



PANAM SPORTS ANTI-DOPING RULES

Version 3.0

(Based upon the 2015 Code)

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PANAM SPORTS ANTI-DOPING RULES

INTRODUCTION

Preface

These Anti-Doping Rules are adopted and implemented in accordance with Panam Sports' responsibilities under the *Code*, and in furtherance of Panam Sports' continuing efforts to eradicate doping in sport.

These Anti-Doping Rules are rules governing the conditions under which sport is played. Aimed at enforcing anti-doping principles in a global and harmonized manner, they are distinct in nature from criminal and civil laws, and are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of these Anti-Doping Rules implementing the *Code* and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.

The Panam Sports Executive Board is responsible for formally adopting these Anti-Doping Rules in accordance with Panam Sports' responsibilities under the *Code*.

The Executive Board of Panam Sports appoints a Medical Commission which is responsible to implement these Anti-Doping Rules.

Fundamental Rationale for the Code and Panam Sports' Anti-Doping Rules

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport". It is the essence of Olympism; the pursuit of human excellence through the dedicated perfection of each person's natural talents. It is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is reflected in values we find in and through sport, including:

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

Doping is fundamentally contrary to the spirit of sport.

Scope of these Anti-Doping Rules

These Anti-Doping Rules shall apply automatically to (a) Panam Sports; (b) all *Athletes* entered in one of Panam Sports' *Events* or who have otherwise been made subject to the authority of Panam Sports for a future *Event*; (c) all *Athlete Support Personnel* supporting such *Athletes*; (d) other *Persons* participating in the activities of Panam Sports; and (e) any organization, body or entity operating (even if only temporarily) under the authority of Panam Sports.

Athletes entered in one of Panam Sports' *Events* or who have otherwise been made subject to the authority of Panam Sports for a future *Event* are automatically bound by these Anti-Doping Rules as a condition of eligibility to participate in such *Events*.

The Athlete Support Personnel supporting such Athletes and other Persons participating in the activities of Panam Sports are automatically bound by these Anti-Doping Rules as a condition of such support/participation.

Organizations, bodies or entities operating (even if only temporarily) under the authority of Panam Sports are automatically bound by these Anti-Doping Rules as a condition of their participation in Panam Sports' activities.

These Anti-Doping Rules shall apply to all *Doping Controls* over which Panam Sports has jurisdiction.

ARTICLE 1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 of these Anti-Doping Rules.

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

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

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

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

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

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

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

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

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

2.3. Evading, Refusing or Failing to Submit to Sample Collection

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

2.4. Whereabouts Failures

Any combination of three missed tests and/or filing failures, as defined in the International Standard for Testing and Investigations, within a twelve-month period by an *Athlete* in a *Registered Testing Pool*.

2.5. Tampering or Attempted Tampering with any part of Doping Control

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

2.6. Possession of a Prohibited Substance or a Prohibited Method

2.6.1. *Possession* by an *Athlete In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by an *Athlete Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* 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.

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

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

2.9. Complicity

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.12.1 of the *Code* by another *Person*.

2.10. Prohibited Association

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

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

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

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

In order for this provision to apply, it is necessary that the *Athlete* or other *Person* has previously been advised in writing by an *Anti-Doping Organization* with jurisdiction over the *Athlete* or other *Person*, or by *WADA*, of the *Athlete Support Person's* disqualifying status and the potential *Consequence* of prohibited association and that the *Athlete* or other *Person* can reasonably avoid the association. The *Anti-Doping Organization* shall also use reasonable efforts to advise the *Athlete Support Person* who is the subject of the notice to the *Athlete* or other *Person* that the *Athlete Support Person* may, within 15 days, come forward to the *Anti-Doping Organization* to explain

that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 15, this Article applies even when the *Athlete Support Person's* disqualifying conduct occurred prior to the effective date provided in Article 25 of the *Code*.)

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

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

ARTICLE 3 PROOF OF DOPING

3.1. Burdens and Standards of Proof

Panam Sports shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether Panam Sports 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, the standard of proof shall be by a balance of probability.

3.2. Methods of Establishing Facts and Presumptions

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

3.2.1. Analytical methods or decision limits approved by *WADA* after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify *WADA* of the challenge and the basis of the challenge. *CAS* on its own initiative may also inform *WADA* of any such challenge. At *WADA's* request, the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of *WADA's* receipt of such notice, and *WADA's* receipt of the *CAS* file, *WADA* shall also have the right to intervene as a party, appear amicus curiae or otherwise provide evidence in such proceeding.

3.2.2. *WADA*-accredited laboratories, and other laboratories approved by *WADA*, are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the International Standard for Laboratories. The

Athlete or other *Person* may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*. If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then Panam Sports 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 which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *Athlete* or other *Person* establishes a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or other anti-doping rule violation, then Panam Sports shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

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

3.2.5. A Panam Sports Disciplinary Commission, set up in accordance to Article 8, 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, telephonically, or by other electronic means) as directed by the Panam Sports Disciplinary Commission and to answer questions from the Disciplinary Commission or Panam Sports.

