In addition to the selection procedures set forth in Articles 5.7.1 and 5.7.2 above, the ICU Executive Committee at International Events, and the National Federation at National Events, may also select Athletes or teams for Target Testing so long as such Target Testing is not used for any purpose other than legitimate Doping Control purposes.

5.7.4 Athletes shall be selected for Out-of-Competition Testing by the ICU Executive Committee and by National Federations through a process that substantially complies with the International Standard for Testing in force at the time of selection.

**5.8 National Federations and the organizing committees for National Federation Events shall provide access to Independent Observers at Events as directed by the ICU.**

## **ARTICLE 6 ANALYSIS OF SAMPLES**

Doping Control Samples collected under these Anti-Doping Rules shall be analyzed in accordance with the following principles:

### **6.1 Use of Approved Laboratories**

The ICU shall send Doping Control Samples for analysis only to WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-accredited laboratory (or other method approved by WADA) used for the Sample analysis shall be determined exclusively by the ICU.

### **6.2 Substances Subject to Detection**

Doping Control Samples shall be analyzed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to the Monitoring Program described in Article 4.5 of the Code or to assist the ICU and its National Federations in profiling relevant parameters in an Athlete's urine, blood or other matrix, including DNA or genomic profiling, for anti-doping purposes.

### **6.3 Research on Samples**

No Sample may be used for any purpose other than the detection of substances (or classes of substances) or methods on the Prohibited List, or as otherwise identified by WADA pursuant to its Monitoring Program, without the Athlete's written consent. Samples used (with the Athlete's consent) for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular athlete.

#### **.4 Standards for Sample Analysis and Reporting**

Laboratories shall analyze Doping Control Samples and report results in conformity with the International Standard for Laboratory Analysis.

## **ARTICLE 7 RESULTS MANAGEMENT**

### **7.1 Results Management for Tests Initiated by the ICU**

Results management for Tests initiated by the ICU (including Tests performed by WADA pursuant to agreement with the ICU) shall proceed as set forth below:

7.1.1 The results from all analyses must be sent to the ICU in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted in such a way that the results of the analyses are confidential.

7.1.2 Upon receipt of an A Sample Adverse Analytical Finding, the ICU Secretary General and the ICU Executive Committee shall conduct a review to determine whether: (a) an applicable therapeutic use exemption has been granted or will be granted, or (b) there is any apparent departure from the International Standards for Testing or Laboratory Analysis that undermines the validity of the Adverse Analytical Finding.

7.1.2.1 The ICU Executive Committee shall appoint an Independent Doping Review Panel consisting of a Chair and no less than three people and no more than five other members with experience in anti-doping. All members of the panel shall be otherwise independent from the ICU. Each panel member shall serve a term of four years. In each case the Chair of the panel shall appoint 1 or more members of the panel (which may include the Chair) to conduct the review discussed in Articles 7.1.2, 7.1.8, 7.1.9 and 7.1.10 and to review any other potential violations of these Anti-Doping Rules as may be requested by IF.]

7.1.3 If the initial review under Article 7.1.2 does not reveal an applicable therapeutic use exemption or entitlement to a therapeutic use exemption, or departure from the International Standard for Testing or the International Standard for laboratory analysis in force at the time of Testing or analysis that undermines the validity of the Adverse Analytical Finding, IF shall promptly notify the Athlete of: (a) the Adverse Analytical Finding; (b) the anti-doping rule violated, or, in a case under Articles 7.1.8 or 7.1.9, a description of the additional investigation that will be conducted as to whether there is an anti-doping rule violation; (c) the Athlete's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived; (d) the right of the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis if such analysis is requested, the scheduled date, time and place for the B Sample analysis if the Athlete or the ICU chooses to request an analysis of the B Sample ; and (e) the Athlete's right to request copies of the A and B Sample laboratory documentation

package which includes information as required by the International Standard for Laboratory Analysis.

7.1.4 Arrangements shall be made for Testing the B Sample within the time period specified in the International Standard for Laboratories. An Athlete may accept the A Sample analytical results by waiving the requirement for B Sample analysis. The ICU may nonetheless elect to proceed with the B Sample analysis.

7.1.5 The Athlete and/or his representative shall be allowed to be present at the analysis of the B Sample. Also a representative of the Athlete's National Federation as well as a representative of the ICU shall be allowed to be present.

7.1.6 If the B Sample proves negative, the entire test shall be considered negative and the Athlete, his National Federation, and the ICU shall be so informed.

7.1.7 If a Prohibited Substance or the Use of a Prohibited Method is identified, the findings shall be reported to the Athlete, his National Federation, the ICU, and to WADA.

7.1.8 The ICU Secretary General and the Independent Doping Review Panel shall conduct any follow-up investigation as may be required by the Prohibited List. Upon completion of such follow-up investigation, the ICU shall promptly notify the Athlete regarding the results of the follow-up investigation and whether or not IF asserts that an anti-doping rule was violated.

7.1.9 For apparent anti-doping rule violations that do not involve Adverse Analytical Findings, the ICU shall conduct any necessary follow-up investigation and shall then promptly notify the Athlete of the anti-doping rule, which appears to have been violated, and the basis of the violation.

Adverse Analytical Findings -Atypical Findings and other asserted violations of anti-doping rules shall be reported by National Federations in accordance with the principles outlined in this Article 7 to the Athlete's National Anti-Doping Organization, IF and WADA no later than the completion of the National Federation's results management process. Any apparent anti-doping rule violation by an Athlete who is a member of that National Federation shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the National Federation, National Anti-Doping Organization or national law. Apparent anti-doping rule violations by Athletes who are members of another National Federation shall be referred

## **7.2 Results Management for Tests Initiated During Other International Events**

Results management and the conduct of hearings from a test by the International Olympic Committee, the International Paralympic Committee, or a Major Event Organization, shall be managed, as far as sanctions beyond Disqualification from the Event or the results of the Event, by the ICU.

## **7.3 Results Management for Tests initiated by National Federations**

Results management conducted by National Federations shall be consistent with the general principles for effective and fair results management which underlie the detailed provisions set forth in Article 7.1. Results of all Doping Controls shall be reported to the ICU within 14 days of the conclusion of the National Federation's results management process. Any apparent anti-doping rule violation by an Athlete who is a member of that National Federation shall be promptly referred to an

appropriate hearing panel established pursuant to the rules of the National Federation or national law. Apparent anti-doping rule violations by Athletes who are members of another National Federation [shall be referred to the Athlete's National Federation] for hearing.

#### **7.4 Provisional Suspensions**

7.4.1 If analysis of an A Sample has resulted in an Adverse Analytical Finding for a Prohibited Substance that is not a Specified Substance, and a review in accordance with Article 7.1.2 does not reveal an applicable TUE or departure from the International Standard for Testing or the International Standard for Laboratories that caused the Adverse Analytical Finding, a Provisional Suspension shall be imposed promptly after the review and notification described in Article 7.1.-

7.4.2 In any case not covered by Article 7.4.1 where IF decides to take the matter forward as an apparent anti-doping rule violation in accordance with the foregoing provisions of this Article 7, a Provisional Suspension may be imposed after the review and notification described in Article 7.1, but prior to the analysis of the Athlete's B Sample or the final hearing as described in Article 8 (Right to a Fair Hearing).

7.4.3 However, a Provisional Suspension may not be imposed, whether pursuant to Article 7.4.1 or Article 7.4.2, unless the Athlete or other Person is given either (a) an opportunity for a Provisional Hearing either before imposition of the Provisional Suspension or on a timely basis after imposition of the Provisional Suspension; or (b) an opportunity for an expedited hearing in accordance with Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a Provisional Suspension. National Federations shall impose Provisional Suspensions in accordance with the principles set forth in this Article 7.4.

