



**Committed to the Fight  
Against Doping in Sport**

# **2015 Anti-Doping Rules**



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## **INTRODUCTION**

### **Preface**

On 17 November 2003, the Jamaican Government accepted the World Anti-Doping Code (the "Code"). These Anti-Doping Rules ("the Rules") are adopted and implemented in accordance with the responsibilities of the Jamaica Anti-Doping Commission ("JADCO") under the Code, and are in furtherance of JADCO continuing efforts to eradicate doping in sport in Jamaica.

Anti-doping rules, like competition rules, are sport rules governing the conditions under which sport is played. *Athletes, Athlete Support Personnel, and other Persons* accept these Rules as a condition of participation and shall be bound by them. These sport-specific Rules and procedures, aimed at enforcing anti-doping principles in a global and harmonized manner, are distinct in nature and, therefore, not intended to be subject to, or limited by any national requirements and legal standards applicable to criminal and civil proceedings or employment matters. However, they are intended to be applied in a manner which respects the principles of proportionality and human rights. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of the anti-doping rules in the Code and the fact that those rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

The Code defines *National Anti-Doping Organisation* as:

*The entity designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of Samples, the management of test results, and the conduct of hearings at the national level.*

### **Fundamental Rationale for the Code and the Anti-Doping Rules**

Anti-doping programmes 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, the pursuit of human excellence through the dedicated perfection of each person's natural talents. It is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is reflected in values we find in and through sport, including:

- 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.

### **JADCO Anti-Doping Programme**

JADCO was established by the Anti-Doping in Sport Act, 2008 as the independent *Anti-Doping Organization* for Jamaica and is charged with the responsibility to administer the anti-doping programme. It has the necessary authority to fulfill the following core obligations:

- To be independent in its operational decisions and activities;
- Adopting and implementing anti-doping rules and policies which conform with the *Code*;
- Planning, coordinating, implementing, monitoring and advocating improvements in *Doping Control*;
- Cooperating with other relevant national organizations, agencies and other *Anti-Doping Organizations*;
- Encouraging reciprocal *Testing* between *National Anti-Doping Organizations*;
- Promoting anti-doping research;

- Where funding is provided, withholding some or all funding, during any period of his or her *Ineligibility*, to any *Athlete* or *Athlete Support Personnel* who has violated anti-doping rules;
- Vigorously pursuing all potential *Anti-Doping Rule Violations* within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping and to ensure proper enforcement *Consequences*.
- Planning and implementing anti-doping education programmes;
- Conducting an automatic investigation of *Athlete Support Personnel* within its jurisdiction in the case of any *Anti-Doping Rule Violation* by a *Minor* and conducting an automatic investigation of any *Athlete Support Person* who has provided support to more than one *Athlete* found to have committed an *Anti-Doping Rule Violation*;
- Cooperating fully with *WADA* in connection with investigations conducted by *WADA* pursuant to Article 20.7.10 of the *Code*.

Doping in sport constitutes a significant public health risk. JADCO is therefore committed to ensuring the careful, fair and consistent administration of the anti-doping programme in order to protect the integrity of sports and the health of individuals. In order to achieve public confidence JADCO'S anti-doping efforts require transparency, openness and public accountability, subject only to the obligation to protect the privacy of individuals who are subject to the anti-doping rules.

JADCO is a distinct body and is independent of the disciplinary authorities, the Independent Anti-Doping Disciplinary Panel and the Anti-Doping Appeal Tribunal.

### **The Anti-Doping Rules**

The Jamaica Anti-Doping Commission, in keeping with its core functions, has reviewed and amended the Anti-Doping Rules 2008 in order to implement the amendments to the World Anti-Doping Code 2015 and the *International Standards*. The 2015 Anti-Doping Rules are compliant with the 2015 World Anti-Doping Code

and the *International Standards*. In recognition of the role of the World Anti-Doping Agency in establishing global standards and coordinating worldwide anti-doping efforts these Rules have implemented the amendments to the *Code* which has as its main purposes the protection of *Athletes'* right to participate in doping-free sport and thus promote health, fairness and equality for *Athletes* worldwide; and advancing the anti-doping effort through universal harmonization of core anti-doping elements. These Rules also incorporate the *International Standards* thereby providing for the application of international standards established by *WADA*.

The Anti-Doping in Sport Act, 2014 has also established the Independent Anti-Doping Disciplinary Panel and the Anti-Doping Appeal Tribunal as independent autonomous bodies which will function under these Rules when conducting proceedings for Anti-Doping Rule Violations.

## **Scope**

These Rules shall apply to JADCO, each *National Federation* of Jamaica and each *Participant* in the activities of the *National Federations* by virtue of the *Participant's* membership, accreditation, licence, contractual arrangement or participation in their *National Federations*, or their activities or *Events*. Any *Person* who is not a member of a *National Federation* of Jamaica and who fulfills the requirements to be part of JADCO'S *Registered Testing Pool*, must become a member of his or her *National Federation*, and shall make himself or herself available for *Testing*, at least twelve (12) months before participating in *International Events* or *Events* of his or her *National Federation*.

These Rules shall apply to all *Doping Controls* over which JADCO has jurisdiction.

The terms italicized in this introduction and in the Rules are defined as set out in the Definitions section at the end of the Rules.

## **ARTICLE 1 APPLICATION OF RULES**

### **1.1 Application to JADCO**

These Rules shall apply to JADCO.

### **1.2 Application to *National Federations***

**1.2.1** As a condition of receiving financial and/or other assistance from the Government of Jamaica and/or the Jamaica Olympic Association, each *National Federation* shall accept and abide by the spirit and terms of Jamaica's National Anti-Doping Programme and these Rules, and shall incorporate these Rules either directly or by reference into their governing documents, constitution and/or rules as part of the rules of sport that bind their members and *Participants*.

**1.2.2** By adopting these Rules, and incorporating them into their governing documents and rules of sport, *National Federations* recognize the authority and responsibility of JADCO for implementing the National Anti-Doping Programme and enforcing these Rules in respect of all of the *Persons* listed in Article 1.3 below who are under the jurisdiction of the *National Federation*, and shall cooperate with and support JADCO in that function. They shall also recognize, abide by and give effect to the decisions made pursuant to these Rules, including the decisions of hearing panels imposing sanctions on individuals under their jurisdiction.

### **1.3 Application to *Persons***

**1.3.1** These Rules shall apply to the following *Persons*, including *Minors*, whether or not such *Person* is a national of or resident in Jamaica:

**1.3.1.1** all *Athletes* and *Athlete Support Personnel* who are members or licence-holders of any *National Federation* in Jamaica, or of any member or affiliate organization of any *National Federation* in Jamaica, including any clubs, teams, associations or leagues;

**1.3.1.2** all *Athletes* and *Athlete Support Personnel* who participate in such capacity in *Events*, *Competitions* and other activities organized, convened, authorized or recognized by any *National Federation* in Jamaica, or by any member or affiliate organization of any *National Federation* in Jamaica, including any clubs, teams, associations or leagues, wherever held;

**1.3.1.3** any other *Athlete* or *Athlete Support Person* or other *Person* who, by virtue of an accreditation, a licence or other contractual arrangement, or otherwise, is subject to the jurisdiction of any *National Federation* in Jamaica, or of any member or affiliate organization of any *National Federation* in Jamaica, including any clubs, teams, associations or leagues, for purposes of anti-doping;

**1.3.1.4** all *Athletes* and *Athlete Support Personnel* who participate in any capacity in any activity organized, held,



convened or authorized by the organizer of a *National Event* or of a national league that is not affiliated with a *National Federation*; and

**1.3.1.5** all *Athletes* who do not fall within one of the foregoing provisions of Article 1.3.1 but who wish to be eligible to participate in *International Events* or *National Events* and such *Athletes* must be available for testing under these Rules for at least twelve months before they will be eligible for such *Events*.

**1.3.2** These Rules shall also apply to all other *Persons* over whom the *Code* gives JADCO jurisdiction, including all *Athletes* who are nationals of or resident in Jamaica, and all *Athletes* who are present in Jamaica, whether to compete or to train or otherwise.

**1.3.3** *Persons* falling within the scope of Article 1.3.1 or 1.3.2 are deemed to have accepted and to have agreed to be bound by these Rules, and to have submitted to the authority of JADCO to enforce these Rules and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 to hear and determine cases and appeals brought under these Rules, as a condition of their membership, accreditation and/or participation in their chosen sport.

#### **1.4 National-Level Athlete**

**1.4.1** For the purposes of these Rules an *Athlete* shall be deemed a *National-Level Athlete* if he or she has been selected for inclusion in JADCO'S *Registered Testing Pool* using criteria including the following:  
(a) An *Athlete* who participates in the National Championships of his or her respective sport in Jamaica.

(b) An *Athlete* who demonstrates the ability to perform at the highest level of National *Competition* and to represent Jamaica at the international level

(c) An *Athlete* who represents Jamaica at the international level but is not included in an International Federation's *Registered Testing Pool*.

**1.4.2** Where any *Athlete* who falls within the scope of Article 1.4.1 is classified by his or her International Federation as an *International-Level Athlete* he or she shall be considered an *International-Level Athlete* and not a *National-Level Athlete* for purposes of these Rules.

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

Doping is defined as the occurrence of one or more of the Anti-Doping Rule Violations set forth in Article 2.1 through Article 2.10 of these Rules.

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

*Athletes* or other *Persons* shall be responsible for knowing what constitutes an Anti-Doping Rule Violation and the substances and methods which have been included on the *Prohibited List*.

The following constitute Anti-Doping Rule Violations:

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

**2.1.1** It is 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 Rule Violation under Article 2.1.

**2.1.2** Sufficient proof of an Anti-Doping Rule Violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analyzed; or, where the *Athlete's B Sample* is analyzed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or, where the *Athlete's B Sample* is split into two bottles and the analysis of the second bottle confirms the *Presence* of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first bottle.

**2.1.3** Excepting those substances for which a quantitative threshold is specifically identified in the *Prohibited List*, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an Anti-Doping Rule Violation.

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

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

**2.2.1** It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body and that no *Prohibited Method* is Used. Accordingly, it is not necessary that intent, *Fault*, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an Anti-Doping Rule Violation for *Use* of a *Prohibited Substance* or a *Prohibited Method*.

**2.2.2** The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an Anti-Doping Rule Violation to be committed.

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

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

### **2.4 Whereabouts Failures**

Any combination of three Missed Tests and/or Filing Failures, as defined in the *International Standard for Testing and Investigations*, within a twelve-month period by an *Athlete* in a *Registered Testing Pool*.

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

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

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

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

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

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

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

## **2.9 Complicity**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other

type of intentional complicity involving an Anti-Doping Rule Violation, *Attempted* Anti-Doping Rule Violation or violation of Article 10.12.1 by another *Person*.

### **2.10 Prohibited Association**

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

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

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

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

In order for this provision to apply, it is necessary that the *Athlete* or other *Person* has previously been advised in writing by an *Anti-Doping Organization* with jurisdiction over the *Athlete* or other *Person*, or by WADA, of the *Athlete Support Person's* disqualifying status and the potential *Consequence* of prohibited association and that the *Athlete* or other *Person* can reasonably avoid the association. The *Anti-Doping Organization* shall also use reasonable efforts to advise the *Athlete Support Person*, who is the subject of the notice to

the *Athlete* or other *Person*, that the *Athlete Support Person* may, within 15 days, come forward to the *Anti-Doping Organization* to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. Notwithstanding Article 17, this Article applies even when the *Athlete Support Person's* disqualifying conduct occurred prior to the effective date provided in Article 20.3

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

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

## **ARTICLE 3 PROOF OF DOPING**

### **3.1 Burdens and Standards of Proof**

JADCO shall have the burden of establishing that an Anti-Doping Rule Violation has occurred. The standard of proof shall be whether JADCO has established an Anti-Doping Rule Violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a 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** Analytical methods or decision limits approved by *WADA* after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify *WADA* of the challenge and the basis of the challenge. *CAS* on its own initiative may also inform *WADA* of any such challenge. At *WADA*'s request, the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of *WADA*'s receipt of such notice, and *WADA*'s receipt of the *CAS* file, *WADA* shall also have the right to intervene as a party, appear *amicus curiae*, or otherwise provide evidence in such proceedings.

**3.2.2** *WADA*-accredited laboratories, and other laboratories approved by *WADA*, are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the International Standard for Laboratories. The *Athlete* or other *Person* may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*. If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then *JADCO* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.



**3.2.3** Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or these Rules which did not cause an *Adverse Analytical Finding* or other Anti-Doping Rule Violation shall not invalidate such evidence or results.