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*.

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

4.2.1. *Prohibited Substances* and *Prohibited Methods*

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three

months after publication by WADA, without requiring any further action by Panam Sports.

4.2.2. 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.

4.2.3. Specified Substances

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

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

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

4.4. Therapeutic Use Exemptions ("TUEs")

4.4.1. 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. *Athletes* who wish to *Use* a *Prohibited Substance* or a *Prohibited Method* in connection with the *Event* and do not already have a *TUE* shall apply to Panam Sports' TUE Committee (the "TUEC") without delay during the Event Period as soon as the need arises. The TUEC shall promptly evaluate the application in accordance with the International Standard for Therapeutic Use Exemptions and render a decision as quickly as possible, which decisions shall be reported via ADAMS. The provisions of the International Standard for Therapeutic Use Exemptions shall be complied with during the whole process and applied automatically. *TUEs* granted by the TUEC shall be effective for Panam Sports' *Events* only.

4.4.3. Where the *Athlete* already has a *TUE* granted by his or her *National Anti-*

Doping Organization or International Federation, he/she shall apply to the TUEC for recognition of that *TUE*. If that *TUE* meets the criteria set out in the International Standard for Therapeutic Use Exemptions, the TUEC must recognize it. If the TUEC decides the *TUE* does not meet those criteria and so refuses to recognize it, it must notify the *Athlete* promptly, explaining its reasons.

4.4.4. A decision by the TUEC not to recognize or not to grant a *TUE* may be appealed by the *Athlete* exclusively to the independent TUE Appeal Committee established by Panam Sports for that purpose. If the *Athlete* does not appeal (or the TUE Appeal Committee decides to uphold the refusal to grant/recognize the *TUE* and so rejects the appeal), the *Athlete* may not *Use* the substance or method in question in connection with the Panam Sports *Event*, but any *TUE* granted by his/her *National Anti-Doping Organization* or International Federation for that substance or method remains valid outside of that *Event*.

4.4.5. WADA may review Panam Sports decisions on *TUEs* 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. A failure to take action within a reasonable time on a properly submitted application for grant/recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application.

4.4.7. The Panam Sports TUEC will review, first and foremost, the *TUEs* that meet the criteria of retroactivity according to the ISTUE and that are requested during the *Event Period*. Panam Sports will strongly request of the NOCs that athletes apply for a *TUE* or for *TUE* recognition, as the case may be, well before the *Event Period* begins, i.e., before opening of the Athletes Village, so that *TUEs* can be granted or recognized whichever is applicable, when the *Event Period* begins.

ARTICLE 5 TESTING AND INVESTIGATIONS

5.1. Purpose of *Testing* and Investigations

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

5.1.1. *Testing* shall be undertaken to obtain analytical evidence as to the *Athlete's* compliance (or non-compliance) with the strict prohibition on the presence/*Use* of a *Prohibited Substance* or *Prohibited Method*. Test distribution planning, *Testing*, post-*Testing* activity and all related activities shall be

conducted by Panam Sports in conformity with the International Standard for *Testing* and Investigations. Panam Sports shall determine the number of finishing placement tests, random tests and target tests to be performed in accordance with the criteria established by the International Standard for Testing and Investigations. All provisions of the International Standard for Testing and Investigations shall apply automatically in respect of all such *Testing*.

5.1.2. Investigations shall be undertaken:

5.1.2.1. in relation to *Atypical Findings*, in accordance with Article 7.3, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Article 2.1 and/or Article 2.2; and

5.1.2.2. in relation to other indications of potential anti-doping rule violations, in accordance with Articles 7.4 and 7.5, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.10.

5.1.3. Panam Sports may obtain, assess and process anti-doping intelligence from all available sources, to inform the development of an effective, intelligent and proportionate test distribution plan, to plan Target Testing, and/or to form the basis of an investigation into a possible anti-doping rule violation(s).

5.2. Authority to conduct *Testing*

5.2.1. Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3 of the *Code*, Panam Sports shall have *In- Competition Testing* authority for the *Event Period* and *Out-of- Competition Testing* authority over all *Athletes* entered in one of its future *Events* or who have otherwise been made subject to the *Testing* authority of Panam Sports for a future *Event*. At the request of Panam Sports, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with Panam Sports.

5.2.3. Subject to Article 5.3.1 of the *Code*, Panam Sports shall have exclusive authority to initiate and direct *Testing* at the *Event Venue* during the *Event Period*. In accordance with Article 5.3.1 of the *Code*, not only Panam Sports but also other *Anti-Doping Organizations* with *Testing* authority over *Athletes* participating at the *Event* may test such *Athletes* during the *Event Period* outside of the *Event Venues*. Such *Testing* shall be coordinated with Panam Sports.

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

5.3. Delegation of responsibility, overseeing and monitoring of *Doping Control*

5.3.1. Panam Sports has the authority to appoint any Sample Collection Authority (as defined in the International Standard for Testing and Investigations) it deems appropriate to collect *Samples* on its behalf. Such Sample Collection Authority shall comply with the *Code* and the International Standard for Testing and Investigations in respect of such *Testing*.