7.4.4 If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and a subsequent B Sample analysis (if requested by the Athlete or Anti-Doping Organization) does not confirm the A Sample analysis, then the Athlete shall not be subject to any further Provisional Suspension on account of a violation of Article 2.1 of the Code (Presence of a Prohibited Substance or its Metabolites or Markers). In circumstances where the Athlete (or the Athlete's team as may be provided in these anti-doping rules) has been removed from a Competition based on a violation of Article 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, if, without otherwise affecting the Competition, it is still possible for the Athlete or team to be reinserted, the Athlete or team may continue to take part in the Competition.

#### **7.5 Results Management for Tests initiated by National Federations**

Results management conducted by National Federations shall be consistent with the general principles for effective and fair results management which are underlined in the detailed provisions set forth in this Article 7. Adverse Analytical findings, Atypical Findings and other asserted violations of anti-doping rules shall be reported by National Federations in accordance with the principles outlined in this Article 7 to the Athlete's National Anti-Doping Organization, IF and WADA no later than the completion of the National Federation's results management process. Any apparent anti-doping rule violation by an Athlete who is a member of that National Federation shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the National Federation, National Anti-Doping Organization or national law. Apparent anti-doping rule violations by Athletes who are members of another National Federation shall be referred [**Alternative 1** to the Athlete's National Federation] [**Alternative 2** to the IF] for hearing.

## **ARTICLE 8                    RIGHT TO A FAIR HEARING**

### **8.1        Hearings arising out of the ICU Testing or Tests at International Events**

- 8.1.1        The IF Executive shall appoint a standing panel consisting of a Chair and four other experts with experience in anti-doping ("the ICU Doping Hearing Panel"). The Chair shall be a lawyer. Each panel member shall be otherwise independent of the ICU. Each panel member shall serve a term of four years.
- 8.1.2        When it appears, following the Results Management process described in Article 7, that these Anti-Doping Rules have been violated in connection with the ICU Testing or Testing at an International Event then the case shall be assigned to the ICU Doping Hearing Panel for adjudication.
- 8.1.3        The Chair of the ICU Doping Hearing Panel shall appoint three members from the panel (which may include the Chair) to hear each case. At least one appointed member should be a lawyer. The appointed members shall have had no prior involvement with the case and shall not have the same nationality as the Athlete or other Person alleged to have violated these Anti-Doping Rules.
- 8.1.4        Hearings pursuant to this Article shall be completed expeditiously following the completion of the results management process described in Article 7. Hearings held in connection with Events may be conducted on an expedited basis.
- 8.1.5        The National Federation of the Athlete or other Person alleged to have violated these Anti-Doping Rules might attend the hearing as an observer.
- 8.1.6        The ICU shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.
- 8.1.7        An Athlete or other Person may forego a hearing by acknowledging the Anti-Doping Rule violation and accepting Consequences consistent with Articles 9 and 10 as proposed by the ICU.
- 8.1.8        Decisions of the ICU Doping Hearing Panel may be appealed to Court of Arbitration for Sport as provided in Article 13.

### **8.2 Hearings Arising Out of National Testing**

- 8.2.1        When it appears, following the Results Management process described in Article 7, that these Anti-Doping Rules have been violated in connection with Testing other than in connection with the ICU Testing or Testing at an International Event, the Athlete or other Person involved shall be brought before a disciplinary panel of the Athlete or other Person's National Federation for a hearing to adjudicate whether a violation of these Anti-Doping Rules occurred and if so what Consequences should be imposed.
- 8.2.2        Hearings pursuant to this Article 8.2 shall be completed expeditiously and in all cases within three months of the completion of the Results Management process described in Article 7. Hearings held in connection with Events may be conducted by an expedited process. If the completion of the hearing is delayed beyond three months, the ICU may elect to bring the case directly before the ICU Doping Hearing Panel at the responsibility and at the expense of the National Federation.

- 8.2.3 National Federations shall keep the ICU and WADA fully apprised as to the status of pending cases and the results of all hearings.
- 8.2.4 The ICU and WADA shall have the right to attend hearings as an observer.
- 8.2.5 The Athlete or other Person may forego a hearing by acknowledging the violation of these Anti-Doping Rules and accepting Consequences consistent with Articles 9 and 10 as proposed by the National Federation.
- 8.2.6 Decisions by National Federations, whether as the result of a hearing or the Athlete or other Person's acceptance of Consequences, may be appealed as provided in Article 13.
- 8.2.7 Hearing decisions by the National Federation shall not be subject to further administrative review at the national level except as provided in Article 13 or required by applicable national law.

**8.3 Principles for a Fair Hearing - All hearings pursuant to either Article 8.1 or 8.2 shall respect the following principles:**

- A timely hearing;
- Fair and impartial hearing body;
- The right to be represented by counsel at the Person's own expense;
- The right to be fairly and timely informed of the asserted anti-doping rule violation;
- The right to respond to the asserted anti-doping rule violation and resulting Consequences;
- The right of each party to present evidence, including the right to call and question witnesses (subject to the hearing body's discretion to accept testimony by telephone or written submission);
- The Person's right to an interpreter at the hearing, with the Doping Panel to determine the identity, and responsibility for the cost of the interpreter; and
- A timely, written, reasoned decision.

**ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

A violation of these Anti-Doping Rules in connection with an In-Competition test automatically leads to Disqualification of the individual result obtained in that Competition with all resulting consequences, including forfeiture of any medals, points and prizes.

**ARTICLE 10 SANCTIONS ON INDIVIDUALS**

**10.1 *Disqualification of Results in Event during which an Anti-Doping Rule Violation Occurs***

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

*[Comment to Article 10.1: Whereas Article 9 (Automatic Disqualification of Individual Results) Disqualifies the result in a single Competition in which the Athlete tested positive, this Article may lead to Disqualification of all results in all races during the Event. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the severity of the Athlete's anti-doping rule violation and whether the Athlete tested negative in the other Competitions.]*

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

## **10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of Prohibited Substances and Prohibited Methods**

The period of *Ineligibility* imposed for a violation of Article 2.1 (Presence of *Prohibited Substance* or its *Metabolites* or *Markers*), Article 2.2 (*Use or Attempted Use of Prohibited Substance or Prohibited Method*) or Article 2.6 (*Possession of Prohibited Substances and Prohibited Methods*) shall be as follows, unless the conditions for eliminating or reducing the period of *Ineligibility*, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of *Ineligibility*, as provided in Article 10.6, are met:

First violation: Two (2) years' *Ineligibility*.

*[Comment to Article 10.2: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short (e.g., artistic gymnastics) a two year Disqualification has a much more significant effect on the Athlete than in sports where careers are traditionally much longer (e.g., equestrian and shooting); in Individual Sports, the Athlete is better able to maintain competitive skills through solitary practice during Disqualification than in other sports where practice as part of a team is more important. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between IFs and National Anti-Doping Organizations.]*

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

The period of *Ineligibility* for violations of these Anti-Doping Rules other than as provided in Article 10.2 shall be as follows:

10.3.1 For violations of Article 2.3 (Refusing or Failing to Submit to *Sample* collection) or Article 2.5 (*Tampering with Doping Control*), the *Ineligibility* period shall be two (2) years unless the conditions provided in Article 10.5, or the conditions provided in Article 10.6, are met.

10.3.2 For violations of Article 2.7 (*Trafficking*) or Article 2.8 (Administration or *Attempted Administration of Prohibited Substance or Prohibited Method*), the period of *Ineligibility* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility* unless the conditions provided in Article 10.5 are met. An anti-doping rule violation involving a *Minor* shall be considered a particularly serious violation, and, if committed by *Athlete Support Personnel* for violations other than Specified Substances referenced in Article 4.2.2 shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Articles 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

*[Comment to Article 10.3.2: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to Ineligibility for credentials, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]*

10.3.3 For violations of Article 2.4 (Whereabouts Filing Failures and/ or Missed Tests), the period of *Ineligibility* shall be at a minimum one (1) year and at a maximum two (2) years based on the *Athlete's* degree of fault.

