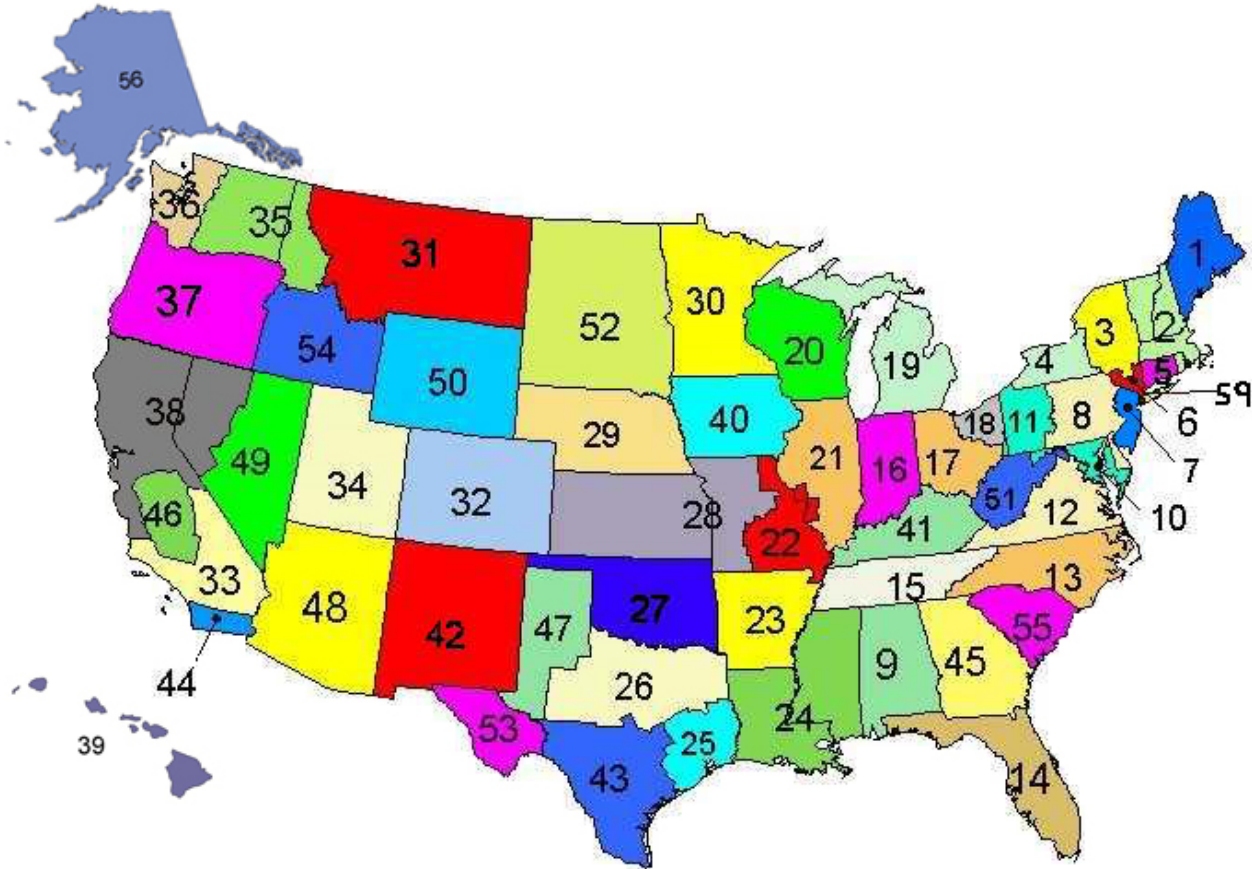


Section IV



EXHIBITS

EXHIBIT A
ASSOCIATION DESCRIPTIONS



Listing of Associations by number (map key):

(Each Association in boldface is a single entire state or multiple entire states and not included in the Association descriptions.)

- | | | |
|---------------------------------------|-------------------------------|------------------------------|
| 1 Maine | 20 Wisconsin | 39 Hawaii |
| 2 New England (MA, NH, RI, VT) | 21 Illinois | 40 Iowa |
| 3 Adirondack | 22 Ozark | 41 Kentucky |
| 4 Niagara | 23 Arkansas | 42 New Mexico |
| 5 Connecticut | 24 Southern (LA, MS) | 43 South Texas |
| 6 Metropolitan | 25 Gulf | 44 San Diego-Imperial |
| 7 New Jersey | 26 Southwestern | 45 Georgia |
| 8 Mid-Atlantic | 27 Oklahoma | 46 Central California |
| 9 Alabama | 28 Missouri Valley | 47 West Texas |
| 10 Potomac Valley | 29 Nebraska | 48 Arizona |
| 11 Three Rivers | 30 Minnesota | 49 Nevada |
| 12 Virginia | 31 Montana | 50 Wyoming |
| 13 North Carolina | 32 Colorado | 51 West Virginia |
| 14 Florida | 33 Southern California | 52 Dakotas (ND, SD) |
| 15 Tennessee | 34 Utah | 53 Border |
| 16 Indiana | 35 Inland Northwest | 54 Snake River |
| 17 Ohio | 36 Pacific Northwest | 55 South Carolina |
| 18 Lake Erie | 37 Oregon | 56 Alaska |
| 19 Michigan | 38 Pacific | 59 Long Island |

Descriptions of Association territories:

Adirondack – State of New York east and north of Oswego, Onondaga, Cortland, Broome, Sullivan, Orange, and Dutchess counties.