5.3.2. The Panam Sports Medical Commission will be responsible for overseeing all *Doping Control* conducted by Panam Sports and/or any Sample Collection Authority collecting *Samples* under its authority.

5.3.3. *Doping Control* may be monitored by members of the Panam Sports Medical Commission or by other qualified *Persons* so authorised by Panam Sports.

5.4. Test Distribution Planning

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

5.5. Coordination of Testing

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

5.6. Athlete Whereabouts Information

5.6.1. Where an *Athlete* is in a *Registered Testing Pool*, Panam Sports may access his/her Whereabouts Filings (as defined in the International Standard for Testing and Investigations) for the period for which the *Athlete* is subject to Panam Sports' *Testing* authority. Panam Sports will access the *Athlete's* Whereabouts Filings not via the *Athlete* but rather via the International Federation or *National Anti-Doping Organization* that is receiving the *Athlete's* Whereabouts Filings. Panam Sports will not require the *Athlete* to file any different whereabouts information with it.

5.6.2. Where an *Athlete* is not in a *Registered Testing Pool* in the period for which the *Athlete* is subject to Panam Sports' *Testing* authority, Panam Sports may require him/her to provide such information about his/her whereabouts in that period as it deems necessary and proportionate in order to conduct *Testing*

upon him/her, up to and including information equivalent to the Whereabouts Filings that an *Athlete* would have to make in accordance with Annex I to the International Standard for Testing and Investigations if he/she were in a *Registered Testing Pool*.

5.6.3. Whereabouts information relating to an *Athlete* shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in Article 5.6 of the *Code*, and shall be destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information once it is no longer relevant for these purposes.

5.7. Retired *Athletes* Returning to Competition

5.7.1. An *Athlete* in a *Registered Testing Pool* who retires and then wishes to return to active participation in sport may not participate in Panam Sports' *Events* until he/she has given his/her International Federation and *National Anti-Doping Organization* written notice of his/her intent to resume competing and has made him/herself available for *Testing* for a period of six months, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. *WADA*, in consultation with the relevant International Federation and *National Anti-Doping Organization*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an *Athlete*. This decision may be appealed under Article 12. Any competitive results obtained in violation of this Article 5.7.1 shall be *Disqualified*.

5.7.2. If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* shall not resume competing in Panam Sports' *Events* until the *Athlete* has given six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months) to his/her International Federation and *National Anti-Doping Organization* of his/her intent to resume competing and has made him/herself available for *Testing* for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

5.8. Independent Observer Program

Panam Sports shall authorize and facilitate the *Independent Observer Program* at its *Event(s)*, when requested.

ARTICLE 6 ANALYSIS OF SAMPLES

Samples shall be analysed in accordance with the following principles:

6.1. Use of Accredited and Approved Laboratories

For purposes of Article 2.1, *Samples* shall be analyzed only in laboratories accredited or otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the *Sample* analysis under these Anti-Doping Rules shall be determined by Panam Sports.

6.2. Purpose of Analysis of *Samples*

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

6.2.2. Panam Sports shall ask laboratories to analyse *Samples* in conformity with Article 6.4 and Article 4.7 of the International Standard for Testing and Investigations.

6.3. Research on *Samples*

No *Sample* may be used for research without the *Athlete's* written consent. *Samples* used for purposes other than Article 6.2.1 shall have any means of identification removed such that they cannot be traced back to a particular *Athlete*.

6.4. Standards for *Sample* Analysis and Reporting

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

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

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

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

consequence as any other analytical result.

6.5. Further Analysis of Samples

Any *Sample* may be stored and subsequently subjected to further analysis for the purposes set out in Article 6.2.1: (a) by WADA at any time; and/or (b) by Panam Sports at any time before both the A and B *Sample* analytical results (or A *Sample* result where B *Sample* analysis has been waived or will not be performed) have been communicated by Panam Sports to the *Athlete* as the asserted basis for an Article 2.1 anti-doping rule violation. Such further analysis of *Samples* shall conform to the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

ARTICLE 7 RESULTS MANAGEMENT

7.1. Responsibility for Conducting Results Management

7.1.1. Panam Sports shall be responsible for results management and the conduct of hearings for anti-doping rule violations arising under these Anti-Doping Rules in relation to the consequences that are specified at Articles 9, 10.1 and 10.2.1.

7.1.1.1. The Chair of the Panam Sports Medical Commission shall appoint a Doping Review Panel consisting of a Chair and two other members with experience in anti-doping. When a potential violation is referred to the Doping Review Panel by the Chair of the Medical Commission of Panam Sports, the Chair of the Doping Review Panel shall appoint one or more members of the Panel (which may include the Chair) to conduct the review discussed in this Article 7. No *Person* may be a member of the Doping Review Panel dealing with a specific case if he/she (i) has the same nationality as the *Athlete* or other *Person* concerned; (ii) has any declared or apparent conflict of interest with such *Athlete* or other *Person*, the *National Olympic Committee*, the *National Federation* or International Federation of such *Athlete* or other *Person*, or with any *Person* involved in the case in any way whatsoever; or (iii) in any way whatsoever, does not feel him/herself to be free and independent.