*[Comment to Article 10.3.3: The sanction under Article 10.3.3 shall be two years where all three filing failures or missed tests are inexcusable. Otherwise, the sanction shall be assessed in the range of two years to one year, based on the circumstances of the case.]*

#### 10.4 Elimination or Reduction of the Period of *Ineligibility* for Specified Substances under Specific Circumstances

Where an *Athlete* or other *Person* can establish how a Specified Substance entered his or her body or came into his or her *Possession* and that such Specified Substance was not intended to enhance the *Athlete's* sport performance or mask the *Use* of a performance-enhancing substance, the period of *Ineligibility* found in Article 10.2 shall be replaced with the following:

First violation: At a minimum, a reprimand and no period of *Ineligibility* from future *Events*, and at a maximum, two (2) years of *Ineligibility*.

To justify any elimination or reduction, the *Athlete* or other *Person* must produce corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing panel the absence of an intent to enhance sport performance or mask the *Use* of a performance enhancing substance. The *Athlete's* or other *Person's* degree of fault shall be the criterion considered in assessing any reduction of the period of *Ineligibility*.

*[Comment to Article 10.4: Specified Substances as now defined in Article 4.2.2 are not necessarily less serious agents for purposes of sports doping than other Prohibited Substances (for example, a stimulant that is listed as a Specified Substance could be very effective to an Athlete in competition); for that reason, an Athlete who does not meet the criteria under this Article would receive a two-year period of Ineligibility and could receive up to a four-year period of Ineligibility under Article 10.6. However, there is a greater likelihood that Specified Substances, as opposed to other Prohibited Substances, could be susceptible to a credible, non-doping explanation.]*

*This Article applies only in those cases where the hearing panel is comfortably satisfied by the objective circumstances of the case that the Athlete in taking or Possessing a Prohibited Substance did not intend to enhance his or her sport performance. Examples of the type of objective circumstances which in combination might lead a hearing panel to be comfortably satisfied of no performance-enhancing intent would include: the fact that the nature of the Specified Substance or the timing of its ingestion would not have been beneficial to the Athlete; the Athlete's open Use or disclosure of his or her Use of the Specified Substance; and a contemporaneous medical records file substantiating the non-sport-related prescription for the Specified Substance. Generally, the greater the potential performance-enhancing benefit, the higher the burden on the Athlete to prove lack of an intent to enhance sport performance.*

*While the absence of intent to enhance sport performance must be established to the comfortable satisfaction of the hearing panel, the Athlete may establish how the Specified Substance entered the body by a balance of probability.*

*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 this Article. It is anticipated that the period of Ineligibility will be eliminated entirely in only the most exceptional cases.]*

## **10.5 Elimination or Reduction of Period of *Ineligibility* Based on Exceptional Circumstances**

### *10.5.1 No Fault or Negligence*

If an *Athlete* establishes in an individual case that he or she bears *No Fault or Negligence*, the otherwise applicable period of *Ineligibility* shall be eliminated. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Sample* in violation of Article 2.1 (Presence of *Prohibited Substance*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* eliminated. In the event this Article is applied and the period of *Ineligibility* otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of *Ineligibility* for multiple violations under Article 10.7.

### *10.5.2 No Significant Fault or Negligence*

If an *Athlete* or other *Person* establishes in an individual case that he or she bears *No Significant Fault or Negligence*, then the otherwise applicable period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight

(8) years. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Sample* in violation of Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* reduced.

*[Comment to Articles 10.5.1 and 10.5.2: IF's Anti-Doping Rules provide for the possible reduction or elimination of the period of Ineligibility in the unique circumstance where the Athlete can establish that he or she had No Fault or Negligence, or No Significant Fault or Negligence, in connection with the violation. This approach is consistent with basic principles of human rights and provides a balance between those Anti-Doping Organizations that argue for a much narrower exception, or none at all, and those that would reduce a two year suspension based on a range of other factors even when the Athlete was admittedly at fault. These Articles apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. Article 10.5.2 may be applied to any anti-doping rule violation even though it will be especially difficult to meet the criteria for a reduction for those anti-doping rule violations where knowledge is an element of the violation.]*

*Articles 10.5.1 and 10.5.2 are meant to have an impact only in cases where the circumstances are truly exceptional and not in the vast majority of cases.*

*To illustrate the operation of Article 10.5.1, an example where No Fault or Negligence would result in the total elimination of a sanction is where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, a sanction could not be completely eliminated on the basis of No Fault or Negligence in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction based on No Significant Fault or Negligence. (For example, reduction may well be appropriate in illustration (a) if the Athlete clearly establishes that the cause of the positive test was contamination in a common multiple vitamin purchased from a source with no connection to Prohibited Substances and the Athlete exercised care in not taking other nutritional supplements.)*

*For purposes of assessing the Athlete's or other Person's fault under Articles 10.5.1 and 10.5.2, the evidence 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 this Article.*

*While Minors are not given special treatment per se in determining the applicable sanction, certainly youth and lack of experience are relevant factors to be assessed in determining the Athlete's or other Person's fault under Article 10.5.2, as well as Articles 10.3.3, 10.4 and 10.5.1.*

*Article 10.5.2 should not be applied in cases where Articles 10.3.3 or 10.4 apply, as those Articles already take into consideration the Athlete or other Person's degree of fault for purposes of establishing the applicable period of Ineligibility.]*

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

IF or its *National Federations* may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in the *Anti-Doping Organization* discovering or establishing an anti-doping rule violation by another *Person* or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another *Person*. After a final appellate decision under Article 13 or the expiration of time to appeal, IF may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of *WADA*. After a final appellate decision under Article 13 or the expiration of time to appeal, *National Federations* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of IF and *WADA*. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight (8) years. If IF or its *National Federations* suspend any part of the otherwise applicable period of *Ineligibility* under this Article, they shall promptly provide a written justification for its decision to each *Anti-Doping Organization* having a right to appeal the decision. If IF or its *National Federations* subsequently reinstate any part of the suspended period of *Ineligibility* because the *Athlete* or other *Person* has failed to provide the *Substantial Assistance* which was anticipated, the *Athlete* or other *Person* may appeal the reinstatement pursuant to Article 13.2.

*[Comment to Article 10.5.3: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.]*

*Factors to be considered in assessing the importance of the Substantial Assistance would include, for example, the number of individuals implicated, the status of those individuals in the sport, whether a scheme involving Trafficking under Article 2.7 or administration under Article 2.8 is involved and whether the violation involved a substance or method which is not readily detectible in Testing. The maximum suspension of the Ineligibility period shall only be applied in very exceptional cases. An additional factor to be considered in connection with the seriousness of the anti-doping rule violation is any performance-enhancing benefit which the Person providing Substantial Assistance may be likely to still enjoy. As a general matter, the earlier in the results management process the Substantial Assistance is provided, the greater the percentage of the otherwise applicable period of Ineligibility may be suspended.*

*If the Athlete or other Person who is asserted to have committed an anti-doping rule violation claims entitlement to a suspended period of Ineligibility under this Article in connection with the Athlete or other Person's waiver of a hearing under Article 8.3 (Waiver of Hearing), IF or its National Federations shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Article. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility before the conclusion of a hearing under Article 8 on the anti-doping rule violation, the hearing panel shall determine whether a suspension of a portion of the otherwise applicable period of Ineligibility is appropriate under this Article at the same time the hearing panel decides whether the Athlete or other Person has committed an anti-doping rule violation. If a portion of the period of Ineligibility is*