Border – Counties of El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Pecos, and Reeves in the state of Texas.

Central California – Counties of Mariposa, Madera, Fresno, Kings, Tulare, Kern, and Merced in the state of California.

Gulf – The state of Texas bounded on the north and including the counties of Robertson, Leon, Houston, Angelina, Nacogdoches, and Shelby; on the east by the state of Louisiana; on the south by the Gulf of Mexico; and on the west by and including the counties of Matagorda, Wharton, Colorado, Austin, Washington, Brazos, and Robertson.

Hawaii – State of Hawaii, and U.S. territories Guam, American Samoa, and other Pacific islands.

Illinois – State of Illinois, excluding the counties of St. Clair, Calhoun, Greene, Jersey, Monroe, and Madison.

Inland Northwest – State of Washington east of and including counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat; and state of Idaho north of and including Idaho County.

Lake Erie – State of Ohio counties of Erie, Huron, Richland, Lorain, Ashland, Geauga, Cuyahoga, Lake, Medina, Summit, Wayne, Holmes, Stark, Tuscarawas, Harrison, Jefferson, Carroll, Columbiana, Mahoning, Portage, Trumbull, and Ashtabula.

Long Island – New York counties of Suffolk and Nassau.

Metropolitan – State of New York south of and including Sullivan, Orange, and Dutchess counties, with the exception of Suffolk and Nassau Counties.

Mid-Atlantic – State of Pennsylvania east of and including Potter, Clinton, Centre, Huntingdon, and Bedford counties and the state of Delaware.

Missouri Valley – State of Kansas; and state of Missouri west of and including the counties of Schuyler, Adair, Macon, Randolph, Audrain, Callaway, Cole, Moniteau, Morgan, Benton, Hickory, Polk, Greene, Christian, and Taney.

Nevada – Counties of Elko, Lander, Eureka, White Pine, Nye, Lincoln, Esmeralda, and Clark in the State of Nevada.

Niagara – State of New York west of and including counties of Oswego, Onondaga, Cortland, and Broome.

Ohio – State of Ohio excluding the twenty-two (22) counties of the Lake Erie Association.

Ozark – State of Missouri east of and including the counties of Scotland, Knox, Shelby, Monroe, Ralls, Pike, Montgomery, Osage, Miller, Camden, Dallas, Webster, Douglas, and Ozark; and the counties of St. Clair, Calhoun, Greene, Jersey, Monroe, and Madison in the state of Illinois.

Pacific – State of California north of Inyo, Fresno, Madera, Mariposa, Merced, Kings, and San Luis Obispo counties; and Nevada counties of Humboldt, Washoe, Pershing, Churchill, Storey, Lyon, Mineral, Douglas, and Carson City.

Pacific Northwest – State of Washington west of Okanogan, Chelan, Kittitas, Yakima, and Klickitat counties.

Potomac Valley – State of Maryland, District of Columbia, and counties of Arlington and Fairfax and cities of Alexandria and Falls Church in the state of Virginia.

San Diego-Imperial – San Diego and Imperial counties in the state of California.

Snake River – State of Idaho south of Idaho County.

South Texas – That portion of the state of Texas bounded on the east by and including the counties of Milam, Bureson, Lee, Fayette, Lavaca, and Jackson; on the south by the Gulf of Mexico and the Republic of Mexico; on the west by and including the counties of Val Verde and Crockett; and on the north by the counties of Crockett, Schleicher, Menard, Mason, Llano, Burnet, Lampasas, and Williamson.

Southern California – Counties of Inyo, San Luis Obispo, Ventura, Santa Barbara, Los Angeles, Orange, San Bernadino, and Riverside in the state of California.

Southwestern – That portion of the state of Texas bounded on the south by and including the counties of Irion, Tom Green, Concho, McCulloch, San Saba, Mills, Hamilton, Coryell, Bell, Falls, Limestone, Freestone, Anderson, Cherokee, Rusk, and Panola; on the east by the state of Louisiana and the State of Arkansas; on the north by the state of Oklahoma; and on the west by and including the counties of Hardeman, Foard, Knox, Stonewall, Fisher, Scurry, Borden, Howard, Glasscock, and Reagan.

Three Rivers – State of Pennsylvania west of Potter, Clinton, Centre, Huntingdon, and Bedford counties; and counties of Marshall, Brooke, Ohio, and Hancock in the state of West Virginia.

Virginia – State of Virginia excluding the cnties of Arlington and Fairfax and cities of Alexandria and Falls Church.

West Texas – That portion of the state of Texas bounded on the east by and including the counties of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Kent, Garza, Lynn, Dawson, Martin, Midland, and Upton; on the south by and including the counties of Upton, Crane, Ward, and Loving; on the west by the state of New Mexico; and on the north by the state of Oklahoma.

West Virginia – State of West Virginia excluding the counties of Marshall, Brooke, Ohio, and Hancock.

