

2015

# CANADIAN ANTI-DOPING PROGRAM



CANADIAN CENTRE FOR ETHICS IN SPORT

TRUE SPORT

Enregistré par le ONGC  
Certificat 001044  
ISO 9001:2008  
CSGB Registered  
Certificat 001044

For further information, please contact:

Canadian Centre for Ethics in Sport (CCES)  
350, 955 Green Valley Crescent  
Ottawa, Ontario K2C 3V4

1-800-672-7775 (Canada-wide)  
or (613) 521-3340  
Fax: (613) 521-3134

General information – [info@cces.ca](mailto:info@cces.ca)  
Substance information – [substances@cces.ca](mailto:substances@cces.ca)  
[www.cces.ca](http://www.cces.ca)

The CCES gratefully acknowledges the support and financial contribution of the Government of Canada.

Canada 

Version 1.0 (January 2015)

Online master copy.

Downloaded and printed copies uncontrolled.

[Verify version prior to use.](#)

Italicized terms used in the Canadian Anti-Doping Program are defined in Appendix 1.

The majority of the italicized terms in Appendix 1 are mandatory definitions according to the *Code* and *International Standards*.

## Table of Contents

<b>PART A – STRUCTURE AND SCOPE</b> .....	<b>5</b>
Section 1.0 Introduction .....	5
Section 2.0 General Principles .....	6
Section 3.0 Organization .....	7
Section 4.0 Jurisdiction .....	8
<b>PART B – IMPLEMENTATION</b> .....	<b>10</b>
Executive Summary.....	10
Section 5.0 Adoption .....	10
Section 6.0 Financial Contributions .....	11
Section 7.0 General Responsibilities.....	12
Annex 1: Adoption Contribution for 2015 .....	15
<b>PART C – CANADIAN ANTI-DOPING PROGRAM RULES</b> .....	<b>16</b>
<b>INTRODUCTION</b> .....	<b>16</b>
Preface.....	16
Scope of the Rules.....	16
<b>RULE 1 APPLICATION OF THE RULES</b> .....	<b>16</b>
1.1 Application to CCES.....	16
1.2 Application to <i>Sport Organizations</i> .....	16
1.3 Application to <i>Persons</i> .....	17
1.4 <i>National-Level Athletes</i> .....	17
<b>RULE 2 DEFINITION OF DOPING – ANTI-DOPING RULE VIOLATIONS</b> .....	<b>18</b>
2.1 Presence of a <i>Prohibited Substance</i> or its <i>Metabolites</i> or <i>Markers</i> in an <i>Athlete’s Sample</i> .....	18
2.2 <i>Use</i> or <i>Attempted Use</i> by an <i>Athlete</i> of a <i>Prohibited Substance</i> or a <i>Prohibited Method</i> .....	19
2.3 Evading, Refusing or Failing to Submit to <i>Sample</i> Collection .....	19
2.4 Whereabouts Failures.....	20
2.5 <i>Tampering</i> or <i>Attempted Tampering</i> with any part of <i>Doping Control</i> .....	20
2.6 <i>Possession</i> of a <i>Prohibited Substance</i> or a <i>Prohibited Method</i> .....	20
2.7 <i>Trafficking</i> or <i>Attempted Trafficking</i> in any <i>Prohibited Substance</i> or <i>Prohibited Method</i> .....	20
2.8 <i>Administration</i> or <i>Attempted Administration</i> to any <i>Athlete In-Competition</i> of any <i>Prohibited Substance</i> or <i>Prohibited Method</i> , or <i>Administration</i> or <i>Attempted Administration</i> to any <i>Athlete Out-of-Competition</i> of any <i>Prohibited Substance</i> or any <i>Prohibited Method</i> that is prohibited <i>Out-of-Competition</i> .....	21
2.9 Complicity .....	21
2.10 Prohibited Association .....	21

<b>RULE 3</b>	<b>PROOF OF DOPING</b> .....	<b>22</b>
3.1	Burdens and Standards of Proof.....	22
3.2	Methods of Establishing Facts and Presumptions.....	22
<b>RULE 4</b>	<b>THE PROHIBITED LIST</b> .....	<b>23</b>
4.1	Incorporation of the <i>Prohibited List</i> .....	23
4.2	<i>Prohibited Substances</i> and <i>Prohibited Methods</i> Identified on the <i>Prohibited List</i> .....	23
4.3	WADA’s Determination of the <i>Prohibited List</i> .....	24
4.4	Therapeutic Use Exemptions (“TUEs”).....	24
4.5	Medical Reviews for <i>Student-Athletes</i> .....	27
4.6	Reviews and Appeals of Medical Review Decisions.....	29
<b>RULE 5</b>	<b>TESTING AND INVESTIGATIONS</b> .....	<b>29</b>
5.1	Purpose of <i>Testing</i> and Investigations.....	29
5.2	Authority to Conduct <i>Testing</i> .....	30
5.3	Event Testing.....	30
5.4	Test Distribution Planning.....	31
5.5	Coordination of <i>Testing</i> .....	31
5.6	<i>Athlete</i> Whereabouts Information.....	31
5.7	Retired <i>Athletes</i> Returning to <i>Competition</i> .....	32
<b>RULE 6</b>	<b>ANALYSIS OF SAMPLES</b> .....	<b>33</b>
6.1	Use of Accredited and Approved Laboratories.....	33
6.2	Purpose of Analysis of <i>Samples</i> .....	33
6.3	Research on <i>Samples</i> .....	34
6.4	Standards for <i>Sample</i> Analysis and Reporting.....	34
6.5	Further Analysis of <i>Samples</i> .....	34
<b>RULE 7</b>	<b>RESULTS MANAGEMENT</b> .....	<b>35</b>
7.1	Responsibility for Conducting Results Management.....	35
7.2	Initial Review of <i>Adverse Analytical Findings</i> from Tests Initiated by CCES.....	35
7.3	Notification After Initial Review Regarding <i>Adverse Analytical Findings</i> .....	35
7.4	Initial Review of <i>Atypical Findings</i> .....	37
7.5	Review of <i>Atypical Passport Findings</i> and <i>Adverse Passport Findings</i> .....	38
7.6	Review of Whereabouts Failures.....	38
7.7	Review of Other Anti-Doping Rule Violations Not Covered by Rules 7.2–7.6.....	38
7.8	Identification of Prior Anti-Doping Rule Violations.....	38
7.9	Provisional Suspensions.....	39
7.10	Resolution Without a Hearing.....	40
7.11	Notification of Results Management Decisions.....	41
7.12	Retirement from Sport.....	41
<b>RULE 8</b>	<b>RIGHT TO A FAIR HEARING</b> .....	<b>41</b>
8.1	Hearings following CCES’ Result Management.....	41
8.2	Principles for a Fair Hearing.....	41
8.3	Decisions of the Doping Tribunal.....	43
8.4	Single Hearing Before CAS.....	43
<b>RULE 9</b>	<b>AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS</b> .....	<b>43</b>

<b>RULE 10</b>	<b>SANCTIONS ON INDIVIDUALS .....</b>	<b>44</b>
10.1	<i>Disqualification</i> of Results in the <i>Event</i> during which an Anti-Doping Rule Violation Occurs .....	44
10.2	<i>Ineligibility</i> for Presence, <i>Use</i> or <i>Attempted Use</i> , or <i>Possession</i> of a <i>Prohibited Substance</i> or <i>Prohibited Method</i> .....	44
10.3	<i>Ineligibility</i> for Other Anti-Doping Rule Violations .....	45
10.4	Elimination of the Period of <i>Ineligibility</i> where there is <i>No Fault</i> or <i>Negligence</i> .....	45
10.5	Reduction of the Period of <i>Ineligibility</i> based on <i>No Significant Fault</i> or <i>Negligence</i> .....	46
10.6	Elimination, Reduction, or Suspension of Period of <i>Ineligibility</i> or other <i>Consequences</i> for Reasons Other than <i>Fault</i> .....	47
10.7	Multiple Violations.....	49
10.8	<i>Disqualification</i> of Results in <i>Competitions</i> Subsequent to <i>Sample</i> Collection or Commission of an Anti-Doping Rule Violation.....	50
10.9	Allocation of CAS Cost Awards and Forfeited Prize Money.....	50
10.10	<i>Financial Consequences</i> .....	50
10.11	Commencement of <i>Ineligibility</i> Period .....	50
10.12	Status during <i>Ineligibility</i> .....	52
10.13	Automatic Publication of Sanction .....	53
<b>RULE 11</b>	<b>CONSEQUENCES TO TEAMS .....</b>	<b>54</b>
11.1	<i>Testing</i> of <i>Team Sports</i> .....	54
11.2	<i>Consequences</i> for <i>Team Sports</i> .....	54
11.3	<i>Event</i> Ruling Body may Establish Stricter <i>Consequences</i> for <i>Team Sports</i> .....	54
<b>RULE 12</b>	<b>DISCIPLINE.....</b>	<b>54</b>
12.1	Breach of Contract .....	54
<b>RULE 13</b>	<b>APPEALS .....</b>	<b>54</b>
13.1	Decisions Subject to Appeal.....	54
13.2	Appeals from Decisions Regarding Anti-Doping Rule Violations, <i>Consequences</i> , <i>Provisional Suspensions</i> , Recognition of Decisions and Jurisdiction .....	55
13.3	Failure to Render a Timely Decision .....	59
13.4	Appeals Relating to <i>TUEs</i> .....	60
13.5	Notification of Appeal Decisions.....	60
13.6	Appeals from Decisions Pursuant to Rule 12.....	60
13.7	Time for Filing Appeals.....	60
<b>RULE 14</b>	<b>CONFIDENTIALITY AND REPORTING.....</b>	<b>61</b>
14.1	Information Concerning <i>Adverse Analytical Findings</i> , <i>Atypical Findings</i> , and Other Asserted Anti-Doping Rule Violations.....	61
14.2	Notice of Anti-Doping Rule Violation Decisions and Request for Files.....	62
14.3	<i>Public Disclosure</i> .....	63
14.4	Statistical Reporting.....	63
14.5	<i>Doping Control</i> Information Clearinghouse.....	63
14.6	Data Privacy .....	64
<b>RULE 15</b>	<b>APPLICATION AND RECOGNITION OF DECISIONS.....</b>	<b>64</b>
15.1	<i>Signatories</i> .....	64
15.2	<i>Non-Signatories</i> .....	65
15.3	Recognition of Violations.....	65

<b>RULE 16</b>	<b>OBLIGATIONS OF <i>SPORT ORGANIZATIONS</i></b> .....	<b>65</b>
16.1	Compliance .....	65
16.2	<i>Sport Organizations' Rules</i> .....	65
<b>RULE 17</b>	<b>STATUTE OF LIMITATIONS</b> .....	<b>65</b>
<b>RULE 18</b>	<b>CCES COMPLIANCE REPORTS TO WADA</b> .....	<b>66</b>
<b>RULE 19</b>	<b>EDUCATION</b> .....	<b>66</b>
19.1	Education Programs.....	66
19.2	Spirit of Sport .....	66
19.3	Codes of Conduct.....	66
<b>RULE 20</b>	<b>AMENDMENT AND INTERPRETATION OF THE RULES</b> .....	<b>66</b>
20.1	Amendment .....	67
20.2	The <i>Code</i> and <i>International Standards</i> .....	67
20.3	<i>Code</i> Provisions.....	67
20.4	Effective Date.....	67
20.5	Official Text .....	68
20.6	Comments.....	68
20.7	Interpretation .....	68
20.8	Headings .....	68
20.9	Retroactive Application of the <i>Code</i> and the CADP .....	68
20.10	Integral Elements of the <i>Code</i> and the CADP .....	69
20.11	Time Periods .....	69
<b>APPENDIX 1</b>	<b>DEFINITIONS</b> .....	<b>70</b>
<b>APPENDIX 2</b>	<b>EXAMPLES OF THE APPLICATION OF RULE 10</b> .....	<b>77</b>
EXAMPLE 1.	.....	77
EXAMPLE 2.	.....	78
EXAMPLE 3.	.....	79
EXAMPLE 4.	.....	79
EXAMPLE 5.	.....	80
EXAMPLE 6.	.....	81
<b>APPENDIX 3</b>	<b>REVISION HISTORY</b> .....	<b>83</b>

## PART A – STRUCTURE AND SCOPE

### Executive Summary

The 2015 Canadian Anti-Doping Program (CADP) continues the Canadian effort in the fight against doping in sport. The 2015 CADP is in all respects compliant with the World Anti-Doping *Code* (the *Code*) and all *International Standards*. Adopting *Sport Organizations* in Canada will be fully compliant with the *Code*. *Sport Organizations* that adopt the CADP, and thus receive *Code*-compliant anti-doping services, shall support the success of the anti-doping program not only through adoption but also through financial support and compliance with its requirements. The many benefits associated with becoming an adopting *Sport Organization* bring great value to the *Sport Organization* itself but also to Canadian sport as a whole. Finally, while the jurisdictional ‘net’ of the CADP (*Sport Organization’s* “members and participants”) remains unchanged from 2009, any previous ambiguity with respect to who is subject to the CADP has been eliminated.

### Section 1.0 Introduction

Canada enjoys a rich history as a sporting nation. Canadians want sport to be fair and ethical. The Canadian Centre for Ethics in Sport (CCES) is an independent organization committed to fostering a sporting culture in Canada fully consistent with these values and expectations.

The priorities of the CCES in relation to anti-doping and ethical sport support the efforts of the World Anti-Doping Agency (*WADA*), the International Olympic Committee (IOC), the International Paralympic Committee (IPC), the international sport federations and complement the priorities of the Federal, Provincial and Territorial Governments as expressed in one or more of: the Canadian Sport Policy, 2012; the Physical Activity and Sport Act, 2003; the Canadian Policy Against Doping in Sport (2011); the *UNESCO Convention* on Doping in Sport and all other applicable Provincial and Territorial policy documents. These documents, in addition to Canada hosting *WADA* in Montreal, Quebec, envision a Canadian sport system fully committed to the fight against doping in sport and founded on the highest ethical standards and values.

The CCES is a proud contributor, in Canada and around the world, to sport that is doping free. The CCES fulfills this responsibility, in part, through the careful, fair and consistent administration of the CADP. The CADP is fully compliant with the *Code* and all relevant *International Standards*. The CADP sets sport rules with respect to prohibited substances and/or methods. *Athletes* or other *Persons* accept these rules as a condition of participation in sport and agree to be bound by these rules.

The Canadian effort to keep drugs out of sport is not CCES’ task alone. *Athletes*, other *Persons*, *Stakeholders* and Governments who, by their words and deeds champion fair and ethical sport, together ensure that our common goal is met – now and into the future.

## Section 2.0 General Principles

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as “the spirit of sport.” It is the essence of Olympism; 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.