*suspended, the decision shall explain the basis for concluding the information provided was credible and was important to discovering or proving the anti-doping rule violation or other offense. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility after a final decision finding an anti-doping rule violation has been rendered and is not subject to appeal under Article 13, but the Athlete or other Person is still serving the period of Ineligibility, the Athlete or other Person may apply to IF or its National Federations to consider a suspension in the period of Ineligibility under this Article. Any such suspension of the otherwise applicable period of Ineligibility shall require the approval of WADA (and IF if the suspension of the otherwise applicable period of Ineligibility is decided by a National Federation). If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, IF or its National Federations shall reinstate the period of Ineligibility which would otherwise be applicable. Decisions rendered by IF or its National Federations under this Article may be appealed pursuant to Article 13.2.*

*This is the only circumstance under these Anti-Doping Rules where the suspension of an otherwise applicable period of Ineligibility is authorized.]*

#### 10.5.4 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence

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

*[Comment to Article 10.5.4: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught.]*

#### 10.5.5 Where an Athlete or Other Person Establishes Entitlement to Reduction in Sanction under More than One Provision of this Article

Before applying any reduction or suspension under Articles 10.5.2, 10.5.3 or 10.5.4, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.6. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under two or more of Articles 10.5.2, 10.5.3 or 10.5.4, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

*[Comment to Article 10.5.5: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Article 10.2, Article 10.3, Article 10.4 or Article 10.6) applies to the particular anti-doping rule violation. In a second step, the hearing panel establishes whether there is a basis for suspension, elimination or reduction of the sanction (Articles 10.5.1 through 10.5.4). Note, however, not all grounds for suspension, elimination or reduction may be combined with the provisions on basic sanctions. For example, Article 10.5.2 does not apply in cases involving Articles 10.3.3 or 10.4, since the hearing panel, under Articles 10.3.3 and 10.4, will already have determined the period of Ineligibility based on the Athlete's or other Person's degree of fault. In a third step, the hearing panel determines under Article 10.5.5 whether the Athlete or other Person is*

entitled to elimination, reduction or suspension under more than one provision of Article 10.5. Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.9. The following four examples demonstrate the proper sequence of analysis:

#### Example 1.

*Facts:* An Adverse Analytical Finding involves the presence of an anabolic steroid; the Athlete promptly admits the anti-doping rule violation as asserted; the Athlete establishes No Significant Fault (Article 10.5.2); and the Athlete provides Substantial Assistance (Article 10.5.3).

#### Application of Article 10:

1. The basic sanction would be two years under Article 10.2. (Aggravating Circumstances (Article 10.6) would not be considered because the Athlete promptly admitted the violation. Article 10.4 would not apply because a steroid is not a Specified Substance.)
2. Based on No Significant Fault alone, the sanction could be reduced up to one-half of the two years. Based on Substantial Assistance alone, the sanction could be reduced up to three-quarters of the two years.
3. Under Article 10.5.5, in considering the possible reduction for No Significant Fault and Substantial Assistance together, the most the sanction could be reduced is up to three-quarters of the two years. Thus, the minimum sanction would be a six-month period of Ineligibility.
4. Under Article 10.9.2, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event the Athlete would have to serve at least one-half of the Ineligibility period (minimum three months) after the date of the hearing decision.

#### Example 2.

*Facts:* An Adverse Analytical Finding involves the presence of an anabolic steroid; aggravating circumstances exist and the Athlete is unable to establish that he did not knowingly commit the anti-doping rule violation; the Athlete does not promptly admit the anti-doping rule violation as alleged; but the Athlete does provide important Substantial Assistance (Article 10.5.3).

#### Application of Article 10:

1. The basic sanction would be between two and four years Ineligibility as provided in Article 10.6.
2. Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the maximum four years.
3. Article 10.5.5 does not apply.
4. Under Article 10.9.2, the period of Ineligibility would start on the date of the hearing decision.

#### Example 3.

*Facts:* An Adverse Analytical Finding involves the presence of a Specified Substance; the Athlete establishes how the Specified Substance entered his body and that he had no intent to enhance his sport

*performance; the Athlete establishes that he had very little fault; and the Athlete provides important Substantial Assistance (Article 10.5.3).*

Application of Article 10:

1. *Because the Adverse Analytical Finding involved a Specified Substance and the Athlete has satisfied the other conditions of Article 10.4, the basic sanction would fall in the range between a reprimand and two years Ineligibility. The hearing panel would assess the Athlete's fault in imposing a sanction within that range. (Assume for illustration in this example that the panel would otherwise impose a period of Ineligibility of eight months.)*
2. *Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the eight months. (No less than two months.) [No Significant Fault (Article 10.2) would not be applicable because the Athlete's degree of fault was already taken into consideration in establishing the eight-month period of Ineligibility in step 1.]*
3. *Article 10.5.5 does not apply.*
4. *Under Article 10.9.2, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event, the Athlete would have to serve at least half of the Ineligibility period after the date of the hearing decision. (Minimum one month.)*

Example 4.

*Facts: An Athlete who has never had an Adverse Analytical Finding or been confronted with an anti-doping rule violation spontaneously admits that he intentionally used multiple Prohibited Substances to enhance his performance. The Athlete also provides Substantial Assistance (Article 10.5.3).*

Application of Article 10:

1. *While the intentional Use of multiple Prohibited Substances to enhance performance would normally warrant consideration of aggravating circumstances (Article 10.6), the Athlete's spontaneous admission means that Article 10.6 would not apply. The fact that the Athlete's Use of Prohibited Substances was intended to enhance performance would also eliminate the application of Article 10.4 regardless of whether the Prohibited Substances Used were Specified Substances. Thus, Article 10.2 would be applicable and the basic period of Ineligibility imposed would be two years.*
2. *Based on the Athlete's spontaneous admissions (Article 10.5.4) alone, the period of Ineligibility could be reduced up to one-half of the two years. Based on the Athlete's Substantial Assistance (Article 10.5.3) alone, the period of Ineligibility could be reduced up to three-quarters of the two years.*
3. *Under Article 10.5.5, in considering the spontaneous admission and Substantial Assistance together, the most the sanction could be reduced would be up to three-quarters of the two years. (The minimum period of Ineligibility would be six months.)*
4. *If Article 10.5.4 was considered by the hearing panel in arriving at the minimum six month period of Ineligibility at step 3, the period of Ineligibility would start on the date the hearing panel imposed the sanction. If, however, the hearing panel did not consider the application of Article 10.5.4 in reducing the period of Ineligibility in step 3, then under Article 10.9.2, the commencement of the period of Ineligibility could be started as early as the date the anti-doping rule violation was committed, provided that at least half of that period (minimum of three months) would have to be served after the date of the hearing decision.]*

## 10.6 Aggravating Circumstances Which May Increase the Period of Ineligibility

If IF or its *National Federations* establishes in an individual case involving an anti-doping rule violation other than violations under Articles 2.7 (*Trafficking* or *Attempted Trafficking*) and 2.8 (*Administration* or *Attempted Administration*) that aggravating circumstances are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased up to a maximum of four (4) years unless the *Athlete* or other *Person* can prove to the comfortable satisfaction of the hearing panel that he did not knowingly commit the anti-doping rule violation.

An *Athlete* or other *Person* can avoid the application of this Article by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by IF or its *National Federations*.