EXHIBIT B
REGION DESCRIPTIONS

EXHIBIT B-1 – REGION DESCRIPTIONS

East	South	North	West
Adirondack	Alabama	Dakotas	Alaska
Connecticut	Arkansas	Illinois	Arizona
Long Island	Florida	Indiana	Border
Maine	Georgia	Iowa	Central California
Metropolitan	Gulf	Kentucky	Colorado
Mid-Atlantic	North Carolina	Lake Erie	Hawaii
New England	Oklahoma	Michigan	Inland Northwest
New Jersey	South Carolina	Minnesota	Montana
Niagara	South Texas	Missouri Valley	Nevada
Potomac Valley	Southern	Nebraska	New Mexico
Three Rivers	Southwestern	Ohio	Oregon
Virginia	Tennessee	Ozark	Pacific
	West Texas	West Virginia	Pacific Northwest
		Wisconsin	San Diego-Imperial
			Snake River
			Southern California
			Utah
			Wyoming

EXHIBIT B-2 – YOUTH ATHLETICS REGION DESCRIPTIONS

Region	Associations
1	Adirondack, Connecticut, Long Island, Maine, Metropolitan, New England
2	Mid-Atlantic, New Jersey, Niagara, Three Rivers
3	Georgia, North Carolina, Potomac Valley, South Carolina, Virginia
4	Florida
5	Kentucky, Lake Erie, Michigan, Ohio, West Virginia
6	Alabama, Southern, Tennessee
7	Illinois, Indiana
8	Dakotas, Iowa, Minnesota, Nebraska, Wisconsin
9	Arkansas, Missouri Valley, Oklahoma, Ozark
10	Arizona, Border, Colorado, New Mexico, Utah
11	Montana, Snake River, Wyoming
12	Gulf, Southwestern, South Texas, West Texas
13	Alaska, Inland Northwest, Oregon, Pacific Northwest
14	Central California, Pacific
15	Hawaii, Nevada, San Diego-Imperial, Southern California

EXHIBIT B-3 – CROSS COUNTRY AND MASTERS REGION DESCRIPTIONS

Eastern	Southeast	Midwest	Mid-America	Southwest	West	Northwest
Adirondack	Alabama	Illinois	Colorado	Arkansas	Arizona	Alaska
Connecticut	Florida	Indiana	Dakotas	Border	Central Cal	Inland NW
Long Island	Georgia	Kentucky	Iowa	Gulf	Hawaii	Montana
Maine	No. Carolina	Lake Erie	Minnesota	Oklahoma	Nevada	Oregon
Metropolitan	So. Carolina	Michigan	Missouri Valley	South Texas	New Mexico	Pacific NW
Mid-Atlantic	Tennessee	Ohio	Nebraska	Southern	Pacific	Snake River
New England	Virginia	West Virginia	Ozark	Southwestern	SD-Imperial	Utah
New Jersey		Wisconsin		West Texas	Southern Cal	Wyoming
Niagara						
Potomac Valley						
Three Rivers						

**EXHIBIT C
CONSTITUENT MEMBERS**

EXHIBIT C-1 — ARTICLE 5-E MEMBERS

<u>Name of member (acronym)</u>	<u>Committees with extra representation</u>	<u>Number of Voting Delegates</u>
National Collegiate Athletic Association (NCAA)	MTF WTF MLDR WLDR.....	10
National Federation of State High School Associations (NFSHSA)	MTF WTF MLDR WLDR YA.....	10
National Association of Intercollegiate Athletics (NAIA)	MTF WTF MLDR WLDR RW.....	10
National Junior College Athletic Association (NJCAA)	MTF WTF MLDR WLDR.....	10
Road Runners Club of America (RRCA)	MLDR WLDR YA MaLDR.....	10
Running USA (RUSA)	MLDR WLDR MaLDR	10

EXHIBIT C-2 — ARTICLE 5-F-1 MEMBERS (NATIONAL ATHLETICS ORGANIZATIONS)

All American Trail Running Association	MLDR, WLDR, MaLDR	1
Amateur Athletic Union (AAU)	YA	1
American Alliance for Health, Physical Education, Recreation, and Dance (AAHPERD)	None	1
American Running and Fitness Association (ARFA)	None	0
American Ultrarunning Association (AUA)	MLDR WLDR MaLDR	1
Catholic Youth Organization (CYO)	YA	1
National Jewish Community Centers Association (NJCCA)	YA	1
National Senior Games Association (NSGA)	MaTF MaLDR.....	3
Officials Committee of USATF	All	1
U.S. Armed Forces (USAF)	MTF WTF MLDR WLDR RW.....	8
U.S. Corporate Cup Association (USCCA)	MTF WTF MLDR WLDR MaTF MaLDR	1
U.S. Track Meet Directors Association (USTMDA)	MTF WTF RW YA MaTF	5
Young Men’s Christian Association (YMCA)	YA	1

EXHIBIT C-3 — ARTICLE 5-F-2 MEMBERS (NATIONAL COACHING ORGANIZATIONS)

**The Coaches Advisory Committee shall appoint, elect, or oversee the election or appointment, without reservation, of these delegates.*

NCAA Division I Track Coaches Association	MTF WTF MLDR WLDR.....	5*
NCAA Division II Track Coaches Association	MTF WTF MLDR WLDR.....	5*
NCAA Division III Track Coaches Association	MTF WTF MLDR WLDR.....	5*
National High School Athletics Coaches Association (NHSACA)	MTF WTF MLDR WLDR YA.....	5*
NAIA Track & Field Coaches Association	MTF WTF MLDR WLDR RW.....	5*
NJCAA Track Coaches Association	MTF WTF MLDR WLDR.....	5*
U.S. Women’s Track & Field Coaches Association (USWTFCA)	WTF WLDR	2*
United States Track Coaches Association (USTCA)	MTF WTF MLDR WLDR RW YA	9
USATF Club Council Coaches	MTF WTF MLDR WLDR RW YA	5*
Four (4) delegates, two each designated by:		
1 Northwest Athletic Association of Community Colleges (NWAACC) and	MTF WTF MLDR WLD YA	2*
2 California Community Coll. Cross Country and Track Coaches Association (CCCCCTCA)	MTF WTF MLDR WLD YA	2*
Youth Track Coaches Association	YA	1

