

NO. 5 OF 2016

THE ANTI-DOPING ACT

SUBSIDIARY LEGISLATION

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THE ANTI-DOPING RULES, 2016

[Legal Notice 216 of 2016]

Revoked by Legal Notice 211 of 2020 on 24th December, 2020

THE ANTI-DOPING REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

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2. Application
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SCHEDULES

THE WORLD ANTI-DOPING RULES

THE ANTI-DOPING REGULATIONS

[Legal Notice 211 of 2020]

1. Citation

These Regulations may be cited as the Anti-Doping Regulations.

2. Application

(1) The provisions of the World Anti-Doping Rules which are set out in the Schedule to these Regulations have the force of law in Kenya.

(2) The comments annotating various provisions of the World Doping Code (Code) prescribed by the World Anti-Doping Agency (WADA) are incorporated by reference into these Regulations, shall be treated as if set out fully, and shall be used to interpret these Regulations.

3. Revocation of L.N. No. 216/2016

The Anti-Doping Rules, 2016 (L.N. 216/2016) are revoked.

SCHEDULE

[r. 2(1)]

THE WORLD ANTI-DOPING RULES**INTRODUCTION****Scope**

These Anti-Doping Rules shall apply to ADAK. They shall also apply to the National Federations as a condition *precedent for registration and* of receiving financial and/or any other assistance from the National and County Governments of Kenya and/or the *National Olympic Committee* of Kenya. Each *National Sports Federation* or Organization of Kenya shall accept and abide by the spirit and terms of Kenya's National Anti-Doping Program and these Anti-Doping Rules and shall incorporate these Anti-Doping Rules either directly or by reference into their governing documents, constitution and/or rules as part of the rules of sport that bind their members and *Participants*. These Anti-Doping Rules shall also apply to all *Persons* identified under Section 3 of the Anti-Doping Act (Cap. 245B), and all other *Persons* over whom the *Code* gives the Agency jurisdiction, including all *Athletes* who are nationals of or resident in Kenya, and all *Athletes* who are present in Kenya, whether to compete or to train or otherwise.

Article 1 – DEFINITION OF DOPING**1. Definition of Doping.**

Doping is defined as the occurrence of one or more of the Anti-Doping rule violations set forth in Article 2.1 through Article 2.11 of these Anti-Doping Rules.

Article 2 – ANTI-DOPING RULE VIOLATIONS

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

2.1.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an Anti-Doping rule violation under Article 2.1.

2.1.2 Sufficient proof of an Anti-Doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or

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Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed; or, where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample; or, where the Athlete's A or B Sample is split into two (2) parts and the analysis of the confirmation part of the split Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the split Sample or the Athlete waives analysis of the confirmation part of the split Sample.

2.1.3 Excepting those substances for which a *Decision Limit* is specifically identified in the *Prohibited List* or a *Technical Document*, the presence of any reported quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an Anti-Doping rule violation.

2.1.4 As an exception to the general rule of Article 2.1, the *Prohibited List*, *International Standards* or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

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

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

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

2.3 *Evading, Refusing or Failing to Submit to Sample Collection by an Athlete.*

2.4 *Evading Sample collection; or refusing or failing to submit to Sample collection without compelling justification after notification by a duly authorized Person.*

2.4 *Whereabouts Failures by an Athlete.*

2.4. Any combination of three (3) missed tests and/or filing failures, as defined in the *International Standard for Results Management*, within a twelve (12) month period by an *Athlete* in a *Registered Testing Pool*.

2.5 *Tampering or Attempted Tampering.*

2.5. *Tampering or Attempted Tampering with any part of Doping Control by an Athlete or Other Person*

2.6 *Possession of a Prohibited Substance or a Prohibited Method by an Athlete or Athlete Support Person.*

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

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

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2.7 *Trafficking or Attempted Trafficking.*

Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or other Person.

2.8 *Administration or Attempted Administration.*

Administration or Attempted Administration by an Athlete or other Person to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition.

2.9 *Complicity or Attempted Complicity by an Athlete or Other Person.*

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an Anti-Doping rule violation, *Attempted* Anti-Doping rule violation or violation of Article 10.14.1 by another *Person*.

2.10 *Prohibited Association by an Athlete or Other Person.*

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

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

2.10.1.2 If not subject to the authority of an *Anti-Doping Organization*, and where *Ineligibility* has not been addressed in a *Results Management* process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of Anti-Doping rules if *Code*-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal disciplinary or professional sanction imposed; or

2.10.1.3 Is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.

2.10.2 To establish a violation of Article 2.10, an *Anti-Doping Organization* must establish that the *Athlete* or other *Person* knew of the *Athlete Support Person's* disqualifying status.

The burden shall be on the *Athlete* or other *Person* to establish that any association with an *Athlete Support Person* described in Article 2.10.1.1 or 2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

Anti-Doping Organizations that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1.1, 2.10.1.2 or 2.10.1.3 shall submit that information to *WADA*.

2.11 Acts by an *Athlete* or Other *Person* to Discourage or Retaliate Against Reporting to Authorities.

Where such conduct does not otherwise constitute a violation of Article 2.5:

2.11.1 Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged Anti-Doping rule violation or alleged non-compliance with the *Code* to *WADA*, an *Anti-Doping Organization*, law enforcement, regulatory or professional

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

2.11.2

Retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged Anti-Doping rule violation or alleged non-compliance with the *Code to WADA*, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organization*.

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.

Article 3 – *PROOF OF DOPING*

3.1 Burdens and Standards of Proof.

ADAK shall have the burden of establishing that an Anti-Doping rule violation has occurred. The standard of proof shall be whether ADAK 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 these Anti-Doping 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, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.

3.2 Methods of Establishing Facts and Presumptions.

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

- 3.2.1 Analytical methods or *Decision Limits* approved by *WADA* after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity, shall as a condition precedent to any such challenge, first notify *WADA* of the challenge and the basis of the challenge. The initial hearing body, appellate body or *CAS*, on its own initiative, may also inform *WADA* of any such challenge. Within ten (10) days of *WADA*'s receipt of such notice and the case file related to such challenge, *WADA* shall also have the right to intervene as a party, appear as *amicus curiae* or otherwise provide evidence in such proceeding. In cases before *CAS*, at *WADA*'s request, the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.
- 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 ADAK shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

- 3.2.3 Departures from any other *International Standard* or other Anti-Doping rule or policy set forth in the *Code* or these Anti-Doping Rules shall not invalidate analytical

results or other evidence of an Anti-Doping rule violation, and shall not constitute a defense to an Anti-Doping rule violation; provided, however, if the *Athlete* or other *Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an Anti-Doping rule violation based on an *Adverse Analytical Finding* or whereabouts failure, then ADAK shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the whereabouts failure:

- (i) a departure from the *International Standard* for *Testing* and Investigations related to *Sample* collection or *Sample* handling which could reasonably have caused an Anti-Doping rule violation based on an *Adverse Analytical Finding*, in which case ADAK shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;
- (ii) a departure from the *International Standard* for *Results Management* or *International Standard* for *Testing* and Investigations related to an *Adverse Passport Finding* which could reasonably have caused an Anti-Doping rule violation in which case ADAK shall have the burden to establish that such departure did not cause the Anti-Doping rule violation;
- (iii) a departure from the *International Standard* for *Results Management* related to the requirement to provide notice to the *Athlete* of the B *Sample* opening which could reasonably have caused an Anti-Doping rule violation based on an *Adverse Analytical Finding*, in which case ADAK shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;
- (iv) a departure from the *International Standard* for *Results Management* related to *Athlete* notification which could reasonably have caused an Anti-Doping rule violation based on a whereabouts failure, in which case ADAK shall have the burden to establish that such departure did not cause the whereabouts failure.

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

3.2.5 The hearing panel in a hearing on an Anti-Doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to 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 ADAK.

Article 4 – THE PROHIBITED LIST

4.1 Incorporation of the *Prohibited List*.

These Anti-Doping Rules incorporate the *Prohibited List* which is published and revised by WADA as described in Article 4.1 of the *Code*.

Unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three (3) months after publication by WADA without requiring any further action by ADAK. 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 *Prohibited Substances* and *Prohibited Methods* Identified on the *Prohibited List*.

4.2.1 *Prohibited Substances* and *Prohibited Methods*

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-*

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Competition) because of their potential to enhance performance in future *Competitions* or their masking potential and those substances and methods which are prohibited *In-Competition* only. The *Prohibited List* may be expanded by WADA for a particular sport. *Prohibited Substances* and *Prohibited Methods* may be included in the *Prohibited List* by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.

4.2.2 Specified Substances or Specified Methods

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*.

4.2.3 Substances of Abuse

For purposes of applying Article 10, *Substances of Abuse* shall include those *Prohibited Substances* which are specifically identified as *Substances of Abuse* on the *Prohibited List* because they are frequently abused in society outside of the context of sport.

4.3 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*, the classification of a substance as prohibited at all times or *In-Competition* only, the classification of a substance or method as a *Specified Substance*, *Specified Method* or *Substance of Abuse* is final and shall not be subject to any challenge by an *Athlete* or other *Person* including, but not limited to, any challenge based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

4.4 Therapeutic use Exemptions ("TUEs").

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

4.4.2 TUE Application Process

4.4.2.1 Any *Athlete* who is not an *International-Level Athlete* shall apply to ADAK for a *TUE* as soon as possible, save where Articles 4.1 or 4.3 of the *International Standard for Therapeutic Use Exemptions* apply. The application shall be made in accordance with Article 6 of the *International Standard for Therapeutic Use Exemptions* as posted on ADAK's website.

4.4.2.2 ADAK shall establish *Therapeutic Use Exemption* Committee ("TUEC") to consider applications for the grant or recognition of *TUEs*.

4.4.2.3 The TUEC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and usually (i.e., unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete application. Where the application is made in a reasonable time prior to an *Event*, the TUEC must use its best endeavors to issue its decision before the start of the *Event*.

4.4.2.4 The TUEC decision shall be the final decision of ADAK and may be appealed in accordance with Article 4.4. 6. ADAKTUEC decision shall be notified in writing to the *Athlete*, and to WADA and other *Anti-Doping Organizations* in accordance with the *International Standard for Therapeutic Use Exemptions*. It shall also promptly be reported into ADAMS.

4.4.3 Retroactive TUE Applications

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

4.4.4 *TUE* Recognition

A *TUE* granted by ADAK is valid at any national level in any country and does not need to be formally recognized by any other *National Anti-Doping Organization*.