*[Comment to Article 10.6: Examples of aggravating circumstances which may justify the imposition of a period of Ineligibility greater than the standard sanction are: the Athlete or other Person committed the anti-doping rule violation as part of a doping plan or scheme, either individually or involving a conspiracy or common enterprise to commit anti-doping rule violations; the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods or Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or Person engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation.]*

*For the avoidance of doubt, the examples of aggravating circumstances described in this Comment to Article 10.6 are not exclusive and other aggravating factors may also justify the imposition of a longer period of Ineligibility. Violations under Articles 2.7 (Trafficking or Attempted Trafficking) and 2.8 (Administration or Attempted Administration) are not included in the application of Article 10.6 because the sanctions for these violations (from four years to lifetime Ineligibility) already build in sufficient discretion to allow consideration of any aggravating circumstance.]*

## 10.7 Multiple Violations

### 10.7.1 Second Anti-Doping Rule Violation

For an *Athlete's* or other *Person's* first anti-doping rule violation, the period of *Ineligibility* is set forth in Articles 10.2 and 10.3 (subject to elimination, reduction or suspension under Articles 10.4 or 10.5, or to an increase under Article 10.6). For a second anti-doping rule violation the period of *Ineligibility* shall be within the range set forth in the table below.

| Second Violation | RS     | FFMT    | NSF     | St     | AS      | TRA     |
|------------------|--------|---------|---------|--------|---------|---------|
| First Violation  |        |         |         |        |         |         |
| <b>RS</b>        | 1-4    | 2-4     | 2-4     | 4-6    | 8-10    | 10-life |
| <b>FFMT</b>      | 1-4    | 4-8     | 4-8     | 6-8    | 10-life | life    |
| <b>NSF</b>       | 1-4    | 4-8     | 4-8     | 6-8    | 10-life | life    |
| <b>St</b>        | 2-4    | 6-8     | 6-8     | 8-life | life    | life    |
| <b>AS</b>        | 4-5    | 10-life | 10-life | life   | life    | life    |
| <b>TRA</b>       | 8-life | life    | life    | life   | life    | life    |

Definitions for purposes of the second anti-doping rule violation table:

**RS** (Reduced sanction for Specified Substance under Article 10.4): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.4 because it involved a Specified Substance and the other conditions under Article 10.4 were met.

**FFMT** (Filing Failures and/or Missed Tests): The anti-doping rule violation was or should be sanctioned under Article 10.3.3 (Filing Failures and/or Missed Tests).

**NSF** (Reduced sanction for *No Significant Fault* or *Negligence*): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.5.2 because *No Significant Fault* or *Negligence* under Article 10.5.2 was proved by the *Athlete*.

**St** (Standard sanction under Articles 10.2 or 10.3.1): The anti-doping rule violation was or should be sanctioned by the standard sanction of two (2) years under Articles 10.2 or 10.3.1.

**AS** (Aggravated sanction): The anti-doping rule violation was or should be sanctioned by an aggravated sanction under Article 10.6 because the *Anti-Doping Organization* established the conditions set forth under Article 10.6.

**TRA** (*Trafficking* or *Attempted Trafficking* and administration or *Attempted* administration): The anti-doping rule violation was or should be sanctioned by a sanction under Article 10.3.2.

*[Comment to Article 10.7.1: The table is applied by locating the Athlete's or other Person's first anti-doping rule violation in the left-hand column and then moving across the table to the right to the column representing the second violation. By way of example, assume an Athlete receives the standard period of Ineligibility for a first violation under Article 10.2 and then commits a second violation for which he receives a reduced sanction for a Specified Substance under Article 10.4. The table is used to determine the period of Ineligibility for the second violation. The table is applied to this example by starting in the left-hand column and going down to the fourth row which is "St" for standard sanction, then moving across the table to the first column which is "RS" for reduced sanction for a Specified Substance, thus resulting in a 2-4 year range for the period of Ineligibility for the second violation. The Athlete's or other Person's degree of fault shall be the criterion considered in assessing a period of Ineligibility within the applicable range.]*

*[Comment to Article 10.7.1 RS Definition: See Article 25.4 with respect to application of Article 10.7.1 to pre-Code anti-doping rule violations.]*

#### 10.7.2 Application of Articles 10.5.3 and 10.5.4 to Second Anti-Doping Rule Violation

Where an *Athlete* or other *Person* who commits a second anti-doping rule violation establishes entitlement to suspension or reduction of a portion of the period of *Ineligibility* under Article 10.5.3 or Article 10.5.4, the hearing panel shall first determine the otherwise applicable period of *Ineligibility* within the range established in the table in Article 10.7.1, and then apply the appropriate suspension or reduction of the period of *Ineligibility*. The remaining period of *Ineligibility*, after applying any suspension or reduction under Articles 10.5.3 and 10.5.4, must be at least one-fourth of the otherwise applicable period of *Ineligibility*.

### 10.7.3 Third Anti-Doping Rule Violation

A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or involves a violation of Article 2.4 (Filing Failures and/or and Missed Tests). In these particular cases, the period of *Ineligibility* shall be from eight (8) years to life ban.

### 10.7.4 Additional Rules for Certain Potential Multiple Violations

- For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if IF (or its *National Federation*) can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7 (Results Management), or after IF (or its *National Federation*) made reasonable efforts to give notice, of the first anti-doping rule violation; if IF (or its *National Federation*) cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction; however, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances (Article 10.6).
- If, after the resolution of a first anti-doping rule violation, IF (or its *National Federations*) discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then IF (or its *National Federations*) shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8. To avoid the possibility of a finding of Aggravating Circumstances (Article 10.6) on account of the earlier-in-time but later-discovered violation, the *Athlete* or other *Person* must voluntarily admit the earlier anti-doping rule violation on a timely basis after notice of the violation for which he or she is first charged. The same rule shall also apply when IF (or its *National Federations*) discovers facts involving another prior violation after the resolution of a second anti-doping rule violation.

*[Comment to Article 10.7.4: In a hypothetical situation, an Athlete commits an anti-doping rule violation on January 1, 2008 which IF (or its National Federations) does not discover until December 1, 2008. In the meantime, the Athlete commits another anti-doping rule violation on March 1, 2008 and the Athlete is notified of this violation by IF (or its National Federations) on March 30, 2008 and a hearing panel rules on June 30, 2008 that the Athlete committed the March 1, 2008 anti-doping rule violation. The later-discovered violation which occurred on January 1, 2008 will provide the basis for aggravating circumstances because the Athlete did not voluntarily admit the violation in a timely basis after the Athlete received notification of the later violation on March 30, 2008.]*

### 10.7.5 Multiple Anti-Doping Rule Violations during an Eight-Year Period

For purposes of Article 10.7, each anti-doping rule violation must take place within the same eight (8) year period in order to be considered multiple violations.

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

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

10.8.1 As a condition of regaining eligibility after being found to have committed an anti-doping rule violation, the *Athlete* must first repay all prize money forfeited under this Article.

10.8.2 Allocation of Forfeited Prize Money.

[Alternative 1: Forfeited prize money shall be reallocated to other *Athletes*.]

[Alternative 2: Forfeited prize money shall be allocated first to reimburse the collection expenses of the *Anti-Doping Organization* that performed the necessary steps to collect the prize money back, then to reimburse the expenses of the *Anti-Doping Organization* that conducted results management in the case, with the balance, if any, allocated in accordance with the following rules [please insert IF specific rules if any].

*[Comment to Article 10.8.2: Nothing in these Anti-Doping Rules precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]*

## **10.9 Commencement of *Ineligibility* Period**

Except as provided below, the period of *Ineligibility* shall start on the date of the hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* imposed.

10.9.1 Delays Not Attributable to the *Athlete* or other *Person*

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, the *IF* or *Anti-Doping Organization* imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred.

10.9.2 Timely Admission

Where the *Athlete* promptly (which, in all events, means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by *IF* or *its National Federations*, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from

the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed.

*[Comment to Article 10.9.2: This Article shall not apply where the period of Ineligibility already has been reduced under Article 10.5.4 (Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence).]*

10.9.3 If a *Provisional Suspension* is imposed and respected by the *Athlete*, then the *Athlete* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed.