- 2.1 In Canada, our national effort to eliminate doping from sport is not directed by specific legislation. Rather, all parties and organizations committed to the Canadian anti-doping effort have agreed to abide by a common set of rules, procedures, duties and responsibilities which are expressed in the CADP. This “collective agreement” amongst all relevant *Stakeholders* in Canada has been a unique and defining feature of the Canadian effort to eliminate doping in sport. Accordingly, there exists a well understood and broad consensus in Canada regarding how sport is played, who is subject to Canadian anti-doping rules, what those rules demand and how assertions of rule violations are fairly dealt with.
- 2.2 Doping-free sport is a matter of great public interest. Not only is doping the greatest threat to the integrity of sport, more specifically, doping in sport represents a significant public health risk. The Canadian sport community wishes to cooperate and collaborate in the national effort to eliminate doping in sport. The fight against doping in sport is amply justified in order to protect the interests of sport and the integrity and health of individuals, especially young people. Anti-doping efforts require transparency, openness to scrutiny and public accountability in order to achieve public confidence, subject only to the need to protect the privacy of individuals who are subject to the CADP.
- 2.3 The CADP is the successor to the CADP (2009) and all predecessors. The CADP incorporates the mandatory portions of the World Anti-Doping Program, including the World Anti-Doping *Code* (the *Code*) and the *International Standards*. The CADP incorporates, as applicable, portions of

models of best practice and guidelines circulated from time to time by WADA. The CADP recognizes the role of WADA in setting global standards, coordinating anti-doping worldwide and ensuring meaningful compliance with the *Code* by all *Signatories*.

### Section 3.0 Organization

- 3.1 The CADP consists of three distinct parts, with each part an integral component of the whole. Part A (Structure and Scope) describes how the Canadian anti-doping effort will be organized after January 1, 2015 to ensure it remains fully compliant with the *Code*. Part A will, in addition, define who is subject to the substantive anti-doping rules contained in the CADP. Part B (Implementation) describes who may adopt the CADP and how this must be accomplished. Part B will clearly define the responsibilities and obligations associated with adopting the CADP and will specify how these responsibilities and obligations will be expressed. Part C (Rules) sets out the substantive anti-doping rules and procedures that all *Athletes* and other *Persons* subject to the CADP must respect and abide by.
- 3.2 *Sport Organizations* accept and adopt the CADP to protect the integrity of their sport, to safeguard the health of their *Athletes*, to permit their elite level *Athletes* to participate in international *Competitions* such as, for example, the Olympic and Paralympic Games, to fulfill obligations imposed on them by their International Federations, and to satisfy Government policy that requires all financially supported *Sport Organizations* to have in place *Code*-compliant anti-doping programs.

*[Comment to Section 3.2: Sport Organizations desire that sport, nationally and internationally, is fair and ethical. Sport Organizations and their Athletes and Athlete Support Personnel fully support the global fight against doping in sport and understand the need for comprehensive anti-doping rules that are consistently and transparently applied. To this end, International Sport Federations require that their member organizations, in Canada and elsewhere, adopt and implement Code-compliant anti-doping rules, such as found in the CADP. Adoption of the CADP demonstrates to the world that there are meaningful and effective anti-doping measures being undertaken in that sport.]*

- 3.3 *Sport Organizations* who adopt the CADP, and thus receive *Code*-compliant anti-doping services, must contribute a portion of the actual costs required to deliver the CADP.

*[Comment to Section 3.3: Revisions to the 2015 Code have significantly increased the cost to provide Code-compliant anti-doping services to the Canadian sport community. The financial support from the federal Government (through Sport Canada) to the CCES does not fully cover the cost of implementing the CADP for all organizations that adopt the CADP and for all levels of Athletes within these organizations. Long seen as the sole funder of the Canadian anti-doping effort, the federal Government's contribution can no longer sustain a Code compliant anti-doping effort in Canada.]*

- 3.4 Each *Sport Organization* adopting the CADP will benefit from the identical “value proposition” associated with the adoption of the CADP. The value proposition is as follows:
- Every adopting *Sport Organization* shall have in place a *Code*-compliant anti-doping program that is meaningful and effective. The anti-doping program shall be administered by the CCES and shall be specifically designed to protect designated *Athletes* within that sport from the risk of doping. The anti-doping program shall include the delivery of appropriate anti-doping education. Further, adopting *Sport Organizations* shall be permitted to use the name and logo of

the CADP for their promotional and marketing purposes associated with being, in all respects, *Code-compliant*.

*[Comment to Section 3.4: Sport Organizations that adopt the CADP must be prepared to demonstrate that there is effective and meaningful implementation of the CADP in that sport. As of January 1, 2015, a qualitative evaluation by WADA will form part of the determination whether Canada, the CCES and Sport Organizations are fully compliant with the 2015 Code. This is not to say that each adopting organization will receive precisely the same level of anti-doping services from CCES. Rather, CCES will deploy its limited resources in varied ways to provide the identical value proposition to all Sport Organizations that adopt the CADP. For example, Testing and investigation levels in some sports will certainly be higher than in others to deal with the corresponding increased threat and risk of doping in those particular sports. However, all sports that adopt the CADP can be assured that effective and meaningful steps to address doping in that sport are being taken by the CCES — commensurate with the assessed risk of doping in the sport.]*

## Section 4.0 Jurisdiction

### 4.1 CCES Authority

Pursuant to the *Code* and the “collective agreement” amongst all *Stakeholders, Athletes* and other *Persons* accept the CADP as a condition of participating in sport and shall be bound by the rules contained in the *Code* and the CADP. The CCES is a *Signatory* to the *Code* and the CCES is recognized by *WADA* as Canada’s *National Anti-Doping Organization*. Further, the CCES has been designated by the Canadian sport community as the independent organization with responsibility to administer the CADP. Accordingly, the CCES’ authority to act pursuant to the CADP is conferred by the Canadian sport community, the *Code* and the *International Standards* and it is documented in the Canadian Policy Against Doping in Sport (2011).

The CADP applies not only to *Athletes*, but also to *Athlete Support Personnel* and to *Sport Organizations* and all other organizations that adopt it. Governments in Canada do not adopt the CADP, but have separate and complementary roles and responsibilities for the common goal of eliminating doping in sport as specifically described in the Canadian Policy Against Doping in Sport (2011).

### 4.2 Application of the CADP to *Sport Organizations*

*Sport Organizations* that are committed to doping-free sport in Canada will expressly accept and adopt the CADP as part of their internal governing documents. The required method of adopting the CADP is detailed in Part B. In this fashion the CADP will become an important part of the rules of each sport and will specify the rights, responsibilities and obligations governing the adopting *Sport Organization*, its members or its *Participants*.

### 4.3 Application of the CADP to Individuals

The application of the CADP to individuals is based on the relationship which exists between each adopting *Sport Organization* and its members or its *Participants* through those individuals’ express or implied agreement to participate in sport according to its rules. The CADP contains sport rules governing the conditions under which sport is played in Canada. Accordingly, in compliance with the *Code*, the CADP applies to the following individuals, regardless of where they reside or are situated:

- a) all individuals who are members of a *Sport Organization* adopting the CADP;
- b) all individuals who are members of such adopting organization's affiliated members, clubs, teams, associations or leagues;
- c) all individuals who participate, in any capacity, in
  - (i) the work of such adopting *Sport Organizations* or their affiliated members, clubs, teams, associations or leagues, or
  - (ii) any activity organized, held, convened or sanctioned by such adopting *Sport Organizations* or their affiliated members, clubs, teams, associations or leagues;  
or
- d) all individuals, including *Athlete Support Personnel*, who are working with, treating or assisting *Athletes* or the individuals described in section a), b) or c) above to participate in or prepare for sports *Competition*.

Any *Athlete* who is not a member of a *Sport Organization* and who fulfills the requirements to be part of the National Athlete Pool (NAP) of the *Sport Organization* must become a member of his or her *Sport Organization* and thus subject to the CADP, and shall make himself or herself available for *Testing*, at least six (6) months prior to participating in an international event.

All *Sport Organizations* adopting the CADP and the individuals described above delegate to the CCES the authority and responsibility for administering the CADP.

## PART B – IMPLEMENTATION

### Executive Summary

The CADP shall continue to be accepted and incorporated into a *Sport Organization's* internal rules by the process of adoption. Adoption includes a Board or other governing body for the sport giving its express approval to the CADP becoming a rule of that sport – but this alone is not sufficient. To ensure full *Stakeholder* engagement with all the varied requirements associated with implementing a fully *Code*-compliant anti-doping program, the adoption process will also require an express written contract between the *Sport Organization* and the CCES to set out each party's mutual list of obligations and responsibilities. The *Sport Organization* will be considered to be operating in compliance with the *Code* and the CADP so long as the terms and conditions contained in the contract are fully satisfied. The contract will also specify the annual financial contribution the *Sport Organization* is required to make to receive the “value proposition” from the CCES associated with the sport's adoption of the CADP. In addition to the specific and substantive anti-doping rules contained in Part C, more general duties, responsibilities and obligations of the relevant parties are described in this Part.

### Section 5.0 Adoption

- 5.1 Adoption of the CADP by *Sport Organizations* reflects a fundamental commitment to respect its principles, to fulfill its prescribed roles and responsibilities and to comply with the broad scope of its application. *Sport Organizations* adopt the CADP to express a fundamental commitment to engage in a collaborative effort to eliminate doping in sport; to promote doping-free sport in Canada; to ensure harmonized, coordinated and effective anti-doping measures; and to respect the rights of individuals and organizations through appropriate and fair procedures.
- 5.2 Adoption of the CADP will entail a set of mutual promises between the *Sport Organization* and the CCES which shall be contained in a formal contract (the “Adoption Contract”). The Adoption Contract will specify rights, obligations and responsibilities for the *Sport Organization* and for the CCES. Failure to comply in all respects with the Adoption Contract may result in the *Sport Organization* being deemed non-compliant with the CADP and the *Code*, with all associated implications.
- [Comment to Section 5.2: Adoption of the CADP must be meaningful. The Adoption Contract will serve to ensure that Sport Organizations, as essential partners, are fully and appropriately engaged in the Canadian fight against doping in sport.]*
- 5.3 The Adoption Contract will address, at a minimum, the following issues:
- a) A one (1) year compliance term.
  - b) A requirement that the *Sport Organization's* Board approve and accept the CADP through the normal governance process as an internal policy document of the *Sport Organization* which shall thereafter be binding on all the *Sport Organization's* members and *Participants*.

- c) A requirement for the annual identification of a pool of *National-Level Athletes* who will be included in the sport's National Athlete Pool (NAP).
- d) A requirement for the annual completion of an appropriate anti-doping education prevention program. Specifically, the *Sport Organization* must ensure that,
  - (i) appropriate anti-doping e-learning is completed by all NAP *Athletes*,
  - (ii) appropriate anti-doping e-learning is completed by designated *Athlete Support Personnel*,
  - (iii) every *Athlete* and other *Person* participating in the sport who is subject to the CADP knows they are subject to the CADP and is appropriately informed.
- e) A requirement that the *Sport Organization* demonstrate that it is aware of, has agreed to use and shall make available to its membership and all *Participants* in the sport the full menu of CCES' anti-doping educational resources.
- f) A requirement for NAP *Athletes* to enter into a simple annual *Athlete Contract* with the *Sport Organization* to confirm that these *Athletes*:
  - (i) have knowledge that they are subject to the CADP and have expressly agreed to be bound by the CADP,
  - (ii) have been educated regarding the rules and violations contained in the CADP, and,
  - (iii) have provided acknowledgement and consent regarding the sharing of personal information .
- g) A requirement that the *Sport Organization* pay to the CCES the annual CADP adoption contribution by an agreed upon date.
- h) A requirement that the *Sport Organization* shall insert into its rules a provision that its members and *Participants* shall cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations and failure to do so may be the basis for disciplinary action within the sport.

*[Comment to Section 5.3: Adoption of the CADP in each sport will be confirmed by the CCES for a one-year period provided the Board of the Sport Organization approves and accepts the CADP as a policy document of the Sport Organization, the Adoption Contract is signed and all requirements in the Adoption Contract are complied with to the satisfaction of the CCES. The CCES may at any time revoke a Sport Organization's adoption of the CADP should the CCES determine that the Adoption Contract has not been fully complied with. The Sport Organization's Board need only accept and approve the CADP once but the Adoption Contract itself will be renewed annually, if all associated conditions remain fully satisfied.]*

## **Section 6.0 Financial Contributions**

6.1 All *Sport Organizations* adopting the CADP shall pay an annual CADP adoption contribution in the amount specified in Annex 1 attached to this Part B.

*[Comment to Section 6.1: A Code-compliant anti-doping program is expensive to run. The WADA 2015 Code imposes on all Signatories additional requirements that are complex and that will be costly to implement. All Sport*

*Organizations in Canada who, in conjunction with their International Federation, are committed to eliminating drug use in sport must share the financial burden.]*

## Section 7.0 General Responsibilities

In addition to the specific obligations contained in Part C or in an Adoption Contract or an *Athlete Contract*, or both, the following general responsibilities are imposed on the following individuals and organizations.

### 7.1 Athletes or other Persons

- 7.1.1 *Athletes* or other *Persons* who are subject to the CADP are responsible for meeting the requirements of the CADP. They shall respect the designated authority of the CCES in all doping related matters.
- 7.1.2 If an *Athlete* or other *Person* is found to have committed an anti-doping rule violation, the *Consequences of Anti-Doping Rule Violations* shall apply. This *Athlete* or other *Person* has the responsibility to be aware of the additional consequences that may apply as a result of the anti-doping rule violation. *Athletes* and *Athlete Support Personnel* also have the responsibility to be aware of the application of other disciplinary rules resulting from conduct which may be related to an anti-doping rule violation but which does not, in and of itself, constitute an anti-doping rule violation.
- 7.1.3 An *Athlete* or other *Person* sanctioned under the CADP has the responsibility to:
  - a) remain subject to the CADP throughout the duration of the sanction regardless of that *Athlete* or other *Person's* membership status in any *Sport Organization*, and this shall include remaining subject to *Doping Control*, and
  - b) respect the restrictions and limitations on participating in sport contained in Rules 10.12.1 to 10.12.3 if a period of *Ineligibility* is imposed or accepted.
- 7.1.4 *Athletes* shall have knowledge of and comply with all applicable anti-doping policies and rules adopted pursuant to the CADP.
- 7.1.5 *Athletes* shall be available for *Sample* collection.
- 7.1.6 *Athletes* must take responsibility, in the context of anti-doping, for what they ingest, apply or *Use*.
- 7.1.7 *Athletes* shall inform trainers and medical personnel of their obligation not to *Use Prohibited substances* and *Prohibited Methods* and to take responsibility to make sure that any therapy or medical treatment received does not violate anti-doping policies and rules adopted pursuant to the CADP.
- 7.1.8 *Athletes* and other *Persons*, including *Athlete Support Personnel*, shall disclose to their International Federation and to the CCES any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten years.
- 7.1.9 *Athletes* and other *Persons*, including *Athlete Support Personnel*, shall cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.