If the *Athlete* or other *Person* establishes a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused an Anti-Doping Rule Violation based on an *Adverse Analytical Finding* or other Anti-Doping Rule Violation, then JADCO shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the Anti-Doping Rule Violation.

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

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

## **ARTICLE 4 THE *PROHIBITED LIST***

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

**4.1.1** These Rules incorporate the *Prohibited List* which is published and revised by WADA as described in Article 4.1 of the *Code*. Unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under these Rules three months after publication of the *Prohibited List* by WADA without requiring any further action by JADCO. The current *Prohibited List* is available on WADA's website and each *National Federation* shall ensure that the current *Prohibited List* is available to its members and constituents.

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

#### **4.2.1 *Prohibited Substances and Prohibited Methods***

All *Athletes* and other *Persons* shall be bound by the *Prohibited List*, and any revision thereto, from the date they go into effect without any further formality. It is the responsibility of all *Athletes* and other *Persons* to familiarize themselves with the current *Prohibited List* and revisions.

#### **4.2.2 *Specified Substances***

For purposes of the application of Article 10, 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*. The category of *Specified Substances* shall not include *Prohibited Methods*.

### **4.3 WADA's Determination of the *Prohibited List***

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

### **4.4 Therapeutic Use Exemptions ("TUEs")**

**4.4.1** Subject to Article 4.3 of the International Standard for Therapeutic Use Exemptions *Athletes* with a documented medical condition requiring the use of a *Prohibited Substance* or a *Prohibited Method* must first obtain a *TUE*. The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (Article 2.1), the *Use* or *Attempted Use* of a *Prohibited Substance* or a *Prohibited Method* (Article 2.2), the *Possession* of a *Prohibited Substance* or *Prohibited Method* (Article 2.6) and/or the *Administration* or *Attempted Administration* of a *Prohibited Substance* or a *Prohibited Method* (Article 2.8) shall not be considered an Anti-Doping Rule Violation if it is consistent with the provisions of a *TUE* granted in accordance with the International Standard for Therapeutic Use Exemptions.

#### **4.4.2**

**4.4.2.1** Subject to Article 4.3 of the International Standard for Therapeutic Use Exemptions a *National Level Athlete* who needs to use a *Prohibited Substance* or a *Prohibited Method* for therapeutic purposes must apply to JADCO for a *TUE* as soon as the need arises. The application must be made using the form posted on JADCO'S website.

**4.4.2.2** JADCO shall appoint a panel to consider the applications for the grant or recognition of *TUEs* (the '*TUE Committee*' or the '*TUEC*'). Upon receipt of a *TUE* request JADCO shall designate two or more members of the *TUEC* to consider the request and the members so designated shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and the specific JADCO requirements posted on its website. Subject to Article 4.4.6 of these Rules the decision of the *TUEC* shall be the final decision of JADCO and it must be reported through *ADAMS* to *WADA* and other relevant *Anti-Doping Organizations* in accordance with the International Standard for Therapeutic Use Exemptions. The decision of the *TUEC* must also be communicated in writing to the *Athlete* and the *Athlete's National Federation* in accordance with the International Standard for Therapeutic Use Exemptions.

**4.4.3** If JADCO chooses to test an *Athlete* who is not an *International-Level* or a *National-Level Athlete*, JADCO shall permit that *Athlete* to apply for a retroactive *TUE* for any *Prohibited Substance* or *Prohibited Method* that he or she is *using* for therapeutic reasons.

**4.4.4** A *TUE* granted by JADCO is valid at national level only; it is not automatically valid for international-level *Competition*. In the case of an *Athlete* who is or becomes an *International-Level Athlete* the following shall apply:

**4.4.4.1** Where the *Athlete* already has a *TUE* granted by JADCO for the substance or method in question, the *Athlete* may apply to his or her International Federation to recognize that *TUE*, in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions. If that *TUE* meets the criteria set

out in the International Standard for Therapeutic Use Exemptions, then the International Federation shall recognize it for purposes of international-level *Competition* as well. If the International Federation considers that the *TUE* granted by JADCO does not meet those criteria and so refuses to recognize it, the International Federation shall notify the *Athlete* and JADCO promptly and give reasons for the refusal.

**4.4.4.2** The *Athlete* and JADCO shall have 21 days from such notification to refer the matter to *WADA* for review.

**4.4.4.3** If the matter is referred to *WADA* for review in accordance with Article 4.4.6, the *TUE* granted by JADCO remains valid for national-level *Competition* and *Out-of-Competition Testing* pending *WADA*'s decision but it is not valid for international-level *Competition*. If the matter is not referred to *WADA* for review, the *TUE* becomes invalid for any purpose when the twenty-one day review deadline expires.

**4.4.4.4** If the *Athlete* does not already have a *TUE* granted by JADCO for the substance or method in question, the *Athlete* must apply directly to his or her International Federation for a *TUE* in accordance with the process set out in the International Standard for Therapeutic Use Exemptions. If the International Federation grants the *Athlete*'s application, it shall notify the *Athlete* and JADCO.

**4.4.4.5** If JADCO considers that the *TUE* granted by the International Federation does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, JADCO shall have twenty-one days from such notification to refer the

matter to *WADA* for review in accordance with Article 4.4.6.

**4.4.4.6** If JADCO refers the matter to *WADA* for review, the *TUE* granted by the International Federation remains valid for international-level *Competition* and *Out-of-Competition Testing* pending *WADA*'s decision but is not valid for national-level *Competition*. If JADCO does not refer the matter to *WADA* for review, the *TUE* granted by the International Federation becomes valid for national-level *Competition* as well when the twenty-one review deadline expires.

#### **4.4.5 Expiration, Cancellation, Withdrawal or Reversal of a *TUE***

**4.4.5.1** A *TUE* granted pursuant to these Rules:

(a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality;

(b) may be cancelled if the *Athlete* does not comply promptly with any requirements or conditions imposed by the *TUE* Committee upon grant of the *TUE*;

(c) may be withdrawn by the *TUE* Committee if it is subsequently determined that the criteria for the granting of a *TUE* have not been met; or

(d) may be reversed on review by *WADA* or on appeal.

**4.4.5.2** In any such event mentioned in Article 4.4.5.1, the *Athlete* shall not be subject to any *Consequences* based on his or her *Use* or *Possession* or *Administration* of the *Prohibited*

*Substance or Prohibited Method* in question, in accordance with the *TUE*, prior to the effective date of expiry, cancellation, withdrawal or reversal of the *TUE*. The review pursuant to Article 7.4 of any subsequent *Adverse Analytical Finding* shall include consideration of whether such finding is consistent with *Use of the Prohibited Substance or Prohibited Method* prior to the effective date of expiry, cancellation, withdrawal or reversal, in which event no Anti-Doping Rule Violation shall be asserted.

#### **4.4.6 Reviews and Appeals of *TUE* Decisions**

**4.4.6.1** If JADCO denies an application for a *TUE*, the *Athlete* may appeal exclusively as described in Articles 13.2.2 and 13.2.3 to the Anti-Doping Appeal Tribunal.

**4.4.6.2** *WADA* shall review any decision by an International Federation refusing to recognize a *TUE* granted by JADCO, that is referred to *WADA* by the *Athlete* or JADCO. In addition, *WADA* shall review any decision by an International Federation to grant a *TUE* that is referred to *WADA* by JADCO. *WADA* may review any other *TUE* decision at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, *WADA* shall not interfere with it. If the *TUE* decision does not meet those criteria, *WADA* shall reverse it.

**4.4.6.3** Any *TUE* decision by an International Federation that is not reviewed by *WADA*, or is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Athlete* and/or JADCO exclusively to *CAS*, in accordance with Article 13.

**4.4.6.4** A decision by WADA to reverse a *TUE* decision may be appealed by the *Athlete*, JADCO and/or the International Federation affected, exclusively to CAS, in accordance with Article 13.

**4.4.6.5** A failure to take action within a reasonable time on a properly submitted application for grant recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application.

## **ARTICLE 5 TESTING AND INVESTIGATIONS**

### **5.1 Purpose of *Testing* and Investigations**

*Testing* and investigations shall be undertaken for anti-doping purposes only. They shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations and the specific protocols of JADCO supplementing that *International Standard*.

**5.1.1** *Testing* shall be undertaken to obtain analytical evidence as to the *Athlete's* compliance or non-compliance with the strict *Code* prohibition regarding the presence of a *Prohibited Substance* or the use of a *Prohibited Substance or a Prohibited Method*. Test distribution planning, *Testing*, post-*Testing* activity and all related activities conducted by JADCO shall be in conformity with the International Standard for Testing and Investigations. In accordance with the criteria established by the International Standard for Testing and Investigations JADCO shall determine the number of finishing placement tests, random tests and target tests to be performed. All provisions of the International Standard for Testing and Investigations shall apply automatically in respect of all such *Testing*.



### **5.1.2** Investigations shall be undertaken:

**5.1.2.1** in relation to *Atypical Findings*, *Atypical Passport Findings* and *Adverse Passport Findings*, in accordance with Article 7.6 and Article 7.7 respectively; and in relation to gathering intelligence or evidence, in particular, analytical evidence, in order to determine whether an Anti-Doping Rule Violation has occurred under Article 2.1 and/or Article 2.2;

**5.1.2.2** in relation to other indications of potential Anti-Doping Rule Violations, in accordance with Article 7.8 and Article 7.9; and in relation to gathering intelligence or evidence including, in particular, non-analytical evidence, in order to determine whether an Anti-Doping Rule Violation has occurred under any of Articles 2.2 to 2.10.

**5.1.3** JADCO may obtain, assess and process anti-doping intelligence from all available sources, to inform the development of an effective, intelligent and proportionate test distribution plan; to plan Target Testing and to form the basis of an investigation into a possible Anti-Doping Rule Violation.

## **5.2 Authority to Conduct Testing**

**5.2.1** Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3 of the *Code*, JADCO shall have *In-Competition* and *Out-of-Competition Testing* authority over all the *Athletes* falling within the scope of Article 1.3, above.

**5.2.2** JADCO may require any *Athlete* over whom it has *Testing* authority, including any *Athlete* serving a period of *Ineligibility*, to provide a *Sample* at any time and at any place.

**5.2.3** WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.8 of the *Code*.

**5.2.4** If an International Federation or *Major Event Organization* delegates or contracts any part of *Testing* to JADCO, directly or through a *National Federation*, JADCO may collect additional *Samples* or direct the laboratory to perform additional types of analysis at JADCO's expense. If additional *Samples* are collected or additional types of analysis are performed, the International Federation or *Major Event Organization* shall be notified.

**5.2.5** Where another *Anti-Doping Organization* with *Testing* authority over an *Athlete*, who is subject to these Rules, conducts *Testing* on that *Athlete*, JADCO and the *Athlete's National Federation* shall recognize such *Testing* in accordance with Article 15, and where agreed with that other *Anti-Doping Organization* or otherwise provided in Article 7 of the *Code*, JADCO may bring proceedings against the *Athlete* pursuant to these Rules for any Anti-Doping Rule Violation arising in relation to such *Testing*.

### **5.3 Event Testing**

**5.3.1** Except as otherwise provided in Article 5.3 of the *Code*, only a single organization shall be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At *International Events* held in Jamaica, the collection of *Samples* shall be initiated and directed by the International Federation or any other international organization which is the ruling body for the *Event*. At *National Events* held in Jamaica, the collection of *Samples* shall be initiated and directed by JADCO. Any *Testing* during the *Event Period* outside the *Event Venues* by the ruling body for an *International Event* shall be coordinated with JADCO.

**5.3.2** If an *Anti-Doping Organization* which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event* desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organization* shall first confer with the ruling body of the *Event* to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organization* is not satisfied with the response from the ruling body of the *Event*, the *Anti-Doping Organization* may ask *WADA* for permission to conduct *Testing* and to determine how to coordinate such *Testing*, in accordance with the procedures set out in the International Standard for Testing and Investigations. *WADA* shall not grant approval for such *Testing* before informing and consulting with the ruling body for the *Event*. *WADA's* decision shall be final and shall not be subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. Results management for any such test shall be the responsibility of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.

**5.3.3** Where JADCO is responsible for initiating and directing *Testing* at a *National Event* and an *Anti-Doping Organization* which would otherwise have *Testing* authority desires to conduct *Testing* of *Athletes* at the *Event* during the *Event Period* the *Anti-Doping Organization* shall first confer with JADCO to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organization* is not satisfied with the response from JADCO the *Anti-Doping Organization* may ask *WADA* for permission to conduct *Testing* and to determine how to coordinate such *Testing* in accordance with the procedures set out in the International Standard for Testing and Investigations. *WADA* shall not grant approval for such *Testing* before informing and consulting with JADCO. *WADA's* decision shall be final and shall not be

subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. Results Management for any such tests shall be JADCO's responsibility unless provided otherwise in these Rules.