10.9.4 If an *Athlete* voluntarily accepts a *Provisional Suspension* in writing from IF or its *National Federations* and thereafter refrains from competing, the *Athlete* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under Article 14.1.

*[Comment to Article 10.9.4: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.]*

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

*[Comment to Article 10.9: The text of Article 10.9 has been revised to make clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the hearing decision. This amendment corrects inconsistent interpretation and application of the previous text.]*

## **10.10 Status During *Ineligibility***

### **10.10.1 Prohibition against Participation during *Ineligibility***

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

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate in local sport events in a sport other than the sport in which the *Athlete* or other *Person* committed the anti-doping rule violation, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*.

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

*[Comment to Article 10.10.1: For example, an ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation. Further, an ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the consequences set forth in Article 10.10.2. Sanctions in one sport will also be recognized by other sports (see Article 15 Mutual Recognition).]*

#### 10.10.2 Violation of the Prohibition of Participation during *Ineligibility*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.10.1, the results of such participation shall be *Disqualified* and the period of *Ineligibility* which was originally imposed shall start over again as of the date of the violation. The new period of *Ineligibility* may be reduced under Article 10.5.2 if the *Athlete* or other *Person* establishes he or she bears *No Significant Fault or Negligence* for violating the prohibition against participation. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether a reduction under Article 10.5.2 is appropriate, shall be made by IF or its *National Federations*.

*[Comment to Article 10.10.2: If an Athlete or other Person is alleged to have violated the prohibition against participation during a period of Ineligibility, IF or its National Federations shall determine whether the Athlete or other Person violated the prohibition and, if so, whether the Athlete or other Person has established grounds for a reduction in the restarted period of Ineligibility under Article 10.5.2. Decisions rendered by IF or its National Federations under this Article may be appealed pursuant to Article 13.2.]*

*Where an Athlete Support Personnel or other Person substantially assists an Athlete in violating the prohibition against participation during Ineligibility, IF or its National Federations may appropriately impose sanctions under its own disciplinary rules for such assistance.]*

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

In addition, for any anti-doping rule violation not involving a reduced sanction for *Specified Substances* as described in Article 10.4, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by IF and its *National Federations*.

### **10.11 Reinstatement *Testing***

As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, an *Athlete* must, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by IF, the applicable *National Federation*, and any other *Anti-Doping Organization* having *Testing* jurisdiction, and must, if requested, provide current and accurate whereabouts information. If an *Athlete* subject to a period of *Ineligibility* retires from sport and is removed from *Out-of-Competition Testing* pools and later seeks reinstatement, the *Athlete* shall not be eligible for reinstatement until the *Athlete* has notified IF and the applicable *National Federation* and has been subject to *Out-of-Competition Testing* for a period of time equal to the [longer of (a) the period set forth in Article 5.6 and (b)] period of *Ineligibility* remaining as of the date the *Athlete* had

retired. During such remaining period of *Ineligibility*, a minimum of [2] [3] [4] tests must be conducted on the *Athlete* with at least three months between each test. The *National Federation* shall be responsible for conducting the necessary tests, but tests by any *Anti-Doping Organization* may be used to satisfy the requirement. The results of such tests shall be reported to IF. In addition, immediately prior to the end of the period of *Ineligibility*, an *Athlete* must undergo *Testing* by IF or its *National Federations* for the *Prohibited Substances* and *Methods* that are prohibited in *Out-of-Competition Testing*. Once the period of an *Athlete's Ineligibility* has expired, and the *Athlete* has fulfilled the conditions of reinstatement, then the *Athlete* will become automatically re-eligible and no application by the *Athlete* or by the *Athlete's National Federation* will then be necessary.

## **10.12 Imposition of Financial Sanctions**

IF may insert here provisions for financial sanctions]

*[Comment to Article 10.12: For example, if a hearing panel were to find in a case that the cumulative effect of the sanction applicable under these anti-doping rules and a financial sanction provided in this Article 10.12 would result in too harsh a consequence, then the financial sanction, not the other sanctions of these anti-doping rules (e.g., Ineligibility and loss of results), would give way.]*

## **ARTICLE 11 CONSEQUENCES TO TEAMS**

- 11.1 Where more than one team member in a ICU Cheer event has been notified of a possible Anti-Doping Rule violation under Article 7 in connection with an Event, the Team shall be subject to Target Testing for the Event. If more than one team member in a Team Sport is found to have committed an Anti-Doping Rule violation during the Event, the team may be subject to Disqualification or other disciplinary action.**
- 11.2 If a member of a doubles team or pairs team or Trio is found to have committed a violation of these Anti-Doping Rules during an Event, the team shall be Disqualified from the Event.**

## **ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST NATIONAL FEDERATIONS**

- 12.1 The ICU Executive Committee has the authority to withhold some or all funding or other non-financial support to National Federations that are not in compliance with these Anti-Doping Rules.**
- 12.2 National Federations shall be obligated to reimburse the ICU for all costs, including but not limited to, laboratory fees, hearing expenses and travel) related to a violation of these Anti-Doping Rules committed by an Athlete or other Person affiliated with that National Federation.**
- 12.3 The ICU may elect to take additional disciplinary action against National Federations with respect to recognition, the eligibility of its officials and athletes to participate in International Events and fines based on the following:**

12.3.1 Four or more violations of these Anti-Doping Rules (other than violations involving Articles 2.4 and 10.3) are committed by Athletes or other Persons affiliated with a National Federation within a 12-month period in testing conducted by the ICU or Anti-Doping Organizations other than the National Federation or its National Anti-Doping Organization. [In such event the ICU may in its discretion elect to: (a) ban all officials from that National Federation for participation in any IF activities for a period of up to two years and/or (b) fine the National Federation in an amount up to \$ \_\_\_\*\_\_\_ U.S. Dollars. (For purposes of this

Rule, any fine paid pursuant to Rule 12.3.2 shall be credited against any fine assessed.)  
\*The actual amount will be assessed by the ICU Executive Committee.

12.3.1.1 If four or more violations of these Anti-Doping Rules (other than violations involving Articles 2.4 and 10.3) are committed in addition to the violations described in Article 12.3.1 by Athletes or other Persons affiliated with a National Federation within a 12-month period in testing conducted by the ICU or Anti-Doping Organizations other than the National Federation or its National Anti-Doping Organization, then the ICU may suspend that National Federation's membership for a period of up to 4 years.]

12.3.2 More than one Athlete or other Person from a National Federation commits an Anti-Doping Rule violation during an International Event. In such event the ICU may fine that National Federation in an amount up to \$\_\_\_\*\_\_\_ U.S. Dollars. \*The actual amount will be assessed by the ICU Executive Committee.

12.3.3 A National Federation has failed to make diligent efforts to keep the ICU informed about an Athlete's whereabouts after receiving a request for that information from the ICU. In such event the ICU may fine the National Federation in an amount up to \$\_\_\_\*\_\_\_ U.S. Dollars per Athlete in addition to all of the ICU's costs incurred in Testing that National Federation's Athletes. \*The actual amount will be assessed by the ICU Executive Committee.

## ARTICLE 13 APPEALS

### 13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.4. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review is provided in these rules or in the rules of the anti-doping agency conducting the hearing process as per Article 8, must be exhausted ( except as provided in Article 13.1.1 )

13.1.1 Where WADA has the right to appeal under Article 13 and no other party has appealed a final decision within the ICU of it's National Federations process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the ICU or it's National Federation's process.

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision under Article 10.10.2 (Violation of the Prohibition of Participation during *Ineligibility*); a decision that the IF or its *National Federation* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision by an *Anti-Doping Organization* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.4; and a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or in violation of Article 7.5 may be appealed exclusively as provided in this Article 13.2.