- 7.1.10 *Athlete Support Personnel* shall have knowledge of and comply with all applicable anti-doping policies and rules adopted pursuant to the CADP which are applicable to them or the *Athletes* whom they support. Further, *Athlete Support Personnel* shall direct *Athletes* to obtain expert advice and accurate information on anti-doping related matters and the CADP.
- 7.1.11 *Athlete Support Personnel* shall cooperate with the *Athlete Testing* program.
- 7.1.12 *Athlete Support Personnel* shall use his or her influence on *Athlete* values and behavior to foster anti-doping attitudes.
- 7.1.13 *Athlete Support Personnel* shall not *Use or Possess any Prohibited Substance or Prohibited Method* without valid justification.
- 7.2 Sport Organizations
- 7.2.1 *Sport Organizations* shall, in cooperation with the CCES, deliver comprehensive and ethical anti-doping education programs to their *Athletes, Athlete Support Personnel* and other *Participants*.
- 7.2.2 *Sport Organizations* shall contribute to *Doping Control* by assisting with *Testing* and results management and will, in particular, assist in identifying *Athletes* subject to *Testing* and provide the CCES with accurate and reliable *Athlete* location information, when requested.
- 7.2.3 *Sport Organizations* shall
- a) develop and implement, in conjunction with the CCES, anti-doping policies and programs for the *Events* under their jurisdiction, and for Canadian teams attending *Competitions* domestically and internationally (including withdrawal of eligibility to compete, in the case of those committing an anti-doping rule violation, in conformity with the CADP); and
  - b) develop and implement, in conjunction with the CCES, *Doping Control* programs for major *Events* they hold or sanction.
- 7.2.4 *Sport Organizations* shall report any information suggesting or relating to an anti-doping rule violation to the CCES and to their International Federation, and shall cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.
- 7.2.5 As presence and *Use* violations only apply to *Athletes, Sport Organizations* shall have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances or Prohibited Methods* without valid justification from providing support to *Athletes* under the jurisdiction of the *Sport Organization*.
- 7.3 The Canadian Centre for Ethics in Sport
- 7.3.1 The CCES shall administer independently, efficiently, fairly and consistently, the operation of the CADP. CCES encourages feedback on its implementation of the CADP and will work with *Sport Organizations* to address areas of concern.

- 7.3.2 The CCES shall deliver the identical “value proposition” to every adopting *Sport Organization*.
- 7.3.3 The CCES shall monitor each *Sport Organization’s* compliance with the Adoption Contract, including evaluating the measures taken by *Sport Organizations* to implement the CADP. The CCES will provide annual reports to *Sport Organizations* and Governments regarding the implementation of the CADP.
- 7.3.4 The CCES has the responsibility to cooperate with *Stakeholders* and Governments to encourage and promote anti-doping research and to take reasonable measures to ensure all research and the results of such research is consistent with the principles of the *Code*.
- 7.3.5 The CCES shall plan, coordinate, implement, monitor and advocate improvements in *Doping Control*;
- 7.3.6 The CCES shall cooperate with other relevant national organizations, agencies and other *Anti-Doping Organizations*;
- 7.3.7 The CCES shall encourage reciprocal *Testing* between *National Anti-Doping Organizations*;
- 7.3.8 The CCES shall plan, implement and monitor anti-doping information, education and prevention programs;
- 7.3.9 The CCES shall vigorously pursue all potential anti-doping rule violations within its jurisdiction, including investigating whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping, and ensuring proper enforcement of *Consequences*;
- 7.3.10 The CCES shall conduct an automatic investigation of *Athlete Support Personnel* within its jurisdiction in the case of any anti-doping rule violation by a *Minor* and of any *Athlete Support Personnel* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation;
- 7.3.11 The CCES shall cooperate fully with *WADA* in connection with investigations conducted by *WADA* pursuant to Article 20.7.10 of the *Code*.

## Annex 1: Adoption Contribution for 2015

The adoption contribution will be calculated as follows:

- Category A: Sport organizations that receive an Athlete Assistance Program (AAP) card quota from Sport Canada of 20 or less will pay an adoption contribution of \$8,000 annually to the CCES.
- Category B: Sport organizations that receive an AAP card quota from Sport Canada that is between 21 and 30 will pay an adoption contribution of \$12,000 annually to the CCES.
- Category C: Sport organizations that receive an AAP card quota from Sport Canada of 31 or greater will pay an adoption contribution of \$16,000 annually to the CCES.

In addition to these three categories, CCES determined that certain sport organizations needed to be individually assessed as they simply do not fit within the proposed structure on the basis of either very large athlete populations, relatively high or low utilization of resources, or ineligibility for carding. These sport organizations include:

- Canadian Interuniversity Sport (CIS) will pay an annual adoption contribution of \$168,000
- Canadian Colleges Athletic Association (CCAA) will pay an annual adoption contribution of \$15,000
- Athletics Canada, Cycling Canada and Football Canada will each pay an annual adoption contribution of \$25,000
- Bowls Canada Boulingrin, Broomball Canada, Canadian 5 Pin Bowlers' Association, Canadian Tenpin Federation, Canadian Sport Parachuting Association and Cricket Canada will each pay an annual adoption contribution of \$3,000
- Ringette Canada and Canadian Lacrosse Association will each pay an annual adoption contribution of \$12,000.

Any changes to the adoption contribution for sport organizations that are individually assessed will be inserted into the Adoption Contract.

All adoption contributions will be exclusive of applicable taxes.

The CCES will work with Sport Canada to determine the most appropriate time to determine the number of cards allocated to each *Sport Organization* based on the carding cycles.

CCES will work with each *Sport Organization* to determine when the annual adoption contribution must be provided to CCES. This detail will be included in the Adoption Contract.

**PART C – CANADIAN ANTI-DOPING PROGRAM RULES****INTRODUCTION****Preface**

The CADP anti-doping rules (the Rules) contained in this Part C are adopted and shall be implemented in accordance with the CCES' responsibilities under the *Code*, and in furtherance of CCES' continuing efforts to eradicate doping in sport.

The Rules govern the conditions under which sport is played. *Athletes* or other *Persons* accept the Rules as a condition of participation in sport and shall be bound by the Rules. Aimed at enforcing anti-doping principles in a global and harmonized manner, they are distinct in nature from criminal and civil laws, and are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings. 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 Rules implementing the *Code* and the fact that the Rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.

The CADP incorporates into the Rules *WADA's Code* and the *International Standards*, as they may exist from time to time.

Italicized terms used in the CADP are defined in Appendix 1. The majority of the italicized terms in Appendix 1 are mandatory definitions according to the *Code* and *International Standards*.

**Scope of the Rules**

The scope of application of the Rules is set out in Rule 1.

**RULE 1 APPLICATION OF THE RULES****1.1 Application to CCES**

The Rules shall apply to CCES as the *National Anti-Doping Organization* for Canada and as a *Signatory* to the *Code*.

**1.2 Application to Sport Organizations**

1.2.1 Pursuant to Part A and B, *Sport Organizations* shall incorporate the Rules directly 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 expressly adopting the Rules pursuant to Part A and B, *Sport Organizations* recognize the authority and responsibility of CCES to implement the CADP and to enforce the Rules (including carrying out *Testing*) in respect of all of the *Persons* subject to the CADP who are under the jurisdiction of the *Sport Organization*, and shall cooperate with and support CCES in that function. *Sport Organizations* shall also recognize, abide by and

give effect to the decisions made pursuant to the Rules, including the decisions of hearing panels imposing sanctions on *Persons* under their jurisdiction.

### 1.3 Application to *Persons*

- 1.3.1 Pursuant to, and notwithstanding the generality of Part A, Section 4.3, the Rules shall apply, at a minimum, to the following *Persons* (including *Minors*), in each case, whether or not such *Person* is a national of or resident in Canada:
- 1.3.1.1 All *Athletes* and *Athlete Support Personnel* who are members or license-holders of any *Sport Organization* in Canada adopting the Rules, or of any member or affiliate organization of any such *Sport Organization* in Canada (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 *Sport Organization* in Canada adopting the Rules, or by any member or affiliate organization of any such *Sport Organization* in Canada (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 license or other contractual arrangement, or otherwise, is subject to the jurisdiction of any *Sport Organization* in Canada adopting the Rules, or of any member or affiliate organization of any such *Sport Organization* in Canada (including any clubs, teams, associations or leagues), for purposes of anti-doping;
- 1.3.2 *Persons* described in Part A, Section 4.3 or listed in Rule 1.3.1 are deemed to have accepted and to have agreed to be bound by the Rules, and to have submitted to the authority of CCES to enforce the Rules and to the jurisdiction of the hearing panels specified in Rule 8 and Rule 13 to hear and determine cases and appeals brought under the Rules, as a condition of their membership, accreditation and/or participation in their chosen sport.

### 1.4 National-Level *Athletes*

- 1.4.1 Of the *Athletes* subject to the CADP, the following *Athletes* shall be deemed *National-Level Athletes* for purposes of the Rules:
- 1.4.1.1 CCES and the *Sport Organization* will jointly identify a pool of *Athletes* for inclusion in the National Athlete Pool (NAP) using criteria that shall include the following:
    - a) *Athletes* that participate in National Championships or participate in selection events for National Championships; and/or
    - b) *Athletes* with potential to represent Canada internationally or become a member of a National Team; and/or
    - c) *Athletes* that represent Canada internationally but are not in an International Federation's *Registered Testing Pool*; and/or

- d) *Athletes* receiving direct or indirect financial assistance from *Sport Organizations* or who are benefiting from any form of Government sport subsidy, including the Athlete Assistance Program; and/or
  - e) *Athletes* who are part of CCES' *Registered Testing Pool*;
- but if any such *Athletes* are classified by their respective International Federations as *International-Level Athletes* then they shall be considered *International-Level Athletes* (and not *National-Level Athletes*) for purposes of the Rules as well.
- 1.4.2 The Rules apply to all *Persons* subject to the CADP. However, in accordance with Article 4.3 of the International Standard for Testing and Investigations, the main focus of CCES' test distribution plan will be *National-Level Athletes* and above.

## **RULE 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 Rule 2.1 through Rule 2.10 of the Rules.

The purpose of Rule 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 Rule 2.1.

*[Comment to Rule 2.1.1: An anti-doping rule violation is committed under this Rule without regard to an Athlete's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". An Athlete's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Rule 10. This principle has consistently been upheld by CAS.]*

- 2.1.2 Sufficient proof of an anti-doping rule violation under Rule 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.

*[Comment to Rule 2.1.2: The Anti-Doping Organization with results management responsibility may, at its discretion, choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample.]*

- 2.1.3 Excepting those substances for which a 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 Rule 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**

*[Comment to Rule 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Rule 3.2, unlike the proof required to establish an anti-doping rule violation under Rule 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "presence" of a Prohibited Substance under Rule 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]*

- 2.2.1 It is 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.

*[Comment to Rule 2.2.2: Demonstrating the "Attempted Use" of a Prohibited Substance or a Prohibited Method requires proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Rule 2.1 and violations of Rule 2.2 in respect of Use of a Prohibited Substance or Prohibited Method. An Athlete's Use of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the Athlete's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Rule 2.1 regardless of when that substance might have been administered.)]*

## **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 the Rules or other applicable anti-doping rules.

*[Comment to Rule 2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent*

*conduct of the Athlete, while “evading” or “refusing” Sample collection contemplates intentional conduct by the Athlete.]*

#### **2.4 Whereabouts Failures**

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.

*[Comment to Rule 2.5: For example, this Rule would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of Sport Organizations.]*

#### **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* which is prohibited *Out-of-Competition* unless the *Athlete* establishes that the *Possession* is consistent with a Therapeutic Use Exemption (“*TUE*”) granted in accordance with Rule 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 Rule 4.4 or other acceptable justification.

*[Comment to Rules 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician’s prescription, e.g., buying Insulin for a diabetic child.]*

*[Comment to Rule 2.6.2: Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.]*

#### **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 Rule 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 Rule 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 Rule 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Rule 17, this Rule applies even when the *Athlete Support Person's* disqualifying conduct occurred prior to the effective date provided in Rule 20.4.)

The burden shall be on the *Athlete* or other *Person* to establish that any association with *Athlete Support Personnel* described in Rule 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 Rules 2.10.1, 2.10.2, or 2.10.3 shall submit that information to *WADA*.

*[Comment to Rule 2.10: Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. Some examples of the types of association*

*which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation.]*

### **RULE 3 PROOF OF DOPING**

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

CCES shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether CCES has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where the 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.

*[Comment to Rule 3.1: This standard of proof required to be met by CCES is comparable to the standard which is applied in most countries to cases involving professional misconduct.]*

#### **3.2 Methods of Establishing Facts and Presumptions**

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

*[Comment to Rule 3.2: For example, CCES may establish an anti-doping rule violation under Rule 2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Rule 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport.]*

3.2.1 Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community 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 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 proceeding.

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 CCES shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

*[Comment to Rule 3.2.2: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to CCES to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]*

3.2.3 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or the 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 CCES 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 CCES.

## **RULE 4 THE PROHIBITED LIST**

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

The Rules incorporate into the CADP the *Prohibited List* (as it may exist from time to time), which is published and revised by WADA as described in Article 4.1 of the *Code*.

*[Comment to Rule 4.1: The current Prohibited List is available on WADA's website at <https://www.wada-ama.org/en/what-we-do/international-standards#ProhibitedList>.]*

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

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

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under the Rules three (3) months after publication by WADA without requiring any further action by CCES. All *Athletes* and other *Persons* shall be bound by the *Prohibited List*, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Athletes* and other *Persons*

to familiarize themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.

#### 4.2.2 *Specified Substances*

For purposes of the application of Rule 10, all *Prohibited Substances* shall be *Specified Substances* except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. The category of *Specified Substances* shall not include *Prohibited Methods*.

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

#### 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”)**

The Rules incorporate into the CADP the International Standard for Therapeutic Use Exemptions (as it may exist from time to time), which is published and revised by WADA as described in Article 4.4 of the *Code*.

*[Comment to Rule 4.4: The current International Standard for Therapeutic Use Exemptions is available on WADA’s website at: <https://www.wada-ama.org/en/what-we-do/international-standards#TherapeuticUseExemptions>.]*

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

4.4.2 Unless otherwise specified by CCES in a notice posted on its website, any *National-Level Athlete* who needs to use a *Prohibited Substance* or *Prohibited Method* for therapeutic purposes should apply to CCES for a *TUE* as soon as the need arises and in any event (except in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least 30 days before the *Athlete’s* next *Competition*, using the form posted on CCES’ website. CCES shall appoint a panel to consider applications to grant or recognize *TUEs* (the “*TUE Committee*”). The *TUE Committee* 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 CCES requirements posted on its website. Its decision shall be the final decision of CCES and shall be reported to WADA and the applicant’s *International*

*Federation through ADAMS or another system approved by WADA in accordance with the International Standard for Therapeutic Use Exemptions.*

*[Comment to Rule 4.4.2: In accordance with Article 5.1 of the International Standard for Therapeutic Use Exemptions, CCES may decline to consider advance applications for TUEs from National-Level Athletes in sports that are not prioritized by CCES in its Test Distribution Planning, but in that case it shall permit any such Athlete who is subsequently tested to apply for a retroactive TUE. The list of such sports specified by CCES can be downloaded from CCES' website at: <http://cces.ca/sport-list>.*

*The submission of false or misleadingly incomplete information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organization for such a TUE) may result in a charge of Tampering or Attempted Tampering under Rule 2.5.*

*An Athlete should not assume that his/her application for the grant or recognition of a TUE (or for renewal of a TUE) will be approved. Any Use or Possession or Administration of a Prohibited Substance or Prohibited Method before an application has been approved is entirely at the Athlete's own risk.]*

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

*[Comment to Rule 4.4.3: The International Standard for Therapeutic Use Exemptions also permits CCES to limit the grant of advance TUEs to certain categories of National-Level Athletes. If CCES chooses to collect a Sample from an Athlete who is a National-Level Athlete from whom CCES does not accept advance applications for TUEs, then CCES must also permit that Athlete to apply for a retroactive TUE, if necessary.]*

- 4.4.4 A TUE granted by CCES is valid at the national level only; it is not automatically valid for international-level *Competition*. An *Athlete* who is or becomes an *International-Level Athlete* should do the following:

- 4.4.4.1 Where the *Athlete* already has a TUE granted by CCES 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 CCES does not meet those criteria and so refuses to recognize it, the International Federation shall notify the *International-Level Athlete* and CCES promptly, with reasons. The *International-Level Athlete* and CCES shall have 21 days from such notification to refer the matter to WADA for review. If the matter is referred to WADA for review in accordance with Rule 4.4.6, the TUE granted by CCES remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires.