7.1.2. Responsibility for results management and the conduct of hearings for anti-doping rule violations arising under these Anti-Doping Rules in relation to *Consequences* that extend beyond Panam Sports' *Event(s)* (e.g., period of *Ineligibility* for other *Events*) shall be referred to the applicable International Federation.

7.2. Review of Adverse Analytical Findings from Tests Initiated by Panam Sports

Results management in respect of the results of tests initiated by Panam Sports

(including any tests performed by WADA pursuant to agreement with Panam Sports) shall proceed as follows:

7.2.1. The results from all analyses must be sent to the Chair of the Panam Sports Medical Commission in encoded form, in a report signed by an authorized representative of the laboratory. All communication must be conducted confidentially and in conformity with *ADAMS*.

7.2.2. Upon receipt of an *Adverse Analytical Finding*, the Panam Sports Medical Commission shall conduct a review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the *Adverse Analytical Finding*.

7.2.3. If the review of an *Adverse Analytical Finding* under Article 7.2.2 reveals an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, the entire test shall be considered negative and the *Athlete*, the *Athlete's National Anti-Doping Organization*, the *Athlete's International Federation* and *WADA* shall be so informed.

7.2.4. If the review of an *Adverse Analytical Finding* under Article 7.2.2 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, the Chair of the Panam Sports Medical Commission shall promptly notify the *Athlete*, and simultaneously the *Athlete's National Olympic Committee*, the *Athlete's National Anti-Doping Organization*, the *Athlete's International Federation* and *WADA*, in the manner set out in Article 13.1, of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Athlete's* right to promptly request the analysis of the *B Sample* or, failing such request, that the *B Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the *B Sample* analysis if the *Athlete* or Panam Sports chooses to request an analysis of the *B Sample*; (e) the opportunity for the *Athlete* and/or the *Athlete's* representative to attend the *B Sample* opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested; and (f) the *Athlete's* right to request copies of the *A* and *B Sample* laboratory documentation package which includes information as required by the International Standard for Laboratories.

7.2.5. Where requested by the *Athlete* or Panam Sports, arrangements shall be made to analyse the *B Sample* in accordance with the International Standard for Laboratories. An *Athlete* may accept the *A Sample* analytical results by waiving the requirement for *B Sample* analysis. Panam Sports may nonetheless elect to proceed with the *B Sample* analysis.

7.2.6. The *Athlete* and/or his representative shall be allowed to be present at the analysis of the *B Sample*. Also, a representative of the Panam Sports Medical Commission shall be allowed to be present.

7.2.7. If the *B Sample* analysis does not confirm the *A Sample* analysis, then (unless Panam Sports takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the *Athlete*, the *Athlete's National Anti-Doping Organization*, the *Athlete's International Federation* and *WADA* shall be so informed.

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

7.3. Review of Atypical Findings

7.3.1. As provided in the International Standard for Laboratories, in some circumstances, laboratories are directed to report the presence of *Prohibited Substances*, which may also be produced endogenously, as *Atypical Findings*, i.e., as findings that are subject to further investigation.

7.3.2. Upon receipt of an *Atypical Finding*, the Medical Commission of Panam Sports shall conduct a review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the *Atypical Finding*.

7.3.3. If the review of an *Atypical Finding* under Article 7.3.2 reveals an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative and the *Athlete*, the *Athlete's National Anti-Doping Organization*, the *Athlete's International Federation* and *WADA* shall be so informed.

7.3.4. If that review does not reveal an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the Panam Sports Medical Commission shall conduct the required investigation or cause it to be conducted. After the investigation is completed, either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*, in accordance with Article 7.2.4, or else the *Athlete*, the *Athlete's National Olympic Committee*, the *Athlete's National Anti-Doping Organization*, the *Athlete's International Federation* and *WADA* shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.

7.3.5. Panam Sports will not provide notice of an *Atypical Finding* until it has completed its investigation and has decided whether it will bring the *Atypical*

Finding forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

7.3.5.1. If the Panam Sports Medical Commission determines the B *Sample* should be analysed prior to the conclusion of its investigation, it may conduct the B *Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.2.4(d) - (f).

7.3.5.2. If Panam Sports is asked (a) by another *Major Event Organization* shortly before one of its *Events*, or (b) by a sport organization responsible for meeting an imminent deadline for selecting team members for an *International Event* or *National Event*, to disclose whether any *Athlete* identified on a list provided by the other *Major Event Organization* or sport organization has a pending *Atypical Finding*, Panam Sports shall so advise the other *Major event Organization* or sports organization after first providing notice of the *Atypical Finding* to the *Athlete*.