EXHIBIT C-4 — ARTICLE 5-F-3 MEMBERS (SPORTS ORGANIZATIONS FOR THE DISABLED)

Organizations accepted under Article 5-E-3 Collectively	10
National Disability Sports Alliance	*None	
Wheelchair Sports, USA	*None	
Special Olympics, Inc.	*None	
U.S. Association for Blind Athletes	*None	
USA Deaf Sports Federation	*None	

**Collectively the V-E-3 members are entitled to one member on each sports committee.*

EXHIBIT C-5 — ARTICLE 5-F-4 MEMBERS (PROFESSIONAL ATHLETICS ASSOCIATIONS)

Professional Athletes Association (PAA)	None	0
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EXHIBIT D
ASSOCIATION DELEGATION REPRESENTATION

EXHIBIT D-1 — DELEGATION REQUIREMENTS

This table shall be used to determine the required number of coaches and athletes who shall be part of each Association's delegation at each meeting of USATF. Three (3) or more of the delegates from each Association [or four (4) or more delegates in the case of an Association with more than four thousand (4,000) individual members] shall be coaches (individuals whose vocation includes the administration or coaching of school/college community Athletics or who are USATF-certified coaches). When available, at least one (1) of the coaches shall be a high school coach. The number of coaches for delegations of fewer than nine (9) shall be adjusted. A minimum of twenty percent (20%) of the delegation shall be athletes, and at least one (1) athlete shall be an International Athlete, where available.

Number of voting Association delegates at meeting	Minimum number of athletes required	Minimum number of coaches required	Number of other other delegates permitted*
20	4	4	12-16
19	4	4	11-15
18	4	4	10-14
17	4	4	9-13
16	4	4	8-12
15	3	3	9-12
14	3	3	8-11
13	3	3	7-10
12	3	3	6-9
11	3	3	5-8
10	2	3	5-7
9	2	3	4-6
8	2	2	4-6
7	2	2	3-5
6	2	2	2-4
5	1	2	2-3
4	1*	2*	1-2**
3	1*	1*	1-2**
2	1*	1*	0-1**
1	1*	1*	0**

*Because a person may be treated as both a coach and an athlete, the number of delegates neither a coach nor an athlete varies depending on the number of dual-role delegates.

**If there are fewer than five delegates, one person on the delegation must be either a coach or an athlete.

EXHIBIT D-2 — MAXIMUM NUMBER OF DELEGATES PER 1000

Association Members	Maximum Number of Delegates
0001 to 0999.....	up to 12 delegates
1000 to 1999.....	13 delegates
2000 to 2999.....	14 delegates
3000 to 3999.....	15 delegates
4000 to 4999.....	16 delegates
5000 to 5999.....	17 delegates
6000 to 6999.....	18 delegates
7000 to 7999.....	19 delegates
8000 to 8999.....	20 delegates

EXHIBIT E
SPORT COMMITTEE / COUNCIL VOTING MAKE-UP

This table indicates the members entitled to vote within each sport committee and the Cross Country Running Council. Members may be changed at any time by the entity being represented. When a change is made, the president or chair of the particular entity should submit a letter indicating the change.

	HIGH PERFORMANCE			LONG DISTANCE RUNNING				GEN COMP		
	Men	Women's		Men	Women	Masters	Cross	MUT	Youth	Masters
	<u>T&F</u>	<u>T&F</u>	<u>RW</u>	<u>LDR</u>	<u>LDR</u>	<u>LDR</u>	<u>Country</u>	<u>Run</u>	<u>Ath</u>	<u>T&F</u>
Associations	57	57	57	57	57	57	57	57	57	57
<i>National sports organizations: one member except three if a national program in that discipline.</i>										
NCAA	3	3	1	3	3	1	1	0	1	1
NFSHSA	3	3	1	3	3	1	1	0	3	1
NAIA	3	3	3	3	3	1	1	0	1	1
NJCAA	3	3	1	3	3	1	1	0	1	1
RRCA	1	1	1	3	3	3	1	0	3	1
Running USA	1	1	1	3	3	3	1	0	1	1
<i>Other non-coaching organizations: one member only if a national program in that discipline.</i>										
AATRA	0	0	0	1	1	1	0	0	0	0
AAU	0	0	0	0	0	0	0	0	1	0
AAHPERD	0	0	0	0	0	0	0	0	0	0
ARFA	0	0	0	0	0	0	0	0	0	0
AUA	0	0	0	1	1	1	0	0	0	0
CYO	0	0	0	0	0	0	0	0	1	0
JCC	0	0	0	0	0	0	0	0	1	0
NSGA	0	0	0	0	0	1	0	0	0	1
US Armed Forces	1	1	1	1	1	0	0	0	0	0
USCCA	1	1	0	1	1	1	0	0	0	1
USTMDA	1	1	1	0	0	0	0	0	1	1
YMCA	0	0	0	0	0	0	0	0	1	0
<i>Coaches Advisory appointments: may assign more than one coach per coaching association.</i>										
<i>*NCAA</i>										
Div I TCA	*	*	0	*	*	0	0	0	0	0
Div II TCA	*	*	0	*	*	0	0	0	0	0
Div III TCA	*	*	0	*	*	0	0	0	0	0
*NAIA Coaches	*	*	*	*	*	0	0	0	0	0
*NHSACA	*	*	0	*	*	0	0	0	*	0
*NJCAA TCA	*	*	0	*	*	0	0	0	0	0
*USWTCA	0	*	0	0	*	0	0	0	0	0
*USTCA	*	*	*	*	*	0	0	0	*	0
*NWAACC	*	*	0	*	*	0	0	0	*	0
*CCCCCTCA	*	*	0	*	*	0	0	0	*	0
YTCA	0	0	0	0	0	0	0	0	1	0
Committees:										
Athletics/Disabled	1	1	1	1	1	1	0	0	1	1
Club Council Coaches	1	1	1	1	1	0	0	0	1	0
Officials	1	1	1	1	1	1	1	0	1	1
Men's LDR	0	0	0	0	0	0	0	3	0	0
Women's LDR	0	0	0	0	0	0	0	3	0	0
Masters LDR	0	0	0	0	0	0	0	3	0	0
Coaches Advisory	9*	10*	2*	9*	10*	1*	0	0	2*	1*
At-large members	5	5	5	5	5	5	0	4	5	5
Elected officers	3	1	1	1	1	5	1	2	9	4
Active Athletes	24	23	20	24	24	21	17	18	4	20
TOTAL	118	117	98	122	123	104	82	90	96	99