*[Comment to Rule 4.4.4.1: Further to Articles 5.6 and 7.1a) of the International Standard for Therapeutic Use Exemptions, an International Federation may publish notice on its website that it will automatically recognize TUE decisions (or categories of such decisions, e.g., as to particular substances or methods) made by National Anti-*

*Doping Organizations. If an Athlete's TUE falls into a category of automatically recognized TUEs, then he/she does not need to apply to his/her International Federation for recognition of that TUE.*

*In accordance with the requirements of the International Standard for Therapeutic Use Exemptions, CCES will help its Athletes to determine when they need to submit TUEs granted by CCES to an International Federation or Major Event Organization for recognition, and will guide and support those Athletes through the recognition process.*

*If an International Federation refuses to recognize a TUE granted by CCES only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the International Federation.]*

- 4.4.4.2 If the *Athlete* does not already have a *TUE* granted by CCES for the substance or method in question, the *Athlete* must apply directly to the 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 CCES. If CCES considers that the *TUE* granted by the International Federation does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to WADA for review. If CCES refers the matter to WADA for review, the *TUE* granted by the International Federation remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending WADA's decision. If CCES does not refer the matter to WADA for review, the *TUE* granted by the International Federation becomes valid for national-level *Competition* as well when the 21-day review deadline expires.

*[Comment to Rule 4.4.4.2: The International Federation and CCES may agree that CCES will consider TUE applications on behalf of the International Federation.]*

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

4.4.5.1 A *TUE* granted pursuant to the 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 promptly comply 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 grant of a *TUE* are not in fact met; or
- d) may be reversed on review by WADA or on appeal.

- 4.4.5.2 In such event, the *Athlete* shall not be subject to any *Consequences* based on his/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 Rule 7.2 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 that date, in which event no anti-doping rule violation shall be asserted.

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

- 4.4.6.1 When the CCES fails to take action on a properly submitted *TUE* application within a reasonable time, the CCES' failure to decide may be considered a denial for purposes of the appeal rights provided in the Rules. If CCES denies an application for a *TUE* from an *Athlete* who is not an *International-Level Athlete*, the *Athlete* may appeal exclusively to the Doping Appeal Tribunal pursuant to Rules 13.2.2 and 13.2.3.
- 4.4.6.2 *WADA* shall review any decision by an International Federation not to recognize a *TUE* granted by CCES that is referred to *WADA* by the *Athlete* or CCES. In addition, *WADA* shall review any decision by an International Federation to grant a *TUE* that is referred to *WADA* by CCES. *WADA* may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, *WADA* will not interfere with it. If the *TUE* decision does not meet those criteria, *WADA* will reverse it.
- 4.4.6.3 Any *TUE* decision by an International Federation (or by CCES where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Athlete* and/or CCES exclusively to *CAS*, in accordance with Rule 13.

*[Comment to Rule 4.4.6.3: In such cases, the decision being appealed is the International Federation's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the time to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]*

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

If the Doping Appeal Tribunal reverses the decision to deny a *TUE*, that decision may be appealed by *WADA* to *CAS* in accordance with Rule 13.

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

#### 4.5 Medical Reviews for *Student-Athletes*

As an exception to the requirement that all *Athletes* require a *TUE* (either in advance of competition or with retroactive effect), *Student-Athletes* do not require a *TUE*. However, all such

*Student-Athletes* may undergo a medical review to validate and permit the use of prescribed medications for therapeutic reasons.

- 4.5.1 There is no requirement for a *Student-Athlete* to obtain a medical review until an *Adverse Analytical Finding* is reported by CCES and thereafter Rule 7.2.2 will be followed. A medical review may be required if an *Atypical Finding* is reported by CCES and thereafter Rule 7.4.2 will be followed. If a *Student-Athlete* is notified by CCES regarding an *Adverse Analytical Finding* or an *Atypical Finding* the CCES will at that time invite the *Student-Athlete* to submit the required material for a medical review.
- 4.5.2 The medical review will be granted by CCES provided the *Student-Athlete* satisfies all of the conditions set out below:
- a) the *Student-Athlete* demonstrates by means of appropriate documentation that he or she has a medical diagnosis made by a licensed physician prior to *Sample* collection;
  - b) the *Student-Athlete* has a prescription signed by a licensed physician prior to *Sample* collection consistent with the *Adverse Analytical Finding* or the *Atypical Finding*;
  - c) the *Student-Athlete* provides appropriate confirmation that he or she is being followed and monitored by a licensed physician to ensure the treatment plan matches the diagnosis;
  - d) the *Student-Athlete* should declare the use of the prescribed medication on the *Doping Control* form.

The CCES may have the information provided by the *Student-Athlete* reviewed and evaluated by a physician who is a member of the CCES TUE Committee.

- 4.5.3 The *Student-Athlete* must provide his or her written consent for the transmission of all information pertaining to the medical review to all necessary CCES staff involved in the management, review or appeal of the medical review and, as required, to other independent medical experts and to WADA. A suitable form of consent will be provided to the *Student-Athlete* by CCES.
- 4.5.4 Medical reviews must be performed promptly following the *Student-Athlete's* notification by CCES that a medical review is required. The medical review will not be commenced until all the information listed in Rules 4.5.2 and 4.5.3 is submitted in a legible format. The material submitted by the *Student-Athlete* will be returned to the *Student-Athlete* after the medical review is completed.
- 4.5.5 The staff at CCES will conduct all of their activities involving a medical review in strict confidence. All CCES staff and any CCES TUE Committee members involved in a medical review will sign confidentiality agreements. In particular they will keep the following information confidential:
- a) all medical information and data provided by the *Student-Athlete* and physician(s) involved in the *Student-Athlete's* care; and

- b) all details of the medical review including the name of the physician(s) involved in the process.

4.5.6 *Student-Athletes* may contact the CCES national office at any time to enquire if they are a *Student-Athlete* described in Appendix 1 “Definitions” or to access additional information concerning a medical review.

#### 4.6 Reviews and Appeals of Medical Review Decisions

A decision by CCES to deny a medical review may be appealed by the *Student-Athlete* exclusively to the Doping Appeal Tribunal in accordance with Rule 13.

### RULE 5 TESTING AND INVESTIGATIONS

The Rules incorporate into the CADP the International Standard for Testing and Investigations (as it may exist from time to time), which is published and revised by WADA as described in Article 5 of the *Code*. The Rules also incorporate into the CADP the Athlete Biological Passport Operating Guidelines and Guidelines for Blood Sample Collection (as they may exist from time to time), which are published and revised by WADA as described in the Purpose, Scope and Organization section of the *Code*.

*[Comment to Rule 5: The current International Standard for Testing and Investigations is available on WADA’s website at: <https://www.wada-ama.org/en/what-we-do/international-standards#Testing>.*

*The current Athlete Biological Passport Operating Guidelines and the current Guidelines for Blood Sample Collection are available on WADA’s website at: <https://www.wada-ama.org/en/what-we-do/science-medical/athlete-biological-passport>.]*

#### 5.1 Purpose of Testing and Investigations

*Testing* and investigations shall only be undertaken for anti-doping purposes. They shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations, the Athlete Biological Passport Operating Guideline and the Blood Sample Collection Guideline.

5.1.1 *Testing* shall be undertaken to obtain analytical evidence as to the *Athlete’s* compliance (or non-compliance) with the strict CADP prohibition on the presence/*Use* of a *Prohibited Substance* or *Prohibited Method*. Test distribution planning, *Testing*, post-*Testing* activity and all related activities conducted by CCES shall be in conformity with the International Standard for Testing and Investigations. CCES shall determine the number of finishing placement tests, random tests and target tests to be performed in accordance with the criteria established by the International Standard for Testing and Investigations. 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 Rules 7.4 and 7.5 respectively, gathering intelligence or evidence (in particular, analytical evidence) in order to

determine whether an anti-doping rule violation has occurred under Rule 2.1 and/or Rule 2.2; and

5.1.2.2 in relation to other indications of potential anti-doping rule violations, in accordance with Rules 7.6 and 7.7, 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 Rules 2.2 to 2.10.

5.1.3 CCES 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/or to form the basis of an investigation into a possible anti-doping rule violation(s).

## 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*, CCES shall have *In-Competition* and *Out-of-Competition Testing* authority over all of the *Athletes* who are subject to the CADP.

5.2.2 CCES 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.

*[Comment to Rule 5.2.2: Unless the Athlete has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, CCES will not test an Athlete during that period unless it has serious and specific suspicions that the Athlete may be engaged in doping. A challenge to whether CCES had sufficient suspicion for Testing in that period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]*

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* contracts any part of *Testing* to CCES (directly or through a *Sport Organization*), CCES may collect additional *Samples* or direct the laboratory to perform additional types of analysis at CCES' 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 the Rules conducts *Testing* on that *Athlete*, CCES and the *Athlete's Sport Organization* shall recognize such *Testing* in accordance with Rule 15, and (where agreed with that other *Anti-Doping Organization* or otherwise provided in Rule 7 of the CADP) CCES may bring proceedings against the *Athlete* pursuant to the Rules for any anti-doping rule violation(s) arising in relation to such *Testing*.

## 5.3 Event Testing

5.3.1 Except as provided in Rule 5.3.2, only a single organization should be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At *International Events* held in Canada, 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 Canada, the collection of *Samples* shall be initiated and directed by CCES. At the request of the ruling body for the *National Event*, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with CCES.

- 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* in Canada 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 consulting with and informing the ruling body for the *Event*. WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. Results management for any such test shall be the responsibility of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.
- 5.3.3 *Sport Organizations* and the organizing committees for *National Events* shall authorize and facilitate the *Independent Observer Program* at such *Events*.

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

Consistent with the International Standard for Testing and Investigations, and in coordination with other *Anti-Doping Organizations* conducting *Testing* on the same *Athletes*, CCES 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. CCES 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 another 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 CCES 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 do the following, in each case in accordance with Annex I to the International Standard for Testing and Investigations:

- a) advise CCES of his/her whereabouts on a quarterly basis;
  - b) update that information as necessary so that it remains accurate and complete at all times; and
  - c) make him/herself available for *Testing* at such whereabouts.
- 5.6.2 CCES shall make available through *ADAMS* or another system approved by *WADA* a list which identifies those *Athletes* included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria. CCES shall coordinate with International Federations the identification of such *Athletes* and the collection of their whereabouts information. Where an *Athlete* is included in an international *Registered Testing Pool* by his/her International Federation and in a national *Registered Testing Pool* by CCES, CCES and the International Federation shall agree between themselves which of them shall accept that *Athlete's* whereabouts filings; in no case shall an *Athlete* be required to make whereabouts filings to more than one of them. CCES shall review and update as necessary 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 purposes of Rule 2.4, an *Athlete's* failure to comply with the requirements of the International Standard for Testing and Investigations shall be deemed a Filing Failure or a Missed Test (as defined in the International Standard for Testing and Investigations) where the conditions set forth in the International Standard for Testing and Investigations for declaring a filing failure or missed test are met.
- 5.6.4 An *Athlete* in CCES' *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 unless and until a) the *Athlete* gives written notice to CCES that he/she has retired or b) CCES has informed him/her that he/she no longer satisfies the criteria for inclusion in CCES' *Registered Testing Pool*.
- 5.6.5 Whereabouts information relating to an *Athlete* shall be shared (through *ADAMS* or another system approved by *WADA*) with *WADA* and other *Anti-Doping Organizations* having authority to test that *Athlete*, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in Rule 5.6, and shall 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 An *Athlete* in CCES' *Registered Testing Pool* or in a National Athlete Pool who has given notice of retirement to CCES may not resume competing in *International Events* or *National Events* until he/she has given CCES written notice of his/her intent to resume competing and has made him/herself available for *Testing* for a period of six months before returning to competition, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and

Investigations. *WADA*, in consultation with CCES and the *Athlete's* International Federation, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an *Athlete*. This decision may be appealed under Rule 13. Any competitive results obtained in violation of this Rule 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 the *Athlete* has given 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 CCES and to his/her International Federation of his/her intent to resume competing and has made him/herself available for *Testing* for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

## **RULE 6 ANALYSIS OF SAMPLES**

The Rules incorporate into the CADP the International Standard for Laboratories (as it may exist from time to time), which is published and revised by *WADA* as described in Article 6 of the *Code*.

*[Comment to Rule 6: The current International Standard for Laboratories is available on WADA's website at: <https://www.wada-ama.org/en/what-we-do/international-standards#Laboratories>.]*

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

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

For purposes of Rule 2.1, *Samples* shall be analyzed only in laboratories accredited or otherwise approved by *WADA*. The choice of the *WADA*-accredited or *WADA*-approved laboratory used for the *Sample* analysis shall be determined exclusively by CCES.

*[Comment to Rule 6.1: Violations of Rule 2.1 may be established only by Sample analysis performed by a laboratory accredited or otherwise approved by WADA. Violations of other Rules may be established using analytical results from other laboratories so long as the results are reliable.]*

### **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 Program 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.

*[Comment to Rule 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Rule 2.2, or both.]*

6.2.2 CCES 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 Rule 6.2 shall have any means of identification removed such 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 CCES may request that laboratories analyze its *Samples* using more extensive menus than those described in the Technical Document.
- 6.4.2 CCES 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 its country 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.