**5.3.4** Each *National Federation* and the organizing committee for a *National Event*, shall authorize and facilitate the *Independent Observer Programme* at such *Event*.

#### **5.4 Test Distribution Planning**

In accordance with the International Standard for Testing and Investigations, and in coordination with other *Anti-Doping Organizations* conducting *Testing* on the same *Athletes*, JADCO shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of *Athletes*, types of *Testing*, types of *Samples* collected, and types of *Sample* analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. JADCO shall provide *WADA*, upon request, with a copy of its current test distribution plan.

#### **5.5 Coordination of Testing**

Where reasonably feasible, *Testing* shall be coordinated through *ADAMS* or any other system approved by *WADA* in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary, repetitive *Testing*.

#### **5.6 Athlete Whereabouts Information**

**5.6.1** JADCO shall identify a *Registered Testing Pool* of those *Athletes* who are required to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. Each *Athlete* in the *Registered Testing Pool* shall provide whereabouts information in the manner specified in Annex 1 to the International Standard for Testing and Investigations including, providing JADCO

with information on his or her whereabouts on a quarterly basis and updating that information so that it remains accurate and complete at all times. Each *Athlete* shall also make himself or herself available for *Testing* at such whereabouts.

## **5.6.2**

**5.6.2.1** JADCO shall make available through *ADAMS* a list which identifies those *Athletes* included in the *Registered Testing Pool* either by name or by clearly defined, specific criteria.

**5.6.2.2** JADCO shall coordinate with International Federations and other *National Anti-Doping Organizations* the collection of *Athlete's* whereabouts information, meaning; where an *Athlete* is included in an International Federation's International *Registered Testing Pool* and in JADCO'S National *Registered Testing Pool* or in the *Registered Testing Pool* of more than one *National Anti-Doping Organization* or more than one International Federation, then each of them shall notify the *Athlete* that he or she is in its pool. Prior to doing so, however, JADCO and the International Federation or the *National Anti-Doping Organization* shall agree between themselves which of them the *Athlete* shall provide his or her Whereabouts Filings to. Each notice sent to the *Athlete* shall specify that he or she shall provide his or her Whereabouts Filings to that *Anti-Doping Organization* only. An *Athlete* shall not be required to provide Whereabouts Filings to more than one *Anti-Doping Organization*.

**5.6.2.3** JADCO shall review and update its criteria for including *Athletes* in its *Registered Testing Pool*, and shall revise the membership of its *Registered Testing Pool* from time to time as appropriate in accordance with those criteria. *Athletes* shall be

notified before they are included in a *Registered Testing Pool* and when they are removed from that pool.

**5.6.3** For the purposes of Article 2.4 an *Athlete's* failure to comply with the requirements of the International Standard for Testing and Investigations to advise JADCO of his or her whereabouts; to update his or her whereabouts information as required; or to make himself or herself available for *Testing* at such whereabouts; shall be deemed a Filing Failure or a Missed Test, as defined in the International Standard for Testing and Investigations, where the conditions set out in Article 1.3.6 and Article 1.4.3 respectively of Annex 1 to the International Standard for Testing and Investigations are met.

**5.6.4** An *Athlete* in JADCO's *Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations until; (a) the *Athlete* gives written notice to JADCO that he or she has retired; or (b) JADCO has informed him or her that he or she no longer satisfies the criteria for inclusion in JADCO's *Registered Testing Pool*.

**5.6.5** Whereabouts information relating to an *Athlete* shall:

(a) be shared through *ADAMS* with *WADA* and other *Anti-Doping Organizations* having authority to test that *Athlete*;

(b) be maintained in strict confidence at all times;

(c) be used exclusively for the purposes set out in Article 5.6 of the *Code*; and

(d) be destroyed in accordance with the *International Standard* for the Protection of Privacy and Personal Information once it is no longer relevant for these purposes.

## **5.7 Retired Athletes Returning to Competition**

### **5.7.1**

**5.7.1.1** Where an *Athlete* in JADCO'S *Registered Testing Pool* has retired and has given notice of retirement to JADCO he or she shall not resume competing in *International Events* or *National Events* until he or she has made himself or herself available for *Testing* including, if requested, complying with the whereabouts requirements of Annex 1 to the *International Standard for Testing and Investigations* by giving six months prior written notice to his or her *International Federation* and to JADCO.

**5.7.1.2** After consultation with JADCO and the relevant *International Federation*, *WADA* may grant an exemption to the requirement to give six months written notice where the requirement would be manifestly unfair to the *Athlete*.

**5.7.1.3** Any decision made by *WADA* may be appealed in accordance with Article 13.

**5.7.1.4** Any competitive result obtained in violation of Article 5.7.1 shall be *Disqualified*.

**5.7.2** If an *Athlete* retires from sport while subject to a period of *Ineligibility* the *Athlete* shall not resume competing in *International Events* or *National Events* until he or she has made himself or herself available for *Testing* including, if requested, complying with the

whereabouts requirements of Annex 1 to the International Standard for Testing and Investigations by giving six months prior written notice, or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months, to his or her International Federation and to JADCO.

**5.7.3** An *Athlete* who is not in JADCO'S *Registered Testing Pool* and who has given notice of retirement to JADCO shall not resume competing until he or she has made himself or herself available for unannounced *Out-of-Competition Testing*, including, if requested, complying with the whereabouts requirements of Annex 1 to the International Standard for Testing and Investigations, by giving six months prior written notice to JADCO and to his or her International Federation.

## **5.8 Testing of Minors**

*Testing* under these rules shall not be conducted on a *Minor* unless a *Person* with legal responsibility for that *Minor* has given prior consent. The giving of such prior consent shall be a condition precedent to the participation of that *Minor* in sport.

## **ARTICLE 6 ANALYSIS OF SAMPLES**

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

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

For purposes of Article 2.1 JADCO shall send *Doping Control Samples* for analysis only to WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved



laboratory used for the *Sample* analysis shall be determined exclusively by JADCO.

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

**6.2.1** *Samples* shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* and other substances as may be directed by WADA pursuant to the Monitoring Programme described in Article 4.5 of the *Code*; or to assist in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling; or for any other legitimate anti-doping purpose. *Samples* may be collected and stored for future analysis.

**6.2.2** JADCO shall ask laboratories to analyze *Samples* in conformity with Article 6.4 of the *Code* and Article 4.7 of the International Standard for Testing and Investigations.

## **6.3 Research on *Samples***

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

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

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

**6.4.1** JADCO may request that laboratories analyze its *Samples* using more extensive menus than those described in the Technical Document.

**6.4.2** JADCO may request that laboratories analyze its *Samples* using less extensive menus than those described in the Technical Document only if it has satisfied WADA that, because of the particular circumstances of Jamaica or of the sport in question, as set out in its test distribution plan, less extensive analysis would be appropriate.

**6.4.3** As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyze *Samples for Prohibited Substances or Prohibited Methods* not included on the *Sample* analysis menu described in the Technical Document or specified by the *Testing* authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.

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

**6.5.1** Any *Sample* may be subject to further analysis by JADCO at anytime before both A and B *Sample* analytical results, or A *Sample* analytical result, where B *Sample* analysis has been waived or will not be performed, have been communicated to the *Athlete* by JADCO as the basis for the assertion of an Anti-Doping Rule Violation under Article 2.1.

**6.5.2** Any *Sample* may be stored and subsequently subjected to further analysis, for the purposes set out in Article 6.2, at anytime, at the direction of JADCO or WADA exclusively.

**6.5.3** Such further analysis of *Samples* shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

## **ARTICLE 7 RESULTS MANAGEMENT**

### **7.1 Responsibility for Conducting Results Management**

**7.1.1** JADCO shall take responsibility for results management in respect of *Athletes* and other *Persons* under its anti-doping jurisdiction in accordance with the principles set out in Article 7 of the *Code*.

**7.1.2** For purposes of determining responsibility for results management, where JADCO elects to collect additional *Samples* in the circumstances set out in Article 5.2.4, then it shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection. However, where JADCO only directs the laboratory to perform additional types of analysis at JADCO's expense, then the International Federation or *Major Event Organization* shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection.

**7.1.3** JADCO shall appoint a doping review panel consisting of at least three members to review any potential Anti-Doping Rule Violation. Upon receipt of the analytical results of a *Doping Control Sample* from the laboratory indicating an *Adverse Analytical Finding*, JADCO shall designate two or more members of the panel to conduct a review in accordance with this Article. The members so designated shall carry out the review promptly and advise the executive director.

### **7.2 Laboratory Results and *Sample* Collection Reports**

**7.2.1** JADCO shall receive the analytical results of *Doping Control*

*Samples* from the laboratory in encoded form, in a report signed by an authorized representative of the laboratory. All communication must be conducted confidentially and in conformity with *ADAMS*.

**7.2.2** JADCO shall receive any doping control officer report indicating a possible refusal or failure to submit to *Sample* collection or other information relating to any possible Anti-Doping Rule Violation from the relevant doping control officer along with other documentation from the *Sample* collection session.

### **7.3 Negative Analytical Findings**

**7.3.1** JADCO shall identify from the doping control forms all *Athletes* whose *Samples* have resulted in a Negative Analytical Finding.

**7.3.2** JADCO may notify *Athletes* or their representatives of Negative Analytical Findings, if so required.

**7.3.3** All documentation from the *Sample* collection session along with the notification of Negative Analytical Findings shall be retained by JADCO for a minimum of ten (10) years.

### **7.4 Review of Adverse Analytical Findings from Tests Initiated by JADCO**

**7.4.1** Upon receipt of an *Adverse Analytical Finding* JADCO shall conduct a review of all the documentation relating to the *Sample* collection session, including the doping control form, doping control officer report and other records, and the analytical results from the laboratory, to determine:

(a) whether there is an applicable *TUE* in effect or whether an

applicable *TUE* will be granted as provided in the International Standard for Therapeutic Use Exemptions; or

(b) whether there is any apparent departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*.

**7.4.2** If the review of an *Adverse Analytical Finding* under Article 7.4.1 finds that there is an applicable *TUE* or that there is a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, JADCO shall declare the test negative and inform the *Athlete*, the *Athlete's* International Federation, the *Athlete's National Federation* and WADA immediately.

**7.4.3** If a test is declared negative in accordance with Article 7.4.2 JADCO may schedule an additional test on the *Athlete* at a later time.

## **7.5 Notification After Review Regarding *Adverse Analytical Findings***

**7.5.1** If the review of an *Adverse Analytical Finding* under Article 7.4.1 does not reveal: (a) an applicable *TUE* or entitlement to a *TUE* as provided in the International Standard for Therapeutic Use Exemptions; or (b) a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories, that caused the *Adverse Analytical Finding*, JADCO shall promptly notify the *Athlete* in writing of the *Adverse Analytical Finding*. The notice shall include the following details:

- a) *Athlete's* name, country, sport, discipline and competitive level;
- b) *In-Competition* or *Out-of-Competition* control and date of the *Sample* collection;

- c) Confirmation that the *A Sample* has returned an *Adverse Analytical Finding* and the details of the *Prohibited Substance* identified in the *A Sample*;
- d) The anti-doping rule violated;
- e) The possible *Consequences of the Anti-Doping Rule Violation*;
- f) The *Athlete's* right to request the analysis of the *B Sample* or, failing such request by the specified deadline, that the *B Sample* analysis may be deemed waived and the *A Sample* finding used as evidence of the Anti-Doping Rule Violation;
- g) The scheduled date, time and place for the *B Sample* analysis if the *Athlete* or JADCO chooses to request an analysis of the *B Sample*;
- h) The opportunity for the *Athlete* and/or the *Athlete's* representative to attend the *B Sample* opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested;
- i) The other parties that will be notified of the *A Sample Adverse Analytical Finding*;
- j) The *Athlete's* right to request copies of the *A* and *B Sample* laboratory report which includes information as required by the International Standard for Laboratories;

- k) The *Athlete's* right to respond to any assertion that an anti-doping rule has been violated;
- l) In cases where a *Provisional Suspension* is to be imposed in accordance with Article 7.11, details of that *Provisional Suspension* and/or the hearing to be held pursuant to Article 7.11.3.2; and
- m) The *Athlete's* right to waive his or her right to a hearing by acknowledging the Anti-Doping Rule Violation asserted and the identified *Consequences* of the Anti-Doping Rule Violation.