However, it is not automatically valid if the *Athlete* becomes an *International-Level Athlete* or competes in an *International Event*, unless it is recognized by the relevant International Federation or *Major Event Organization* in accordance with the *International Standard for Therapeutic Use Exemptions* as follows:

- 4.4.4.1 Where the *Athlete* already has a *TUE* granted by ADAK for the substance or method in question, unless their *TUE* will be automatically recognized by the International Federation or *Major Event Organization*, the *Athlete* shall apply to their International Federation or to the *Major Event Organization* to recognize that *TUE*. If that *TUE* meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, then the International Federation or *Major Event Organization* must recognize it.

If the International Federation or *Major Event Organization* considers that the *TUE* granted by ADAK does not meet those criteria and so refuses to recognize it, the International Federation shall promptly notify the *Athlete* and ADAK with reasons. The *Athlete* and/or ADAK shall have twenty one (21) days from such notification to refer the matter to WADA for review in accordance with Article 4.4.6.

If the matter is referred to WADA for review in accordance with Article 4.4.6, the *TUE* granted by ADAK remains valid for national level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending WADA's decision.

If the matter is not referred to WADA for review within the twenty-one (21) day deadline, ADAK must determine whether the original *TUE* that it granted should nevertheless remain valid for national-level *Competition* and *Out-of-Competition Testing* (provided that the *Athlete* ceases to be an *International-Level Athlete* and does not participate in International-level *Competition*). Pending ADAK's decision, the *TUE* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*).

- 4.4.4.2 If the *Athlete* does not already have a *TUE* granted by ADAK 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* as soon as the need arises.

If the International Federation denies the *Athlete's* application, it shall notify the *Athlete* promptly, with reasons.

If the International Federation grants the *Athlete's* application, it shall notify the *Athlete* and ADAK. If ADAK 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 twenty-one (21) days from such notification to refer the matter to WADA for review.

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If ADAK 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 ADAK does not refer the matter to *WADA* for review, the *TUE* granted by the International Federation becomes valid for national-level *Competition* as well when the twenty-one (21) day review deadline expires.

4.4.5 Expiration, Withdrawal or Reversal of a *TUE*

4.4.5.1 A *TUE* granted pursuant to these Anti-Doping 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) will be withdrawn if the *Athlete* does not promptly comply with any requirements or conditions imposed by the TUEC upon grant of the *TUE*;
- (c) may be withdrawn by the TUEC 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 their *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, withdrawal, or reversal of the *TUE*. The review pursuant to Article 5.1.1.1 of the *International Standard for Results Management of an Adverse Analytical Finding*, reported shortly after the *TUE* expiry, withdrawal, or reversal, 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 If ADAK denies an application for a *TUE*, the *Athlete* may appeal exclusively to the national-level appeal body described in Article 13.2.2.

4.4.6.2 *WADA* must review an International Federation's decision not to recognize a *TUE* granted by ADAK that is referred to *WADA* by the *Athlete* or ADAK. In addition, *WADA* must review an International Federation's decision to grant a *TUE* that is referred to *WADA* by ADAK. *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 ADAK 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 ADAK, exclusively to *CAS*.

4.4.6.4 A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Athlete*, ADAK and/or the International Federation affected, exclusively to *CAS*.

4.4.6.5 A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application thus triggering the applicable rights of review/appeal.

Article 5 – TESTING AND INVESTIGATIONS

5.1 Purpose of *Testing* and Investigations.

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5.1.1 *Testing* and investigations may be undertaken for any Anti-Doping purpose. They shall be conducted in conformity with the provisions of the *International Standard for Testing and Investigations*.

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

5.2 Authority to Test.

5.2.1 Subject to the limitations for *Event Testing* set out in Article 5.3, ADAK shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* specified in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").

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

5.2.3 WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7. 10 of the *Code*.

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

5.3 *Event Testing*.

5.3.1 Except as otherwise provided below, only a single organization shall have authority to conduct *Testing* at *Event Venues* during an *Event Period*. At *International Events* held in Kenya, the international organization which is the ruling body for the *Event* shall have authority to conduct *Testing*. At *National Events* held in Kenya ADAK shall have authority to conduct *Testing*. At the request of the ruling body for an *Event*, any *Testing* conducted during the *Event Period* outside of the *Event Venues* shall be coordinated with the ruling body of the *Event*.

5.3.2 If an *Anti-Doping Organization*, which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event*, desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organization* shall first confer with the ruling body of the *Event* to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organization* is not satisfied with the response from the ruling body of the *Event*, the *Anti-Doping Organization* may, in accordance with procedures described in the *International Standard for Testing and Investigations*, ask WADA for permission to conduct *Testing* and to determine how to coordinate such *Testing*.

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

5.4 *Testing Requirements*.

5.4.1 ADAK shall conduct test distribution planning and *Testing* as required by the *International Standard for Testing and Investigations*.

5.4.2 Where reasonably feasible, *Testing* shall be coordinated through ADAMS in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

5.5 *Athlete Whereabouts Information*.

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- 5.5.1 ADAK has established a *Registered Testing Pool* of those *Athletes* who are required to provide whereabouts information in the manner specified in the *International Standard for Testing and Investigations* and who shall be subject to *Consequences* for Article 2.4 violations as provided in Article 10.3.2. ADAK shall coordinate with International Federations to identify such *Athletes* and to collect their whereabouts information.
- 5.5.2 ADAK shall make available through *ADAMS* a list which identifies those *Athletes* included in its *Registered Testing Pool* by name. ADAK shall regularly review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall periodically (but not less than quarterly) review the list of *Athletes* in its *Registered Testing Pool* to ensure that each listed *Athlete* continues to meet the relevant criteria. *Athletes* shall be notified before they are included in the *Registered Testing Pool* and when they are removed from that pool. The notification shall contain the information set out in the *International Standard for Testing and Investigations*.
- 5.5.3 Where an *Athlete* is included in an International *Registered Testing Pool* by their International Federation and in a national *Registered Testing Pool* by ADAK, ADAK 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.
- 5.5.4 In accordance with the *International Standard for Testing and Investigations*, each *Athlete* in the *Registered Testing Pool* shall do the following:
- (a) advise ADAK 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 himself or herself available for *Testing* at such whereabouts.
- 5.5.5 For purposes of Article 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 Annex B of the *International Standard for Results Management*, where the conditions set forth in Annex B are met.
- 5.5.6 An *Athlete* in ADAK's *Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements set in the *International Standard for Testing and Investigations* unless and until (a) the *Athlete* gives written notice to ADAK that he or she has retired; or (b) ADAK has informed him or her that he or she no longer satisfies the criteria for inclusion in ADAK's *Registered Testing Pool*.
- 5.5.7 Whereabouts information provided by an *Athlete* while in the *Registered Testing Pool* will be accessible through *ADAMS* to *WADA* and to other *Anti-Doping Organizations* having authority to test that *Athlete* as provided in Article 5.2. Whereabouts information shall be maintained in strict confidence at all times: it shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential Anti-Doping rule violation, or to support proceedings alleging an Anti-Doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard for the Protection of Privacy and Personal Information*.
- 5.5.8 In accordance with the *International Standard for Testing and Investigations*, ADAK has established a *Testing Pool*, which includes *Athletes* who are subject to less stringent whereabouts requirements than *Athletes* included in ADAK's *Registered Testing Pool*.
- 5.5.9 ADAK shall notify *Athletes* before they are included in the *Testing Pool* and when they are removed. Such notification shall include the whereabouts requirements and the consequences that apply in case of non-compliance as indicated in Articles 5.5.10 and 5.5.11.

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5.5.10 *Athletes* included in the *Testing Pool* shall provide ADAK with the following whereabouts information so that they may be located and subjected to *Testing*:

- (a) An overnight address;
- (b) *Competition/ Event* schedule; and
- (c) Regular training activities.

such whereabouts information shall be filed in *ADAMS* to enable better *Testing* coordination with other *Anti-Doping Organizations*.

5.5.11 An *Athlete's* failure to provide whereabouts information on or before the date required by ADAK or the *Athlete's* failure to provide accurate whereabouts information shall result in ADAK elevating the *Athlete* to ADAK's *Registered Testing Pool*.

5.5.12 ADAK may, in accordance with the *International Standard for Testing and Investigations*, collect whereabouts information from *Athletes* who are not included within a *Registered Testing Pool* or *Testing Pool*. If it chooses to do so, an *Athlete's* failure to provide requested whereabouts information on or before the date required by ADAK or the *Athlete's* failure to provide accurate whereabouts information shall result in ADAK elevating the *Athlete* to ADAK's *Registered Testing Pool*.

5.6 Retired *Athletes* Returning to *Competition*.

5.6.1 If an *International-Level Athlete* or *National-Level Athlete* in ADAK's *Registered Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing*, by giving six (6) months prior written notice to their *International Federation* and ADAK.

WADA, in consultation with ADAK and the *Athlete's* *International Federation*, may grant an exemption to the six (6) month written notice rule where the strict application of that rule would be unfair to the *Athlete*. This decision may be appealed under Article 13.

Any competitive results obtained in violation of this Article 5.6.1 shall be *Disqualified* unless the *Athlete* can establish that he or she could not have reasonably known that this was an *International Event* or a *National Event*.

5.6.2 If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* must notify the *Anti-Doping Organization* that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* then wishes to return to active *Competition* in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing* by giving six (6) 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 (6) months) to ADAK and to their *International Federation*.

5.7 *Independent Observer Program*.

ADAK and any organizing committees for *National Events* in Kenya, shall authorize and facilitate the *Independent Observer Program* at such *Events*.

Article 6 – ANALYSIS OF SAMPLES

6.1 Use of Accredited, Approved Laboratories and Other Laboratories.

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Samples shall be analyzed in accordance with the following principles:

- 6.1.1 For purposes of directly establishing an *Adverse Analytical Finding* under Article 2.1, *Samples* shall be analyzed only in WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the *Sample* analysis shall be determined exclusively by ADAK.
- 6.1.2 As provided in Article 3.2, facts related to Anti-Doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of WADA-accredited or approved laboratories.

6.2 Purpose of Analysis of *Samples* and Data.

- 6.2.1 *Samples* and related analytical data or *Doping Control* information shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by WADA pursuant to the monitoring program described in Article 4.5 of the *Code*, or to assist ADAK in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate Anti-Doping purpose.