*[Comment to Rule 6.4: The objective of this Rule is to extend the principle of “intelligent Testing” to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognized that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analyzed.]*

### 6.5 Further Analysis of *Samples*

Any *Sample* may be stored and subsequently subjected to further analysis for the purposes set out in Rule 6.2:

- a) by WADA at any time; and/or
- b) by CCES at any time before both the A and B *Sample* analytical results (or A *Sample* result where B *Sample* analysis has been waived or will not be performed) have been communicated by CCES to the *Athlete* as the asserted basis for a Rule 2.1 anti-doping rule violation. Such further analysis of *Samples* shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

**RULE 7 RESULTS MANAGEMENT****7.1 Responsibility for Conducting Results Management**

- 7.1.1 CCES 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 CCES elects to collect additional *Samples* in the circumstances set out in Rule 5.2.4, then it shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection. However, where CCES only directs the laboratory to perform additional types of analysis at the CCES' expense on tests directed by the International Federation or *Major Event Organization*, then the International Federation or *Major Event Organization* shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection.

**7.2 Initial Review of Adverse Analytical Findings from Tests Initiated by CCES**

Results management in respect of the results of tests initiated by CCES shall proceed as follows:

- 7.2.1 The results from all analyses must be sent to CCES in encrypted form, in a report signed by an authorized representative of the laboratory. All communication must be conducted confidentially and in conformity with *ADAMS* or another system approved by *WADA*.
- 7.2.2 Upon receipt of an *Adverse Analytical Finding*, CCES shall conduct an initial review to determine whether:
- a) an applicable *TUE* has been granted or there is entitlement to a *TUE* with retroactive effect as provided in the International Standard for Therapeutic Use Exemptions or whether a medical review process is applicable, or
  - b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the *Adverse Analytical Finding*.
- 7.2.3 If the initial review of an *Adverse Analytical Finding* under Rule 7.2.2 reveals an applicable *TUE* or entitlement to a *TUE* with retroactive effect as provided in the International Standard for Therapeutic Use Exemptions or a medical review is granted or there is a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, the entire test shall be considered negative and the *Athlete*, the *Athlete's* International Federation and *WADA* shall be so informed.

**7.3 Notification After Initial Review Regarding Adverse Analytical Findings**

- 7.3.1 If the initial review of an *Adverse Analytical Finding* under Rule 7.2.2 does not reveal an applicable *TUE* or entitlement to a *TUE* with retroactive effect as provided in the International Standard for Therapeutic Use Exemptions or if a medical review is not granted and if there is no departure from the International Standard for Testing and

Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, CCES shall promptly notify the Doping Tribunal, *Athlete*, and simultaneously the *Athlete's* International Federation, the *Athlete's Sport Organization*, WADA and the Government of Canada in the manner set out in Rule 14.1, of:

- a) the *Adverse Analytical Finding*;
- b) the anti-doping rule that CCES asserts was violated, the *Consequences* of the asserted anti-doping rule violation and the deadline within which the *Athlete* must dispute the assertion, or be deemed to have admitted the asserted anti-doping rule violation, waived the hearing and accepted the *Consequences* proposed by CCES pursuant to Rule 7.10.2;
- c) 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;
- d) the scheduled date, time and place for the B *Sample* analysis if the *Athlete* or CCES chooses to request an analysis of the B *Sample*;
- e) 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; and
- f) the *Athlete's* right to request copies of the A and B *Sample* laboratory documentation package which includes information as required by the International Standard for Laboratories;
- g) the hearing procedure to determine whether an anti-doping rule violation has occurred and the *Consequences* of the violation;
- h) the *Athlete's* right to waive the hearing procedure, acknowledge an anti-doping rule violation and accept the *Consequence(s)* of the violation;
- i) the *Athlete's* right to promptly admit the violation; and
- j) the *Athlete's* right to voluntarily enter into a *Provisional Suspension*.

If CCES decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Athlete's* International Federation and WADA.

- 7.3.2 Where requested by the *Athlete* or CCES, arrangements shall be made to analyze the B *Sample* in accordance with the International Standard for Laboratories. An *Athlete* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. CCES may nonetheless elect to proceed with the B *Sample* analysis.
- 7.3.3 The *Athlete* and/or a representative shall be allowed to be present at the analysis of the B *Sample*. Also, a representative of CCES shall be allowed to be present.
- 7.3.4 If the B *Sample* analysis does not confirm the A *Sample* analysis, then (unless CCES takes the case forward as an anti-doping rule violation under Rule 2.2) the entire test shall be

considered negative and the *Athlete*, the *Athlete's International Federation*, the *Athlete's Sport Organization* and *WADA* shall be so informed.

- 7.3.5 If the *B Sample* analysis confirms the *A Sample* analysis, the findings shall be reported to the *Athlete*, the *Athlete's International Federation*, the *Athlete's Sport Organization* and *WADA*.

#### **7.4 Initial Review of *Atypical Findings***

- 7.4.1 As provided in the International Standard for Laboratories, in some circumstances laboratories are directed to report the presence of *Prohibited Substances*, which may also be produced endogenously, as *Atypical Findings*, i.e., as findings that are subject to further investigation.
- 7.4.2 Upon receipt of an *Atypical Finding*, CCES shall conduct an initial review to determine whether:
- a) an applicable *TUE* has been granted or there is entitlement to a *TUE* with retroactive effect as provided in the International Standard for Therapeutic Use Exemptions or whether a medical review process is applicable, or
  - b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the *Atypical Finding*.
- 7.4.3 If the initial review of an *Atypical Finding* under Rule 7.4.2 reveals an applicable *TUE* or entitlement to a *TUE* with retroactive effect as provided in the International Standard for Therapeutic Use Exemptions or a medical review is granted or there is a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative and the *Athlete*, the *Athlete's International Federation* and *WADA* shall be so informed.
- 7.4.4 If that initial review does not reveal an applicable *TUE* or entitlement to a *TUE* with retroactive effect as provided in the International Standard for Therapeutic Use Exemptions or if a medical review is not granted and if there is no departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, CCES shall conduct the required investigation or cause it to be conducted. After the investigation is completed, either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*, in accordance with Rule 7.3.1, or else the *Athlete*, the *Athlete's International Federation* and *WADA* shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.
- 7.4.5 CCES will not provide notice of an *Atypical Finding* until it has completed any required investigation and has decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

7.4.5.1 If CCES determines the B *Sample* should be analyzed prior to the conclusion of its investigation, it may conduct the B *Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Rule 7.3.1d) – f).

7.4.5.2 If CCES is asked a) by a *Major Event Organization* shortly before one of its *International Events*, or b) by 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 *Sport Organization* has a pending *Atypical Finding*, CCES shall so advise The *Major Event Organization* or *Sports Organization* after first providing notice of the *Atypical Finding* to the *Athlete*.

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

Review of *Atypical Passport Findings* and *Adverse Passport Findings* shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as CCES is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* (and simultaneously the *Athlete's* International Federation, the *Athlete's Sport Organization*, WADA and the Government of Canada) notice of the anti-doping rule violation asserted and the basis of that assertion.

### **7.6 Review of Whereabouts Failures**

CCES shall review potential filing failures and missed tests (as defined in the International Standard for Testing and Investigations) in respect of *Athletes* who file their whereabouts information with CCES, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as CCES is satisfied that a Rule 2.4 anti-doping rule violation has occurred, it shall promptly give the *Athlete* (and simultaneously the *Athlete's* International Federation, the *Athlete's Sport Organization*, WADA and the Government of Canada) notice that it is asserting a violation of Rule 2.4 and the basis of that assertion.

### **7.7 Review of Other Anti-Doping Rule Violations Not Covered by Rules 7.2–7.6**

CCES shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Rules 7.2-7.6. At such time as CCES is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* or other *Person* (and simultaneously the *Athlete's* International Federation, the *Athlete's Sport Organization*, WADA and the Government of Canada) notice of the anti-doping rule violation asserted, and the basis of that assertion.

### **7.8 Identification of Prior Anti-Doping Rule Violations**

Before giving an *Athlete* or other *Person* notice of an asserted anti-doping rule violation as provided above, CCES shall refer to ADAMS or another system approved by WADA and contact WADA and other relevant *Anti-Doping Organizations* to determine whether any prior anti-doping rule violation exists.

## 7.9 Provisional Suspensions

- 7.9.1 *Mandatory Provisional Suspension*: If analysis of an *A Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance*, or for a *Prohibited Method*, and an initial review in accordance with Rule 7.2.2 has been completed, a *Provisional Suspension* shall be imposed upon or promptly after the initial review and notification described in Rules 7.2, 7.3 or 7.5.
- 7.9.2 *Optional Provisional Suspension*: In case of an *Adverse Analytical Finding* for a *Specified Substance*, *Contaminated Products*, or in the case of any other anti-doping rule violations not covered by Rule 7.9.1, the *Sport Organization* 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 Rules 7.2–7.7 and prior to the final hearing as described in Rule 8.
- 7.9.3 Where a *Provisional Suspension* is imposed pursuant to Rule 7.9.1 or Rule 7.9.2, the *Athlete* or other *Person* shall be given either:
- a) an opportunity for a *Provisional Hearing* either before or on a timely basis after imposition of the *Provisional Suspension*; or
  - b) an opportunity for an expedited final hearing in accordance with Rule 8 on a timely basis after imposition of the *Provisional Suspension*.
- 7.9.3.1 A *Provisional Suspension* imposed pursuant to Rule 7.9.1 or 7.9.2 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 being upheld, e.g., because of a patent flaw in the case against the *Athlete* or other *Person*; or
  - b) the *Athlete* or other *Person* has a strong arguable case that he/she bears *No Fault or Negligence* for the anti-doping rule violation(s) asserted, so that any period of *Ineligibility* that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Rule 10.4; or
  - c) some other facts exist that make it clearly unfair, in all of the circumstances, to impose a *Provisional Suspension* prior to a final hearing in accordance with Rule 8. This ground is to 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* participating in a particular *Competition* or *Event* shall not qualify as exceptional circumstances for these purposes; or
  - d) the violation is likely to have involved a *Contaminated Product*. The Doping Tribunal's decision at a *Provisional Hearing* not to lift a

*Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

Furthermore, if the *Athlete* or other *Person* is unsuccessful in having the *Provisional Suspension* lifted, then the *Athlete* or other *Person* has a right to appeal from the imposition of the *Provisional Suspension* in accordance with Rule 13.2 (save as set out in sub d) above ).

- 7.9.4 If a *Provisional Suspension* is imposed based on an A *Sample Adverse Analytical Finding* and subsequent analysis of the B *Sample* does not confirm the A *Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Rule 2.1. In circumstances where the *Athlete* (or the *Athlete's* team) has been removed from a *Competition* based on a violation of Rule 2.1 and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, then if it is still possible for the *Athlete* or team to be reinserted without otherwise affecting the *Competition*, the *Athlete* or team may continue to take part in the *Competition*. In addition, the *Athlete* or team may thereafter take part in other *Competitions* in the same *Event*.
- 7.9.5 In all cases where an *Athlete* or other *Person* has been notified of an anti-doping rule violation but a *Provisional Suspension* has not been imposed on him or her, the *Athlete* or other *Person* shall be offered the opportunity to accept a *Provisional Suspension* voluntarily pending the resolution of the matter.

*[Comment to Rule 7.9: Athletes and other Persons shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed. See Rules 10.11.3.1 and 10.11.3.2.]*

## **7.10 Resolution Without a Hearing**

- 7.10.1 An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the *Consequences* that are mandated by the Rules or (where some discretion as to *Consequences* exists under the Rules) that have been offered by CCES.
- 7.10.2 Alternatively, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by the CCES asserting the violation, then he/she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the *Consequences* that are mandated by the Rules or (where some discretion as to *Consequences* exists under the Rules) that have been offered by CCES.
- 7.10.3 In cases where Rule 7.10.1 or Rule 7.10.2 applies, a hearing before a hearing panel shall not be required. Instead, CCES shall promptly issue a written decision confirming the commission of the anti-doping rule violation and the *Consequences* imposed as a result, and setting out the full reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. CCES shall send copies of that decision to other *Anti-Doping Organizations* with a right to appeal under Rule 13.2.3, and shall *Publicly Disclose* that decision in accordance with Rule 14.3.2.

### 7.11 Notification of Results Management Decisions

In all cases where CCES has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a *Provisional Suspension*, or agreed with an *Athlete* or other *Person* on the imposition of *Consequences* without a hearing, CCES shall give notice thereof in accordance with Rule 14.2.1 to other *Anti-Doping Organizations* with a right to appeal under Rule 13.2.3.

### 7.12 Retirement from Sport

If an *Athlete* or other *Person* retires while CCES is conducting the results management process, CCES retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun, and CCES 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, CCES has authority to conduct results management in respect of that anti-doping rule violation.

*[Comment to Rule 7.12: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organization.]*

## RULE 8 RIGHT TO A FAIR HEARING

### 8.1 Hearings following CCES' Result Management

8.1.1 Hearings to determine whether an anti-doping rule violation has been committed and, if so, the *Consequences(s)*, shall be conducted by a single arbitrator sitting as the Doping Tribunal. The Doping Tribunal shall be constituted and administered by the Sport Dispute Resolution Centre of Canada (SDRCC) and the arbitrators shall be members of its roster of arbitrators. The rules of the SDRCC as set out in the Canadian Sport Dispute Resolution Code shall apply to the proceedings of the Doping Tribunal except as matters are specifically addressed in the Rules.

*[Comment to Rule 8.1: The Canadian Sport Dispute Resolution Code – the procedural code of the SDRCC – is available on the SDRCC's website at: <http://www.crdsc-sdrcc.ca/eng/dispute-resolution-code>.]*

8.1.2 When CCES sends a notification to an *Athlete* or other *Person* asserting an anti-doping rule violation, the case shall also be referred to the SDRCC. If the *Athlete* or other *Person* does not waive a hearing in accordance with Rule 7.10.1 or Rule 7.10.2, the SDRCC shall, pursuant to rules set out in the Canadian Sport Dispute Resolution Code, appoint a Doping Tribunal to hear and adjudicate the matter. The appointed arbitrator, sitting as the Doping Tribunal, shall have had no prior involvement with the case and, upon appointment, shall disclose to the SDRCC and all parties to the hearing any circumstances likely to affect his or her impartiality with respect to any of the parties.

### 8.2 Principles for a Fair Hearing

8.2.1 The Doping Tribunal shall commence the hearing process no later than forty-five (45) days from the date of the CCES' notification asserting an anti-doping rule violation, except in matters involving *Provisional Suspensions*, unless there is agreement on a

revised schedule between the *Athlete* or other *Person* the CCES asserts to have committed an anti-doping rule violation and the CCES.

Hearings held in connection with *Events* that are subject to the Rules may be conducted by an expedited process where permitted by the Doping Tribunal.