**7.5.2** Upon notifying the *Athlete* JADCO shall notify the *Athlete's* International Federation, the *Athlete's National Federation* and WADA simultaneously by providing a copy of the notice to the *Athlete*.

**7.5.3** If JADCO decides not to bring forward the *Adverse Analytical Finding* as an Anti-Doping Rule Violation it shall notify the *Athlete*, the *Athlete's* International Federation, the *Athlete's National Federation* and WADA.

**7.5.4** In case of urgency or where a *Provisional Suspension* is to be imposed notice may be given to the *Athlete* and other relevant organizations verbally in the first instance and be followed by a notice in writing as soon as possible.

#### **7.5.5 B Sample Analysis**

**7.5.5.1** An *Athlete* may accept the A *Sample* analytical results by waiving the requirement for the B *Sample* confirmation analysis.

**7.5.5.2** Where the *Athlete* waives the requirement for the B *Sample* confirmation analysis JADCO may proceed with the B *Sample* analysis.

**7.5.5.3** Where the *Athlete* or JADCO decides to have the B *Sample* analysed JADCO shall contact the laboratory and confirm the date and time for analysis of the B *Sample*.

**7.5.5.4** JADCO shall notify the *Athlete* of the date and time for the B *Sample* analysis.

**7.5.5.5** The time for analysis of the B *Sample* may be extended by mutual agreement between the *Athlete*, JADCO and the laboratory.

**7.5.5.6** The *Athlete and/or the Athlete's* representative and a representative of JADCO have the right to attend the identification, opening and analysis of the B *Sample*.

**7.5.5.7** Where neither the *Athlete* nor his or her representative attends the identification, opening and analysis of the B *Sample*, JADCO or the laboratory shall appoint an independent *Person*.

**7.5.5.8** If the B *Sample* analysis does not confirm the A *Sample* analysis, unless JADCO asserts an Anti-Doping Rule Violation under Article 2.2, JADCO shall notify the *Athlete*, the *Athlete's* International Federation, the *Athlete's National Federation* and WADA that the *Sample* has been declared negative and that no action will be taken.



**7.5.5.9** If the B *Sample* analysis confirms the A *Sample* analysis JADCO shall follow these rules relating to *Adverse Analytical Findings* and JADCO shall notify the *Athlete*, the *Athlete's* International Federation, the *Athlete's National Federation* and WADA.

## **7.6 Review of *Atypical Findings***

**7.6.1** Where a laboratory reports the presence of a *Prohibited Substance* as an *Atypical Finding* as provided in the International Standard for Laboratories, JADCO shall conduct a review to determine whether any applicable *TUE* has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions or whether there is any apparent departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*.

**7.6.2** If the review under Article 7.6.1 finds that there is an applicable *TUE* or that there is a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding* JADCO shall declare the test results negative and inform the *Athlete*, the *Athlete's* International Federation, the *Athlete's National Federation* and WADA immediately.

### **7.6.3**

**7.6.3.1** If the review does not find that there is an applicable *TUE* or any departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, JADCO shall conduct the required investigation into the *Atypical Finding*.

**7.6.3.2** After the investigation into the *Atypical Finding* has been completed JADCO shall, where it decides as a result of the investigation that there is an *Adverse Analytical Finding*, give

notice simultaneously to the *Athlete*, the *Athlete's International Federation*, the *Athlete's National Federation* and *WADA* in accordance with Article 7.5.1 and Article 7.5.2

**7.6.3.3** Where JADCO decides, as a result of the investigation into the *Atypical Finding*, that there is no *Adverse Analytical Finding*, JADCO shall give notice to the *Athlete*, the *Athlete's International Federation*, the *Athlete's National Federation* and *WADA* that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.

**7.6.4** JADCO shall not give notice of an *Atypical Finding* until it has completed its investigation and has decided whether to bring forward the *Atypical Finding* as an *Adverse Analytical Finding* except where:

(a) JADCO determines that the *B Sample* shall be analysed before the conclusion of the investigation into the *Atypical Finding*. If JADCO so determines, JADCO shall conduct the *B Sample* analysis after notifying the *Athlete* and giving a description of the *Atypical Finding* and including the information described in Article 7.5.1 (g) (h) and (j); or

(b) JADCO receives a request, either from a *Major Event Organization* shortly before one of its *International Events* or from a sport organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Athlete* identified on a list, provided by the *Major Event Organization* or the sport organization, is the subject of an *Atypical Finding* which is awaiting investigation or under investigation.

Upon receipt of such a request JADCO shall advise the *Major Event Organization* or sport organization after first giving notice of the *Atypical Finding* to the *Athlete*.

## **7.7 Review of *Atypical Passport Findings* and *Adverse Passport Findings***

JADCO shall conduct a review of *Atypical Passport Findings* or *Adverse Passport Findings* in accordance with the International Standard for Testing and Investigations and the International Standard for Laboratories. When JADCO is satisfied that an Anti-Doping Rule Violation has occurred JADCO shall promptly notify the *Athlete* of the Anti-Doping Rule Violation asserted and the basis of that assertion and shall include the information in Article 7.5.1 if applicable. JADCO shall notify the *Athlete's* International Federation, the *Athlete's National Federation* and WADA simultaneously by providing a copy of the notice to the *Athlete*.

## **7.8 Review of Whereabouts Failures**

JADCO shall review potential Filing Failures and Missed Tests in respect of *Athletes* who file their whereabouts information with JADCO in accordance with ANNEX 1 to the International Standard for Testing and Investigations. As soon as JADCO is satisfied that an Anti-Doping Rule Violation under Article 2.4 has occurred JADCO shall promptly notify the *Athlete* that it is asserting a violation of Article 2.4 and the basis of that assertion and shall include the information in Article 7.5.1 if applicable. JADCO shall notify the *Athlete's* International Federation, the *Athlete's National Federation* and WADA simultaneously by providing a copy of the notice to the *Athlete*.

## **7.9 Review of Other *Anti-Doping Rule Violations* Not Covered by Articles 7.4–7.8**

**7.9.1** JADCO shall conduct investigations, whether arising from *Sample* collection or otherwise, into all matters which may be relevant to the commission of any possible Anti-Doping Rule Violation under Articles 2.2, 2.3 and 2.5 – 2.10 or as may be required by the Anti-Doping in Sport Act or other legislation.

**7.9.2** Where JADCO has obtained documentation or information from *Sample* collection carried out under these Rules or from any other investigation which it has carried out, or from any other source, which may support an allegation that a violation under Articles 2.2, 2.3 or 2.5 – 2.10 has occurred, JADCO shall review that information and conduct any further investigation as it deems fit, to decide whether a violation has occurred.

**7.9.3** At any time during the course of an investigation JADCO may request an interview with any *Athlete* or any other *Person* who it believes may assist in the investigation. Where JADCO request such an interview, JADCO shall inform the *Athlete* or other *Person* who it wishes to interview, that he or she may be accompanied by a representative.

**7.9.4** *National Federations, Athletes* and other *Persons* bound by these rules shall refer to JADCO all documentation, materials and information they receive or are aware of, concerning any possible Anti-Doping Rule Violation, for investigation by JADCO, regardless of whether or not such documentation, materials or information have been referred to an International Federation or any other organization.

**7.9.5** *National Federations, Athletes* and other *Persons* shall take all reasonable steps to support any investigation conducted by JADCO into the commission of any Anti-Doping Rule Violation. *National Federations* shall take all reasonable steps to ensure that all *Athletes* and other *Persons* under their authority assist JADCO in any investigation which it carries out under these Rules.

**7.9.6** Where JADCO decides that, as a result of any investigation, it has material which supports an assertion that an *Athlete* or other *Person* has committed a violation under Articles 2.2, 2.3 or 2.5 – 2.10

JADCO shall give notice to the *Athlete* or other *Person*. The notice shall include the following details:

- a) The *Athlete's* or other *Person's* name, country, sport and discipline; b) The matters which JADCO believes support the assertion of the Anti-Doping Rule Violation;
- c) The anti-doping rule violated;
- d) The possible *Consequences* of the Anti-Doping Rule Violation;
- e) The *Athlete's* or other *Person's right* to respond to any assertion that an anti-doping rule has been violated;
- f) An invitation to the *Athlete* or other *Person* to provide a statement or any further information to JADCO either at an interview or in writing relating to the assertion of the Anti-Doping Rule Violation;
- g) A recommendation that the *Athlete* or other *Person* obtain advice; h) Any *Provisional Suspension* imposed and the opportunity for a hearing;
- i) The *Athlete's* or other *Person's right* to admit the Anti-Doping Rule Violation in writing;
- j) That the *Athlete* or other *Person* may waive his or her right to a hearing by admitting the Violation and accepting the *Consequences* mandated by these Rules;
- k) An invitation to the *Athlete* or other *Person* to provide JADCO with a response within seven (7) days.

**7.9.7** Where no response has been received by JADCO within the time specified, JADCO shall review any further information and proceed to make a final decision whether to initiate proceedings asserting an Anti-Doping Rule Violation.

**7.9.8** Where the *Athlete* or other *Person* provides a statement or further information to JADCO in relation to the Anti-Doping Rule Violation, JADCO shall consider any material provided before making a final decision whether to initiate proceedings asserting an Anti-Doping Rule Violation.

**7.9.9** JADCO may decide not to give notice under Article 7.9.6 where it considers that it is inappropriate to do so. Where JADCO does not give notice under Article 7.9.6 it shall proceed to make a final decision whether to initiate proceedings asserting an Anti-Doping Rule Violation on the basis of the material which it has obtained in any investigation.

**7.9.10** Where JADCO makes a final decision to initiate proceedings asserting an Anti-Doping Rule violation it shall proceed in accordance with these Rules and shall notify the *Athlete* or other *Person* promptly. JADCO shall notify the *Athlete's* International Federation, the *Athlete's National Federation* and *WADA* simultaneously by providing a copy of the notice to the *Athlete* or other *Person* and any further information.

#### **7.10 Identification of Prior Anti-Doping Rule Violation**

Before giving an *Athlete* or other *Person* notice of an asserted Anti-Doping Rule Violation as provided above, JADCO shall refer to *ADAMS* and contact *WADA* and other relevant *Anti-Doping Organizations* to determine whether any prior Anti-Doping Rule Violation exists.

## **7.11 Provisional Suspensions**

**7.11.1 Mandatory Provisional Suspension:** Where analysis of an *A Sample* has returned an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance* or for a *Prohibited Method* and a review in accordance with Article 7.4.1 does not reveal; (a) an applicable *TUE*, or (b) a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, JADCO shall impose a *Provisional Suspension* upon giving notice in accordance with Article 7.5 or Article 7.7 or promptly thereafter.

**7.11.2 Optional Provisional Suspension:** Where: (a) there is an *Adverse Analytical Finding* for a *Specified Substance*, or (b) there is an Anti-Doping Rule Violation which is not covered by Article 7.11.1, JADCO may impose a *Provisional Suspension* on the *Athlete* or other *Person* against whom the Anti-Doping Rule Violation is asserted at any time after the review and notification described in Articles 7.4 -7.9 and prior to the commencement of the final hearing in accordance with Article 8.

### **7.11.3**

**7.11.3.1** Where a *Provisional Suspension* is to be imposed pursuant to Article 7.11.1 or Article 7.11.2 the *Athlete* or other *Person* shall be given either: (a) an opportunity for a *Provisional Hearing* prior to the imposition of the *Provisional Suspension*; or (b) the opportunity for a hearing as soon as possible after the imposition of the *Provisional Suspension*.

**7.11.3.2** Where a *Provisional Suspension* is to be imposed pursuant to Article 7.11.1 or Article 7.11.2 JADCO shall notify the *Athlete* or other *Person* who may be subject to the *Provisional Suspension* that it will: (a) hold an urgent *Provisional*

*Hearing* before deciding whether to impose a *Provisional Suspension*; or (b) hold a hearing as soon as possible after the imposition of the *Provisional Suspension*

**7.11.3.3** JADCO shall decide the form and procedure of the hearing.

**7.11.3.4** In considering whether to impose a *Provisional Suspension* JADCO may request further information or material from the *National Federation* or the *Athlete* or other *Person* who may be subject to the *Provisional Suspension*.

**7.11.3.5** Where a *Provisional Suspension* has been imposed it may be lifted if the *Athlete* demonstrates to JADCO that the violation is likely to have involved a *Contaminated Product*. Where JADCO decides not to lift a mandatory *Provisional Suspension* on the basis of the assertion regarding a *Contaminated Product* the decision shall not be appealable.

