



RESULTS MANAGEMENT AND DISCIPLINARY PROCEDURES IN DOPING CASES

Objective and scope:

The purpose of this document is to complement article 7 and 8 of the ITU Anti-Doping Rules by outlining ITU's internal results management and disciplinary procedures in greater detail for athletes to better understand the process.

Athletes can always contact Leslie Buchanan, ITU Anti-Doping Director for additional clarifications.

1. Results Management

Preliminary review

In accordance with article 7 of the ITU Rules, the ITU AD director shall undertake all necessary preliminary reviews prior to issuing its first notice the "*Notice of a Possible Anti-Doping Rule Violation*".

These shall include but not be limited to determining if any departures from the International Standards occurred or if valid TUEs exists.

Should the AD Director then decide that there is sufficient cause to proceed with results management, it shall issue the first notice. If not, it shall not proceed and so inform WADA of the reasons for not doing so.

The Notice of a Possible Anti-Doping Rule Violation

In this initial notice, the athlete will be informed of the adverse analytical finding (and or of any other potential anti-doping rule violation) and will be given a variety of choices with regards to the disciplinary process.

Options provided:

1. Admit the anti-doping rule violation (ADRV), waive the right to the B sample analysis and waive the right to a hearing by accepting all the consequences of the ADRV including the mandatory applicable sanction for a first anti-doping rule violation. A form for the athlete to fill out and sign will be provided to this effect.
2. Admit the ADRV, waive the right to the B sample analysis and proceed to an expedited documentary or teleconference hearing. A form for the athlete to fill out and sign will be provided to this effect.
3. Request the analysis of the B sample (at the athlete's cost should the B sample confirm the A sample), and then proceed to a documentary hearing.

4. Request the analysis of the B sample (at the athlete's cost should the B sample confirm the A sample), and then proceed to a teleconference hearing.

The athlete will also be given the opportunity to voluntarily provisionally suspend himself/ herself pending resolution of the matter with any time provisionally suspended being credited off the eventual period of ineligibility which may or may not be imposed. A form for the athlete to fill out and sign will be provided to this effect.

Detailed explanation of procedures and process

The athlete will also be provided with a detailed explanation of the potential disciplinary and hearing process and be given the opportunity to ask questions on the same.

The athlete will be given a time deadline to reply and submit initial documentation that could be relevant in ITU's decision to assert the ADRV or not.

The main purpose of this first notice is to provide the athlete with the right to analyze his B sample and an initial opportunity to answer to the charges that may be brought against him or her prior to ITU asserting these charges as well as the right to admit to the ADRV and expedite the process as a whole.

Assertion of ADRV

Further to receipt of all the relevant information required to make a decision to that effect (including but not limited to B sample analysis results, retroactive TUE applications, evidence of departures from the International Standards, signed Assertion by the athlete etc.) the ITU AD Director will then either decide to not proceed with the matter, or to assert the ADRV in accordance with the ITU Anti-Doping Rules.

If the ITU AD Director decides to proceed with the ADRV, a second notice will be send to the athlete the "*Notice of Assertion of an Anti-Doping Rule Violation*".

The Notice of Assertion of an Anti-Doping Rule Violation

In this second notice, ITU will clearly identify the anti-doping rule that has been violated and outline the disciplinary process as per the initial notice.

The athlete will be given two options of hearings to choose from:

- ✓ a documentary hearing,
- or
- ✓ a teleconference hearing.

Alternatively, at any point in time, the athlete will be given the opportunity to waive the right to a hearing and to accept a sanction as proposed by ITU.

The athlete will be given the opportunity to file a full defense in a reasonable amount of time.

The athlete will be invited to ask any questions or clarifications on the process.

2. The Disciplinary Process

ITU procedures shall be carried-out with the utmost respect of every athlete's right to natural justice, in accordance with the ITU Anti-Doping Rules and in compliance with the World Anti-Doping Code.

ITU procedures shall be impartial and unbiased at all times. To this end, each chosen Panel member will sign a form confirming they have no conflicts of interest.

Once the ITU Anti-Doping Panel has been formed from the Roster of ITU Arbitrators and each arbitrator has confirmed he or she is free from any apparent conflicts of interest, the whole file shall be remitted to the Panel for its consideration and deliberation.

The case file submitted to the Panel shall contain but not be limited to:

- ✓ A copy of all the doping control and laboratory analysis documentation
- ✓ A copy of all the notices and communications sent to and from ITU and the athlete
- ✓ A copy of any form signed by the athlete (re: admission, waiver, provisional suspension)
- ✓ A copy of the athlete's full defense including exhibits, statements and/or other evidence
- ✓ A copy of ITU's submissions, including exhibits, statements and/or other evidence filed
- ✓ A copy of the relevant case law replied upon or legal precedent on similar matters
- ✓ A copy of the relevant rules relied upon

3. The Hearing

The three hearing options are as follows and the athlete has a right to representation regardless of the option he or she chooses.

1. The waiver of a hearing: No actual hearing will take place and the athlete will accept the proposed sanction.
2. A documentary hearing: The hearing will be documentary by reviewing all written materials, documents and statements that have been filed
3. A teleconference hearing: The hearing will be by teleconference but shall be more formal with both written submissions being considered and oral pleadings being made.

4. The Decision

In all instances, once each Panel member has carefully considered all the evidence before him or her and the Panel has deliberated on the file to the extent needed and required, the Panel must then agree on the appropriate sanction to impose and a majority consensus must be reached.

Once the ITU AD Director receives the Panel's written and reasoned decision it will be issued and sent to all the relevant parties.

Every interested party shall have a right of appeal to CAS.

The outcome of the decision will also be published on ITU's website.