*[Comment to Rule 8.2.1: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]*

- 8.2.2 The Doping Tribunal shall determine the procedure to be followed at the hearing. The Doping Tribunal shall determine how to proceed in the absence of the *Athlete* or other *Person* the CCES asserts to have committed an anti-doping rule violation when Rule 7.10.1 or Rule 7.10.2 do not apply.
- 8.2.2.1 The Doping Tribunal has the power, at its absolute discretion, to appoint an expert to assist or advise the Doping Tribunal, as required.
- 8.2.2.2 When *WADA* is a party, provides evidence or appears amicus curiae at the Doping Tribunal pursuant to Rule 3.2.1, then at *WADA's* request, the Doping Tribunal shall appoint a scientific expert to assist the Doping Tribunal in its evaluation of the challenged scientific validity of an analytical method or decision limit.
- 8.2.3 The parties before the Doping Tribunal are the *Athlete* or other *Person* the CCES asserts to have committed an anti-doping rule violation, the CCES and the relevant *Sport Organization*. The *Athlete* or other *Person's* International Federation, *WADA* and the Government of Canada may attend the hearing as observers if they elect to do so. CCES shall keep the *Athlete* or other *Person's* International Federation, *WADA* and the Government of Canada advised of the status of the proceedings. In any event, CCES shall keep *WADA* fully apprised of all pending cases and the result of all hearings.
- 8.2.4 The Doping Tribunal shall act in a fair and impartial manner towards all parties at all times. More specifically,
- a) The Doping Tribunal shall conduct the hearing in either English or French. An *Athlete* or other *Person* participating in a proceeding before the Doping Tribunal has the right to an interpreter at the hearing, with the Doping Tribunal to determine the identity and responsibility for the cost of the interpreter.
  - b) An *Athlete* or other *Person* participating in a proceeding before the Doping Tribunal has the right to retain and receive assistance from legal counsel at his or her own expense.
  - c) The Doping Tribunal shall convene a preliminary meeting of all parties by teleconference to settle procedural matters.
  - d) The Doping Tribunal shall conduct an oral hearing unless the *Athlete* or other *Person* subject to the CCES' notification asserting an anti-doping rule violation and the CCES agree to a documentary hearing.

- e) The Doping Tribunal may conduct an oral hearing in person or by video or teleconference or a combination of these means.
- f) The Doping Tribunal shall conduct any in-person oral hearing in Canada in the municipality most convenient to the *Athlete* or other *Person* subject to the CCES' notification asserting an anti-doping rule violation, unless impractical in the circumstances.
- g) The Doping Tribunal shall receive and consider evidence and submissions from all parties, including evidence from witnesses orally or in writing.
- h) Subject to Rule 8.2.4b (excluding legal counsel fees), the Doping Tribunal may award costs to any party, payable as it directs.

### 8.3 Decisions of the Doping Tribunal

- 8.3.1 The Doping Tribunal shall issue an initial decision no later than five (5) days from the completion of the hearing. The Doping Tribunal shall also issue a reasoned decision no later than twenty (20) days from the completion of the hearing that includes the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the greatest potential *Consequences* were not imposed.
- 8.3.2 The initial decision and the reasoned decision shall be provided by the SDRCC to all parties at the hearing. CCES shall provide the reasoned decision to the *Anti-Doping Organizations* with a right to appeal under Rule 13.2.3 and to the Government of Canada.
- 8.3.3 The Doping Tribunal's decision may be appealed as provided in Rule 13. If no appeal is brought against the decision, then the decision shall be *Publicly Disclosed* as provided in Rule 14.3.

### 8.4 Single Hearing Before CAS

Cases asserting anti-doping rule violations against *International-Level Athletes* or *National-Level Athletes* may be heard directly at CAS, with no requirement for a prior hearing, with the consent of the *Athlete*, CCES, WADA, and any other *Anti-Doping Organization* that would have had a right to appeal a first instance hearing decision by the Doping Tribunal to CAS.

*[Comment to Rule 8.4: Where all of the parties identified in this Rule are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two hearings. An Anti-Doping Organization that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.]*

## RULE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

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

*[Comment to Rule 9: For Team Sports, any awards received by individual players who committed anti-doping rule violations will be Disqualified. However, Disqualification of the team will be as provided in Rule 11. In sports which*

*are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation or the Sport Organization where no International Federation exists.]*

## **RULE 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 Rule 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*.

*[Comment to Rule 10.1: Whereas Rule 9 Disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the 100 meter backstroke), this Rule may lead to Disqualification of all results in all races during the Event (e.g., the FINA World Championships).]*

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

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

The period of *Ineligibility* for a violation of Rules 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension pursuant to Rules 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 CCES can establish that the anti-doping rule violation was intentional.

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

10.2.3 As used in Rules 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 Rule 10.2 shall be as follows, unless Rules 10.5 or 10.6 are applicable:

10.3.1 For violations of Rule 2.3 or Rule 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 Rule 10.2.3), in which case the period of *Ineligibility* shall be two years.

10.3.2 For violations of Rule 2.4, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete’s* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Rule 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 Rule 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four years up to lifetime *Ineligibility*, depending on the seriousness of the violation. A Rule 2.7 or Rule 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 Rule 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

*[Comment to Rule 10.3.3: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]*

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

*[Comment to Rule 10.3.5: Where the “other Person” referenced in Rule 2.10 is an entity and not an individual, that entity may be disciplined as provided in Rule 12.]*

### 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.

*[Comment to Rule 10.4: This Rule and Rule 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Rule 2.1.1) and have been warned against the possibility of supplement contamination); b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Rule 10.5 based on No Significant Fault or Negligence.]*

## **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 Rule 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*.

*[Comment to Rule 10.5.1.2: In assessing that Athlete's degree of Fault, it would, for example, be favorable for the Athlete if the Athlete had declared the product which was subsequently determined to be contaminated on his or her Doping Control form.]*

### **10.5.2 Application of *No Significant Fault or Negligence* Beyond the Application of Rule 10.5.1**

If an *Athlete* or other *Person* establishes in an individual case where Rule 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 Rule 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 Rule may be no less than eight years.

*[Comment to Rule 10.5.2: Rule 10.5.2 may be applied to any anti-doping rule violation except those Rules where intent is an element of the anti-doping rule violation (e.g., Rule 2.5, 2.7, 2.8 or 2.9) or an element of a particular sanction (e.g., Rule 10.2.1) or a range of Ineligibility is already provided in a Rule based on the Athlete or other Person's degree of Fault.]*

## 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 CCES may, prior to a final appellate decision under Rule 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case in which it 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) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to CCES. After a final appellate decision under Rule 13 or the expiration of time to appeal, CCES may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of WADA and the applicable International Federation. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. 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 Rule must be no less than eight years. 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, CCES shall reinstate the original period of *Ineligibility*. If CCES 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 Rule 13.

10.6.1.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of CCES 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 Rule 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 Rule, 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 Rule. Notwithstanding Rule 13, WADA's decisions in the context of this Rule may not be appealed by any other *Anti-Doping Organization*.

- 10.6.1.3 If CCES 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 Rule 13.2.3 as provided in Rule 14.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize CCES to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

*[Comment to Rule 10.6.1: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorized.]*

#### 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 Rule 2.1, before receiving first notice of the admitted violation pursuant to Rule 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

*[Comment to Rule 10.6.2: This Rule is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he/she not come forward voluntarily.]*

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

An *Athlete* or other *Person* potentially subject to a four-year sanction under Rule 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 CCES, and also upon the approval and at the discretion of both WADA and CCES, 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 Rule 10.4, 10.5 or 10.6, before applying any reduction or suspension under Rule 10.6, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Rules 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 Rule 10.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

*[Comment to Rule 10.6.4: The appropriate sanction is determined in a sequence of four steps. First, determine which of the basic sanctions (Rules 10.2, 10.3, 10.4, or 10.5) apply to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanctions, determine the applicable sanction within that range according to the Athlete or other Person's degree of Fault. In a third step, establish whether there is a basis for elimination, suspension, or reduction of the sanction (Rule 10.6). Finally, decide on the commencement of the period of Ineligibility under Rule 10.11. Several examples of how Rule 10 is to be applied are found in Appendix 2.]*

## 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 Rule 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 Rule 10.6.

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

10.7.2 A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Rule 10.4 or 10.5, or involves a violation of Rule 2.4. In these particular cases, 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 Rule.

10.7.4 Additional Rules for Certain Potential Multiple Violations

10.7.4.1 For purposes of imposing sanctions under Rule 10.7, an anti-doping rule violation will only be considered a second violation if CCES 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 Rule 7, or after CCES made reasonable efforts to give notice, of the first anti-doping rule violation. If CCES 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, CCES discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then CCES 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 will be *Disqualified* as provided in Rule 10.8.

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

For purposes of Rule 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 Rule 9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.

*[Comment to Rule 10.8: Nothing in the Rules precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]*

**10.9 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 the *Anti-Doping Organization* that conducted results management in the case.

**10.10 Financial Consequences**

Any *Athlete* or other *Person* who commits and is sanctioned for an anti-doping rule violation may be subject to the reduction or elimination of Government financial assistance or benefits on a temporary or permanent basis. For more specific information contact the Government providing the financial assistance or benefits.

*[Comment to Rule 10.10: The current list of Sport Canada's Anti-Doping Sanctions is available on Sport Canada's website at: <http://canada.pch.gc.ca/eng/1414514692712>.]*

**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*, CCES or the Doping Tribunal may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.

*[Comment to Rule 10.11.1: In cases of anti-doping rule violations other than under Rule 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Rule to start the sanction at an earlier date should not be used.]*

#### 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 CCES, 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 Rule 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 Rule shall not apply where the period of *Ineligibility* already has been reduced under Rule 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 CCES 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 Rule 14.1.

*[Comment to Rule 10.11.3.2: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.]*

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.

*[Comment to Rule 10.11: Rule 10.11 makes clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.]*

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

### **10.12.1 Prohibition Against Participation During *Ineligibility***

No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by 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.

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*.

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

*[Comment to Rule 10.12.1: For example, subject to Rule 10.12.2 below, an Ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her Sport Organization or a club which is a member of that Sport Organization or which is funded by a governmental agency. Further, an Ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the Consequences set forth in Rule 10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Rule. Ineligibility imposed in one sport shall also be recognized by other sports (see Rule 15.1, Mutual Recognition).]*

### 10.12.2 Return to Training

As an exception to Rule 10.12.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organization of their *Sport 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.

*[Comment to Rule 10.12.2: In many Team Sports and some Individual Sports (e.g., ski jumping and gymnastics), an Athlete cannot effectively train on his/her own so as to be ready to compete at the end of the Athlete's period of Ineligibility. During the training period described in this Rule, an Ineligible Athlete may not compete or engage in any activity described in Rule 10.12.1 other than training.]*

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

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Rule 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 CCES. This decision may be appealed under Rule 13.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, CCES shall impose sanctions for a violation of Rule 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 Rule 10.4 or 10.5, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by the Government of Canada, and the *Person's Sport Organizations*.

## 10.13 Automatic Publication of Sanction

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

*[Comment to Rule 10: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]*

**RULE 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 Rule 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 Rule 11.2 for purposes of the *Event*.

*[Comment to Rule 11.3: For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games.]*

**RULE 12 DISCIPLINE****12.1 Breach of Contract**

CCES has the authority to determine and to report any failure by a *Sport Organization* or *Athlete* or other *Person* to meet its roles and responsibilities as set out in the CADP, including the terms and conditions contained in the Adoption Contract or the Athlete Contract, to the relevant International Federation and Government authorities, and to request that they impose all consequences concerning non-compliance with the *Code* and/or withhold some or all funding or other non-financial support to *Sport Organizations*, *Athletes* or other *Persons* that are not in compliance with the Rules, the Adoption Contract or the Athlete Contract.

**RULE 13 APPEALS****13.1 Decisions Subject to Appeal**

Decisions made under the Rules may be appealed as set forth below in Rules 13.2 through 13.7 or as otherwise provided in the Rules, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the *Anti-Doping Organization's* rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 of the *Code* (except as provided in Rule 13.1.3).

### 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.

#### 13.1.2.1 The Doping Appeal Tribunal Shall Not Defer to the Findings Being Appealed

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

*[Comment to Rule 13.1.2 and Rule 13.1.2.1: CAS and Doping Appeal Tribunal proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS or the Doping Appeal Tribunal.]*

### 13.1.3 WADA Not Required to Exhaust Internal Remedies

Where WADA has a right to appeal under Rule 13 and no other party has appealed a final decision within the CADP process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the CADP process.

*[Comment to Rule 13.1.3: Where a decision has been rendered before the final stage of the CADP process (for example, a first hearing) and no party elects to appeal that decision to the next level of the CADP process, then WADA may bypass the remaining steps in the CADP process and appeal directly to CAS.]*

## 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 an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months' notice requirement for a retired *Athlete* to return to *Competition* under Rule 5.7.1; a decision by WADA assigning results management under Article 7.1 of the *Code*; a decision by CCES 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 Rule 7.7; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; CCES' failure to comply with Rule 7.9; a decision that CCES 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 Rule 10.6.1; a decision under Rule 10.12.3; and a decision by CCES not to recognize another *Anti-Doping Organization's* decision under Rule 15, may be appealed exclusively as provided in Rules 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 in accordance with its rules and procedures.

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

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

In cases where Rule 13.2.1 is not applicable, the decision of CCES or the Doping Tribunal may be appealed to the Doping Appeal Tribunal. An appeal from the Doping Tribunal shall be initiated by a notice of appeal in writing to all parties before the Doping Tribunal and to the SDRCC within thirty (30) days of the notification of the Doping Tribunal's decision. An appeal from the decision of CCES shall be initiated by a notice of appeal in writing to all parties before the CCES and to the SDRCC within ten (10) days of the notification of the CCES' decision.

#### 13.2.2.1 Hearings before the Doping Appeal Tribunal

13.2.2.1.1 Appeals of the decisions of CCES or the Doping Tribunal which are subject to appeal shall be conducted by three arbitrators sitting as the Doping Appeal Tribunal. The Doping Appeal Tribunal shall be constituted and administered by the SDRCC and the arbitrators shall be members of its roster of arbitrators. The rules of the SDRCC as set out in the Canadian Sport Dispute Resolution Code shall apply to the proceedings of the Doping Appeal Tribunal except as matters are specifically addressed in the Rules.

13.2.2.1.2 The appointed arbitrators shall have had no prior involvement with the case and, upon appointment, shall disclose to the parties any circumstances likely to affect impartiality with respect to any of the parties.

13.2.2.1.3 The parties before the Doping Appeal Tribunal are:

- a) the parties before the Doping Tribunal; or
- b) if there is no Doping Tribunal decision, the CCES and the *Person* subject to a decision made by CCES.

13.2.2.1.4 The International Federation, the Canadian Olympic Committee and the Canadian Paralympic Committee, if not a party to the Doping Tribunal hearings, and WADA each have the right to attend hearings of the Doping Appeal Tribunal as an observer.

#### 13.2.2.2 Proceedings of the Doping Appeal Tribunal

13.2.2.2.1 The Doping Appeal Tribunal shall have the power to regulate its procedures in a manner consistent with the Canadian Sport Dispute Resolution Code and the Rules.

The Doping Appeal Tribunal shall, as soon as possible after the notice of appeal is filed and it is constituted by the SDRCC, convene a preliminary meeting of all parties by teleconference to settle procedural matters.