6.3 Research on *Samples* and Data.

Samples, related analytical data and *Doping Control* information may be used for Anti-Doping research purposes, although no *Sample* may be used for research without the *Athlete's* written consent. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Athlete*. Any research involving *Samples* and related analytical data, or *Doping Control* information shall adhere to the principles set out in Article 19 of the *Code*.

6.4 Standards for *Sample* Analysis and Reporting.

In accordance with Article 6.4 of the *Code*, ADAK shall ask laboratories to analyze *Samples* in conformity with the *International Standard* for Laboratories and Article 4.7 of the *International Standard* for Testing and Investigations.

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

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

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

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

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an Anti-Doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Article 6.2 at any time exclusively at the direction of either the *Anti-Doping Organization* that initiated and directed *Sample* collection or WADA. Any other *Anti-Doping Organization* with authority to test the *Athlete* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of the *Anti-Doping Organization* that initiated and directed *Sample* collection or WADA, and shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by WADA or another *Anti-Doping Organization* shall be at WADA's or that organization's expense.

Further analysis of *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

6.7 Split of A or B *Sample*.

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

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

WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organization*. Upon request by WADA, the laboratory or *Anti-Doping Organization* in possession of the *Sample* shall immediately grant access to and enable WADA to take physical possession of the *Sample*.

If WADA has not provided prior notice to the laboratory or *Anti-Doping Organization* before taking possession of a *Sample*, it shall provide such notice to the laboratory and each *Anti-Doping Organization* whose *Samples* have been taken by WADA within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample*, WADA may direct another *Anti-Doping Organization* with authority to test the *Athlete* to assume *Results Management* responsibility for the *Sample* if a potential Anti-Doping rule violation is discovered.

Article 7 – RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS

7.1 Responsibility for Conducting *Results Management*.

Results Management under these Anti-Doping Rules establishes a process designed to resolve Anti-Doping rule violation matters in a fair, expeditious and efficient manner.

- 7.1.1 Except as otherwise provided in Articles 6.6, 6.8 and Code Article 7.1, *Results Management* shall be the responsibility of, and shall be governed by, the procedural rules of the *Anti-Doping Organization* that initiated and directed *Sample* collection (or, if no *Sample* collection is involved, the *Anti-Doping Organization* which first provides notice to an *Athlete* or other *Person* of a potential Anti-Doping rule violation and then diligently pursues that Anti-Doping rule violation).
- 7.1.2 In circumstances where the rules of a *National Anti-Doping Organization* do not give the *National Anti-Doping Organization* authority over an *Athlete* or other *Person* who is not a national, resident, license holder, or member of a sport organization of that country, or the *National Anti-Doping Organization* declines to exercise such authority, *Results Management* shall be conducted by the applicable International Federation or by a third party with authority over the *Athlete* or other *Person* as directed by the rules of the applicable International Federation.
- 7.1.3 *Results Management* in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by the International Federation or ADAK with whom the *Athlete* in question files whereabouts information, as provided in the *International Standard* for *Results Management*. If ADAK determines a filing failure or a missed test, it shall submit that information to WADA through ADAMS, where it will be made available to other relevant *Anti-Doping Organizations*.
- 7.1.4 Other circumstances in which ADAK shall take responsibility for conducting *Results Management* in respect of Anti-Doping rule violations involving *Athletes* and other *Persons* under its authority shall be determined by reference to and in accordance with Article 7 of the Code.
- 7.1.5 WADA may direct ADAK to conduct *Results Management* in particular circumstances. If ADAK refuses to conduct *Results Management* within a

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reasonable deadline set by WADA, such refusal shall be considered an act of non-compliance, and WADA may direct another *Anti-Doping Organization* with authority over the *Athlete* or other *Person*, that is willing to do so, to take *Results Management* responsibility in place of ADAK or, if there is no such *Anti-Doping Organization*, any other *Anti-Doping Organization* that is willing to do so. In such case, ADAK shall reimburse the costs and attorney's fees of conducting *Results Management* to the other *Anti-Doping Organization* designated by WADA, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

7.2 Review and Notification Regarding Potential Anti-Doping Rule Violations.

ADAK shall carry out the review and notification with respect to any potential Anti-Doping rule violation in accordance with the *International Standard for Results Management*.

7.3 Identification of Prior Anti-Doping Rule Violations.

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

7.4 Provisional Suspensions.

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

If ADAK receives an Adverse Analytical Finding or an Adverse Passport Finding (upon completion of the Adverse Passport Finding review process) for a *Prohibited Substance* or a *Prohibited Method* that is not a *Specified Substance* or a *Specified Method*, it shall impose a *Provisional Suspension* on the *Athlete* promptly upon or after the review and notification required by Article 7.2.

A mandatory *Provisional Suspension* may be eliminated if:

- (i) the *Athlete* demonstrates to the ADAK's Hearing Panel that the violation is likely to have involved a *Contaminated Product*, or
- (ii) the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under Article 10.2.4.1.

The ADAK's Hearing Panel's decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

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

ADAK may impose a *Provisional Suspension* for Anti-Doping rule violations not covered by Article 7.4.1 prior to the analysis of the *Athlete's* B *Sample* or final hearing as described in Article 8.

An optional *Provisional Suspension* may be lifted at the discretion of ADAK at any time prior to the ADAK's Hearing Panel's decision under Article 8, unless provided otherwise in the *International Standard for Results Management*.

7.4.3 Opportunity for Hearing or Appeal

Notwithstanding Articles 7.4.1 and 7.4.2, a *Provisional Suspension* may not be imposed unless the *Athlete* or other *Person* is given:

- (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 hearing in accordance with Article 8 on a timely basis after imposition of the *Provisional Suspension*.

The imposition of a *Provisional Suspension*, or the decision not to impose a *Provisional Suspension*, may be appealed in an expedited process in accordance with Article 13.2.

7.4.4 Voluntary Acceptance of *Provisional Suspension*

Athletes on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of:

- (i) the expiration of ten (10) days from the report of the B *Sample* (or waiver of the B *Sample*) or ten (10) days from the notice of any other Anti-Doping rule violation; or
- (ii) the date on which the *Athlete* first competes after such report or notice.

Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from the notice of the Anti-Doping rule violation.

Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 7.4.1 or 7.4.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

7.4.5 If a *Provisional Suspension* is imposed based on an A *Sample Adverse Analytical Finding* and a subsequent B *Sample* analysis (if requested by the *Athlete* or ADAK) does not confirm the A *Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1. In circumstances where the *Athlete* (or the *Athlete's* team) has been removed from an *Event* based on a violation of Article 2.1 and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, then, if it is still possible for the *Athlete* or team to be reinserted without otherwise affecting the *Event*, the *Athlete* or team may continue to take part in the *Event*.

7.5 Results Management Decisions.

Results Management decisions or adjudications by ADAK must not purport to be limited to a particular geographic area or sport and shall address and determine without limitation the following issues:

- (i) whether an Anti-Doping rule violation was committed or a *Provisional Suspension* should be imposed, the factual basis for such determination, and the specific Articles that have been violated, and
- (ii) all *Consequences* flowing from the Anti-Doping rule violation(s), including applicable *Disqualifications* under Articles 9 and 10.10, any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*.

7.6 Notification of *Results Management* Decisions.

ADAK shall notify *Athletes*, other *Persons*, *Signatories* and WADA of *Results Management* decisions as provided in Article 14.2 and in the *International Standard for Results Management*.

7.7 Retirement from Sport

If an *Athlete* or other *Person* retires while the ADAK's *Results Management* process is underway, ADAK retains authority to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process has begun, and ADAK 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, ADAK has authority to conduct *Results Management*.

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

For any *Person* who is asserted to have committed an Anti-Doping rule violation, ADAK shall provide a fair hearing within a reasonable time by a fair, impartial and *Operationally*

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Independent hearing panel in compliance with the *Code* and the *International Standard for Results Management*.

8.1 Fair Hearings.

8.1.1 Fair, Impartial and *Operationally Independent* Hearing Panel

- 8.1.1.1 ADAK shall establish a Hearing Panel (*Results Management* Panel) which under Anti-Doping Act, has jurisdiction to hear and determine whether an *Athlete* or other *Person*, subject to these Anti-Doping Rules, has committed an Anti-Doping rule violation, and if applicable, to impose relevant *Consequences*.
- 8.1.1.2 ADAK shall ensure that the Hearing Panel is free of conflict of interest and that its composition, term of office, professional experience, *Operational Independence* and adequate financing comply with the requirements of *International Standard for Results Management*.
- 8.1.1.3 Board members, staff members, commission members, consultants and officials of ADAK or its bodies, as well as any *Person* involved in the investigation and pre-adjudication of the matter, cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of ADAK's Hearing Panel. In particular, no member shall have previously considered any *TUE* application, *Results Management* decision, or appeals in the same given case.
- 8.1.1.4 The Hearing Panel shall be in a position to conduct the hearing and decision-making process without interference from ADAK or any third party.

8.1.2 Hearing process

- 8.1.2.1 When ADAK sends a notice to an *Athlete* or other *Person* notifying them of a potential Anti-Doping rule violation, and the *Athlete* or other *Person* does not waive a hearing in accordance with Article 8.3.1 or Article 8.3.2, then the case shall be referred to the Hearing Panel for hearing and adjudication, which shall be conducted in accordance with the principles described in Anti-Doping Act, Articles 8 and 9 of the *International Standard for Results Management*.
- 8.1.2.2 Upon appointment by the Chair as a member of ADAK's Hearing Panel, each member must also sign a declaration that there are no facts or circumstances known to him or her which might call into question their impartiality in the eyes of any of the parties other than those circumstances disclosed in the declaration.
- 8.1.2.3 Hearings held in connection with *Events* in respect to *Athletes* and other *Persons* who are subject to these Anti-Doping Rules may be conducted by an expedited process where permitted by the ADAK's Hearing Panel.
- 8.1.2.4 *WADA*, the *International Federation*, and the *National Federation* of the *Athlete* or other *Person* may attend the hearing as observers. In any event, ADAK shall keep them fully apprised as to the status of pending cases and the result of all hearings.

8.2 Notice of Decisions.

- 8.2.1 At the end of the hearing, or promptly thereafter, the Hearing Panel shall issue a written decision that conforms with Article 9 of the *International Standard for Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, the *Disqualification* of results under Article 10.10 and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.
- 8.2.2 ADAK shall notify that decision to the *Athlete* or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 and shall promptly report it into ADAMS. The decision may be appealed as provided in Article 13.