EXHIBIT F
TEMPORARY GROUPS

Please refer to the on-line organizational directory for a current list of the Temporary Groups, such as Task Forces and Task Groups.

EXHIBIT G
TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT
Public Law – October 1998 – 105th Congress

An Act

CHAPTER 2205 UNITED STATES OLYMPIC COMMITTEE

SUBCHAPTER I. – CORPORATION

Sec.

- 220501. *Definitions.*
- 220502. *Organization.*
- 220503. *Purposes.*
- 220504. *Membership.*
- 220505. *Powers.*
- 220506. *Exclusive right to name, seals, emblems, and badges.*
- 220507. *Restrictions.*
- 220508. *Headquarters, principal office, and meetings.*
- 220509. *Resolution of disputes.*
- 220510. *Service of process.*
- 220511. *Report.*
- 220512. *Complete teams.*

SUBCHAPTER II. – NATIONAL GOVERNING BODIES

Sec.

- 220521. *Recognition of amateur sports organizations as national governing bodies.*
- 220522. *Eligibility requirements.*
- 220523. *Authority of national governing bodies.*
- 220524. *General duties of national governing bodies.*
- 220525. *Granting sanctions for amateur athletic competitions.*
- 220526. *Restricted amateur athletic competitions.*
- 220527. *Complaints against national governing bodies.*
- 220528. *Applications to replace an incumbent national governing body.*
- 220529. *Arbitration of corporation determinations.*

SUBCHAPTER I. – CORPORATION

220501. Title and Definitions

- (a) **TITLE** – *This chapter may be cited as the “Ted Stevens Olympic and Amateur Sports Act.”*
- (b) **DEFINITIONS** – *For purposes of this chapter –*
 - (1) **“amateur athlete”** means an athlete who meets the eligibility standards established by the national governing body or paralympic sports organization for the sport in which the athlete competes.
 - (2) **“amateur athletic competition”** means a contest, game, meet, match, tournament, regatta, or other event in which amateur athletes compete.
 - (3) **“amateur sports organization”** means a not-for-profit corporation, association, or other group organized in the United States that sponsors or arranges an amateur athletic competition.
 - (4) **“corporation”** means the United States Olympic Committee.
 - (5) **“international amateur athletic competition”** means an amateur athletic competition between one or more athletes representing the United States, individually or as a team, and one or more athletes representing a foreign country.
 - (6) **“national governing body”** means an amateur sports organization that is recognized by the corporation under section 220521 of this title.
 - (7) **“paralympic sports organization”** means an amateur sports organization which is recognized by the corporation under section 220521 of this title.
 - (8) **“sanction”** means a certificate of approval issued by a national governing body.

220502. Organization

- (a) **FEDERAL CHARTER.** – *The corporation is a federally chartered corporation.*
- (b) **PERPETUAL EXISTENCE.** – *Except as otherwise provided, the corporation has perpetual existence.*
- (c) **REFERENCES TO UNITED STATES OLYMPIC ASSOCIATION.** – *Any reference to the United States Olympic Association is deemed to refer to the United States Olympic Committee.*

220503. Purposes

The purposes of the corporation are:

- (1) *to establish national goals for amateur athletic activities and encourage the attainment of those goals;*
- (2) *to coordinate and develop amateur athletic activity in the United States, directly related to international amateur athletic competition, to foster productive working relationships among sports-related organizations;*
- (3) *to exercise exclusive jurisdiction, directly or through constituent members of committees, over –*
 - (A) *all matters pertaining to United States participation in the Olympic Games, the Paralympic Games, and the Pan-American Games, including representation of the United States in the games; and*

- (B) the organization of the Olympic Games, the Paralympic Games, and the Pan-American Games when held in the United States;
- (4) to obtain for the United States, directly or by delegation to the appropriate national governing body, the most competent amateur representation possible in each event of the Olympic Games, the Paralympic Games, and Pan-American Games;
 - (5) to promote and support amateur athletic activities involving the United States and foreign nations;
 - (6) to promote and encourage physical fitness and public participation in amateur athletic activities;
 - (7) to assist organizations and persons concerned with sports in the development of amateur athletic programs for amateur athletes;
 - (8) to provide swift resolution of conflicts and disputes involving amateur athletes, national governing bodies, and amateur sports organizations, and protect the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition;
 - (9) to foster the development of amateur athletic facilities for use by amateur athletes and assist in making existing amateur athletic facilities available for use by amateur athletes;
 - (10) to provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis;
 - (11) to encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety;
 - (12) to encourage and provide assistance to amateur athletic activities for women;
 - (13) to encourage and provide assistance to amateur athletic programs and competition for amateur athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such amateur athletes in programs of athletic competition for able-bodied amateur athletes; and
 - (14) to encourage and provide assistance to amateur athletes of racial and ethnic minorities for the purpose of eliciting the participation of those minorities in amateur athletic activities in which they are under-represented.