- a) The Doping Appeal Tribunal shall conduct an oral hearing unless all parties agree to a documentary hearing.
  - b) The Doping Appeal Tribunal may conduct an oral hearing in person or by video or teleconference or by a combination of these means.
  - c) The Doping Appeal Tribunal shall conduct any in-person oral hearing in Canada in the municipality most convenient to the appellant, unless impractical in the circumstances.
- 13.2.2.2.2 The Doping Appeal Tribunal has the power, at its absolute discretion, to appoint an expert to assist or advise the Doping Appeal Tribunal, as required.
- 13.2.2.2.3 When *WADA* is a party, provides evidence or appears *amicus curiae* at the Doping Appeal Tribunal pursuant to Rule 3.2.1, then at *WADA*'s request, the Doping Appeal Tribunal shall appoint a scientific expert to assist the Doping Appeal Tribunal in its evaluation of the challenged scientific validity of an analytical method or decision limit.
- 13.2.2.2.4 The appellant shall present his/her case and the respondent party or parties shall present his/her/their case(s) in reply.
- 13.2.2.2.5 A failure by any party or his/her representative to attend a hearing after notification will be deemed to be an abandonment of his/her right to a hearing. This right may be reinstated on reasonable grounds.
- 13.2.2.2.6 An *Athlete* or other *Person* participating in a proceeding before the Doping Appeal Tribunal has the right to retain and receive assistance from legal counsel at his or her own expense.
- 13.2.2.2.7 The appeal shall be conducted in either English or French. Every party shall have the right to an interpreter at the hearing, if deemed necessary by the Doping Appeal Tribunal. The Doping Appeal Tribunal shall determine the identity and responsibility for the cost of any interpreter.
- 13.2.2.2.8 Each party to the proceedings has the right to present evidence, including evidence from witnesses orally or in writing, subject to the Doping Appeal Tribunal's discretion to accept testimony by telephone or other means.
- 13.2.2.2.9 Any failure by any party to comply with any requirement or direction of the Doping Appeal Tribunal shall not prevent the Doping Appeal Tribunal from proceeding and such failure may be

taken into consideration by the Doping Appeal Tribunal when making its decision.

13.2.2.2.10 Subject to Rule 13.2.2.2.6 (excluding legal counsel fees), the Doping Appeal Tribunal may award costs to any party payable as it directs.

13.2.2.3 Decisions of the Doping Appeal Tribunal:

13.2.2.3.1 Subject to Rules 14.3, the decisions and written reasons of the Doping Appeal Tribunal shall be public. Unless there is agreement among the parties, the Doping Appeal Tribunal shall:

- a) issue to the parties an initial decision no later than fifteen (15) days from the completion of the appeal hearing; and
- b) issue to the parties a reasoned decision (either unanimously or by majority) that includes the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential sanction was not imposed no later than forty-five (45) days from the completion of the appeal hearing.

13.2.2.3.2 The decision of the Doping Appeal Tribunal is final and binding on the parties before the Doping Appeal Tribunal with the exception that the decision may be appealed by *WADA*, the International Olympic Committee, the International Paralympic Committee and the relevant International Federation as provided in Rule 13.2.3.3. If no appeal is brought against the decision, then the decision shall be *Publicly Disclosed*, subject to Rule 14.3.

13.2.3 *Persons* Entitled to Appeal

13.2.3.1 In cases under Rule 13.2.1, the following parties shall have the right to appeal to CAS:

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

f) *WADA*.

13.2.3.2 In cases under Rule 13.2.2, the following parties, at a minimum, shall have the right to appeal to the 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) CCES and (if different) the *National Anti-Doping Organization* of the *Person's* country of residence;
- 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*.

13.2.3.3 For cases under Rule 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 Doping Appeal Tribunal. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from CCES or the Doping Appeal Tribunal whose decision is being appealed and the information shall be provided if CAS so directs.

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

#### 13.2.4 Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS or the Doping Appeal Tribunal under the Rules are specifically permitted. Any party with a right to appeal under this Rule 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

*[Comment to Rule 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]*

### 13.3 Failure to Render a Timely Decision

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

reimbursed to WADA by CCES. CCES may obtain a reimbursement of the fees paid to WADA by any other entity, *Sport Organization* or *Person* to whom the delay can be attributed.

*[Comment to Rule 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for the Doping Tribunal to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Doping Tribunal and CCES and give the Doping Tribunal an opportunity to explain why it has not yet rendered a decision.]*

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

TUE decisions may be appealed exclusively as provided in Rule 4.4.

##### **13.4.1 Appeals Related to Medical Reviews**

Medical review decisions may be appealed exclusively as provided in Rule 4.6.

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

The *Anti-Doping Organization* that is a party to an appeal shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal under Rule 13.2.3 as provided under Rule 14.2.

#### **13.6 Appeals from Decisions Pursuant to Rule 12**

Decisions by CCES that a *Sport Organization*, *Athlete* or other *Person* is in breach of the CADP or an Adoption Contract or an Athlete Contract pursuant to Rule 12 may be appealed by the *Sport Organization*, *Athlete* or other *Person* exclusively to the Doping Appeal Tribunal.

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

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

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

- a) within fifteen (15) days from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body that issued the decision;
- b) if such a request is made within the fifteen-day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS.

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

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

### 13.7.2 Appeals to the Doping Appeal Tribunal

The time to file an appeal to the Doping Appeal Tribunal is set out in Rule 13.2.2.

However, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having led to the decision subject to appeal:

- a) within fifteen (15) days from notice of the decision, such party/ies shall have the right to request from the body having issued the decision a copy of the file on which such body relied;
- b) if such a request is made within the fifteen-day (15) period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to the Doping Appeal Tribunal.

13.7.2.1 Hearings pursuant to this Rule should be completed expeditiously and in all cases within three (3) months of the date of the decision made by CCES or the Doping Tribunal, save where exceptional circumstances apply.

13.7.2.2 The Doping Appeal Tribunal shall expedite its proceedings when fairness so requires and hearings held in connection with *Events* may be conducted on an expedited basis.

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

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

## **RULE 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 Asserted Anti-Doping Rule Violations to *Athletes* and other *Persons*

Notice to *Athletes* or other *Persons* that an anti-doping rule violation is being asserted against them shall occur as provided under Rules 7 and 14 of the Rules. Notice to an *Athlete* or other *Person* who is a member of a *Sport Organization* or a participant in a *Sport Organization's* activities may be accomplished by delivery of the notice to the *Sport Organization*.

#### 14.1.2 Notice of Asserted Anti-Doping Rule Violations to International Federations and *WADA*

Notice of the assertion of an anti-doping rule violation to International Federations and *WADA* shall occur as provided under Rules 7 and 14 of the Rules, simultaneously with the notice to the *Athlete* or other *Person*.

#### 14.1.3 Content of an Anti-Doping Rule Violation Assertion Notice

Notification of an asserted anti-doping rule violation under Rule 2.1 shall include: the *Athlete's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory, and other information as required by the International Standard for Testing and Investigations.

Notice of an asserted anti-doping rule violations other than under Rule 2.1 shall include the rule violated and the basis of the asserted violation.

#### 14.1.4 Status Reports

Except with respect to investigations which have not resulted in the assertion of an anti-doping rule violation pursuant to Rule 14.1.1, International Federations and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Rule 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

#### 14.1.5 Confidentiality

The recipient organizations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the Canadian Olympic Committee, the Canadian Paralympic Committee, the *Sport Organization*, and team in a *Team Sport*) until the CCES has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Rule 14.3.

14.1.6 CCES shall ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, and other asserted anti-doping rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Rule 14.3, and shall include provisions in any contract entered into between CCES and any of its employees (whether permanent or otherwise), contractors, agents and consultants, for the protection of such confidential information as well as for the investigation and disciplining of improper and/or unauthorized disclosure of such confidential information.

### 14.2 Notice of Anti-Doping Rule Violation Decisions and Request for Files

14.2.1 Anti-doping rule violation decisions rendered pursuant to Rule 7.11, 8.3, 10.4, 10.5, 10.6, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible *Consequences* were not imposed. Where the decision is not in English or French, CCES shall provide a short English or French summary of the decision and the supporting reasons.

14.2.2 An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Rule 14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision.

### 14.3 **Public Disclosure**

- 14.3.1 The identity of any *Athlete* or other *Person* who is asserted by CCES to have committed an anti-doping rule violation, may be *Publicly Disclosed* by CCES only after notice has been provided to the *Athlete* or other *Person* in accordance with Rule 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to WADA and the International Federation of the *Athlete* or other *Person* in accordance with Rule 14.1.2.
- 14.3.2 No later than twenty (20) days after it has been determined in a final appellate decision under Rule 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Rule 8 has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, CCES must *Publicly Report* the disposition of the matter, including, at a minimum, 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. CCES must also *Publicly Report* within twenty (20) days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.
- 14.3.3 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. CCES shall use reasonable efforts to obtain such consent. If consent is obtained, CCES shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.
- 14.3.4 Publication shall be accomplished at a minimum by placing the required information on the CCES' website or publishing it through other means and leaving the information up for the longer of one month or the duration of any period of *Ineligibility*.
- 14.3.5 Neither CCES, nor the *Sport Organizations*, nor any official of either body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted, or their representatives.
- 14.3.6 The mandatory *Public Reporting* required in Rule 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*. 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**

CCES shall publish at least annually a general statistical report of its *Doping Control* activities, with a copy provided to WADA.

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

To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by the various *Anti-Doping Organizations*, CCES shall report all *In-Competition* and *Out-*

*of-Competition* tests on such *Athletes* to the WADA clearinghouse, using ADAMS or another system approved by WADA, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's* International Federation and any other *Anti-Doping Organizations* with *Testing* authority over the *Athlete*.

#### 14.6 Data Privacy

The Rules incorporate into the CADP the International Standard for the Protection of Privacy and Personal Information (as it may exist from time to time), which is published and revised by WADA as described in Article 14 of the *Code*.

*[Comment to Rule 14.6: The current International Standard for the Protection of Privacy and Personal Information is available on WADA's website at: <https://www.wada-ama.org/en/what-we-do/international-standards#ProtectionofPrivacyandPersonallInformation>.]*

- 14.6.1 CCES may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their anti-doping activities under the *Code*, the *International Standards* (including specifically the International Standard for the Protection of Privacy and Personal Information) and the Rules.
- 14.6.2 Any *Participant* who submits information including personal data to any *Person* in accordance with the Rules shall be deemed to have agreed, pursuant to applicable data protection laws and otherwise, that such information may be collected, processed, disclosed and used by such *Person* for the purposes of the implementation of the Rules, in accordance with the International Standard for the Protection of Privacy and Personal Information and otherwise as required to implement the Rules.
- 14.6.3 When performing its obligations under the *Code* and the CADP, the CCES may collect, store, process or disclose personal information relating to *Athletes*, other *Persons* and third parties. Third parties, including law enforcement and border services agencies in Canada and elsewhere, may on consent share the personal information of *Athletes* or other *Persons* with the CCES to assist in the enforcement of the CADP. The CCES shall ensure that in all cases it complies with applicable data protection and privacy laws with respect to its handling of such information, as well as the International Standard for the Protection of Privacy and Personal Information that WADA has adopted to ensure *Athletes* and non-*Athletes* are fully informed of, and where necessary agree to, the handling of their personal information in connection with anti-doping activities arising under the *Code*.

### RULE 15 APPLICATION AND RECOGNITION OF DECISIONS

#### 15.1 Signatories

Subject to the right to appeal provided in Rule 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 worldwide and shall be recognized and respected by CCES and all *Sport Organizations*.

*[Comment to Rule 15.1: The extent of recognition of TUE decisions of other Anti-Doping Organizations shall be determined by Rule 4.4 and the International Standard for Therapeutic Use Exemptions.]*

### **15.2 Non-Signatories**

CCES and all *Sport Organizations* 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*.

*[Comment to Rule 15.2: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, CCES or Sport Organizations shall attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his or her body but the period of Ineligibility applied is shorter than the period provided for in the Rules, then CCES shall recognize the finding of an anti-doping rule violation and may conduct a hearing consistent with Rule 8 to determine whether the longer period of Ineligibility provided in the Rules should be imposed.]*

### **15.3 Recognition of Violations**

Subject to the right to appeal provided in Rule 13, any decision of CCES regarding a violation of the Rules shall be recognized by all *Sport Organizations*, which shall take all necessary action to render such decision effective.

## **RULE 16 OBLIGATIONS OF SPORT ORGANIZATIONS**

### **16.1 Compliance**

All *Sport Organizations* and their members shall comply with the Rules. The Rules shall also be incorporated by way of adoption of the CADP into each *Sport Organization's* rules so that CCES may enforce them itself directly as against *Athletes* and other *Persons* under the *Sport Organization's* jurisdiction.

### **16.2 Sport Organizations' Rules**

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

## **RULE 17 STATUTE OF LIMITATIONS**

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless he or she has been notified of the anti-doping rule violation as provided in Rule 7, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

**RULE 18 CCES COMPLIANCE REPORTS TO WADA**

CCES will report to WADA on CCES' compliance with the *Code* in accordance with Article 23.5.2 of the *Code*.

**RULE 19 EDUCATION**

CCES and the *Sport Organization* shall plan, implement, evaluate and monitor information, education and prevention programs for doping-free sport on at least the issues listed at Article 18.2 of the *Code*, and shall support active participation by *Athletes* and *Athlete Support Personnel* in such programs.

**19.1 Education Programs**

These education programs, detailed in the Adoption Contract between CCES and the *Sport Organization*, 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 and *Consequences*;
- c) health and social *Consequences* of doping;
- d) *Sample* collection procedures;
- e) *Athletes'* rights and responsibilities;
- f) *Athlete Support Personnel* rights and responsibilities;
- g) *TUEs*;
- h) managing the risks of nutritional supplements;
- i) the harm of doping to the spirit of sport; and
- j) applicable whereabouts requirements.

**19.2 Spirit of Sport**

Educational programs will promote the spirit of sport in order to establish an environment that is strongly conducive to doping-free sport in an effort to have a positive and long-term influence on the choices made by *Athletes* and other *Persons*. These programs will be directed at young people, appropriate to their stage of development in their schools and sports clubs, and to parents, adult *Athletes*, sport officials, coaches, medical personnel and the media.

**19.3 Codes of Conduct**

The *CCES* shall encourage competent professional associations and institutions to develop and implement appropriate codes of conduct, best practices, ethical guidelines and sanctions related to anti-doping which are consistent with the CADP.

**RULE 20 AMENDMENT AND INTERPRETATION OF THE RULES**

In addition to the provisions in Part A of the CADP, the following shall apply:

## 20.1 Amendment

The Rules may be amended from time to time by CCES.

20.1.1 The portions of the CADP that reflect the “mandatory in substance” requirements contained in the *Code* may be revised by the CCES on notice to *Sport Organizations*, other *Stakeholders* and Governments. The length of the notice shall be no longer than as specified by *WADA*.

20.1.2 The portions of the CADP that do not reflect the “mandatory in substance” requirements contained in the *Code* and are thus entirely unique to the Canadian anti-doping effort may be added to or changed by the CCES through a process that involves consultation with, substantial agreement among and on three (3) months’ notice to, *Sport Organizations*, other *Stakeholders* and Governments.

## 20.2 The *Code* and *International Standards*

The *Code* and the *International Standards* shall be considered integral parts of the Rules and shall prevail in case of conflict.