8.3 Waiver of Hearing.

- 8.3.1 An *Athlete* or other *Person* against whom an Anti-Doping violation is asserted may admit that violation at any time, waive a hearing and accept the *Consequences* proposed by ADAK and may, if applicable benefit from a *Results Management* agreement under the conditions set out in Article 10.8.
- 8.3.2 However, if the *Athlete* or other *Person* against whom an Anti-Doping rule violation is asserted fails to dispute that assertion within fourteen (14) days, then they shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the proposed *Consequences*.
- 8.3.3 In cases where Article 8.3.1 or 8.3.2 applies, a hearing before the Hearing Panel shall not be required. Instead ADAK shall promptly issue a written decision that conforms with Article 9 of the *International Standard for Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, the *Disqualification* of results under Article 10.10 and, if applicable a justification for why the greatest potential *Consequences* were not imposed.
- 8.3.4 ADAK shall notify that decision to the *Athlete* or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 and shall promptly report it into ADAMS. ADAK shall *Publicly Disclose* that decision in accordance with Article 14.3.2.

8.4 Single Hearing Before CAS.

Anti-Doping rule violations asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, ADAK (where it has *Results Management* responsibility in accordance with Article 7) and WADA, be heard in a single hearing directly at CAS.

Article 9 – AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

9.1 Automatic disqualification.

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

Article 10 – SANCTIONS ON INDIVIDUALS

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

- 10.1.1 An Anti-Doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.2.

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

- 10.1.2 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.

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

The period of *Ineligibility* for a violation of Article 2.1, 2.2 or 2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:

- 10.2.1 The period of *Ineligibility*, subject to Article 10.2.4 shall be four (4) years where:
- 10.2.1.1 The Anti-Doping rule violation does not involve a *Specified Substance* or a *Specified Method*, unless the *Athlete* or other *Person* can establish that the Anti-Doping rule violation was not intentional.
- 10.2.1.2 The Anti-Doping rule violation involves a *Specified Substance*, or a *Specified Method* and ADAK can establish that the Anti-Doping rule violation was intentional.
- 10.2.2 If Article 10.2.1 does not apply, subject to Article 10.2.4.1, the period of *Ineligibility* shall be two (2) years.
- 10.2.3 As used in Article 10.2, the term intentional is meant to identify those *Athletes* or other *Persons* who engage in conduct which they knew constituted an Anti-Doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping rule violation and manifestly disregarded that risk. 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.
- 10.2.4 Notwithstanding any other provision in Article 10.2, where the Anti-Doping rule violation involves a *Substance of Abuse*:
- 10.2.4.1 If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be three (3) months *Ineligibility*.
- In addition, the period of *Ineligibility* calculated under this Article 10.2.4.1 may be reduced to one (1) month if the *Athlete* or other *Person* satisfactorily completes a *Substance of Abuse* treatment program approved by ADAK. The period of *Ineligibility* established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.
- 10.2.4.2 If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the ingestion, *Use* or *Possession* shall not be considered intentional for purposes of Article 10.2.1 and shall not provide a basis for a finding of *Aggravating Circumstances* under Article 10.4.

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

The period of *Ineligibility* for Anti-Doping rule violations other than as provided in Article 10.2 shall be as follows, unless Article 10.6 or 10.7 are applicable:

- 10.3.1 For violations of Article 2.3 or 2.5, the period of *Ineligibility* shall be four (4) years except:
- (i) in the case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the Anti-Doping rule violation was not intentional, the period of *Ineligibility* shall be two (2) years;
 - (ii) in all other cases, if the *Athlete* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility* the period of *Ineligibility*, shall be in a range from two (2) years to four (4) years depending on the *Athlete* or other *Person's* degree of *Fault*; or
 - (iii) in a case involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.
- 10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete's* degree of *Fault*. The flexibility between two(2) years and one (1) year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last- minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.
- 10.3.3 For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Protected Person* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or 2.8, which may also violate non sporting laws and regulations, shall be reported to the competent administrative professional or judicial authorities.
- 10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation.
- 10.3.5 For violations of Article 2.10, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.
- 10.3.6 For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the

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seriousness of the violation by the *Athlete* or other *Person*.

10.4 *Aggravating Circumstances* which may increase the Period of *Ineligibility*.

If ADAK establishes in an individual case involving an Anti-Doping rule violation other than violations under Article 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (*Complicity*) or 2.11 (*Acts by an Athlete or other Person to Discourage or Retaliate Against Reporting*) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances* unless the *Athlete* or other *Person* can establish that he or she did not knowingly commit the Anti-Doping rule violation.

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

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

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

10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Article 2.1, 2.2 or 2.6.

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

10.6.1.1 *Specified Substances* or *Specified Methods*

Where the Anti-Doping rule violation involves a *Specified Substance* (other than a *Substance of Abuse*) or *Specified Method*, and the *Athlete* or other *Person* can establish *No Significant Fault* or *Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years of *Ineligibility*, depending on the *Athletes* or other *Person's* degree of *Fault*.

10.6.1.2 *Contaminated Products*

In cases where the *Athlete* or other *Person* can establish both *No Significant Fault* or *Negligence* and that the detected *Prohibited Substance* (other than a *Substance of Abuse*) came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete* or other *Person's* degree of *Fault*.

10.6.1.3 *Protected Persons* or *Recreational Athletes*

Where the Anti-Doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person* or *Recreational Athlete*, and the *Protected Person* or *Recreational Athlete* can establish *No Significant Fault* or *Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

10.6.2 Application of *No Significant Fault* or *Negligence* beyond the Application of Article 10.6.1

If an *Athlete* or other *Person* establishes in an individual case where Article 10.6.1 is not applicable, that he or she bears *No Significant Fault* or *Negligence*, then, subject to further reduction or elimination as provided in Article 10.7, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or other *Person's* degree of *Fault* but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight (8) years.

10.7 Elimination, Reduction or Suspension of Period of *Ineligibility* or other *Consequences* for Reasons other than *Fault*.

10.7.1 *Substantial Assistance* in Discovering or Establishing *Code* Violations

- 10.7.1.1 ADAK may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in:
- (i) the *Anti-Doping Organization* discovering or bringing forward an Anti-Doping rule violation by another Person; or
 - (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to ADAK or other *Anti-Doping Organization* with *Results Management* responsibility; or
 - (iii) which results in WADA initiating a proceeding against a *Signatory*, WADA-accredited laboratory or *Athlete* passport management unit (as defined in the *International Standard for Testing and Investigations*) for non-compliance with the *Code International Standard* or *Technical Document*; or
 - (iv) with the approval by WADA, which results in a criminal or disciplinary body bringing forward a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping. After an appellate decision under Article 13 or the expiration of time to appeal, ADAK may only suspend a part of the otherwise applicable *Consequences* with the approval of WADA and the applicable International Federation.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the Anti-Doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport, non-compliance with the *Code* and/or sport integrity violations.

No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2 of these Anti-Doping Rules.

If so, requested by an *Athlete* or other *Person* who seeks to provide *Substantial Assistance*, ADAK shall allow the *Athlete* or other *Person* to provide the information to it subject to a *Without Prejudice Agreement*.

If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of *Consequences* was based, ADAK shall reinstate the original *Consequences*. If ADAK decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

- 10.7.1.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of ADAK or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an Anti-Doping rule violation, or other violation of the *Code*, WADA may agree at any stage

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of the *Results Management* process, including after an appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, WADA may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, no mandatory *Public Disclosure* and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of *Consequences*, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article 10.7.1.2 may not be appealed.

10.7.1.3

If ADAC suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where WADA determines that it would be in the best interest of Anti-Doping, WADA may authorize ADAC to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

10.7.2

Admission of an Anti-Doping Rule Violation in the Absence of other Evidence

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

10.7.3

Application of Multiple Grounds for Reduction of a Sanction.

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of Article 10.5, 10.6 or 10.7, before applying any reduction or suspension under Article 10.7, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.5 and 10.6. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.7, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

10.8 Results Management Agreements.

10.8.1

One (1) Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction.

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Where an *Athlete* or other *Person*, after being notified by ADAK of a potential Anti-Doping rule violation that carries an asserted period of *Ineligibility* of four (4) or more years (including any period of *Ineligibility* asserted under Article 10.4), admits the violation and accepts the asserted period of *Ineligibility* no later than twenty (20) days after receiving notice of an Anti-Doping rule violation charge, the *Athlete* or other *Person* may receive a one (1) year reduction in the period of *Ineligibility* asserted by ADAK. Where the *Athlete* or other *Person* receives the one (1) year reduction in the asserted period of *Ineligibility* under this Article 10.8.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.

10.8.2 Case Resolution Agreement.

Where the *Athlete* or other *Person* admits an Anti-Doping rule violation after being confronted with the Anti-Doping rule violation by ADAK and agrees to *Consequences* acceptable to ADAK and WADA, at their sole discretion, then:

- (a) the *Athlete* or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by ADAK and WADA of the application of Articles 10.1 through 10.7 to the asserted Anti-Doping rule violation, the seriousness of the violation, the *Athlete* or other *Person's* degree of *Fault* and how promptly the *Athlete* or other *Person* admitted the violation; and
- (b) the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another Anti-Doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward from the earlier of the date the *Athlete* or other *Person* accepted the imposition of a sanction or a *Provisional Suspension* which was subsequently respected by the *Athlete* or other *Person*. The decision by WADA and ADAK to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of the period of *Ineligibility*, are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this Article, ADAK shall allow the *Athlete* or other *Person* to discuss an admission of the Anti Doping rule violation with it subject to a *Without Prejudice Agreement*.

10.9 Multiple Violations.

10.9.1 Second or Third Anti-Doping Rule Violation.

10.9.1.1 For an *Athlete* or other *Person's* second Anti-Doping rule violation the period of *Ineligibility* shall be the greater of:

- (a) a six (6) month period of *Ineligibility*; or
- (b) a period of *Ineligibility* in the range between:
 - (i) the sum of the period of *Ineligibility* imposed for the first Anti-Doping rule violation plus the period of *Ineligibility* otherwise applicable to the second Anti Doping rule violation treated as if it were a first violation; and
 - (ii) twice the period of *Ineligibility* otherwise applicable to the second Anti-Doping rule violation treated as if it were a first violation.

The period of *Ineligibility* within this range shall be determined based on the entirety of the circumstances and the *Athlete* or other *Person's* degree of *Fault* with respect to the second violation.