7.4. Review of Whereabouts Failures

7.4.1. Panam Sports shall refer potential filing failures and missed tests (as defined in the International Standard for Testing and Investigations) to whichever of the *Athlete's* International Federation and *National Anti-Doping Organization* receives that *Athlete's* whereabouts filings and so has responsibility for results management of whereabouts failures by that *Athlete*.

7.5. Review of Other *Anti-Doping Rule Violations* Not Covered by Articles 7.2 – 7.4

Panam Sports shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Articles 7.2 to 7.4. At such time as Panam Sports is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* or other *Person* (and simultaneously the *Athlete's* or other *Person's National Anti-Doping Organization*, the *Athlete's* International Federation and WADA) notice of the anti-doping rule violation asserted, and the basis of that assertion.

7.6. Provisional Suspensions

7.6.1. Mandatory *Provisional Suspension*: If analysis of an A *Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance*, or for a *Prohibited Method*, and a review in accordance with Article 7.2.2 does not reveal an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, a *Provisional Suspension* shall be imposed upon or promptly after the notification described in Article 7.2.4.

7.6.2. Optional *Provisional Suspension*: In case of an *Adverse Analytical*

Finding for a Specified Substance, or in the case of any other anti-doping rule violations not covered by Article 7.6.1, Panam Sports may impose a *Provisional Suspension* on the *Athlete* or other *Person* against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 7.2-7.5 and prior to the final hearing as described in Article 8.

7.6.3. Where a *Provisional Suspension* is imposed, whether pursuant to Article 7.6.1 or Article 7.6.2, the *Athlete* or other *Person* shall be given either: (a) an opportunity for a *Provisional Hearing* either before or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited final hearing in accordance with Article 8 on a timely basis after imposition of the *Provisional Suspension*. Furthermore, the *Athlete* or other *Person* has a right to appeal from the *Provisional Suspension* in accordance with Article 12.2 (save as set out in Article 7.6.3.1).

7.6.3.1. The *Provisional Suspension* may be lifted if the *Athlete* demonstrates to the hearing panel that the violation is likely to have involved a *Contaminated Product*. A hearing panel's decision not to lift a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

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

7.6.5. In all cases where an *Athlete* or other *Person* has been notified of an anti-doping rule violation but a *Provisional Suspension* has not been imposed on him or her, the *Athlete* or other *Person* shall be offered the opportunity to accept a *Provisional Suspension* voluntarily pending the resolution of the matter.

7.7. Resolution Without a Hearing

7.7.1. An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the consequences that are mandated by these Anti-Doping Rules or (where some discretion as to *Consequences* exists under these Anti-Doping Rules) that have been offered by Panam Sports.

7.7.2. Alternatively, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by Panam Sports asserting the violation, then he/she shall be

deemed to have admitted the violation, to have waived a hearing, and to have accepted the consequences that are mandated by these Anti- Doping Rules or (where some discretion as to *Consequences* under these Anti-Doping Rules) that have been offered by Panam Sports.

7.7.3. In cases where Article 7.7.1 or Article 7.7.2 applies, a hearing before a Disciplinary Commission Panel shall not be required. Instead Panam Sports shall promptly issue a written decision confirming the commission of the anti-doping rule violation and the *Consequences* imposed as a result. Panam Sports shall send copies of that decision to other *Anti-Doping Organizations* with a right to appeal under Article 12.2.2., and shall *Publicly Disclose* that decision in accordance with Article 13.3.2.

7.8. Notification of Results Management Decisions

In all cases where Panam Sports has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a *Provisional Suspension*, or agreed with an *Athlete* or other *Person* on the imposition of *Consequences* without a hearing, Panam Sports shall give notice thereof in accordance with Article 13.2.1 to other *Anti-Doping Organizations* with a right to appeal under Article 12.2.2.

7.9. Retirement from Sport

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

ARTICLE 8 RIGHT TO A FAIR HEARING

8.1. Setting up a Disciplinary Commission

The President of Panam Sports shall immediately set up a Disciplinary Commission of three experts.

8.2. Hearings following Panam Sports' result management

8.2.1. When the Chair of the Panam Sports Medical Commission sends a notice to an *Athlete* or other *Person* asserting an anti- doping rule violation, and the *Athlete* or other *Person* does not waive a hearing in accordance with Article 7.7.1 or Article 7.7.2, then the case shall be referred to the Disciplinary Commission for hearing and adjudication.

8.2.2. Hearings shall be scheduled and completed within a reasonable time. Hearings held may be conducted by an expedited process where permitted by the Disciplinary Commission.

8.2.3. The Disciplinary Commission shall determine the procedure to be followed at the hearing.

8.2.4. WADA and the *National Anti-Doping Organization* and the International Federation of the *Athlete* or other *Person* may attend the hearing as observers. In any event, Panam Sports shall keep them fully apprised as to the status of pending cases and the result of all hearings.

8.2.5. The Disciplinary Commission shall act in a fair and impartial manner towards all parties at all times.

8.2.6. The Disciplinary Commission shall issue a timely reasoned decision. That decision shall be *Publicly Disclosed* as provided in Article 13.3 and may be appealed as provided in Article 12. The principles contained at Article 13.3.6 shall be applied in cases involving a *Minor*.