220504. Membership

- (a) **ELIGIBILITY.** — Eligibility for membership in the corporation is as provided in the constitution and bylaws of the corporation.
- (b) **REQUIRED PROVISIONS FOR REPRESENTATION.** — In its constitution and bylaws, the corporation shall establish and maintain provisions with respect to its governance and the conduct of its affairs for reasonable representation of —
 - (1) amateur sports organizations recognized as national governing bodies and paralympic sports organizations in accordance with section 220521 of this title, including through provisions which establish and maintain a National Governing Bodies' Council composed of representatives of the national governing bodies and any paralympic sports organizations and selected by their boards of directors or such other governing boards to ensure effective communication between the corporation and such national governing bodies and paralympic sports organizations;
 - (2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the preceding 10 years, including through provisions which —
 - (A) establish and maintain an Athletes' Advisory Council composed of and elected by such amateur athletes to ensure communication between the corporation and such amateur athletes; and
 - (B) ensure that the membership and voting power held by such amateur athletes is not less than 20 percent of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation;
 - (3) amateur sports organizations that conduct a national program or regular national amateur athletic competition in 2 or more sports that are included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games on a level of proficiency appropriate for the selection of amateur athletes to represent the United States in international amateur athletic competition; and
 - (4) individuals not affiliated or associated with any amateur sports organization who, in the corporation's judgment, represent the interests of the American public in the activities of the corporation.

220505. Powers

- (a) **CONSTITUTION AND BYLAWS.** — The corporation shall adopt a constitution and bylaws. The corporation may amend its constitution only if the corporation —
 - (1) publishes, in its principal publication, a notice of the proposed amendment, including —

- (A) *the substantive terms of the amendment;*
- (B) *the time and place of the corporation's regular meeting at which adoption of the amendment is to be decided; and*
- (C) *a provision informing interested persons that they may submit materials as authorized in clause (2) of this subsection; and*
- (2) *gives all interested persons an opportunity to submit written comments and information for at least 60 days after publication of notice of the proposed amendment and before adoption of the amendment.*
- (b) **GENERAL CORPORATE POWERS.** — *The corporation may —*
 - (1) *adopt and alter a corporate seal;*
 - (2) *establish and maintain offices to conduct the affairs of the corporation;*
 - (3) *make contracts;*
 - (4) *accept gifts, legacies, and devises in furtherance of its corporate purposes;*
 - (5) *acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;*
 - (6) *borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;*
 - (7) *publish a magazine, newspaper, and other publications consistent with its corporate purposes;*
 - (8) *approve and revoke membership in the corporation;*
 - (9) *sue and be sued, except that any civil action brought in a State court against the corporation and solely relating to the corporation's responsibilities under this Act shall be removed, at the request of the corporation, to the district court of the United States in the district in which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or citizenship of the parties involved, and except that neither this paragraph nor any other provision of this chapter shall create a private right of action under this chapter; and*
 - (10) *do any other act necessary and proper to carry out the purposes of the corporation.*
- (c) **POWERS RELATED TO AMATEUR ATHLETICS AND THE OLYMPIC GAMES.** — *The corporation may-*
 - (1) *serve as the coordinating body for amateur athletic activity in the United States directly related to international amateur athletic competition;*
 - (2) *represent the United States as its national Olympic committee in relations with the International Olympic Committee and the Pan-American Sports Organization and as its national Paralympic committee in relations with the International Paralympic Committee;*
 - (3) *organize, finance, and control the representation of the United States in the competitions and events of the Olympic Games, the Paralympic Games, and the Pan-American Games, and obtain, directly or by delegation to the appropriate national governing body, amateur representation for those games;*
 - (4) *recognize eligible amateur sports organizations as national governing bodies for any sport that is included on the program of the Olympic Games, or as paralympic sports organizations for any sport that is included on the program of the Paralympic Games, or the Pan-American Games;*
 - (5) *facilitate, through orderly and effective administrative procedures, the resolution of conflicts or disputes that involve any of its members and any amateur athlete, coach, trainer, manager, administrator, official, national governing body, or amateur sports organization and that arise in connection with their eligibility for and participation in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition, the Pan-American world championship competition, or other protected competition as defined in the constitution and bylaws of the corporation; and*
 - (6) *provide financial assistance to any organization or association, except a corporation organized for profit, in furtherance of the purposes of the corporation.*