10.9.1.2 A third Anti-Doping rule violation will always result in a lifetime period of *Ineligibility* except if the third violation fulfills the condition for elimination or reduction of the period of

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Ineligibility under Article 10.5 or 10.6 or involves a violation of Article 2.4. In these particular cases the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

10.9.1.3

The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further reduced by the application of Article 10.7.

10.9.2

An Anti-Doping rule violation for which an *Athlete* or other *Person* has established *No Fault* or *Negligence* shall not be considered a violation for purposes of this Article 10.9. In addition an Anti-Doping rule violation sanctioned under Article 10.2.4.1 shall not be considered a violation for purposes of Article 10.9.

10.9.3

Additional Rules for Certain Potential Multiple Violations.

10.9.3.1

For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an Anti-Doping rule violation will only be considered a second violation if ADAK can establish that the *Athlete* or other *Person* committed the additional Anti-Doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7, or after ADAK made reasonable efforts to give notice of the first Anti-Doping rule violation. If ADAK cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier Anti-Doping rule violation will be *Disqualified* as provided in Article 10.10.

10.9.3.2

If ADAK establishes that an *Athlete* or other *Person* committed an additional Anti-Doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

10.9.3.3

If ADAK establishes that an *Athlete* or other *Person* committed a violation of Article 2.5 in connection with the *Doping Control* process for an underlying asserted Anti-Doping rule violation, the violation of Article 2.5 shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying Anti-Doping rule violation. Where this Article 10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

10.9.3.4

If ADAK establishes that an *Athlete* or other *Person* has committed a second or third Anti-Doping rule violation during a period of *Ineligibility* the periods of *Ineligibility* for the multiple violations shall run consecutively rather than concurrently.

10.9.4

Multiple Anti-Doping Rule Violations during Ten (10) Year Period.

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For purposes of Article 10.9, each Anti-Doping rule violation must take place within the same ten (10) year period in order to be considered multiple violations.

10.10 *Disqualification of Results In Competitions* Subsequent to *Sample* Collection or Commission of an Anti Doping Rule Violation.

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

10.11 Forfeited Prize Money.

If ADAK recovers prize money forfeited as a result of an Anti-Doping rule violation, it shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed.

10.12 *Financial Consequences*

- 10.12.1 Where an *Athlete* or other *Person* commits an Anti-Doping rule violation, ADAK may, in its discretion and subject to the principle of proportionality, elect to—
- (a) recover from the *Athlete* or other *Person* costs associated with the Anti-Doping rule violation, regardless of the period of *Ineligibility* imposed and/or.
 - (b) fine the *Athlete* or other *Person* in an amount up to Five Hundred Thousand (500,000) Kenya Shillings only in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed.

- 10.12.2 The imposition of a financial sanction or the ADAK's recovery of costs shall not be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under these Anti-Doping Rules.

10.13 Commencement of *Ineligibility* Period.

Where an *Athlete* is already serving a period of *Ineligibility* for an Anti-Doping rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, except as provided below, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed.

- 10.13.1 Delays Not Attributable to the *Athlete* or other *Person*.

Where there have been substantial delays in the hearing process or other aspects of *Doping Control*, and the *Athlete* or other *Person* can establish that such delays are not attributable to the *Athlete* or other *Person*, ADAK or ADAK's Hearing Panel, if applicable, 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*.

- 10.13.2 Credit for *Provisional Suspension* or Period of *Ineligibility* Served.

- 10.13.2.1 If a *Provisional Suspension* is respected by the *Athlete* or other *Person* then the *Athlete* or other *Person* shall receive a credit for such period

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of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If the *Athlete* or other *Person* does not respect a *Provisional Suspension*, then the *Athlete* or other *Person* shall receive no credit for any period of *Provisional Suspension* served. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

- 10.13.2.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from ADAK and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or other *Person*'s voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted Anti-Doping rule violation under Article 14.1.
- 10.13.2.3 No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Athlete* elected not to compete or was suspended by a team.
- 10.13.2.4 In *Team Sports*, where a period of *Ineligibility* is imposed upon a team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

10.14 Status During *Ineligibility* or *Provisional Suspension*.10.14.1 Prohibition Against Participation During *Ineligibility* or *Provisional Suspension*.

No *Athlete* or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*, participate in any capacity in a *Competition* or activity (other than authorized Anti-Doping Education or rehabilitation programs) authorized or organized by any *Signatory*, *Signatory*'s member organization, or a club or other member organization of a *Signatory*'s member organization, or *In Competitions* authorized or organized by any professional league or any international or national -level *Event* organization or any elite or national-level sporting activity funded by a governmental agency.

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four (4) years may, after completing four(4)years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the authority of a *CodeSignatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Athlete* or other *Person* working in any capacity with *Protected Persons*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing* and any requirement by ADAK to provide whereabouts information.

10.14.2 Return to Training

As an exception to Article 10.14.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organization of ADAK's or other *Signatory*'s member organization during the shorter of: (1) the last two months of the *Athlete*'s period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.

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10.14.3 Violation of the Prohibition of Participation During *Ineligibility* or *Provisional Suspension*.

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.14.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility*, including a reprimand and no period of *Ineligibility*, may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose *Results Management* led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

An *Athlete* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in Article 10.14.1 shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or a *Provisional Suspension*, ADAK shall impose sanctions for a violation of Article 2.9 for such assistance.

10.14.4 Withholding of Financial Support during *Ineligibility*.

In addition, for any Anti-Doping rule violation not involving a reduced sanction as described in Article 10.5 or 10.6, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by ADAK, the Government of Kenya, the *National Olympic Committee* of Kenya, the *National Paralympic Committee* of Kenya and the *National Federations*.

10.15 Automatic Publication of Sanction.

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

Article 11 – CONSEQUENCES TO TEAMS

*Consequences for Team Sports*11.1 *Testing of Team Sports*

Where more than one (1) member of a team in a *Team Sport* has been notified of an Anti-Doping rule violation under Article 7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of the team during the *Event Period*.

11.2 *Consequences for Team Sports*

If more than two (2) members of a team in a *Team Sport* are found to have committed an Anti-Doping rule violation during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the Anti-Doping rule violation.

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

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

Article 12 – SANCTIONS BY ADAK AGAINST OTHER SPORTING BODIES

12. When ADAK becomes aware that a *National Sports Federation* in Kenya or any other sporting body in Kenya over which it has authority has failed to comply with, implement, uphold and enforce these Anti-Doping Rules within that organization's or body's area of competence, ADAK may elect to request the *National Olympic Committee* of Kenya,

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the Government of Kenya or International Federations to take the following additional disciplinary actions, or, where it has the authority, may itself take the following additional disciplinary actions:

12.1 Exclude all, or some group of, members of that organization or body from specified future *Events* or all *Events* conducted within a specified period of time.

12.2 Take additional disciplinary actions with respect to that organization's or body's recognition, the eligibility of their members to participate in the ADAK's activities, and/or fine that Organization or body based on the following:

- 12.2.1 Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed by *Athletes* or other *Persons* affiliated with that organization or body during a twelve (12) month period. In such event:
- (a) all or some group of members of that organization or body may be banned from participation in any ADAK activities for a period of up to two (2) years and/or,
 - (b) that organization or body may be fined in an amount up to Five Hundred Thousand (500,000) Kenya Shillings.
- 12.2.2 Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed in addition to the violations described in Article 12.2.1 by *Athletes* or other *Persons* affiliated with that organization or body during a twelve (12) month period. In such event, that organization or body may be suspended for a period of up to four (4) years.
- 12.2.3 More than one *Athlete* or other *Person* affiliated with that organization or body commits an Anti-Doping rule violation during an *International Event*. In such event, that organization or body may be fined in an amount up to Five Hundred Thousand (500,000) Kenya Shillings.
- 12.2.4 That organization or body has failed to make diligent efforts to keep ADAK informed about an *Athlete's* whereabouts after receiving a request for that information from ADAK. In such event, that organization or body may be fined an amount up to Five Hundred Thousand (500,000) Kenya Shillings per *Athlete*, in addition to reimbursement of all of the ADAK costs incurred in *Testing* that organization's or body's *Athletes*.
- 12.2.5 A *National Federation* shall be deregistered by the Registrar of Sports based on any of the following:
- 12.2.5.1 Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed by *Athletes* or other *Persons* affiliated with a *National Sport Federation* within a twelve (12) month period.
 - 12.2.5.2 More than one *Athlete* or other *Person* from a *National Sport Federation* commits an Anti-Doping Rule violation during an *International Event*.
 - 12.2.5.3 A *National Sport Federation* has failed to make diligent efforts to keep ADAK informed about an *Athlete's* whereabouts after receiving a request for that information from ADAK.

12.3 ADAK has the authority to request the Sports Fund and other relevant public and private authorities to withhold some or all funding or other financial and non-financial support to that organization or body which is not in compliance with these Anti-Doping Rules.

12.4 Get that organization or body to reimburse ADAK for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to a violation of these Anti-Doping Rules committed by an *Athlete* or other *Person* affiliated with that organization or body.

Article 13 – RESULTS MANAGEMENT APPEALS

13.1 Decisions Subject to Appeal

Decisions made under the *Code* or these Anti-Doping Rules may be appealed as set forth below in Articles 13.2 through 13.7 or as otherwise provided in these Anti-Doping Rules, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

13.1.1 Scope of Review Not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any Party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.

13.1.2 CAS Shall Not Defer to the Findings Being Appealed

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

13.1.3 WADA Not Required to Exhaust Internal Remedies

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

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

A decision that an Anti-Doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an Anti-Doping rule violation, or a decision that no Anti-Doping rule violation was committed; a decision that an Anti-Doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six (6) months' notice requirement for a retired *Athlete* to return to *Competition* under Article 5.6.1; a decision by WADA assigning *Results Management* under Article 7.1 of the *Code*; a decision by ADAK 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 in accordance with the *International Standard for Results Management*; a decision to impose, or lift, a *Provisional Suspension* as a result of a *Provisional Hearing*; ADAK's failure to comply with Article 7.4; a decision that ADAK lacks authority to rule on an alleged Anti-Doping rule violation or its *Consequences*; a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Article 10.7.1; failure to comply with Articles 7.1.4 and 7.1.5 of the *Code*; failure to comply with Article 10.8.1; a decision under Article 10.14.3; a decision by ADAK not to implement another *Anti-Doping Organization's* decision under Article 15; and a decision under Article 27.3 of the *Code* may be appealed exclusively as provided in this Article 13.2.