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

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

ARTICLE 10 SANCTIONS ON INDIVIDUALS

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

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

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

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

doping rule violation.

10.2. Ineligibility

10.2.1. Should an *Athlete* or other *Person* be found to have committed an anti-doping rule violation before he/she has actually participated in a *Competition* at the *Event* or, in the case where an *Athlete* or other *Person* has already participated in a *Competition* at the *Event* but is scheduled to participate in additional *Competitions* at the *Event*, the Disciplinary Commission may declare the *Athlete* or other *Person* ineligible for such *Competitions* at the *Event* in which he/she has not yet participated, along with other *Consequences* which may follow, such as exclusion of the *Athlete* and other *Persons* concerned from the *Event* and the loss of accreditation.

10.2.2. In accordance with Article 7.1.2, responsibility for results management in terms of sanctions beyond the *Event* itself shall be referred to the applicable International Federation. In this context, the *Consequences* for anti-doping rule violations as mentioned and specified under the following Articles of the *Code* shall apply:

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

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

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

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

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

Article 10.7 *Multiple Violations*

Article 10.11 *Commencement of Ineligibility Period*

Article 10.12 *Status During Ineligibility*

10.3. 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.

10.4. Allocation of CAS Cost Awards and Forfeited Prize Money

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

10.5. Financial Consequences

Where an *Athlete* or other *Person* commits an anti-doping rule violation, Panam Sports 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 \$ 1,000.00 U.S. Dollars, only in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed.

The imposition of a financial sanction or Panam Sports' recovery of costs shall not be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under these Rules or the *Code*.

10.6. Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in Article 13.3.

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1. Testing of Team Sports

Where more than one member of a team in a *Team Sport* has been notified of an anti-doping rule violation under Article 7 in connection with an *Event*, Panam Sports shall conduct appropriate *Target Testing* of the team during the *Event Period*.

11.2. Consequences for Team Sports

If more than two members of a team in a *Team Sport* are found to have committed an anti-doping rule violation during an *Event Period*, the Disciplinary Commission 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. Testing of Teams (outside of Team Sports)

Where one member of a team (outside of *Team Sports*) has been notified of an anti-doping rule violation under Article 7 in connection with an *Event*, Panam Sports may conduct appropriate *Target Testing* of all members of the team during the *Event Period*.

11.4. Consequences for teams (outside of Team Sports)

11.4.1. An anti-doping rule violation committed by a member of a team (outside of *Team Sports*) in connection with an *In- Competition* test automatically leads to *Disqualification* of the result obtained by the team in that *Competition*, with all resulting consequences for the team and its members, including forfeiture of any medals, points and prizes.

11.4.2. An anti-doping rule violation committed by a member of a team (outside of *Team Sports*) occurring during or in connection with an *Event* may lead to *Disqualification* of all of the results obtained by the team in that *Event* with all consequences for the team and its members, including forfeiture of all medals, points and prizes, except as provided in Article 11.2.3.

11.4.3. Where an *Athlete* who is a member of a team (outside of *Team Sports*) committed an anti-doping rule violation during or in connection with one *Competition* in an *Event*, if the other member(s) of the team establish(es) that he/she/they bear(s) *No Fault or Negligence* for that violation, the results of the team in any other *Competition(s)* in that *Event* shall not be *Disqualified* unless the results of the team in the *Competition(s)* 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.

ARTICLE 12 APPEALS

12.1. Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 12.2 through 12.6 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.

12.1.1. 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.

12.1.2. CAS Shall Not Defer to the Findings Being Appealed

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

12.1.3. WADA Not Required to Exhaust Internal Remedies

Where WADA has a right to appeal under Article 12 and no other party has appealed a final decision within Panam Sports' process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in Panam Sports' process.

12.2. Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Recognition of Decisions and Jurisdiction

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months' notice requirement for a retired *Athlete* to return to *Competition* under Article 5.6.1; a decision by WADA assigning results management under Article 7.1 of the *Code*; a decision by Panam Sports not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.5; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; Panam Sports' failure to comply with Article 7.6; a decision that Panam Sports lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; and a decision by Panam Sports not to recognize another *Anti-Doping Organization's* decision under Article 14 may be appealed exclusively as provided in this Article 12.

12.2.1. In cases arising from the *Event*, the decision may be appealed exclusively to CAS.

12.2.2. Persons Entitled to Appeal

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) Panam Sports; (c) the relevant International Federation; (d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic

Games or Paralympic Games; and (f) *WADA*.

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

12.2.3. 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 12 must file a cross appeal or subsequent appeal at the latest with the party's answer.

12.3. Failure to Render a Timely Decision

Where, in a particular case, Panam Sports or the Disciplinary Commission 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 Panam Sports or the Disciplinary Commission 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 Panam Sports.