220506 Exclusive right to name, seals, emblems, and badges

- (a) **EXCLUSIVE RIGHT OF CORPORATION.** — *Except as provided in subsection (d) of this section, the corporation has the exclusive right to use —*
 - (1) *the name "United States Olympic Committee;"*
 - (2) *the symbol of the International Olympic Committee, consisting of 5 interlocking rings, the symbol of the International Paralympic Committee, consisting of 3 TaiGeuks, or the symbol of the Pan-American Sports Organization, consisting of a torch surrounded by concentric rings;*
 - (3) *the emblem of the corporation consisting of an escutcheon having a blue chief and vertically extending red and white bars on the base with 5 interlocking rings displayed on the chief; and*
 - (4) *the words "Olympic," "Olympiad," "Citius Altius Fortius," "Paralympic," "Paralympiad," "Pan-American," "America Espirito Sport Fraternalite," or any combination of those words.*

- (b) **CONTRIBUTORS AND SUPPLIERS.** — The corporation may authorize contributors and suppliers of goods or services to use the trade name of the corporation or any trademark, symbol, insignia, or emblem of the International Olympic Committee, International Paralympic Committee, the Pan-American Sports Organization, or of the corporation to advertise that the contributions, goods, or services were donated or supplied to, or approved, selected, or used by, the corporation, the United States Olympic team, the Paralympic team, the Pan-American team, or team members.
- (c) **CIVIL ACTION FOR UNAUTHORIZED USE.** — Except as provided in subsection (d) of this section, the corporation may file a civil action against a person for the remedies provided in the Act of July 5, 1946 (15 U.S.C. 1051 et seq.) (popularly known as the Trademark Act of 1946) if the person, without the consent of the corporation, uses for the purpose of trade, to induce the sale of any goods or services, or to promote any theatrical exhibition, athletic performance, or competition —
- (1) the symbol described in subsection (a)(2) of this section;
 - (2) the emblem described in subsection (a)(3) of this section;
 - (3) the words described in subsection (a)(4) of this section, or any combination or simulation of those words tending to cause confusion or mistake, to deceive, or to falsely suggest a connection with the corporation or any Olympic, Paralympic, or Pan-American Games activity; or
 - (4) any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the International Olympic Committee, the International Paralympic Committee, the Pan-American Sports Organization, or the corporation.
- (d) **PRE-EXISTING RIGHTS AND GEOGRAPHIC REFERENCE.** —
- (1) A person who actually uses the emblem described in subsection (a)(3) of this section, or the words or any combination of the words described in subsection (a)(4) of this section, for any lawful purpose before September 21, 1950, is not prohibited by this section from continuing the lawful use for the same purpose and for the same goods or services;
 - (2) A person who actually used, or whose assignor actually used, the words or any combination of the words described in subsection (a)(4) of this section, or a trademark, trade name, sign, symbol, or insignia described in subsection (c)(4) of this section, for any lawful purpose before September 21, 1950, is not prohibited by this section from continuing the lawful use for the same purpose and for the same goods or services;
 - (3) Use of the word “Olympic” to identify a business, goods, or services is permitted by this section where —
 - (A) such use is not combined with any of the intellectual properties referenced in subsections (a) or (c) of this section;
 - (B) it is evident from the circumstances that such use of the word “Olympic” refers to the naturally occurring mountains or geographical region of the same name that were named prior to February 6, 1998, and not to the corporation or any Olympic activity; and
 - (C) such business, goods, or services are operated, sold, and marketed in the State of Washington west of the Cascade Mountain range and operations, sales, and marketing outside of this area are not substantial.

220507. Restrictions

- (a) **PROFIT AND STOCK.** — The corporation may not engage in business for profit or issue stock.
- (b) **POLITICAL Activities.** — The corporation shall be nonpolitical and may not promote the candidacy of an individual seeking public office.

220508. Headquarters, principal office, and meetings

The corporation shall maintain its principal office and national headquarters in a place in the United States decided by the corporation. The corporation may hold its annual and special meetings in the places decided by the corporation.

220509. Resolution of disputes

- (a) **GENERAL.** — The corporation shall establish and maintain provisions in its constitution and bylaws for the swift and equitable resolution of disputes involving any of its members and relating to the opportunity of an amateur athlete, coach, trainer, manager, administrator, or official to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition, or other protected competition as defined in the constitution and bylaws of the corporation. In any lawsuit relating to the resolution of a dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, or the Pan-American Games, a court shall not grant injunctive relief against the corporation within 21 days before the beginning of such games if the corporation, after consultation with the

chair of the Athletes' Advisory Council, has provided a sworn statement in writing executed by an officer of the corporation to such court that its constitution and bylaws cannot provide for the resolution of such dispute prior to the beginning of such games.

(b) OMBUDSMAN. —

- (1) The corporation shall hire and provide salary, benefits, and administrative expenses for an ombudsman for athletes, who shall:
 - (A) provide independent advice to athletes at no cost about the applicable provisions of this chapter and the constitution and bylaws of the corporation, national governing bodies, paralympic sports organizations, international sports federations, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization, and with respect to the resolution of any dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition, or other protected competition as defined in the constitution and bylaws of the corporation;
 - (B) assist in mediating any such disputes; and
 - (C) report to the Athletes' Advisory Council on a regular basis.
- (2) (A) The procedure for hiring the ombudsman for athletes shall be as follows —
 - (i) The Athletes' Advisory Council shall provide the corporation's executive director with the name of one qualified person to serve as ombudsman for athletes;
 - (ii) The corporation's executive director shall immediately transmit the name of such person to the corporation's executive committee; and
 - (iii) The corporation's executive committee shall hire or not hire such person after fully considering the advice and counsel of the Athletes' Advisory Council. If there is a vacancy in the position of the ombudsman for athletes, the nomination and hiring procedure set forth in this paragraph shall be followed in a timely manner;
- (B) The corporation may terminate the employment of an individual serving as ombudsman for athletes only if —
 - (i) the termination is carried out in accordance with the applicable policies and procedures of the corporation;
 - (ii) the termination is initially recommended to the corporation's executive committee by either the corporation's executive director or by the Athletes' Advisory Council; and
 - (iii) the corporation's executive committee fully considers the advice and counsel of the Athletes' Advisory Council prior to deciding whether or not to terminate the employment of such individual.