## 20.3 Code Provisions

The Rules have been created pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*. The Introduction shall be considered an integral part of the Rules.

## 20.4 Effective Date

The Rules have come into full force and effect on 1 January 2015 (the “Effective Date”). They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

20.4.1 Anti-doping rule violations taking place prior to the Effective Date count as “first violations” or “second violations” for purposes of determining sanctions under Rule 10 for violations taking place after the Effective Date.

20.4.2 The retrospective periods in which prior violations can be considered for purposes of multiple violations under Rule 10.7.5 and the statute of limitations set forth in Rule 17 are procedural rules and should be applied retroactively; provided, however, that Rule 17 shall only be applied retroactively if the statute of limitation period has not already expired by the Effective Date. Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case.

20.4.3 Any Rule 2.4 whereabouts failure (whether a Filing Failure or a Missed Test, as those terms are defined in the International Standard for Testing and Investigations) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in

accordance with the International Standard for Testing and Investigation, but it shall be deemed to have expired 12 months after it occurred.

20.4.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to the *Anti-Doping Organization* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the Rules. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Rule 13.2. The Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

20.4.5 For purposes of assessing the period of *Ineligibility* for a second violation under Rule 10.7.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had the Rules been applicable, shall be applied.

*[Comment to Rule 20.4.5: Other than the situation described in Rule 20.4.5 above, where a final decision finding an anti-doping rule violation has been rendered prior to the existence of the 2015 CADP or under a CADP in force before the 2015 Code and the period of Ineligibility imposed has been completely served, the 2015 CADP may not be used to re-characterize the prior violation.]*

## **20.5 Official Text**

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 of the *Code*, the English version of the *Code* shall prevail. The English and French language versions of the CADP are equally authoritative.

## **20.6 Comments**

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

## **20.7 Interpretation**

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

## **20.8 Headings**

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

## **20.9 Retroactive Application of the *Code* and the CADP**

The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. The CADP shall not apply retroactively to matters pending before the date the CADP is accepted by a *Sport Organization* and implemented in its rules. However, pre-*Code* and pre-2015 CADP anti-doping rule violations would continue to

count as “first violations” or “second violations” for purposes of determining sanctions under Article 10 of the *Code* and Rule 10 of the CADP for subsequent post-*Code* and post-2015 CADP violations.

#### **20.10 Integral Elements of the *Code* and the CADP**

20.10.1 The “Purpose, Scope and Organization of the World Anti-Doping Program and the *Code*” and “Appendix 1, Definitions,” and “Appendix 2, Examples of the Application of Article 10,” shall be considered integral parts of the *Code*

20.10.2 Part A of the CADP “Structure and Scope,” Part B of the CADP “Implementation,” the CADP’s Appendix 1 “Definitions,” and Appendix 2 “Examples of the Application of Rule 10,” shall be considered integral parts of the CADP.

#### **20.11 Time Periods**

Unless otherwise specified, time periods in the CADP are total consecutive days irrespective of weekends or holidays. When a deadline falls on a weekend or statutory holiday, the next business day shall be the deadline for the purpose of the CADP.

## APPENDIX 1 DEFINITIONS

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

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

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

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

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

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

*[Comment: This definition makes it clear that all International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations, respectively. The*

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

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

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

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

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

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

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

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

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

**Consequences of Anti-Doping Rule Violations (“Consequences”)**: An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following:

- a) **Disqualification** means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes;
- b) **Ineligibility** means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Rule 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 Rule 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 Rule 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*.

*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 Rule 10.5.1 or 10.5.2.

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

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

*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*.

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

*Independent Observer Program*: 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*.

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

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

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

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

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

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

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

*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 Canada, *National-Level Athletes* are defined as set out in Rule 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 Rule 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 Rule 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

*[Comment: For Cannabinoids, an Athlete may establish No Significant Fault or Negligence by clearly demonstrating that the context of the Use was unrelated to sport performance.]*

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

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

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

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

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

*purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]*

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

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

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

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

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

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

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

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

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

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

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

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

**Specified Substance:** See Rule 4.2.2.

**Sport Organization:** Any national, provincial or territorial sport governing body that has adopted the CADP or any such governing body's affiliated members, clubs, teams, associations or leagues.

**Stakeholder:** A *Sport Organization* or other Canadian organization that is fully engaged and committed to the fight against doping in sport.

**Strict Liability:** The rule which provides that under Rule 2.1 and Rule 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.

*Student-Athlete*: Only for the purpose of the therapeutic *Use of Prohibited Substances* and *Prohibited Methods*, an individual who is an *Athlete* and a student competing in Canadian Interuniversity Sport (CIS) and/or Canadian Collegiate Athletic Association (CCAA) sport activities and who is not in the National Athlete Pool (NAP) for any sport.

*Substantial Assistance*: For purposes of Rule 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 Rule 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.

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

**APPENDIX 2 EXAMPLES OF THE APPLICATION OF RULE 10****EXAMPLE 1.**

Facts: An *Adverse Analytical Finding* results from the presence of an anabolic steroid in an *In-Competition* test (Rule 2.1); the *Athlete* promptly admits the anti-doping rule violation; the *Athlete* establishes *No Significant Fault or Negligence*; and the *Athlete* provides *Substantial Assistance*.

Application of *Consequences*:

1. The starting point would be Rule 10.2. Because the *Athlete* is deemed to have *No Significant Fault* that would be sufficient corroborating evidence (Rules 10.2.1.1 and 10.2.3) that the anti-doping rule violation was not intentional, the period of *Ineligibility* would thus be two years, not four years (Rule 10.2.2).
2. In a second step, the panel would analyze whether the *Fault*-related reductions (Rules 10.4 and 10.5) apply. Based on *No Significant Fault or Negligence* (Rule 10.5.2) since the anabolic steroid is not a *Specified Substance*, the applicable range of sanctions would be reduced to a range of two years to one year (minimum one-half of the two year sanction). The panel would then determine the applicable period of *Ineligibility* within this range based on the *Athlete's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of 16 months.)
3. In a third step, the panel would assess the possibility for suspension or reduction under Rule 10.6 (reductions not related to *Fault*). In this case, only Rule 10.6.1 (*Substantial Assistance*) applies. (Rule 10.6.3, Prompt Admission, is not applicable because the period of *Ineligibility* is already below the two-year minimum set forth in Rule 10.6.3.) Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 16 months.\* The minimum period of *Ineligibility* would thus be four months. (Assume for purposes of illustration in this example that the panel suspends ten months and the period of *Ineligibility* would thus be six months.)
4. Under Rule 10.11, the period of *Ineligibility*, in principle, starts on the date of the final hearing decision. However, because the *Athlete* promptly admitted the anti-doping rule violation, the period of *Ineligibility* could start as early as the date of *Sample* collection, but in any event the *Athlete* would have to serve at least one-half of the *Ineligibility* period (i.e., three months) after the date of the hearing decision (Rule 10.11.2).
5. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would have to automatically *Disqualify* the result obtained in that *Competition* (Rule 9).
6. According to Rule 10.8, all results obtained by the *Athlete* subsequent to the date of the *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.
7. The information referred to in Rule 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Rule 10.13).

8. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Rule 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates 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 (Rule 10.12.2). Thus, the *Athlete* would be allowed to return to training one and one-half months before the end of the period of *Ineligibility*.

**EXAMPLE 2.**

Facts: An *Adverse Analytical Finding* results from the presence of a stimulant which is a *Specified Substance* in an *In-Competition* test (Rule 2.1); the *Anti-Doping Organization* is able to establish that the *Athlete* committed the anti-doping rule violation intentionally; the *Athlete* is not able to establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance; the *Athlete* does not promptly admit the anti-doping rule violation as alleged; the *Athlete* does provide *Substantial Assistance*.

Application of *Consequences*:

1. The starting point would be Rule 10.2. Because the *Anti-Doping Organization* can establish that the anti-doping rule violation was committed intentionally and the *Athlete* is unable to establish that the substance was permitted *Out-of-Competition* and the *Use* was unrelated to the *Athlete's* sport performance (Rule 10.2.3), the period of *Ineligibility* would be four years (Rule 10.2.1.2).
2. Because the violation was intentional, there is no room for a reduction based on *Fault* (no application of Rules 10.4 and 10.5). Based on *Substantial Assistance*, the sanction could be suspended by up to three-quarters of the four years.\* The minimum period of *Ineligibility* would thus be one year.
3. Under Rule 10.11, the period of *Ineligibility* would start on the date of the final hearing decision.
4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically *Disqualify* the result obtained in the *Competition*.
5. According to Rule 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.
6. The information referred to in Rule 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Rule 10.13).
7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Rule 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates 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 (Rule

10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

### EXAMPLE 3.

Facts: An *Adverse Analytical Finding* results from the presence of an anabolic steroid in an *Out-of-Competition* test (Rule 2.1); the *Athlete* establishes *No Significant Fault or Negligence*; the *Athlete* also establishes that the *Adverse Analytical Finding* was caused by a *Contaminated Product*.

Application of *Consequences*:

1. The starting point would be Rule 10.2. Because the *Athlete* can establish through corroborating evidence that he did not commit the anti-doping rule violation intentionally, i.e., he had *No Significant Fault* in *Using a Contaminated Product* (Rules 10.2.1.1 and 10.2.3), the period of *Ineligibility* would be two years (Rule 10.2.2).
2. In a second step, the panel would analyze the *Fault*-related possibilities for reductions (Rules 10.4 and 10.5). Since the *Athlete* can establish that the anti-doping rule violation was caused by a *Contaminated Product* and that he acted with *No Significant Fault or Negligence* based on Rule 10.5.1.2, the applicable range for the period of *Ineligibility* would be reduced to a range of two years to a reprimand. The panel would determine the period of *Ineligibility* within this range, based on the *Athlete's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of four months.)
3. According to Rule 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.
4. The information referred to in Rule 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Rule 10.13).
5. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Rule 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates 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 (Rule 10.12.2). Thus, the *Athlete* would be allowed to return to training one month before the end of the period of *Ineligibility*.

### EXAMPLE 4.

Facts: An *Athlete* who has never had an *Adverse Analytical Finding* or been confronted with an anti-doping rule violation spontaneously admits that she *Used* an anabolic steroid to enhance her performance. The *Athlete* also provides *Substantial Assistance*.

Application of *Consequences*:

1. Since the violation was intentional, Rule 10.2.1 would be applicable and the basic period of *Ineligibility* imposed would be four years.
2. There is no room for *Fault*-related reductions of the period of *Ineligibility* (no application of Rules 10.4 and 10.5).

3. Based on the *Athlete's* spontaneous admission (Rule 10.6.2) alone, the period of *Ineligibility* could be reduced by up to one-half of the four years. Based on the *Athlete's Substantial Assistance* (Rule 10.6.1) alone, the period of *Ineligibility* could be suspended up to three-quarters of the four years.\* Under Rule 10.6.4, in considering the spontaneous admission and *Substantial Assistance* together, the most the sanction could be reduced or suspended would be up to three-quarters of the four years. The minimum period of *Ineligibility* would be one year.
4. The period of *Ineligibility*, in principle, starts on the day of the final hearing decision (Rule 10.11). If the spontaneous admission is factored into the reduction of the period of *Ineligibility*, an early start of the period of *Ineligibility* under Rule 10.11.2 would not be permitted. The provision seeks to prevent an *Athlete* from benefitting twice from the same set of circumstances. However, if the period of *Ineligibility* was suspended solely on the basis of *Substantial Assistance*, Rule 10.11.2 may still be applied, and the period of *Ineligibility* started as early as the *Athlete's* last *Use* of the anabolic steroid.
5. According to Rule 10.8, all results obtained by the *Athlete* subsequent to the date of the anti-doping rule violation until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.
6. The information referred to in Rule 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Rule 10.13).
7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Rule 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates 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 (Rule 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

**EXAMPLE 5.**

Facts: An *Athlete Support Person* helps to circumvent a period of *Ineligibility* imposed on an *Athlete* by entering him into a *Competition* under a false name. The *Athlete Support Person* comes forward with this anti-doping rule violation (Rule 2.9) spontaneously before being notified of an anti-doping rule violation by an *Anti-Doping Organization*.

Application of *Consequences*:

1. According to Rule 10.3.4, the period of *Ineligibility* would be from two up to four years, depending on the seriousness of the violation. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of three years.)
2. There is no room for *Fault*-related reductions since intent is an element of the anti-doping rule violation in Rule 2.9 (see comment to Rule 10.5.2).
3. According to Rule 10.6.2, provided that the admission is the only reliable evidence, the period of *Ineligibility* may be reduced down to one-half. (Assume for purposes of illustration in this example that the panel would impose a period of *Ineligibility* of 18 months.)

4. The information referred to in Rule 14.3.2 must be *Publicly Disclosed* unless the *Athlete Support Person* is a *Minor*, since this is a mandatory part of each sanction (Rule 10.13).

**EXAMPLE 6.**

Facts: An *Athlete* was sanctioned for a first anti-doping rule violation with a period of *Ineligibility* of 14 months, of which four months were suspended because of *Substantial Assistance*. Now, the *Athlete* commits a second anti-doping rule violation resulting from the presence of a stimulant which is not a *Specified Substance* in an *In-Competition* test (Rule 2.1); the *Athlete* establishes *No Significant Fault or Negligence*; and the *Athlete* provided *Substantial Assistance*. If this were a first violation, the panel would sanction the *Athlete* with a period of *Ineligibility* of 16 months and suspend six months for *Substantial Assistance*.

Application of *Consequences*:

1. Rule 10.7 is applicable to the second anti-doping rule violation because Rule 10.7.4.1 and Rule 10.7.5 apply.
2. Under Rule 10.7.1, the period of *Ineligibility* would 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 Rule 10.6 (in this example, that would equal one-half of 14 months, which is seven months); 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 Rule 10.6 (in this example, that would equal two times 16 months, which is 32 months).

Thus, the period of *Ineligibility* for the second violation would be the greater of a), b) and c), which is a period of *Ineligibility* of 32 months.

3. In a next step, the panel would assess the possibility for suspension or reduction under Rule 10.6 (non-*Fault*-related reductions). In the case of the second violation, only Rule 10.6.1 (*Substantial Assistance*) applies. Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 32 months.\* The minimum period of *Ineligibility* would thus be eight months. (Assume for purposes of illustration in this example that the panel suspends eight months of the period of *Ineligibility* for *Substantial Assistance*, thus reducing the period of *Ineligibility* imposed to two years.)
4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically *Disqualify* the result obtained in the *Competition*.
5. According to Rule 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.
6. The information referred to in Rule 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Rule 10.13).

7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Rule 10.12.1). However, the *Athlete* may return to train with a team to use the facilities of a club or other member organization of a *Signatory* or its affiliates 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 (Rule 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*

---

\* Upon the approval of WADA in exceptional circumstances, the maximum suspension of the period of *Ineligibility* for *Substantial Assistance* may be greater than three-quarters, and reporting and publication may be delayed.

**APPENDIX 3 REVISION HISTORY**

<b>Version</b>	<b>Date</b>	<b>Description</b>	<b>Source</b>
1.0	January 1, 2015	Official release	CCES