12.4. Appeals Relating to *TUEs*

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

12.5. Notification of Appeal Decisions

Any *Anti-Doping Organization* that is a party to an appeal shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal under Article 12.2.2 as provided under Article 13.2.

12.6. Time for Filing Appeals

The time to file an appeal to *CAS* shall be twenty-one 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 that was not a party to the proceedings that led to the decision being appealed:

- a) Within fifteen days from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body that issued the decision;
- b) If such a request is made within the fifteen-day period, then the party

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

ARTICLE 13 CONFIDENTIALITY AND REPORTING

13.1. Information Concerning *Adverse Analytical Findings, Atypical Findings, and Other Asserted Anti-Doping Rule Violations*

13.1.1. Notice of Anti-Doping Rule Violations to *Athletes, National Olympic Committees, 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 13 of these Anti-Doping Rules. Notice to an *Athlete* or other *Person* who is accredited pursuant to the request of a *National Olympic Committee* may be accomplished by delivery of the notice to the *National Olympic Committee (NOC)* as provided for in Article 14 below, and such delivery of the notice shall be deemed to be delivery of the notice to the *NOC* in one and the same notice.

13.1.1. 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 13 of these Anti-Doping Rules. Notice to an *Athlete* or other *Person* who is a member of a *National Federation* may be accomplished by delivery of the notice to the *National Federation*.

13.1.2. 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 *National Anti-Doping Organizations, International Federations and WADA* shall occur as provided under Articles 7 and 13 of these Anti-Doping Rules, simultaneously with the notice to the *Athlete* or other *Person*.

13.1.3. Content of an Anti-Doping Rule Violation Notice

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

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

13.1.4. Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 13.1.1, *National Anti-Doping Organizations*, International Federations and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 12 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

13.1.5. 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 Panam Sports has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Article 13.3.

13.1.6. Panam Sports 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 13.3, and shall include provisions in any contract entered into between Panam Sports and any of its employees (whether permanent or otherwise), contractors, agents and consultants, for the protection of such confidential information as well as for the investigation and disciplining of improper and/or unauthorised disclosure of such confidential information.

13.2. Notice of Anti-Doping Rule Violation Decisions and Request for Files

13.2.1. Anti-doping rule violation decisions rendered pursuant to Article 7.8, 8.2.4, 10.4 of the *Code*, 10.5 of the *Code*, 10.6 of the *Code*, 10.12.3 of the *Code* or 12.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible *Consequences* were not imposed. Where the decision is not in English or French, Panam Sports shall provide a short English or French summary of the decision and the supporting reasons.

13.2.2. An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Article 13.2.1 may, within fifteen days of receipt, request a copy of the full case file pertaining to the decision.

13.3. Public Disclosure

13.3.1. The identity of any *Athlete* or other *Person* who is asserted by Panam Sports to have committed an anti-doping rule violation may be *Publicly Disclosed* by Panam Sports only after notice has been provided to the *Athlete* or other *Person* in accordance with Article 7 and simultaneously to WADA and the *National Anti-Doping Organization* and International Federation of the *Athlete* or other *Person* in accordance with Article 13.1.2.

13.3.2. No later than twenty days after it has been determined in a final appellate decision under Article 12.2.1, 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 been timely challenged, Panam Sports must *Publicly Report* the disposition of the 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. Panam Sports must also *Publicly Report* within twenty days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

13.3.3. In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. Panam Sports shall use reasonable efforts to obtain such consent. If consent is obtained, Panam Sports shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

13.3.4. Publication shall be accomplished at a minimum by placing the required information on Panam Sports' website or publishing it through other means and leaving the information up for the longer of one month or the duration of any period of *Ineligibility*.

13.3.5. Neither Panam Sports, nor any of its officials, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted, or their representatives.

13.3.6. The mandatory *Public Reporting* required in Article 13.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*. Any optional *Public*

Reporting in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

13.4. Statistical Reporting

Panam Sports shall, after each *Event* under its jurisdiction, publish a general statistical report of its *Doping Control* activities, with a copy provided to WADA. Panam Sports may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*.

13.5. Doping Control Information Clearinghouse

To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by the various *Anti-Doping Organizations*, Panam Sports shall report all *In-Competition* and *Out-of-Competition* tests on such *Athletes* to the WADA clearinghouse, using ADAMS, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's National Anti-Doping Organization* or International Federation, and any other *Anti-Doping Organizations* with *Testing* authority over the *Athlete*.

13.6. Data Privacy

13.6.1. Panam Sports may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their anti-doping activities under the *Code*, the *International Standards* (including specifically the *International Standard for the Protection of Privacy and Personal Information*) and these Anti-Doping Rules.

13.6.2. Any *Participant* who submits information including personal data to any *Person* in accordance with these Anti-Doping Rules shall be deemed to have agreed, pursuant to applicable data protection laws and otherwise, that such information may be collected, processed, disclosed and used by such *Person* for the purposes of the implementation of these Anti-Doping Rules, in accordance with the *International Standard for the Protection of Privacy and Personal Information* and otherwise as required to implement these Anti-Doping Rules.