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

In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court.

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

### 13.2.2 Appeals Involving National-Level *Athletes*

#### **Alternative 1** :

In cases involving *national-level Athletes* as defined by each *National Anti-Doping Organization* who do not have a right to appeal under Article 13.2.1, the decision may be appealed to an independent and impartial body in accordance with rules established by the *National Anti-Doping Organization*. If the *National Anti-Doping Organization* has not established such a body, the decision may be appealed to CAS in accordance with the provisions applicable before such court.

#### **Alternative : 2**

In cases involving *national-level Athletes*, the decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court.

### 13.2.3 *Persons* Entitled to Appeal

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

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

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

### **13.3 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption**

Decisions by WADA reversing the grant or denial of a TUE exemption may be appealed exclusively to CAS by the Athlete, IF, or National Anti-Doping Organization or other body designated by a National Federation which granted or denied the exemption. Decisions to deny therapeutic use exemptions, and which are not reversed by WADA, may be appealed by International-Level Athletes to CAS and by other Athletes to the national level reviewing body described in Article 13.2.2. If the national level reviewing body reverses the decision to deny a therapeutic use exemption, that decision may be appealed to CAS by WADA. When ICU, National Anti-doping organization or other bodies designated by National Federations fail to take action on a properly submitted TUE application within a reasonable time, their failure to decide may be considered a denial for purpose of the appeal rights provided in this Article.

### **13.4 Appeal from Decisions Pursuant to Article 12**

Decisions by IF pursuant to Article 12 may be appealed exclusively to CAS by the National Federation.

### **13.5 Time for Filing Appeals**

The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having lead to the decision subject to appeal:

- a) Within ten (10) days from notice of the decision, such party/ies shall have the right to request from the body having issued the decision a copy of the file on which such body relied;
- b) If such a request is made within the ten-day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS.

The above notwithstanding, the filing deadline for an appeal or an intervention filed by WADA shall be the later of:

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

### **13.6 Failure to Render a Timely Decision by ICU or its National Federations**

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

**ARTICLE 14 NATIONAL FEDERATIONS INCORPORATION OF THE  
INTERNATIONAL CHEER UNION'S RULES, REPORTING AND  
RECOGNITION**

**14.1 Incorporation of the ICU Anti-Doping Rules**

All National Federations shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each National Federations Rules. All National Federations shall include in their regulations the procedural rules necessary to effectively implement these Anti-Doping Rules. Each National Federation shall obtain the written acknowledgement and agreement, in the form attached as Appendix 1, of all Athletes subject to Doping Control and Athlete Support Personnel for such Athletes. Notwithstanding whether or not the required form has been signed, the Rules of each National Federation shall specifically provide that these Anti-Doping Rules shall bind all Athletes, Athlete Support Personnel and other Persons under the jurisdiction of the National Federation.

**14.2 Statistical Reporting**

National Federations shall report to the ICU at least once a year, on a date so prescribed by the ICU Governing Council results of all Doping Controls within their jurisdiction sorted by Athlete and identifying each date on which the Athlete was tested, the entity conducting the test, and whether the test was In-Competition or Out-of-Competition. The ICU may periodically publish Testing data received from National Federations as well as comparable data from Testing under ICU's jurisdiction. ICU or it's National Federations shall, at least annually, publish publically a general statistical report of their Doping Control activities with a copy provide to WADA. ICU or it's National Federations may also publish reports showing the name of each Athlete tested and the date of each Testing.

**14.3 Notice, Confidentiality and Reporting**

14.3.1 Notice to Athletes and Other Persons.

Notice to Athletes or other Persons shall occur as provided under Article 7. Notice to an Athlete or other Person who is a member of a National Federation may be accomplished by delivery of the notice to the National Federation.

14.3.2 Notice to National Anti-Doping Organizations, IF and WADA.

Notice to National Anti-Doping Organizations, IF and WADA shall occur as provided under Article 7.

14.3.3 Content of Notification.

Notification to the Athlete's National Anti-Doping Organization, IF and WADA according to Article 7 shall include: the Athlete's name, country, sport and discipline within the sport, the Athlete's competitive level, whether the test was In-Competition or Out-of-Competition, the date of Sample collection and the analytical result reported by the laboratory.

#### 14.3.4 Status Reports.

The same Persons and Anti-Doping Organizations shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 7 (Results Management), 8 (Right to a Fair Hearing) or 13 (Appeals) and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

#### 14.3.5 Confidentiality.

The recipient organizations shall not disclose this information beyond those Persons with a need to know (which would include the appropriate personnel at the applicable National Olympic Committee, National Federation, and team in a Team Sport) until the Anti-Doping Organization with results management responsibility has made public disclosure or has failed to make public disclosure as required in Article 14.2 below.

[Comment to Article 14.1.5: Each Anti-Doping Organization shall provide, in its own anti-doping rules, procedures for the protection of confidential information and for investigating and disciplining improper disclosure of confidential information by any employee or agent of the Anti-Doping Organization.]

### **14.4 Public Disclosure.**

14.4.1 The identity of any Athlete or other Person who is asserted by IF or its National Federations to have committed an anti-doping rule violation, may be publicly disclosed by IF or its National Federations only after notice has been provided to the Athlete or other Person in accordance with Articles 7.1, 7.2 or 7.4, and to the applicable Anti-Doping Organizations in accordance with Article 14.1.2.

14.4.2 No later than twenty (20) days after it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, IF or its National Federations must publicly report the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the Athlete or other Person committing the violation, the Prohibited Substance or Prohibited Method involved and the Consequences imposed. IF or its National Federations must also publicly report within twenty (20) days appeal decisions concerning anti-doping rule violations. IF or its National Federations shall also, within the time period for publication, send all hearing and appeal decisions to WADA.

14.4.3 In any case where it is determined, after a hearing or appeal, that the Athlete or other Person did not commit an anti-doping rule violation, the decision may be disclosed publicly only with the consent of the Athlete or other Person who is the subject of the decision. IF and its National Federations shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve.

14.4.4 For purposes of Article 14.2, publication shall be accomplished at a minimum by placing the required information on the IF or its National Federations' Web site and leaving the information up for at least one (1) year.

14.4.5 Neither IF, nor its National Federation, or official of either, shall publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete, other Person or their representatives.

## **.5 Recognition of Decisions by the ICU and National Federations**

Any decision of the ICU or a National Federation regarding a violation of these Anti-Doping Rules shall be recognized by all National Federations, which shall take all necessary action to render such results effective.

### **14.6 Athlete Whereabouts Information.**

As further provided in the *International Standard for Testing*, Athletes who have been identified by IF or its *National Federations* for inclusion in a *Registered Testing Pool* shall provide accurate, current location information. IF and *National Anti-Doping Organizations* shall coordinate the identification of Athletes and the collecting of current location information and shall submit these to WADA. This information will be accessible, through ADAMS where reasonably feasible, to other *Anti-Doping Organizations* having jurisdiction to test the Athlete. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting *Testing*; and shall be destroyed after it is no longer relevant for these purposes.

### **14.7 Doping Control Information Clearinghouse.**

WADA shall act as a central clearinghouse for Doping Control Testing data and results for International-Level Athletes and national-level Athletes who have been included in their National Anti-Doping Organization's Registered Testing Pool. To facilitate coordinated test distribution planning and to avoid unnecessary duplication in Testing by the various Anti-Doping Organizations, IF or its National Federations shall report all In-Competition and Out-of-Competition tests on such Athletes to the WADA clearinghouse as soon as possible after such tests have been conducted. This information will be made accessible to the Athlete, the Athlete's National Federation, National Olympic Committee or National Paralympic Committee, National Anti-Doping Organization, IF, and the International Olympic Committee or International Paralympic Committee.