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

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

13.2.2 Appeals Involving Other *Athletes* or Other Persons.

In cases where Article 13.2.1 is not applicable, the decision may be appealed to the ADAK's Appeal Panel (Sports Tribunal). The appeal process shall be carried out in accordance with the *International Standard for Results Management*.

13.2.2.1 Hearings before the ADAK's Appeal Panel

13.2.2.1.1 The ADAK's Appeal Panel is established under Section 31A of the Anti-Doping Act of Kenya

13.2.2.1.2 The appointed members shall be *Operationally* and *Institutionally Independent* Board members, staff members, commission members, consultants and officials of ADAK or its affiliates (such as a *Delegated Third Party*), as well as any *Person* involved in the investigation, pre-adjudication or *Results Management* of the matter, cannot be appointed as members and/or clerks of ADAK's Appeal Panel. In particular, no member shall have previously considered any *TUE* application, *Results Management* decision, first instance, or appeal involving the same *Athlete* in a given case.

13.2.2.1.3 ADAK's Appeal Panel shall be in a position to conduct the hearing and decision making process without interference from ADAK or any third party.

13.2.2.1.4 If a member appointed by the Chair to hear a case is unwilling or unable, for whatever reason, to hear the case, the Chair may appoint a replacement or appoint a new hearing panel.

13.2.2.1.5 The ADAK's Appeal Panel has the power, at its absolute discretion, to appoint an expert to assist or advise the panel.

13.2.2.1.6 The International Federation, the *National Federation* concerned, the *National Olympic Committee*, if not a party (or parties) to the proceedings, and *WADA* each have the right to attend hearings of the ADAK's Appeal Panel as an observer.

13.2.2.1.7 Hearings pursuant to this Article should be completed as expeditiously as possible. Hearings held in connection with *Events* may be conducted on an expedited basis.

13.2.2.2 Proceedings of the ADAK's Appeal Panel

13.2.2.2.1 The proceedings of the ADAK's Appeal Panel shall respect the principles described in Anti-Doping Act and Articles 8, 9 and 10 of the *International Standard for Results Management*.

13.2.2.2.2 Upon appointment by the Chair as a member of an ADAK's Appeal Panel, each member must also sign a declaration that there are no facts or circumstances known to him or her which might call into question their impartiality in the eyes of any of the parties, other than those circumstances disclosed in the declaration.

13.2.2.2.3 The appellant shall present his/her case and the respondent party or parties shall present his/her/their case(s) in reply.

13.2.2.2.4 If any party or his/her representative fail to attend a hearing after notification, the hearing may nevertheless proceed.

13.2.2.2.5 Each party shall have the right to be represented by counsel at a hearing at that party's own expense.

13.2.2.2.6 Each party shall have the right to an interpreter at the hearing at that party's expense.

13.2.2.2.7 Each party to the proceedings has the right to access and present relevant evidence, to submit written and oral submissions, and to call and examine witnesses.

13.2.2.3 Decisions of the ADAK's Appeal Panel

13.2.2.3.1 At the end of the hearing, or promptly thereafter, the ADAK's Appeal Panel shall issue a written, dated and signed decision that respects the principles of Article 9 of the *International Standard for Results Management*.

13.2.2.3.2 The decision shall notably include 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.

13.2.2.3.3 ADAK shall notify the decision to the *Athlete* or other *Person* to his or her *National Federation*, and to *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 and shall promptly report it into *ADAMS*.

13.2.2.3.4 The decision may be appealed as provided in Article 13.2.3 and *Publicly Disclosed* as provided in Article 14.3.

13.2.3 *Persons* Entitled to Appeal.

13.2.3.1 Appeals Involving *International Level Athletes* or *International Events*

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

- (a) the *Athlete* or other *Person* who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) the relevant International Federation;
- (d) ADAK 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 Appeals Involving Other *Athletes* or Other *Persons*.

In cases under Article 13.2.2, the following parties shall have the right to appeal:

- (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) ADAK 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.

For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee and the relevant International Federation shall also have the right to appeal to CAS with respect to the decision of the ADAK's Appeal Panel.

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Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if CAS so directs.

13.2.3.3 Duty to Notify

All parties to any CAS appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.

13.2.3.4 Appeal from Imposition of *Provisional Suspension*.

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

13.2.3.5 Appeal from Decisions under Article 12.

Decisions by ADAK pursuant to Article 12 may be appealed exclusively to CAS by the *National Federation* or other body.

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 under the *Code* are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

13.3 Failure to Render a Timely Decision by ADAK

Where, in a particular case, ADAK 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 ADAK 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 ADAK.

13.4 Appeals Relating to TUEs

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

13.5 Notification of Appeal Decisions

ADAK shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.

13.6 Time for Filing Appeals

13.6.1 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 the notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the *Anti-Doping Organization* that had *Results Management* authority;
- (b) If such a request is made within the fifteen (15) 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 having a right to appeal could have appealed, or
- (b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

13.6.2 Appeals under Article 13.2.2

The time to file an appeal to the ADAK's Appeal Panel shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal, but which was not a party to the proceedings having 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 a copy of the full case file pertaining to the decision from the *Anti-Doping Organization* that had *Results Management* authority;
- (b) If such a request is made within the fifteen (15) day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to the National Anti-Doping Appeal Panel.

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 having a right to appeal could have appealed; or
- (b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

Article 14 – CONFIDENTIALITY AND REPORTING

14.1 Information concerning *Adverse Analytical Findings*, *Atypical Findings* and Other Asserted Anti Doping Rule Violations

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

Notice to *Athletes* or other *Persons* of Anti-Doping rule violations asserted against them shall occur as provided under Articles 7 and 14.

If at any point during *Results Management* up until the Anti-Doping rule violation charge, ADAK decides not to move forward with a matter, it must notify the *Athlete* or other *Person* (provided that the *Athlete* or other *Person* had been already informed of the ongoing *Results Management*).

Notices shall be delivered to *Athletes* or other *Persons* by hand, post, electronic mail or any other means.

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

Notice of the assertion of an Anti-Doping rule violation to the *Athlete's* or other *Person's National Anti-Doping Organization*, if different from ADAK, International Federation and WADA shall occur as provided under Articles 7 and 14, simultaneously with the notice to the *Athlete* or other *Person*.

If at any point during *Results Management* up until the Anti-Doping rule violation charge, ADAK decides not to move forward with a matter, it must give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under Article 13.2.3.

Notices shall be delivered by hand, post, electronic mail or any other means.

14.1.3 Content of an Anti-Doping Rule Violation Notice

Notification of an Anti-Doping rule violation shall include: the *Athlete's* or other *Person's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether

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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* and *International Standard for Results Management*.

Notification of Anti-Doping rule violations other than under Article 2.1 shall also 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 a notice of an Anti-Doping rule violation pursuant to Article 14.1.1, the *Athlete's* or other *Person's National Anti-Doping Organization*, if different from ADAK, International Federation and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

14.1.5 Confidentiality

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

14.1.6 Protection of Confidential Information by an Employee or Agent of ADAK

ADAK 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 Article 14.3. ADAK shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants and *Delegated Third Parties* are subject to a fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and/or unauthorized disclosure of such confidential information.

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

14.2.1 Anti-Doping rule violation decisions or decisions related to violations of *Ineligibility* or *Provisional Suspension* rendered pursuant to Article 7.6, 8.2, 10.5, 10.6, 10.7, 10.14.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, ADAK shall provide an English or French summary of the decision and the supporting reasons.

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

14.3 *Public Disclosure*

14.3.1 After notice has been provided to the *Athlete* or other *Person* in accordance with the *International Standard for Results Management*, and to the applicable *Anti-Doping Organizations* in accordance with Article 14.1.2, the identity of any *Athlete* or other *Person* who is notified of a potential Anti-Doping rule violation, the *Prohibited*

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- Substance or Prohibited Method* and the nature of the violation involved, and whether the *Athlete* or other *Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by ADAK.
- 14.3.2 No later than twenty (20) days after it has been determined in an appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an Anti-Doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8, or a new period of *Ineligibility*, or reprimand, has been imposed under Article 10.14.3, ADAK must *Publicly Disclose* the disposition of the Anti-Doping matter including the sport, the Anti-Doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance or Prohibited Method* involved (if any) and the *Consequences* imposed ADAK must also *Publicly Disclose* within twenty (20) days the results of appellate decisions concerning Anti-Doping rule violations, including the information described above.
- 14.3.3 After an Anti-Doping rule violation has been determined to have been committed in an appellate decision under Article 13.2.1 or 13.2.2 or such appeal has been waived, or in a hearing in accordance with Article 8 or where such hearing has been waived, or the assertion of an Anti-Doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8, ADAK may make public such determination or decision and may comment publicly on the matter.
- 14.3.4 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an Anti-Doping rule violation, the fact that the decision has been appealed may be *Publicly Disclosed*. However, the decision itself and the underlying facts may not be *Publicly Disclosed* except with the consent of the *Athlete* or other *Person* who is the subject of the decision. ADAK shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.
- 14.3.5 Publication shall be accomplished at a minimum by placing the required information on the ADAK's website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*. It will be removed immediately after the expiry of the indicated time periods.
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14.3.6 Except as provided in Articles 14.3.1 and 14.3.3, no *Anti-Doping Organization*, *National Federation* or *WADA* accredited laboratory, or any official of any such 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, or based on information provided by, the *Athlete*, other *Person* or their entourage or other representatives.

14.3.7 The mandatory *Public Disclosure* required in Article 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an Anti-Doping rule violation is a *Minor Protected Person* or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Minor Protected Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.

14.4 Statistical Reporting

ADAK shall, at least annually, publish publicly a general statistical report of its *Doping Control* activities, with a copy provided to *WADA*. ADAK may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*.

14.5 Doping Control Information Database and Monitoring of Compliance

To enable *WADA* to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable *Doping Control* Information among *Anti-Doping Organizations*, ADAK shall report to *WADA* through *ADAMS Doping Control*-related information, including in particular:

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

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

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

14.5.2 To facilitate *WADA*'s oversight and appeal rights for *TUEs*, ADAK shall report all *TUE* applications, decisions and supporting documentation using *ADAMS* in accordance with the requirements and timelines contained in the *International Standard* for *Therapeutic Use Exemptions*.

- 14.5.3 To facilitate WADA's oversight and appeal rights for *Results Management*, ADAK shall report the following information into ADAMS in accordance with the requirements and timelines outlined in the *International Standard for Results Management*:
- (a) notifications of Anti-Doping rule violations and related decisions for *Adverse Analytical Findings*;
 - (b) notifications and related decisions for other Anti-Doping rule violations that are not *Adverse Analytical Findings*;
 - (c) whereabouts failures; and
 - (d) any decision imposing, lifting or reinstating a *Provisional Suspension*.