**7.11.3.6** A *Provisional Suspension* shall not be lifted unless the *Athlete* or other *Person* establishes that:

(a) the assertion of an Anti-Doping Rule Violation has no reasonable prospect of success;

(b) the *Athlete* or other *Person* has a strong arguable case that he or she bears *No Fault or Negligence* for the Anti-Doping Rule Violation asserted, so that any period of *Ineligibility* that might otherwise be imposed for such a violation is likely to be completely eliminated by the application of Article 10.4; or

(c) some other facts exist that make it clearly unfair, in all the circumstances, to impose a *Provisional Suspension* prior to a final hearing in accordance with Article 8.



[Paragraph (c) shall be construed narrowly and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Athlete* or other *Person* from participating in a particular *Competition* or *Event* shall not qualify as exceptional circumstances for these purposes.]

**7.11.3.7** Where JADCO decides to impose a *Provisional Suspension* pursuant to Article 7.11.1 or Article 7.11.2 it shall promptly notify the *Athlete* or other *Person*, the *Athlete's* International Federation, the *Athlete's National Federation*, WADA, and where applicable, any other *Anti-Doping Organization* with the right to appeal under Article 13.2.3. Save as aforesaid, the information shall remain confidential unless JADCO considers that such decision shall be *publicly reported*.

**7.11.3.8** Where JADCO decides not to impose a *Provisional Suspension* on an *Athlete* or other *Person* it shall notify the *Athlete* or other *Person*, the *Athlete's* International Federation, the *Athlete's National Federation* and WADA.

**7.11.4** Where a *Provisional Suspension* has been imposed after an A *Sample Adverse Analytical Finding* and subsequent analysis of the B *Sample* does not confirm the A *Sample* Analysis, unless JADCO asserts an Anti-Doping Rule Violation under Article 2.2, JADCO shall rescind the suspension immediately.

**7.11.5** An *Athlete* or other *Person* who is subject to a *Provisional Suspension* shall not take part in any way in any *Event* or activity organised, sanctioned or authorized by a *National Federation* or any member organisation or club of a *National Federation* or by any *Person*

in any way connected with a *National Federation*. An *Athlete* or other *Person* who is subject to a *Provisional Suspension* shall be ineligible as set out in Article 10.12.

**7.11.6** Where JADCO has notified an *Athlete* or other *Person* of an Anti-Doping Rule Violation but a *Provisional Suspension* has not been imposed on him or her, JADCO shall offer the *Athlete* or other *Person* the opportunity to accept a *Provisional Suspension* voluntarily, pending the final determination by the Disciplinary Panel, of the assertion of the Anti-Doping Rule Violation, pursuant to Article 8.

**7.11.7** In accordance with Article 13.2.3.4 the *Athlete* or other *Person* has the right of Appeal from a decision of JADCO to impose a *Provisional Suspension*, save as provided in Article 7.11.3.5.

## **7.12 Retirement from Sport**

If an *Athlete* or other *Person* retires while JADCO is conducting the results management process, JADCO retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun, and JADCO would have had results management authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an Anti-Doping Rule Violation, JADCO has authority to conduct results management in respect of that Anti-Doping Rule Violation.

## **7.13 Referral to the Disciplinary Panel**

**7.13.1** Where:

(a) there has been an *Adverse Analytical Finding* and upon fulfilling the applicable requirements of Article 7.5, JADCO considers that an Anti-Doping Rule Violation has been committed under Article 2.1; or

(b) upon considering and assessing documentation or information obtained or provided during any investigation under Article 7.6 and Article 7.9 and any further matters it considers relevant, JADCO considers that an Anti-Doping Rule Violation under any of Articles 2.2-2.10 has occurred and decides to bring proceedings against an *Athlete* or other *Person*;

JADCO shall notify the Independent Anti-Doping Disciplinary Panel of the alleged violation for a hearing to be conducted in accordance with Article 8. JADCO shall provide the Independent Anti-Doping Disciplinary Panel with all the documentation relevant to the alleged violation.

**7.13.2** Where JADCO decides to bring proceedings for an Anti-Doping Rule Violation and has notified the Independent Anti-Doping Disciplinary Panel, JADCO shall notify the *Athlete* or other *Person*, the *Athlete's* International Federation, the *Athlete's National Federation* and *WADA* simultaneously.

#### **7.14 Resolution Without a Hearing**

**7.14.1** An *Athlete* or other *Person* who has received notice of proceedings for an Anti-Doping Rule Violation in accordance with Article 7.13.2 may admit that violation, waive the required hearing by the Independent Anti-Doping Disciplinary Panel and accept the *Consequences* mandated by these Rules.

**7.14.2** Where an *Athlete* or other *Person*, having received notice of proceedings for an Anti-Doping Rule Violation in accordance with Article 7.13.2, fails to dispute that violation within the time specified in the notice, he or she shall be deemed to have: (a) admitted that violation; (b) waived the required hearing by the Independent Anti-

Doping Disciplinary Panel; and (c) accepted the *Consequences* mandated by these Rules.

**7.14.3** An *Athlete* or other *Person* who decides to admit a violation, waive a hearing and accept the *Consequences* mandated by these Rules shall give written notice to JADCO that he or she is acting accordingly.

**7.14.4** Upon receipt of a notice under Article 7.14.3. JADCO shall inform the Independent Anti-Doping Disciplinary Panel promptly by sending a copy of the notice to the Secretariat. Where an *Athlete* or other *Person* fails to dispute an Anti-Doping Rule violation JADCO shall inform the Independent Anti-Doping Disciplinary Panel immediately.

**7.14.5** Where Article 7.14.1 or Article 7.14.2 applies the Independent Anti-Doping Disciplinary Panel is not required to hold a hearing. Subject to Article 8.5, the Independent Anti-Doping Disciplinary Panel shall issue a written decision confirming the commission of the Anti-Doping Rule Violation and the *Consequences* imposed as a result.

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

### **8.1 The Independent Anti-Doping Disciplinary Panel**

The Independent Anti-Doping Disciplinary Panel, established under section 14 of the Anti-Doping in Sport Act, 2014 is the independent body responsible for hearing and determining any matter referred to it by JADCO pursuant to these Rules.

### **8.2 Jurisdiction of the Independent Anti-Doping Disciplinary Panel**

**8.2.1** The Independent Anti-Doping Disciplinary Panel has the power

to hear and determine all issues arising from any matter which is referred to it pursuant to these Rules. In particular, the Independent Anti-Doping Disciplinary Panel has the power to determine the *Consequences* of Anti-Doping Rule Violations to be imposed pursuant to these Rules.

**8.2.2** The Independent Anti-Doping Disciplinary Panel shall be fair and impartial in the performance of its functions.

**8.2.3** The Independent Anti-Doping Disciplinary Panel has all powers necessary for, and incidental to, the exercise of its functions.

**8.2.4** No final decision of, or *Consequence* imposed by, the Independent Anti-Doping Disciplinary Panel shall be quashed, varied or held invalid, by any arbitrator, tribunal or *Person* except the Anti-Doping Appeal Tribunal or the Court of Arbitration for Sport for any reason, including for reason of any defect, irregularity, omission or departure from the procedures set out in these Rules.

### **8.3 Hearings Before the Independent Anti-Doping Disciplinary Panel**

**8.3.1** When it appears, following the results management process described in Article 7, that these Rules may have been violated, JADCO shall refer the matter to the Independent Anti-Doping Disciplinary Panel for hearing and adjudication.

**8.3.2** The chairman of the Independent Anti-Doping Disciplinary Panel, or in his absence, a vice-chairman, shall appoint a hearing panel to hear and determine each case referred to the Disciplinary Panel. Each hearing panel shall comprise three members including the chairman or vice-chairman as the chairman of the hearing panel, one member who

is a medical practitioner and one member who was a sports administrator or athlete.

**8.3.3** The appointed members shall have had no prior involvement with the case. Each member shall be and remain independent of the parties and shall, immediately upon appointment, disclose to the chairman any circumstances which may affect his independence or impartiality with respect to any of the parties.

**8.3.4** Where one member of the hearing panel becomes ill or is otherwise unable to continue as a member of the hearing panel, the hearing shall continue and shall not be invalidated by reason of the absence of that one member. Where more than one member of the hearing panel become ill or are otherwise unable to continue as members of the hearing panel, the hearing shall be discontinued and a new hearing ordered before another panel appointed in accordance with Article 8.3.2.

**8.3.5** The Independent Anti-Doping Disciplinary Panel may, in any proceeding, either on its own motion or on the application of any party, appoint a person who is independent of the parties and has expertise in the subject matter of the dispute, to assist and advise the Disciplinary Panel. Such independent expert shall be entitled to be present at the hearing and have such powers and duties as are specified in the order of appointment but shall not be present during any deliberation of the Disciplinary Panel.

**8.3.6** The Disciplinary Panel may, on the application of a party or on the application of a *Person* whom the Disciplinary Panel determines has a sufficient interest in the matter or on its own motion, add a further *Person* as a party to any proceeding.

**8.3.7** Hearings shall be scheduled and completed within a reasonable time;

**8.3.8** Hearings held in connection with *Events* may be conducted by an expedited process where the parties agree and permission is granted by the Disciplinary Panel.

**8.4 Proceedings of the Independent Anti-Doping Disciplinary Panel**

**8.4.1** Subject to the provisions of these Rules and the provisions of the Anti-Doping in Sport Act, 2014 the Independent Anti-Doping Disciplinary Panel shall have the power to regulate its practices and procedures.

**8.4.2** Hearings of the Independent Anti-Doping Disciplinary Panel shall be open to the public, unless the Independent Anti-Doping Disciplinary Panel determines that there are special circumstances warranting otherwise.

**8.4.3** JADCO shall present the case against the *Athlete* or other *Person* before the Independent Anti-Doping Disciplinary Panel.

**8.4.4** The *Athlete* or other *Person*, against whom the case is brought, has the right to respond to the asserted Anti-Doping Rule Violation.

**8.4.5** Where an *Athlete* or other *Person* who has been notified in accordance with these Rules, fails to attend a hearing, the *Athlete* or other *Person* shall be deemed to have abandoned his or her right to a hearing. The right may be reinstated where the *Athlete* or other *Person* shows reasonable cause for the non-attendance.

**8.4.6** Each party shall have the right to be represented at a hearing,

at that party's own expense.

**8.4.7** Each party shall have the right to an interpreter at the hearing, if deemed necessary by the Disciplinary Panel. The Disciplinary Panel shall determine the identity and responsibility for the cost of any interpreter.

**8.4.8** Each party to the proceedings has the right to present evidence, including the right to call and question witnesses, subject to the Disciplinary Panel's discretion to accept testimony by telephone, written statement or other means.

**8.4.9** Facts may be established by any reliable means, including admissions. The Disciplinary Panel may receive evidence, including hearsay, as it thinks fit and shall be entitled to attach such weight to that evidence as it deems appropriate.

**8.4.10** The Disciplinary Panel may receive as evidence any statement, document, information or matter that may in its opinion assist it to deal effectively with the matters before it, whether or not the same would be admissible in a Court of Law.

**8.4.11** The Disciplinary Panel may take evidence on oath, and for that purpose any member or officer of the Panel may administer an oath.

**8.4.12** The Disciplinary Panel may permit a person appearing as a witness to give evidence by tendering a written statement and verifying it by oath.

**8.4.13** The Disciplinary Panel may adjourn a hearing either on its own motion or on the application of any party.



**8.4.14** The Disciplinary Panel shall have the power to inquire into the subject matter of any proceeding in accordance with these Rules and for the purpose of any inquiry the Disciplinary Panel may, at the request of any party to the proceeding or on its own initiative:

(a) inspect and examine all papers, documents, records or items;

(b) require one or more parties to the proceeding to supply the Panel and/or the other party with further particulars of the case to be presented by that party at the hearing including the witnesses that party intends to call;

(c) require any party or *Person* bound by these Rules, and request any other *Person*, to produce for examination all papers, documents, records or things in that person's possession or under that person's control and to allow copies of or extracts from any such papers, documents or records to be taken; and

(d) require any party or *Person* bound by these Rules, and request any other *Person*, to furnish, in a form approved by or acceptable to the Panel, any information or particulars that may be required and any copies of or extracts from any such papers, documents or records.

**8.4.15** The Disciplinary Panel may, if it thinks fit, require that any written information or particulars or any copies or extracts furnished under these Rules be verified by affidavit, statutory declaration or otherwise.

**8.4.16** Any Party or other *Person* bound by these Rules shall comply with any directive or order made by the Disciplinary Panel.