To enable it to serve as a clearinghouse for Doping Control Testing data, WADA has developed a database management tool, ADAMS, that reflects emerging data privacy principles.. Private information regarding an Athlete, Athlete Support Personnel, or others involved in anti-doping activities shall be maintained by WADA, which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the International Standard for the protection of privacy.

## **ARTICLE 15 RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS**

Subject to the right to appeal provided in Article 13, the Testing, therapeutic use exemptions and hearing results or other final adjudications of any Signatory to the Code which are consistent with the Code and are within the Signatory's authority, shall be recognized and respected by IF and its National Federations. The ICU and its National Federations may recognize the same actions of other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.

## **ARTICLE 16 STATUTE OF LIMITATIONS**

No action may be commenced under these Anti-Doping Rules against an Athlete or other Person for a violation of an anti-doping rule contained in these Anti-Doping Rules unless such action is commenced within eight years from the date the violation occurred.

## **ARTICLE 17**

## **IF COMPLIANCE REPORTS TO WADA**

The IF will report to WADA on the ICU's compliance with the Code every second year and shall explain reasons for any noncompliance.

## **ARTICLE 18**

## **AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES**

18.1            These Anti-Doping Rules may be amended from time to time by the ICU Executive Committee.

18.2            Except as provided in Article 18.5, these Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

18.3            The headings used for the various Parts and Articles of these Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.

18.4            The INTRODUCTION International Standards issues by WADFA and the APPENDIX I DEFINITIONS shall be considered integral parts of these Anti-Doping Rules.

18.5            These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the Code and shall be interpreted in a manner that is consistent with applicable provisions of the Code. The comments annotating various provisions of the Code may, where applicable, assist in the understanding and interpretation of these Anti-Doping Rules.

18.6            Notice to an Athlete or other Person who is a member of a National Federation may be accomplished by delivery of the notice to the National Federation.

18.7            These Anti-Doping Rules shall not apply retrospectively to matters pending before the date these Anti-Doping Rules came into effect.

## APPENDIX 1 - DEFINITIONS

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

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

***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 participates in sport at the international level (as defined by each International Federation), the national level (as defined by each National Anti-Doping Organization, including but not limited to those Persons in its Registered Testing Pool), and any other competitor in sport who is otherwise subject to the jurisdiction of any Signatory or other sports organization accepting the Code. All provisions of the Code, including, for example, Testing, and TUE's must be applied to international and national-level competitors. Some National Anti-Doping Organizations may elect to test and apply anti-doping rules to recreational-level or masters competitors who are not current or potential national caliber competitors. National Anti-Doping Organizations are not required, however, to apply all aspects of the Code to such Persons. Specific national rules may be established for Doping Control for non-international-level or non-national-level competitors without being in conflict with the Code. Thus, a country could elect to test recreational-level competitors but not require TUE's or whereabouts information. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not require advance TUE or whereabouts information. For purposes of Article 2.8 (Administration or Attempted Administration) 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-caliber 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 IFs and National Anti-Doping Organizations, respectively. At the national level, anti-doping rules adopted pursuant to the Code shall apply, at a minimum, to all persons on national teams and all persons qualified to compete in any national championship in any sport. That does not mean, however, that all such Athletes must be included in a National Anti-Doping Organization's Registered Testing Pool. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond national-caliber athletes to competitors at lower levels of competition. Competitors at all levels of competition should receive the benefit of anti-doping information and education.]*

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

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

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

*CAS.* The Court of Arbitration for Sport.

*Code.* The World Anti-Doping Code.

*Competition.* A single race, match, game or singular athletic contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other athletic 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. [Please insert here specific rules if applicable]

*Consequences of Anti-Doping Rule Violations.* 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 for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.10; and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing).

*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, TUE's, results management and hearings.

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

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

*In-Competition.* Unless provided otherwise in the rules of an International Federation or other relevant *Anti-Doping Organization*, "*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*.

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

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

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

*International Event.* An *Event* 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* designated by one or more International Federations as being within the *Registered Testing Pool* for an International Federation.

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

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

*Marker.* A compound, group of compounds or biological parameter(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 majority as established by the applicable laws of his or her country of residence.

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

*National Event.* A sport *Event* involving international or national-level *Athletes* that is not an *International Event*.

*National Federation.* A national or regional entity which is a member of or is recognized by IF as the entity governing the IF's sport in that nation or region.

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

*No Advance Notice.* A *Doping Control* which takes place with no advance warning to the *Athlete* and where the *Athlete* is continuously chaperoned from the moment of notification through *Sample* provision.

*No Fault or Negligence.* The *Athlete'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*.

*No Significant Fault or Negligence.* The *Athlete'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.

*Out-of-Competition.* Any *Doping Control* which is not *In-Competition*.

*Participant.* Any *Athlete* or *Athlete Support Personnel*.

*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 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.]*

*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 so described on the *Prohibited List*.

*Provisional Hearing*. For purposes of Article 7.6, an expedited abbreviated hearing occurring prior to a hearing under Article 8 (Right to a Fair Hearing) that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

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

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

*Registered Testing Pool*. The pool of top level *Athletes* established separately by each International Federation and *National Anti-Doping Organization* who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or National Anti-Doping Organization's test distribution plan.

*Retroactive TUE*. As defined in the *International Standard for Therapeutic Use Exemptions*.

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

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

*Signatories*. Those entities signing the *Code* and agreeing to comply with the *Code*, including the International Olympic Committee, International Federations, International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *Major Event Organizations*, *National Anti-Doping Organizations*, and WADA.

*Specified Substances*. As defined in Article 4.2.2.

*Substantial Assistance.* For purposes of Article 10.5.3, 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; or providing fraudulent information to an *Anti-Doping Organization*.

*Target Testing.* Selection of *Athletes* for *Testing* where specific *Athletes* or groups of *Athletes* are selected on a non-random basis for *Testing* at a specified time.

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

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

*Trafficking.* Selling, giving, transporting, sending, delivering or distributing a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Personnel* 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.

*TUE.* As defined in Article 2.6.1.

*TUE Panel.* As defined in Article 4.4.4.

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

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

*WADA.* The World Anti-Doping Agency.

## APPENDIX 2 - Acknowledgment and Agreement

I, as a member of [Name of Country / National Federation] and/or as a participant in the events, programs and activities under the jurisdiction of the International Cheer Union, hereby acknowledge and agree as follows:

1. I have received and had an opportunity to review the International Cheer Union (ICU) Anti-Doping Rules.
2. I consent and agree to comply with and be bound by all of the provisions of the International Cheer Union's Anti-Doping Rules, including but not limited to, all amendments to the Anti-Doping Rules and all International Standards incorporated in the Anti-Doping Rules.
3. I acknowledge and agree that [Name of the National Federations] and the International Cheer Union have jurisdiction to impose sanctions as provided in the ICU Anti-Doping Rules.
4. I also acknowledge and agree that any dispute arising out of a decision made pursuant to the ICU's Anti-Doping Rules, after exhaustion of the process expressly provided for in the ICU's Anti-Doping Rules, may be appealed exclusively as provided in Article 13 of the ICU Anti-Doping Rules to an appellate body for final and binding arbitration, which in the case of International-Level Athletes is the Court of Arbitration for Sport.
5. I acknowledge and agree that the decisions of the arbitral appellate body referenced above shall be final and enforceable, and that I will not bring any claim, arbitration, lawsuit or litigation in any other court or tribunal.
6. I have read and understand this Acknowledgement and Agreement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name (Last Name, First Name)

\_\_\_\_\_  
Date of Birth  
(Day/Month/Year)

\_\_\_\_\_  
Signature (or, if a minor, signature of  
legal guardian)