- 14.5.4 The information described in this Article will be made accessible, where appropriate and in accordance with the applicable rules to the *Athlete*, the *Athlete's National Anti-Doping Organization* and International Federation, and any other *Anti-Doping Organizations* with *Testing* authority over the *Athlete*.

14.6 Data Privacy

- 14.6.1 ADAK may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct its *Anti-Doping Activities* under the *Code*, the *International Standards* (including specifically the *International Standard for the Protection of Privacy and Personal Information*), these Anti-Doping Rules and in compliance with applicable law.
- 14.6.2 Without limiting the foregoing, ADAK shall:
- (a) only process personal information in accordance with the Data Protection Act, 2019;
 - (b) notify any *Participant* or *Person* subject to these Anti-Doping Rules, in a manner and form that complies with applicable laws and the *International Standard for the Protection of Privacy and Personal Information*, that their personal information may be processed by ADAK and other *Persons* for the purpose of the implementation of these Anti-Doping Rules;
 - (c) ensure that any third-party agents (including any *Delegated Third Party*) with whom ADAK shares the personal information of any *Participant* or *Person* is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

Article 15 – IMPLEMENTATION OF DECISIONS

15.1 Automatic Binding Effect of Decisions by *Signatory Anti Doping Organisations*

- 15.1.1 A decision of an Anti-Doping rule violation made by a *Signatory Anti-Doping Organization*, an appellate body (Article 13.2.2 of the *Code*) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon ADAK and any *National Federation* in Kenya, as well as every *Signatory* in every sport with the effects described below:

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- 15.1.1.1 A decision by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Athlete* or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing* expedited hearing or expedited appeal offered in accordance with Article 7.4.3) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.
- 15.1.1.2 A decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.
- 15.1.1.3 A decision by any of the above-described bodies accepting an Anti-Doping rule violation automatically binds all *Signatories*.
- 15.1.1.4 A decision by any of the above-described bodies to *Disqualify* results under Article 10.10 for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.
- 15.1.2 ADAK and any *National Federation* in Kenya shall recognize and implement a decision and its effects as required by Article 15.1.1, without any further action required, on the earlier of the date ADAK receives actual notice of the decision or the date the decision is placed by WADA into ADAMS.
- 15.1.3 A decision by an *Anti-Doping Organization*, an appellate body or CAS to suspend, or lift *Consequences* shall be binding upon ADAK, and any *National Federation* in Kenya without any further action required, on the earlier of the date ADAK receives actual notice of the decision or the date the decision is placed into ADAMS.
- 15.1.4 Notwithstanding any provision in Article 15.1.1, however, a decision of an Anti-Doping rule violation by a *Major Event Organization* made in an expedited process during an *Event* shall not be binding on ADAK or *National Federations* in Kenya unless the rules of the *Major Event Organization* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.

15.2 Implementation of other Decisions by *Anti-Doping Organizations*

ADAK and any *National Federation* in Kenya may decide to implement other Anti-Doping decisions rendered by *Anti-Doping Organizations* not described in Article 15.1.1 above, such as a *Provisional Suspension* prior to a *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.

15.3 Implementation of Decisions by Body that is not a *Signatory*

An Anti-Doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by ADAK and any *National Federation* in Kenya, if ADAK finds that the decision purports to be within the authority of that body and the Anti-Doping rules of that body are otherwise consistent with the *Code*.

Article 16 – STATUTE OF LIMITATIONS

16. Statute of Limitations

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

Article 17 – EDUCATION

17. Education

ADAK shall plan, implement, evaluate and promote *Education* in line with the requirements of Article 18.2 of the *Code* and the *International Standard for Education*.

Article 18 – ADDITIONAL ROLES AND RESPONSIBILITIES OF NATIONAL FEDERATIONS

18. Additional roles and responsibilities of *National Federations*

- 18.1 All *National Federations* of Kenya and their members shall comply with the *Code*, *International Standards*, and these Anti-Doping Rules. All *National Federations* of Kenya and other members shall include in their policies, rules and programs the provisions necessary to recognize the authority and responsibility of ADAK for implementing the Kenya's National Anti-Doping Program and enforcing these Anti-Doping Rules (including carrying out *Testing*) directly in respect of *Athletes* and other *Persons* under their Anti Doping authority as specified in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").
- 18.2 Each *National Federation* of Kenya shall accept and abide by the spirit and terms of Kenya's National Anti-Doping Program and these Anti-Doping Rules as a condition of receiving financial and/or other assistance from the Government of Kenya and/or the *National Olympic Committee* of Kenya.
- 18.3 Each *National Federation* of Kenya shall incorporate these Anti-Doping Rules either directly or by reference into its governing documents, constitution and/or rules as part of the rules of sport that bind their members so that the *National Federation* may enforce them itself directly in respect of *Athletes* and other *Persons* under its Anti-Doping authority.
- 18.4 By adopting these Anti-Doping Rules and incorporating them into their governing documents and rules of sport, *National Federations* shall cooperate with and support ADAK in that function. They shall also recognize, abide by and implement the decisions made pursuant to these Anti-Doping Rules, including the decisions imposing sanctions on *Persons* under their authority.
- 18.5 All *National Federations* of Kenya shall take appropriate action to enforce compliance with the *Code*, *International Standards* and these Anti-Doping Rules by *inter alia*:
 - (i) conducting *Testing* only under the documented authority of their International Federation and using ADAK or other *Sample* collection authority to collect *Samples* in compliance with the *International Standard for Testing* and Investigations;
 - (ii) recognizing the authority of ADAK in accordance with Article 5.2.1 of the *Code* and assisting as appropriate with ADAK's implementation of the national *Testing* program for their sport;
 - (iii) analyzing all *Samples* collected using a WADA-accredited or WADA-approved laboratory in accordance with Article 6.1; and
 - (iv) ensuring that any national level Anti-Doping rule violation cases discovered by *National Federations* are adjudicated by an

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Operationally Independent hearing panel in accordance with Article 8.1 and the *International Standard for Results Management*.

- 18.6 All *National Federations* shall establish rules requiring all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by a *National Federation* or one of its member organizations and all *Athlete Support Personnel* associated with such *Athletes* to agree to be bound by these Anti-Doping Rules and to submit to the *Results Management* authority of the *Anti-Doping Organization* in conformity with the *Code* as a condition of such participation.
- 18.7 All *National Federations* shall report any information suggesting or relating to an Anti-Doping rule violation to ADAK and to their International Federation and shall cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.
- 18.8 All *National Federations* 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 authority of ADAK or the *National Federation*.
- 18.9 All *National Federations* shall conduct *Anti Doping Education* in coordination with ADAK.

Article 19 – ADDITIONAL ROLES AND RESPONSIBILITIES OF ADAK

19. Additional roles and responsibilities of ADAK

- 19.1 In addition to the roles and responsibilities described in Article 20.5 of the *Code* for *National Anti-Doping Organizations*, ADAK shall report to WADA on ADAK's compliance with the *Code* and *International Standards* in accordance with Article 24.1.2 of the *Code*.
- 19.2 Subject to applicable law, and in accordance with Article 20.5.10 of the *Code*, all ADAK board members, directors, officers and those employees (and those of appointed *Delegated Third Parties*) who are involved in any aspect of *Doping Control*, must sign a form provided by ADAK, agreeing to be bound by these Anti-Doping Rules as *Persons* in conformity with the *Code* for direct and intentional misconduct.
- 19.3 Subject to applicable law, and in accordance with Article 20.5.11 of the *Code*, any ADAK employee who is involved in *Doping Control* (other than authorized *Anti-Doping Education* or rehabilitation programs) must sign a statement provided by ADAK confirming that they are not *Provisionally Suspended* or serving a period of *Ineligibility* and have not been directly or intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of Anti-Doping rules if *Code* compliant rules had been applicable to them.

Article 20 – ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES

20. Additional roles and responsibilities of *Athletes*.

- 20.1 To be knowledgeable of and comply with these Anti-Doping Rules.
- 20.2 To be available for *Sample* collection at all times.
- 20.3 To take responsibility, in the context of Anti-Doping, for what they ingest and *Use*.
- 20.4 To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.
- 20.5 To disclose to ADAK and their International Federation any decision by a non-*Signatory* finding that the *Athlete* committed an Anti-Doping rule violation within the previous ten (10) years.

- 20.6 To cooperate with *Anti-Doping Organizations* investigating Anti-Doping rule violations.

Failure by any *Athlete* to cooperate in full with *Anti-Doping Organizations* investigating Anti-Doping rule violations may result in a criminal offence under the Anti-Doping Act (Cap. 245B).

- 20.7 To disclose the identity of their *Athlete Support Personnel* upon request by ADAK or a *National Federation*, or any other *Anti-Doping Organization* with authority over the *Athlete*.
- 20.8 Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by an *Athlete*, which does not otherwise constitute *Tampering*, may result in a criminal offence under the Anti-Doping Act (Cap. 245B).

Article 21 – ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETE SUPPORT PERSONNEL

21. Additional roles and responsibilities of *Athlete Support Personnel*.
- 21.1 To be knowledgeable of and comply with these Anti-Doping Rules.
- 21.2 To cooperate with the *Athlete Testing* program.
- 21.3 To use their influence on *Athlete* values and behavior to foster Anti-Doping attitudes.
- 21.4 To disclose to ADAK and their International Federation any decision by a non-*Signatory* finding that they committed an Anti-Doping rule violation within the previous ten (10) years.

Failure by any *Athlete Support Personnel* to cooperate in full with *Anti-Doping Organizations* investigating Anti-Doping rule violations may result in a criminal offence under the Anti-Doping Act (Cap. 245B).

- 21.6 *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.
- Any such *Use* or *Possession* may result in a criminal offence under the Anti-Doping Act (Cap. 245B).
- 21.7 Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by *Athlete Support Personnel*, which does not otherwise constitute *Tampering*, may result in a criminal offence under the Anti-Doping Act (Cap. 245B).