ARTICLE 14 DEEMED NOTIFICATIONS

14.1. Any notification under these *Rules* by Panam Sports and/or an *Anti-Doping Organization* to an *Athlete* or other *Person* accredited pursuant to the request of a *NOC* shall be deemed to be accomplished by delivery of the notification to that *NOC*. This applies without limitation for all notifications before, during and after the *Event Period*. It shall be the responsibility of the *NOC* to notify the *Athlete* or other *Person* in person. Bona fide efforts by Panam Sports and any *Anti-Doping*

Organization to secure notification in person shall be without prejudice to the validity of notifications to the *NOC* in application of this provision.

14.2. Notification under these *Rules* to a *NOC* shall be deemed to be accomplished by delivery of the notification to either the President, the Secretary General, the chef de mission, the deputy chef de mission or another representative of the *NOC* in question designated by the *NOC* for that purpose.

14.3. During the *Event Period* and for the purpose of the application of these *Rules*, the *Athlete* and other *Person* shall be deemed to be validly represented by the *NOC*, acting through the persons mentioned in Article 14.2 Without limitation, this applies in the context of the application of Article 7 of these *Rules*.

ARTICLE 15 APPLICATION AND RECOGNITION OF DECISIONS

15.1. Subject to the right to appeal provided in Article 12, *Testing*, hearing results or other final adjudications of any *Signatory* which are consistent with the *Code* and are within that *Signatory's* authority, shall be applicable worldwide and shall be recognized and respected by Panam Sports.

15.2. Panam Sports shall recognize the measures taken by other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

ARTICLE 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 years from the date the violation is asserted to have occurred.

ARTICLE 17 PANAM SPORTS COMPLIANCE REPORTS TO WADA

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

ARTICLE 18 EDUCATION

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

ARTICLE 19 AMENDMENTS AND INTERPRETATION OF ANTI-DOPING RULES

19.1. These Anti-Doping Rules may be amended from time to time by Panam Sports. They may be issued in English and Spanish. In case of inconsistency, the English version of these Anti-Doping Rules shall prevail.

19.2. These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

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

19.4. The *Code* and the *International Standards* shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict. All terms used in these Anti-Doping Rules will have the same meaning as those given in the *Code* and *International Standards*.

19.5. These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*. The Introduction shall be considered an integral part of these Anti-Doping Rules.

19.6. The comments annotating various provisions of the *Code* are incorporated by reference into these Anti-Doping Rules, shall be treated as if set out in full herein, and shall be used to interpret these Anti-Doping Rules.

ARTICLE 20 INTERPRETATION OF THE CODE

20.1. 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.

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

20.3. 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.

20.4. 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.

20.5. The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-

Code anti-doping rule violations would continue to count as "First violations" or "Second violations" for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.

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

ARTICLE 21 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS

21.1. Roles and Responsibilities of *Athletes*

21.1.1. To be knowledgeable of and comply with these Anti- Doping Rules.

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

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

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

21.1.5. To disclose to Panam Sports any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten years.

21.1.6. To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.

21.2. Roles and Responsibilities of *Athlete Support Personnel*

21.2.1. To be knowledgeable of and comply with these Anti- Doping Rules.

21.2.2. To cooperate with the *Athlete Testing* program.

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

21.2.4. To disclose to Panam Sports any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten years.

21.2.5. To cooperate with *Anti-Doping Organizations* investigating anti-

doping rule violations.

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

APPENDIX 1 DEFINITIONS

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

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

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

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

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

Athlete: Any *Person* who competes in sport at the international level (as defined by

each International Federation), or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of "Athlete." For purposes of these Anti-Doping Rules, an *Athlete* is defined as set out in the Scope section of the Introduction to these Anti-Doping Rules.

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 10.12.1 of the *Code*; (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing

conducted under Article 8; (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure or Public Reporting* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 13. Teams in *Team Sports* and teams outside *Team Sports* may also be subject to *Consequences* as provided in Article 11.

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

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

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

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

Event Venues: Those venues so designated by Panam Sports.

Event Period: The period commencing on the date of the opening of the Athlete's Village of the Pan-American Games or Pan American Junior Games whichever is applicable, up until and including the day of the closing ceremony of the Pan-American Games or Pan American Junior Games again whichever is applicable.

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

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

In-Competition: For purposes of these Anti-Doping Rules, "*In-Competition*" means the period commencing twelve hours before a *Competition* in which the Athlete is scheduled

to participate through the end of such *Competition* and *Sample* collection process related to such *Competition*.

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

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

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

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

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

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

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*. For purposes of these Anti-Doping Rules, the *Major Event Organization* is the Panam Sports.

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

Metabolite: Any substance produced by a biotransformation process.

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

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

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

National Federation: A national or regional entity which is a member of or is recognized

by an International Federation as the entity governing the International Federation's sport in that nation or region.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Specified Substance: See Article 4.2.3.

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

Substantial Assistance: For purposes of Article 10.6.1 of the *Code*, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to

do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

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

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

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

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

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

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

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