**8.4.17** The Disciplinary Panel may make such inferences and draw such conclusions as it considers appropriate from any failure by any party or *Person* to comply with any directive or order made under these Rules.

**8.4.18** Hearings may be recorded and the Secretariat shall own and retain any recording.

## **8.5 Decisions of the Independent Anti-Doping Disciplinary Panel**

**8.5.1** The deliberations of the Disciplinary Panel on its decision shall be held in private.

**8.5.2** The decision of the Disciplinary Panel, if not unanimous, shall be made by a majority. It shall be written, dated and signed and shall include the full reasons for the decision. A dissenting member of the Panel shall give reasons for his decision.

**8.5.3** The Disciplinary Panel may, in its discretion, give an oral decision but it shall, as soon as expedient, issue a written decision with reasons.

**8.5.4** The Disciplinary Panel shall transmit the written decision to JADCO and to the *Athlete* or other *Person*.

**8.5.5** JADCO shall, as soon as practicable, transmit the written decision to the *Athlete's* International Federation, the *Athlete's National Federation*, WADA and where applicable, to any other *Anti-Doping Organization* with a right to appeal under Article 13.2.3.

**8.5.6** Decisions of the Independent *Anti-Doping Disciplinary Panel* may be appealed as provided in Article 13.

**8.5.7** Where no appeal against the decision of the Disciplinary Panel has been filed:

(a) The decision shall be *Publicly Disclosed* if the Disciplinary Panel determines that an Anti-Doping Rule Violation was committed; or

(b) If the Disciplinary Panel determines that no Anti-Doping Rule Violation was committed the decision shall be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision.

JADCO shall use reasonable efforts to obtain such consent and if consent is obtained, JADCO shall disclose the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve. The written decision of the Disciplinary Panel shall be posted on JADCO's website and shall remain there for at least one month or the duration of the period of *Ineligibility*, whichever is longer.

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

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

## **ARTICLE 10      SANCTIONS ON INDIVIDUALS**

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

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

Factors to be included in considering whether to *Disqualify* other results in an *Event* might include, for example, the seriousness of the *Athlete's* Anti-Doping Rule Violation and whether the *Athlete* tested negative in the other *Competitions*.

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

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

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

**10.2.1** The period of *Ineligibility* shall be four years where:

**10.2.1.1** The Anti-Doping Rule Violation does not involve a *Specified Substance*, unless the *Athlete* or other *Person* can establish that the Anti-Doping Rule Violation was not intentional.

**10.2.1.2** The Anti-Doping Rule Violation involves a *Specified Substance* and JADCO can establish that the Anti-Doping Rule Violation was intentional.

**10.2.2** If Article 10.2.1 does not apply, the period of *Ineligibility* shall be two years.

**10.2.3** As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those *Athletes* who cheat. The term, therefore, requires that the *Athlete* or other *Person* engaged in conduct which he or she knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and manifestly disregarded that risk. An Anti-Doping Rule Violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be rebuttably presumed to be not "intentional" if the substance is a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An Anti-Doping Rule Violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered "intentional" if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

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

The period of *Ineligibility* for Anti-Doping Rule Violations other than as provided in Article 10.2 shall be as follows, unless Articles 10.5 or 10.6 are applicable:

**10.3.1** For violations of Article 2.3 or Article 2.5, the period of *Ineligibility* shall be four years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the Anti-Doping Rule Violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall be two years.

**10.3.2** For violations of Article 2.4, the period of *Ineligibility* shall be two years, subject to reduction to a minimum of one year, depending on the *Athlete's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.

**10.3.3** For violations of Article 2.7 or Article 2.8, the period of *Ineligibility* shall be a minimum of four years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Minor* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or Article 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

**10.3.4** For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.

**10.3.5** For violations of Article 2.10, the period of *Ineligibility* shall be two years, subject to reduction to a minimum of one year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.

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

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

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

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

**10.5.1.1 *Specified Substances***

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

#### **10.5.1.2 Contaminated Products**

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

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

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

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

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

**10.6.1.1** The Independent Anti-Doping Disciplinary Panel 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 in which JADCO has



results management authority where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organization* discovering or bringing forward an Anti-Doping Rule Violation by another *Person*; or (ii) a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to JADCO.

**10.6.1.2** After a final appellate decision under Article 13 or the expiration of time to appeal, the Disciplinary Panel may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of *WADA* and the applicable International Federation.

**10.6.1.3** 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 years.

**10.6.1.4** If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the Disciplinary Panel shall reinstate the original period of *Ineligibility*.

**10.6.1.5** If the Disciplinary Panel decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

**10.6.1.6** To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of JADCO or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an Anti-Doping Rule Violation, *WADA* may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, and/or no return of prize money or payment of fines or costs. *WADA's* approval shall be subject to reinstatement of sanction, as otherwise provided in this Article.

**10.6.1.7** Notwithstanding Article 13, *WADA's* decisions in the context of this Article may not be appealed by any other *Anti-Doping Organization*.

**10.6.1.8** If the Disciplinary Panel suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14.2.

**10.6.1.9** In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorize JADCO to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

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

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

### **10.6.3 Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Article 10.2.1 or Article 10.3.1**

An *Athlete* or other *Person* potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing *Sample Collection* or *Tampering* with *Sample Collection*), by promptly admitting the asserted Anti-Doping Rule Violation after being confronted by JADCO, and also upon the approval and at the discretion of both *WADA* and the Disciplinary Panel, may receive a reduction in the period of *Ineligibility* down to a minimum of two years, depending

on the seriousness of the violation and the *Athlete* or other *Person's* degree of *Fault*.

#### **10.6.4 Application of Multiple Grounds for Reduction of a Sanction**

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

### **10.7 Multiple Violations**

**10.7.1** For an *Athlete* or other *Person's* second Anti-Doping Rule Violation, the period of *Ineligibility* shall be the greater of:

- (a) six months;
- (b) one-half of the period of *Ineligibility* imposed for the first Anti-Doping Rule Violation without taking into account any reduction under Article 10.6; or
- (c) twice the period of *Ineligibility* otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

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

## **10.7.2**

**10.7.2.1** A third Anti-Doping Rule Violation will always result in a lifetime period of *Ineligibility*.

**10.7.2.2** If the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or 10.5, or involves a violation of Article 2.4 the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.

**10.7.3** An Anti-Doping Rule Violation for which an *Athlete* or other *Person* has established *No Fault or Negligence* shall not be considered a prior violation for purposes of this Article.

## **10.7.4 Additional Rules for Certain Potential Multiple Violations**

**10.7.4.1** For purposes of imposing sanctions under Article 10.7, an Anti-Doping Rule Violation will only be considered a second violation if JADCO can establish that the *Athlete* or other *Person* committed the second Anti-Doping Rule Violation after the *Athlete* or other *Person* received notice pursuant to Article 7, or after JADCO made reasonable efforts to give notice, of the first Anti-Doping Rule Violation. If JADCO cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

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

#### **10.7.5 Multiple Anti-Doping Rule Violations during Ten-Year Period**

For purposes of Article 10.7, each Anti-Doping Rule Violation must take place within the same ten-year period in order to be considered multiple violations.

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

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

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

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

## **10.10 Financial Consequences**

Where an *Athlete* or other *Person* commits an Anti-Doping Rule Violation, JADCO may, in its discretion and subject to the principle of proportionality, elect to recover from the *Athlete* or other *Person* costs associated with the Anti-Doping Rule Violation, regardless of the period of *Ineligibility* imposed.

JADCO's recovery of costs shall not be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under these Rules or the *Code*.

## **10.11 Commencement of *Ineligibility* Period**

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

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

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, the period of *Ineligibility* may start at an earlier date commencing as early as the date of *Sample* collection or the date on

which another Anti-Doping Rule Violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.

### **10.11.2 Timely Admission**

Where the *Athlete* or other *Person* promptly, which, in all events, for an *Athlete*, means before the *Athlete* competes again, admits the Anti-Doping Rule Violation after being confronted with the Anti-Doping Rule Violation by JADCO, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another Anti-Doping Rule Violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of *Ineligibility* already has been reduced under Article 10.6.3.

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

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



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

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

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

## **10.12 Status during *Ineligibility***

### **10.12.1 Prohibition against Participation during *Ineligibility***

**10.12.1.1** 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 programmes, authorized or organized by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, or in *Competitions* authorized or organized by any professional league, or any international or national level *Event* organization, or any elite or national-level sporting activity funded by a governmental agency.

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

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

## **10.12.2 Return to Training**

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

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

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

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

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

In addition, for any Anti-Doping Rule Violation not involving a reduced sanction as described in Article 10.4 or 10.5, some or all sport-related financial support or other sport-related benefits received by such *Person* shall be withheld by JADCO, the Jamaica Government, and the *National Federations*.

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

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

## **ARTICLE 11      *CONSEQUENCES TO TEAMS***

### **11.1 *Testing of Team Sports***

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

### **11.2 *Consequences for Team Sports***

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

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

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

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

**12.1** JADCO shall have the authority to request the relevant Government Agencies to withhold, in whole or in part, financial or non-financial support from *National Federations* which are not in compliance with or fail in the implementation of these Rules.

**12.2** *National Federations* shall reimburse JADCO for all costs (including but not limited to laboratory fees, hearing expenses, and travel) related to a violation of these Rules committed by an *Athlete* or other *Person* affiliated with the *National Federation*.

## **ARTICLE 13 APPEALS**

### **13.1 Decisions Subject to Appeal**

Decisions made under these Rules may be appealed as set forth in Articles 13.2 through 13.7 or as otherwise provided in these Rules, the *Code* or *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Except as provided in Article 13.1.3, before an appeal is commenced any post decision review provided in these Rules must be exhausted, provided that such review respects the principles set forth in Articles 13.10-13.12

#### **13.1.1 Scope of Review Not Limited**

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

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

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

### **13.1.3 WADA Not Required to Exhaust Internal Remedies**

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

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

A decision that an Anti-Doping Rule Violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an Anti-Doping Rule Violation, or a decision that no Anti-Doping Rule Violation was committed; a decision that proceedings for an Anti-Doping Rule Violation cannot go forward for procedural reasons, including prescription; a decision by *WADA* not to grant an exemption to the requirement to give six months notice for a retired *Athlete* to return to *Competition* under Article 5.7.1.2; a decision by *WADA* assigning results management under Article 7.1 of the *Code*; a decision by JADCO 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 7.9; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; JADCO's failure to comply with Article 7.11; a decision that the Independent Anti-Doping Disciplinary Panel lacks jurisdiction to rule on an alleged Anti-Doping Rule Violation or its *Consequences*; a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 10.6.1; a decision under Article 10.12.3; and a decision by JADCO not to recognize another

*Anti-Doping Organization's* decision under Article 15, may be appealed exclusively as provided in Articles 13.2 – 13.7.

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

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

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

In cases where Article 13.2.1 is not applicable, the decision may be appealed to the Anti-Doping Appeal Tribunal.

### **13.2.3 Persons Entitled to Appeal**

**13.2.3.1** In cases under Article 13.2.1, the following *Persons* shall have the right to appeal to CAS:

- a) The *Athlete* or other *Person* who is the subject of the decision being appealed;
- b) The other party to the case in which the decision was rendered;
- c) The relevant International Federation;
- d) JADCO and if different, the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or licence holder;
- e) The International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- f) WADA

**13.2.3.2** In cases under Article 13.2.2 the following *Persons* shall have the right to appeal to the Anti-Doping Appeal Tribunal:

- (a) The *Athlete* or other *Person* who is the subject of the decision being appealed;
- (b) The other party to the case in which the decision was rendered;
- (c) The relevant International Federation;
- (d) The relevant *National Federation*;
- (e) JADCO and if different, the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a National or licence holder;
- (f) 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;
- (g) The Jamaica Olympic Association; and
- (h) WADA.

**13.2.3.3** For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to CAS with respect to the decision of the Anti-Doping Appeal Tribunal. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from JADCO and the information shall be provided if CAS so directs.

**13.2.3.4** Notwithstanding any other provision herein, the only *Person* who may appeal from a *Provisional Suspension* is the



*Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

#### **13.2.4 Cross Appeals and other Subsequent Appeals**

A cross appeal or other subsequent appeal by any Respondent named in a case brought to CAS or the Anti-Doping Appeal Tribunal under the *Code* and/or these Rules is specifically permitted. Any party with the right to appeal under these Rules must file a cross appeal or subsequent appeal at the latest with the party's answer.