Article 22 – ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER PERSONS SUBJECT TO THESE ANTI-DOPING RULES

22. Additional roles and responsibilities of other *Persons* subject to these Anti-Doping Rules.
- 22.1 To be knowledgeable of and comply with these Anti-Doping Rules.
- 22.2 To disclose to ADAK and their International Federation any decision by a non-*Signatory* finding that they committed an Anti-Doping rule violation within the previous ten (10) years.
- 22.3 To cooperate with *Anti-Doping Organizations* investigating Anti-Doping rule violations.
- Failure by any other *Person* subject to these Anti-Doping Rules to cooperate in full with *Anti-Doping Organizations* investigating Anti-Doping rule violations may result in a criminal offence under the Anti-Doping Act (Cap. 245B).
- 22.4 Not to *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.
- 22.5 Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by a *Person*, which does not otherwise constitute

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Tampering, may result in a criminal offence under the Anti-Doping Act (Cap. 245B).

Article 23 – INTERPRETATION OF THE CODE

- 23.1 The official text of the *Code* shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- 23.2 The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.
- 23.3 The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.
- 23.4 The headings used for the various Parts and Articles of the *Code* are for convenience only and shall not be deemed part of the substance of the *Code* or to affect in any way the language of the provisions to which they refer.
- 23.5 Where the term "days" is used in the *Code* or an *International Standard*, it shall mean calendar days unless otherwise specified.
- 23.6 The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* Anti-Doping rule violations would continue to count as "First violations" or "Second violations" for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.
- 23.7 The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and Appendix 1, Definitions, shall be considered integral parts of the *Code*.

Article 24 – FINAL PROVISIONS

- 24.1 Where the term "days" is used in these Anti Doping Rules, it shall mean calendar days unless otherwise specified.
- 24.2 These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 24.3 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and the *International Standards* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code* and the *International Standards*. The *Code* and the *International Standards* shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict.
- 24.4 The Introduction and Appendix 1 shall be considered integral parts of these Anti-Doping Rules.
- 24.5 The comments annotating various provisions of the *Code* are incorporated by reference into these Anti-Doping Rules, shall be treated as if set out fully herein, and shall be used to interpret these Anti-Doping Rules.
- 24.6 These Anti-Doping Rules shall enter into force on 1 January 2021 (the "Effective Date"). They repeal ADAK's Anti-Doping Rules, 2016.
- 24.7 These Anti-Doping Rules shall not apply retroactively to matters pending before the Effective Date. However:
- 24.7.1 Anti-Doping rule violations taking place prior to the Effective Date count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.
- 24.7.2 Any Anti-Doping rule violation case which is pending as of the Effective Date and any Anti-Doping rule violation case brought after the Effective Date based on an Anti-Doping rule violation which occurred prior to the Effective Date, shall be governed by the substantive Anti-Doping rules in effect at

the time the alleged Anti-Doping rule violation occurred, and not by the substantive Anti-Doping rules set out in these Anti-Doping Rules, unless the panel hearing the case determines the principle of *lex mitior* appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these Anti-Doping Rules (provided, however, that Article 16 shall only be applied retroactively if the statute of limitation period has not already expired by the Effective Date).

24.7.3 Any Article 2.4 whereabouts failure (whether a filing failure or a missed test as those terms are defined in the *International Standard for Results Management*) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard for Results Management* but it shall be deemed to have expired twelve (12) months after it occurred.

24.7.4 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 ADAK or other *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 these Anti-Doping Rules. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. These Anti-Doping 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.

24.7.5 For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.

24.7.6 Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or a *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or a *Prohibited Method* may apply to ADAK or other *Anti-Doping Organization* which had *Results Management* responsibility for the Anti-Doping rule violation to consider a reduction in the period of *Ineligibility* in light of the removal of the substance or method from the *Prohibited List*.

APPENDIX: 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

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circumstances as a whole demonstrate that such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

Adverse Analytical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory, that consistent with the *International Standard for Laboratories*, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use of a Prohibited Method*.

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

Aggravating Circumstances: Circumstances involving, or actions by, an *Athlete* or other *Person* which may justify the imposition of a period of *Ineligibility* greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the *Athlete* or other *Person Used* or *Possessed* multiple.

Prohibited Substances or *Prohibited Methods, Used* or *Possessed a Prohibited Substance* or *Prohibited Method* on multiple occasions or committed multiple other Anti-Doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the Anti-Doping rule violation(s) beyond the otherwise applicable period of *Ineligibility*; the *Athlete* or *Person* engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an Anti-Doping rule violation; or the *Athlete* or other *Person* engaged in *Tampering* during *Results Management* or the hearing process. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of *Ineligibility*.

Anti-Doping Activities: Anti-Doping *Education* and information, test distribution planning, maintenance of a *Registered Testing Pool*, managing *Athlete Biological Passports*, conducting *Testing*, organizing analysis of *Samples*, gathering of intelligence and conduct of investigations, processing of *TUE* applications, *Results Management*, hearings, monitoring and enforcing compliance with any *Consequences* imposed and all other activities related to Anti-Doping to be carried out by or on behalf of an *Anti-Doping Organization*, as set out in the *Code* and/or the *International Standards*.

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

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

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 Article 10.14;
- (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8;
- (d) *Financial Consequences* means a financial sanction imposed for an Anti-Doping rule violation or to recover costs associated with an Anti-Doping rule violation; and
- (e) *Public Disclosure* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11.

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

Decision Limit: The value of the result for a threshold substance in a *Sample*, above which an *Adverse Analytical Finding* shall be reported, as defined in the *International Standard* for Laboratories.

Delegated Third Party: Any *Person* to which ADAK delegates any aspect of *Doping Control* or Anti-Doping Education programs including, but not limited to, third parties or other *Anti-Doping Organizations* that conduct *Sample* collection or other *Doping Control* services or Anti-Doping Educational programs for ADAK, or individuals serving as independent contractors who perform *Doping Control* services for ADAK (e.g non-employee *Doping Control* officers or chaperones). This definition does not include CAS.

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

Doping Control: All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to, *Testing*, investigations, whereabouts, *TUEs*, *Sample* collection and handling, laboratory analysis, *Results Management*, hearings and appeals and investigations or proceedings relating to violations of Article 10.14 (Status During *Ineligibility* or *Provisional Suspension*).

Education: The process of learning to instill values and develop behaviors that foster and protect the spirit of sport and to prevent intentional and unintentional doping.

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

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

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

Fault: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete's* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Protected Person*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk.

In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility* or the fact that the *Athlete* only has a short time left in a career or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.6.1 or 10.6.2.

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

In-Competition: The period commencing at 11.59 p.m. on the day before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*. Provided, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport upon such approval by WADA the alternative definition shall be followed by all *Major Event Organizations* for that particular sport.

Independent Observer Program: A team of observers and/or auditors, under the supervision of WADA, who observe and provide guidance on the *Doping Control* process prior to or during certain *Events* and report on their observations as part of WADA's compliance monitoring program.

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

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

Institutional Independence: Hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organization* responsible for *Results Management*. They must therefore not in any way be administered by, connected or subject to the *Anti-Doping Organization* responsible for *Results Management*.

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

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

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.

Minimum Reporting Level: The estimated concentration of a *Prohibited Substance* or its *Metabolite(s)* or *Marker(s)* in a *Sample* below which WADA-accredited laboratories should not report that *Sample* as an *Adverse Analytical Finding*.

Minor: A natural *Person* who has not reached the age of eighteen (18) 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. In Kenya the *National Anti-Doping Organization* is ADAK.

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 in Kenya 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 in Kenya.

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

National Olympic Committee: The organization recognized by the International Olympic Committee. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the Anti Doping area. In Kenya the *National Olympic Committee* is *National Olympic Committee* of Kenya.

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

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

Operational Independence: This means that—

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- (1) board members, staff members, commission members, consultants and officials of the *Anti-Doping Organization* with responsibility for *Results Management* or its affiliates (e.g., member federation or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that *Anti-Doping Organization* with responsibility for *Results Management*; and
- (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *Anti-Doping Organization* or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel are not involved in the investigation of, or decisions to proceed with, the case.

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

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

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

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

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*.

Protected Person: An *Athlete* or other natural *Person* who at the time of the Anti-Doping rule violation:

- (i) has not reached the age of sixteen (16) years;
- (ii) has not reached the age of eighteen (18) years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or
- (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.

Provisional Hearing: For purposes of Article 7.4.3, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

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

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

Recreational Athlete: A natural *Person* who is so defined by the relevant *National Anti-Doping Organization*; provided, however, the term shall not include any *Person* who, within the five (5) years prior to committing any Anti-Doping rule violation, has been an

International-Level Athlete (as defined by each International Federation consistent with the *International Standard for Testing and Investigations*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organization* consistent with the *International Standard for Testing and Investigations*), has represented any country in an *International Event* in an open category or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*.

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

Registered Testing Pool: The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 of the *Code* and the *International Standard for Testing and Investigations*. In Kenya, ADAK's *Registered Testing Pool* is defined as set out in Article 5.5 of these Anti-Doping Rules.

Results Management: The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

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

Signatories: Those entities accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23 of the *Code*.

Specified Method: See Article 4.2.2.

Specified Substance: See Article 4.2.2.

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

Substance of Abuse: See Article 4.2.3.

Substantial Assistance: For purposes of Article 10.7.1, a *Person* providing *Substantial Assistance* must:

- (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to Anti-Doping rule violations or other proceeding described in Article 10.7.1.1; and
- (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

Tampering: Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited*

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Methods. Tampering shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences* and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.

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

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

Technical Document: A document adopted and published by WADA from time to time containing mandatory technical requirements on specific Anti-Doping topics as set forth in an *International Standard*.

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

Testing Pool: The tier below the *Registered Testing Pool* which includes *Athletes* from whom some whereabouts information is required in order to locate and *Test* the *Athlete Out-of-Competition*.

Therapeutic Use Exemption (TUE): A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to use a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the *International Standard* for *Therapeutic Use Exemptions* are met.

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

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

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

WADA: The World Anti-Doping Agency.

Without Prejudice Agreement: For purposes of Articles 10.7.1.1 and 10.8.2, a written agreement between an *Anti-Doping Organization* and an *Athlete* or other *Person* that allows the *Athlete* or other *Person* to provide information to the *Anti-Doping Organization* in a defined time limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case

resolution agreement is not finalized, the information provided by the *Athlete* or other *Person* in this particular setting may not be used by the *Anti-Doping Organization* against the *Athlete* or other *Person* in any *Results*.

Management proceeding under the *Code*, and that the information provided by the *Anti-Doping Organization* in this particular setting may not be used by the *Athlete* or other *Person* against the *Anti-Doping Organization* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organization*, *Athlete* or other *Person* from using any information or evidence gathered from my source other than during the specific time limited setting described in the agreement.