#### **13.3 Failure to Render a Timely Decision**

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

Where JADCO is required to pay *WADA*'S costs and attorney fees pursuant to Article 13.3 the sums payable by JADCO shall be reimbursed to JADCO by the *National Federation* of the *Athlete* or other *Person* to whom the delay may be attributed.

#### **13.4 Appeals Relating to TUEs**

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

### **13.5 Notification of Appeal Decisions**

Subject to Article 13.12 The Anti-Doping Appeal Tribunal shall provide JADCO and the *Athlete* or other *Person* with the written decision promptly. On receipt of the decision JADCO shall transmit the written decision immediately to the other *Anti-Doping Organizations* that are entitled to appeal under Article 13.2.3.

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

Decisions by JADCO pursuant to Article 12 may be appealed exclusively by the *National Federation* to the Anti-Doping Appeal Tribunal.

### **13.7 Time for Filing Appeals**

#### **13.7.1 Appeals to CAS**

**13.7.1.1** An appeal to CAS shall be filed within twenty-one days from the date the person appealing receives the written decision pursuant to Article 8.5.4, Article 8.5.5 or Article 13.5

**13.7.1.2** Notwithstanding the provisions of Article 13.7.1.1, where a *Person* who is entitled to appeal, was not a party to the proceedings which resulted in the decision being appealed, the following shall apply:

(a) Such *Person* may request a copy of the case file from JADCO within fifteen days from the date the said *Person* receives the written decision in accordance with Article 8.5.5 or Article 13.5;

(b) If a request is made in accordance with paragraph (a) of this Article the said *Person* may file an appeal to CAS within twenty-one days from the date the said *Person* receives the case file from JADCO;

(c) If no request is made in accordance with paragraph (a) of this Article, then Article 13.7.1.1 shall apply.

**13.7.1.3** Notwithstanding the provisions of Article 13.7.1.1 WADA may file an appeal to CAS:

(a) within twenty-one days from the latest day any other party to the appeal was entitled to file an appeal to CAS; or

(b) within twenty-one days from the date WADA receives the case file from JADCO;

whichever is later.

## **13.7.2 Appeals to the Anti-Doping Appeal Tribunal**

**13.7.2.1** An appeal to the Anti-Doping Appeal Tribunal shall be filed within twenty-one days from the date the *Person* appealing receives the written decision pursuant to Article 8.5.4 or Article 8.5.5.

**13.7.2.2** Notwithstanding the provisions of Article 13.7.2.1, where a *Person* who is entitled to appeal, was not a party to the proceedings which resulted in the decision being appealed, the following shall apply:

(a) Such *Person* may request a copy of the case file from JADCO within fifteen days from the date the said *Person* receives the written decision in accordance with Article 8.5.5

(b) If a request is made in accordance with paragraph (a) of this Article the said *Person* may file an appeal to the Anti-Doping Appeal Tribunal within twenty-one days from the date the said *Person* receives the case file from JADCO;

(c) If no request is made in accordance with paragraph (a) of this Article, then Article 13.7.2.1 shall apply.

**13.7.2.3** Notwithstanding the provisions of Article 13.7.2.1 *WADA* may intervene or file an appeal to the Anti-Doping Appeal Tribunal:

(a) within twenty-one days from the latest day any other party to the appeal was entitled to file an appeal to the Anti-Doping Appeal Tribunal; or

(b) within twenty-one days from the date *WADA* receives the case file from JADCO;

whichever is later.

### **13.8 The Anti-Doping Appeal Tribunal**

The Anti-Doping Appeal Tribunal, established under section 17 of the Anti-Doping in Sport Act, 2014 is the independent body responsible for hearing and determining appeals from decisions of the Independent Anti-Doping Disciplinary Panel.

### **13.9 Jurisdiction of the Anti-Doping Appeal Tribunal**

**13.9.1** The Anti-Doping Appeal Tribunal has the power to hear and determine all issues arising from any appeal filed in cases under Article 13.2.2 of these Rules. In particular, the Anti-Doping Appeal Tribunal has the power to determine the *Consequences* of an Anti-Doping Rule Violation to be imposed pursuant to these Rules.

**13.9.2** The Anti-Doping Appeal Tribunal shall be fair and impartial in

the performance of its functions.

**13.9.3** The Anti-Doping Appeal Tribunal shall have all powers necessary for, and incidental to, the exercise of its functions.

**13.9.4** No final decision of, or *Consequence* imposed by, the Anti-Doping Appeal Tribunal may be quashed, varied or held invalid, by any arbitrator, tribunal or *Person* except the Court of Arbitration for Sport for any reason including for reason of any defect, irregularity, omission or departure from the procedures set out in these Rules.

### **13.10 Hearings Before the Anti-Doping Appeal Tribunal**

**13.10.1** Any *Person* who is entitled to appeal a decision of the Independent Anti-Doping Disciplinary Panel may lodge a Notice of Appeal with the Anti-Doping Appeal Tribunal in accordance with Article 13.7.2

**13.10.2** The chairman of the Anti-Doping Appeal Tribunal, or in his absence, the vice-chairman, shall appoint a hearing panel to hear and determine each appeal. Each hearing panel shall comprise at least three members including the chairman or vice-chairman as the chairman of the hearing panel, one member who is a medical practitioner and one member who was a sports administrator or Athlete.

**13.10.3** The appointed members shall have had no prior involvement with the case. Each member shall be and remain independent of the parties and shall, immediately upon appointment, disclose to the chairman any circumstances which may affect his independence or impartiality with respect to any of the parties.

**13.10.4** Where one member of the hearing panel becomes ill or is otherwise unable to continue as a member of the hearing panel, the hearing shall continue and shall not be invalidated by reason of the absence of that one member. Where more than one-half of the members of the hearing panel become ill or are otherwise unable to continue as members of the hearing panel, the hearing shall be discontinued and a new hearing ordered before another panel appointed in accordance with Article 13.10.2.

**13.10.5** The Anti-Doping Appeal Tribunal may, in any proceeding, either on its own motion or on the application of any party, appoint a person who is independent of the parties and has expertise in the subject matter of the dispute, to assist and advise the Appeal Tribunal.

**13.10.6** The Anti-Doping Appeal Tribunal may, on the application of a party or on the application of a *Person* whom the Tribunal determines has a sufficient interest in the matter or on its own motion, add a further *Person* as a party to any proceeding.

**13.10.7** Hearings shall be scheduled and completed within a reasonable time.

**13.10.8** Hearings held in connection with *Events* may be conducted by an expedited process where the parties agree and permission is granted by the Appeal Tribunal.

### **13.11 Proceedings of the Anti-Doping Appeal Tribunal**

**13.11.1** Subject to the provisions of these Rules and the provisions of the Anti-Doping in Sport Act, 2014 the Anti-Doping Appeal Tribunal shall have the power to regulate its practices and procedures.

**13.11.2** Hearings of the Anti-Doping Appeal Tribunal shall be open to the public, unless the Anti-Doping Appeal Tribunal determines that there are special circumstances warranting otherwise.

**13.11.3** The appellant shall present arguments before the Appeal Tribunal and the Respondent has the right to reply.

**13.11.4** Where a party who has been notified fails to attend a hearing without reasonable cause he shall be deemed to have abandoned his right to a hearing. The right may be reinstated where the party shows reasonable cause for the non-attendance.

**13.11.5** Each party shall have the right to be represented at a hearing, at that party's own expense.

**13.11.6** Each party shall have the right to an interpreter at the hearing, if deemed necessary by the Appeal Tribunal. The Appeal Tribunal shall determine the identity and responsibility for the cost of any interpreter.

**13.11.7** Each party to the proceedings has the right to present evidence, including the right to call and question witnesses subject to the Appeal Tribunal's discretion to accept testimony by telephone, written statement or other means.

**13.11.8** Facts may be established by any reliable means, including admissions. The Appeal Tribunal may receive evidence, including hearsay, as it thinks fit and shall be entitled to attach such weight to that evidence as it deems appropriate.

**13.11.9** The Appeal Tribunal may receive as evidence any statement, document, information or matter that may in its opinion assist it to

deal effectively with the matters before it, whether or not the same would be admissible in a court of law.

**13.11.10** The Appeal Tribunal may take evidence on oath, and for that purpose any member or officer of the Tribunal may administer an oath.

**13.11.11** The Appeal tribunal may permit a *Person* appearing as a witness to give evidence by tendering a written statement and verifying it by oath.

**13.11.12** The Appeal Tribunal may adjourn a hearing either on its own motion or on the application of any party.

**13.11.13** The Appeal Tribunal shall have the power to inquire into the subject matter of any proceeding in accordance with these Rules and for the purpose of any inquiry the Appeal Tribunal may at the request of any party to the proceedings or on its own initiative:

- (a) inspect and examine any papers, documents, records or items;
- (b) require one or more parties to the proceedings to supply the Tribunal and/or the other parties with further particulars of the case to be presented by that party at the hearing including the witnesses that party intends to call;
- (c) require any party or *Person* bound by these Rules, and request any other *Person*, to produce for examination any papers, documents, records or things in that *Person's* possession or under that *Person's* control and to allow copies of or extracts from any such papers, documents or records to be taken; and
- (d) require any party or *Person* bound by these Rules, and request any other *Person*, to furnish, in a form approved by or acceptable to the Tribunal, any information or particulars that may be required and any copies of or extracts from any such papers, documents or records.



**13.11.14** The Appeal Tribunal may, if it thinks fit, require that any written information or particulars or any copies or extracts furnished under these Rules be verified by affidavit, statutory declaration or otherwise.

**13.11.15** Any Party or other *Person* bound by these Rules shall comply with any directive or order made by the Appeal Tribunal.

**13.11.16** The Appeal Tribunal may make such inferences and draw such conclusions as it considers appropriate from any failure by any party or *Person* to comply with any directive or order made under these Rules.

**13.11.17** Hearings may be recorded and the Secretariat shall own and retain any recording.

### **13.12 Decisions of the Anti-Doping Appeal Tribunal**

**13.12.1** The deliberations of the Anti-Doping Appeal Tribunal on its decision shall be held in private.

**13.12.2** The decision of the Appeal Tribunal, if not unanimous, shall be made by a majority. It shall be written, dated and signed and shall include the full reasons for the decision. A dissenting member of the Tribunal shall give reasons for his decision.

**13.12.3** The Appeal Tribunal may, in its discretion, give an oral decision but it shall as soon as expedient issue a written decision with reasons.

## **ARTICLE 14 CONFIDENTIALITY AND REPORTING**

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

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

Notice to an *Athlete* or other *Person* who is a member of a *National Federation* may be served by delivering the notice to the *National Federation*.

#### **14.1.2 Status Reports**

An *Athlete's* International Federation, an *Athlete's* National Federation and WADA shall be: (a) updated on the status of any review conducted pursuant to Article 7 or proceedings conducted pursuant to Article 8 or Article 13 and; (b) provided with a prompt written reasoned explanation of the resolution of the matter.

#### **14.1.3 Confidentiality**

International Federations, *National Federations*, WADA and any *Anti-Doping Organization* which has received status reports or findings of any review conducted pursuant to Article 7 or proceedings conducted pursuant to Article 8 or Article 13 shall not disclose such information, except to those persons or organizations with a need to know, including the applicable *National Olympic Committee* and the team in a *Team Sport*, until JADCO has made *Public Disclosure* in accordance with Article 14.3 or has failed to make such *Public Disclosure*.

#### **14.1.4**

**14.1.4.1** JADCO shall take reasonable steps to ensure that information concerning *Adverse Analytical Findings, Atypical Findings*, other asserted Anti-Doping Rule Violations, reviews

conducted pursuant to Article 7 and findings of proceedings conducted pursuant to Article 8 or Article 13 remains confidential until such information is *Publicly Disclosed* in accordance with Article 14.3.

**14.1.4.2** Where JADCO enters into a contract with contractors, agents or employees, such contract shall include provisions for the protection of confidential information including the disciplining of employees for the improper and/or unauthorized disclosure of confidential information.

## **14.2 Notice of Decisions**

For greater certainty it is declared that all decisions made pursuant to these Rules by the Independent Anti-Doping Disciplinary Panel, the Anti-Doping Appeal Tribunal or otherwise shall include the full reasons for the decision and, if applicable, the justification for not imposing the maximum period of *Ineligibility*.

## **14.3 Public Disclosure**

**14.3.1** Where JADCO has asserted that an *Athlete* or other *Person* has committed an Anti-Doping Rule Violation the identity of the *Athlete* or other *Person* shall not be *Publicly Disclosed* until notice is given simultaneously to the *Athlete* or other *Person*, the *Athlete's* International Federation, the *Athlete's National Federation* and WADA in accordance with Articles 7.5, 7.6, 7.7, 7.8 or 7.9.

**14.3.2** Where a final decision has been made, whether by way of appeal or otherwise, that an Anti-Doping Rule violation was committed, JADCO shall, within twenty days of such decision, *Publicly Report* on the disposal of the matter and the report shall include the sport, the anti-doping rule violated, the name of the *Athlete* or other

*Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed.

### **14.3.3**

**14.3.3.1** Where a final decision is made, whether by way of appeal or otherwise, that no Anti-Doping Rule Violation was committed, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision.

**14.3.3.2** JADCO shall use reasonable efforts to obtain such consent and if consent is obtained, JADCO shall disclose the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

**14.3.4** Subject to Article 14.3.2 and Article 14.3.3 the written decision of all hearings and appeals shall be posted on JADCO'S website and shall remain there for at least one month or the duration of the period of *Ineligibility*, whichever is longer.

**14.3.5** Neither JADCO nor any *National Federation* or any employee, agent or other official of these organizations shall comment publicly on the specific facts of any pending case, not including the general description of process, except in response to public comments attributed to the *Athlete* or other *Person* against whom the Anti-Doping Rule Violation is asserted.

**14.3.6** The mandatory *Public Reporting* requirements set out in Article 14.3.2 shall not apply where the *Athlete* or other *Person* is a *Minor*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

#### **14.4 Statistical Reporting**

JADCO shall publish annually a general statistical report of its *Doping Control* activities during the calendar year and provide *WADA* with a copy of the report.

#### **14.5 Doping Control Information Clearinghouse**

JADCO shall report all *In-Competition* and *Out-of-Competition* tests to the *WADA* clearinghouse through *ADAMS*, as soon as possible after such tests have been conducted. The report shall show the name of each *Athlete* tested and the date that each *Athlete* was tested.

#### **14.6 Data Privacy**

**14.6.1** JADCO may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary in order to conduct anti-doping activities under the *Code*, the *International Standards* and these Rules.

**14.6.2** Any Participant who submits information including personal data to any person acting under the authority of JADCO and in accordance with these Rules shall be deemed to have agreed that such information may be collected, processed, disclosed and used for the purposes of the implementation of these Rules and in accordance with the International Standard for the Protection of Privacy and Personal Information.

## **ARTICLE 15 APPLICATION AND RECOGNITION OF DECISIONS**

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

**15.2** JADCO and all *National Federations* shall recognize the measures taken by other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

**15.3** Subject to the right to appeal provided in Article 13, any decision of the Independent Anti-Doping Disciplinary Panel regarding a violation of these Rules shall be recognized by all *National Federations*, which shall take all necessary action to render such decision effective.

## **ARTICLE 16 OBLIGATIONS OF NATIONAL FEDERATIONS**

**16.1** All *National Federations* and their members shall comply with these Rules. These Rules shall be incorporated either directly or by reference into the Rules of each *National Federation*.

**16.2** All *National Federations* shall establish rules requiring all *Athletes* and each *Athlete Support Personnel* who participate as coach, trainer, manager, team staff, official, medical or paramedical personnel in a *Competition* or activity authorized or organized by a *National Federation* or one of its member organizations to agree to be bound by these Rules and to submit to the results management authority of the *Anti-Doping Organization* responsible under the *Code* as a condition of such participation.

## **ARTICLE 17      STATUTE OF LIMITATION**

No proceedings for an Anti-Doping Rule Violation may be initiated against an *Athlete* or other *Person* unless he or she has been notified of the Anti-Doping Rule Violation as provided in Article 7, or notification has been reasonably attempted, within ten years from the date the violation is asserted to have occurred.

## **ARTICLE 18      COMPLIANCE REPORTS TO WADA**

JADCO shall report to *WADA* on JADCO's compliance with the *Code* in accordance with Article 23.5.2 of the *Code*.

## **ARTICLE 19      EDUCATION**

**19.1** JADCO shall plan, implement, evaluate and monitor information, education and prevention programmes for doping-free sport and shall support active participation by *Athletes* and *Athlete Support Personnel* in such programmes.

**19.2** These programmes shall provide *Athletes* and other *Persons* with updated and accurate information on at least the following issues:

- a) Substances and methods on the *Prohibited List*
- b) Anti-Doping Rule Violations
- c) *Consequences* of doping, including sanctions, health and social consequences
- d) *Doping Control* procedures
- e) *Athletes'* and *Athlete Support Personnel's* rights and responsibilities
- f) *TUEs*
- g) Managing the risks of nutritional supplements

- h) Harm of doping to the spirit of sport
- 1) Applicable whereabouts requirements

## **ARTICLE 20      NOTICES**

**20.1** Each *Athlete* in JADCO'S *Registered Testing Pool* shall provide JADCO with an address to which notice may be delivered and in the event of a change of address it is the responsibility of the *Athlete* to provide JADCO immediately with such amended details. Where no address is provided any notice may be given to the *Athlete* by giving the notice to the *Athlete's National Federation*, the *Athlete's International Federation* or the relevant *Anti-Doping Organization*.

**20.2** All notices relating to allegations that an Anti-Doping Rule Violation has occurred shall be delivered by courier, registered post or other method which provides proof of delivery. Proof of delivery by courier, registered post or such other method shall be conclusive. Where no proof of delivery is available, notice shall, in any event, be deemed to have been received upon the expiry of seven (7) working days after the date of dispatch.

Any other notice to an *Athlete* or other *Person* shall be given by posting the notice to the address provided by that *Athlete* or other *Person*. Where no address is provided, such notice may be given to the *Athlete* or other *Person* by posting the notice to the address of the *Athlete's National Federation*, the *Athlete's International Federation* or the relevant *Anti-Doping Organization*. Such notice shall be deemed to have been received upon the expiry of seven (7) working days after the date of posting



**20.3** JADCO may, with the prior agreement of the intended recipient, as an alternative to, or in conjunction with, notice by post, use any other method of communication available, including, but not limited to, facsimile and email.

## **ARTICLE 21      COMPUTATION OF TIME**

**21.1** The word “month” where it appears in these Rules or in any order or direction of the Disciplinary Panel, the Appeal Tribunal or the *Court of Arbitration for Sport* means a calendar month.

**21.2** The word “days” where it appears in these Rules or in any order or direction of the Disciplinary Panel, the Appeal Tribunal or the *Court of Arbitration for Sport* means “clear days”.

**21.3** “Clear days” means that the day on which the period begins and the day on which the act is to be done or the event occurs are not included in the computation of time.

## **ARTICLE 22      AMENDMENT AND INTERPRETATION**

### **22.1 Amendment**

These Rules may be amended from time to time by JADCO.

### **22.2 Interpretation**

**22.2.1** These Rules shall be interpreted as an independent and autonomous text and not by reference to any existing law or statute.

**22.2.2** The headings used for the various Parts and Articles of these Rules are for convenience only. They are not part of the substance of

these Rules and shall not affect the language of the provisions to which they refer. However, they may be used as an aid to the interpretation of the Rules.

**22.2.3** The *International Standards* are incorporated into these Rules and shall prevail in case of conflict.

**22.2.4** The introduction to these Rules shall be considered a part of the substance of the Rules.

**22.2.5** The comments annotating various provisions of the *Code* are incorporated by reference into these Rules and shall be used to interpret the Rules.

**22.2.6** The laws of Jamaica govern these Rules.

### **22.3 Retroactive Application**

These Rules shall come into effect on 1<sup>st</sup>. January 2015 (the "Effective Date"). They shall not apply retroactively to matters pending before the Effective Date provided that:

**22.3.1** An Anti-Doping Rule Violation committed prior to the Effective Date shall count as a "first violation" or a "second violation" as the case may be for purposes of determining sanctions for an Anti-Doping Rule Violation committed after the Effective Date.

#### **22.3.2**

**22.3.2.1** The retrospective period in which a prior Anti-Doping Rule Violation can be considered for purposes of multiple violations pursuant to Article 10.7.5 and Article 17 is a procedural Rule and shall be applied retroactively. Provided that

Article 17 shall only be applied retroactively if the statute of limitation period has not expired by the Effective Date.

**22.3.2.2** Where:

(a) proceedings in respect of any Anti-Doping Rule Violation are pending as of the Effective Date; or

(b) an Anti-Doping Rule Violation was committed before the Effective Date but proceedings are brought after the Effective Date;

the proceedings shall be governed by the substantive Rules in effect at the time the alleged Anti-Doping Rule Violation was committed unless the Independent Anti-Doping Disciplinary Panel, the Anti-Doping Appeal Tribunal or the CAS determines that the principle of "lex mitior" applies.

**22.3.3** Where an *Athlete* is declared to have committed a Filing Failure or a Missed Test prior to the Effective Date the twelve-month period stipulated in Article 2.4 shall be applied retroactively.

**22.3.4**

**22.3.4.1** Where a final decision, that an Anti-Doping Rule Violation was committed, is made prior to the Effective Date and the period of *Ineligibility* imposed by the Independent Anti-Doping Disciplinary Panel or any Appeal Tribunal has not expired as of the Effective Date, the *Athlete* or other *Person* may apply to the Independent Anti-Doping Disciplinary Panel to consider a reduction in the period of *Ineligibility* pursuant to these Rules. The application shall be made before the expiration of the period of *Ineligibility*.

**22.3.4.2** A decision under Article 22.3.4.1 may be appealed pursuant to Article 13.2.

**22.3.4.3** These Rules shall not apply where the period of *Ineligibility* has expired.

**22.3.5** Where the sanction for a first violation was determined pursuant to Rules in force prior to the Effective Date, for the purposes of assessing the period of *Ineligibility* for a second violation under Article 10.7.1, the period of *Ineligibility* which would have been assessed for that first violation had these Rules been applicable, shall be applied.

## **ARTICLE 23      INTERPRETATION OF THE *CODE***

**23.1** The official text of the *Code* shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

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

**23.3** The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.

**23.4** The headings used for the various Parts and Articles of the *Code* are for convenience only and shall not be deemed part of the substance of the *Code* or to affect in any way the language of the provisions to which they refer.

**23.5** The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* Anti-Doping Rule Violations would continue to count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.

**23.6** The Purpose, Scope and Organization of the World Anti-Doping Programme and the *Code* and Appendix 1, Definitions, and Appendix 2, Examples of the Application of Article 10, shall be considered integral parts of the *Code*.

## **ARTICLE 24    ADDITIONAL ROLES AND RESPONSIBILITIES OF                   **ATHLETES AND OTHER PERSONS****

### **24.1    Roles and Responsibilities of *Athletes***

**24.1.1** To be knowledgeable of and comply with these Rules.

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

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

**24.1.4** To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these Rules.

**24.1.5** To disclose to their International Federation and to JADCO any decision by a non-*Signatory* finding that the *Athlete* committed an Anti-Doping Rule Violation within the previous ten years.

**24.1.6** To cooperate with *Anti-Doping Organizations* investigating Anti-Doping Rule Violations.

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

**24.2.1** To be knowledgeable of and comply with these Rules.

**24.2.2** To cooperate with the *Athlete Testing* programme.

**24.2.3** To use his or her influence on *Athlete* values and behaviour to foster anti-doping attitudes.

**24.2.4** To disclose to his or her International Federation and to JADCO any decision by a non-*Signatory* finding that he or she committed an Anti-Doping Rule Violation within the previous ten years.

**24.2.5** To cooperate with *Anti-Doping Organizations* investigating Anti-Doping Rule Violations.

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

## DEFINITIONS

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

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

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

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

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

**Anti-Doping Rule Violation:** The circumstances and conduct specified in Article 2.1 through Article 2.10.

**Athlete:** Any *Person* who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of “Athlete.” In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

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



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

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

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

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

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

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

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

**Consequences of Anti-Doping Rule Violations ("Consequences"):** An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences*

including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred on account of an Anti-Doping Rule Violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.12.1; (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure or Public Reporting* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11 of the *Code*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**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*.

**JADCO:** The Jamaica Anti-Doping Commission.

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

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

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

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

**National Anti-Doping Organization:** The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-

doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

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

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

**National-Level Athlete:** *Athletes* who compete in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the International Standard for Testing and Investigations. In Jamaica *National-Level Athlete* is defined as set out in Article 1.4

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

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

**No Significant Fault or Negligence:** The *Athlete* or other *Person's* establishing that his or her *Fault* or negligence, when viewed in the totality of the circumstances

and taking into account the criteria for *No Fault* or negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Specified Substance**: See Article 4.2.2.

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

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

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

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

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



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

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

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

**UNESCO Convention:** The International Convention against Doping in Sport adopted by the 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.