220510. Service of process

As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall have a designated agent in the State of Colorado to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

220511. Report

- (a) SUBMISSION TO PRESIDENT AND CONGRESS. — The corporation shall, on or before the first day of June, 2001, and every fourth year thereafter, transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 4 years, including —
 - (1) a complete statement of its receipts and expenditures;
 - (2) a comprehensive description of the activities and accomplishments of the corporation during such 4-year period;
 - (3) data concerning the participation of women, disabled individuals, and racial and ethnic minorities in the amateur athletic activities and administration of the corporation and national governing bodies; and
 - (4) a description of the steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur athletic activities.
- (b) AVAILABILITY TO PUBLIC. — The corporation shall make copies of the report available to interested persons at a reasonable cost.

NOTE: The following additional reporting requirement is set forth in section 142.(q) of the Omnibus Appropriations Act of 1998 enacted on October 21, 1998. "SPECIAL REPORT TO CONGRESS. — Five years from the date of the enactment of this Act, the United States Olympic Committee shall submit a special report to the Congress on the effectiveness of the provisions of chapter 2205 of title 36, United

States Code, as amended by this Act, together with any additional proposed changes to that chapter the United States Olympic Committee determines are appropriate.”

220512 Complete teams

In obtaining representation for the United States in each competition and event of the Olympic Games, Paralympic Games, and Pan-American Games, the corporation, either directly or by delegation to the appropriate national governing body or paralympic sports organization, may select, but is not obligated to select (even if not selecting will result in an incomplete team for an event), athletes who have not met the eligibility standard of the national governing body and the Corporation, when the number of athletes who have met the eligibility standards of such entities is insufficient to fill the roster for an event.

SUBCHAPTER II – NATIONAL GOVERNING BODIES

220521. Recognition of amateur sports organizations as national governing bodies

- (a) **GENERAL AUTHORITY.** — *For any sport which is included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games, the corporation is authorized to recognize as a national governing body (in the case of a sport on the program of the Olympic Games or Pan-American Games) or as a paralympic sports organization (in the case of a sport on the program of the Paralympic Games for which a national governing body has not been designated under section 220522(b) an amateur sports organization which files an application and is eligible for such recognition in accordance with the provisions of subsections (a) or (b) of section 220522. The corporation may recognize only one national governing body for each sport for which an application is made and approved, except as provided in section 220522(b) with respect to a paralympic sports organization.*
- (b) **PUBLIC HEARING.** — *Before recognizing any organization as a national governing body, the corporation shall hold at least 2 public hearings on the application. The corporation shall publish notice of the time, place, and nature of the hearings. Publication shall be made in a regular issue of the corporation’s principal publication at least 30 days, but not more than 60 days, before the date of the hearings. The corporation shall send written notice, which shall include a copy of the application, at least 30 days prior to the date of any such public hearing to all amateur sports organizations known to the corporation in that sport.*
- (c) **RECOMMENDATION TO INTERNATIONAL SPORTS FEDERATION.** — *Within 61 days after recognizing an organization as a national governing body, the corporation shall recommend and support in any appropriate manner the national governing body, to the appropriate international sports federation as the representative of the United States for that sport.*
- (d) **REVIEW OF RECOGNITION.** — *The corporation may review all matters related to the continued recognition of an organization as a national governing body and may take action it considers appropriate, including placing conditions on the continued recognition.*

220522. Eligibility requirements

- (a) **GENERAL.** — *An amateur sports organization is eligible to be recognized, or to continue to be recognized, as a national governing body only if it*
 - (1) *is incorporated under the laws of a State of the United States or the District of Columbia as a not-for-profit corporation having as its purpose the advancement of amateur athletic competition;*
 - (2) *has the managerial and financial capability to plan and execute its obligations;*
 - (3) *submits —*
 - (A) *an application, in the form required by the corporation, for recognition as a national governing body,*
 - (B) *a copy of its corporate charter and bylaws, and*
 - (C) *any additional information considered necessary or appropriate by the corporation;*
 - (4) *agrees to submit to binding arbitration in any controversy involving —*
 - (A) *its recognition as a national governing body, as provided for in section 220529 of this title, upon demand of the corporation; and*
 - (B) *the opportunity of any amateur athlete, coach, trainer, manager, administrator or official to participate in amateur athletic competition, upon demand of the corporation or any aggrieved amateur athlete, coach, trainer, manager, administrator or official, conducted in accordance with the Commercial Rules of the American Arbitration Association, as modified and provided for in the corporation’s constitution and bylaws, except that if the Athletes’ Advisory Council and National Governing Bodies’ Council do not concur on any modifications to such Rules, and if the corporation’s executive committee is not able to facilitate such concurrence, the Commercial*

Rules of Arbitration shall apply unless at least two-thirds of the corporation's board of directors approves modifications to such Rules;

- (5) *demonstrates that it is autonomous in the governance of its sport, in that it —*
 - (A) *independently decides and controls all matters central to governance;*
 - (B) *does not delegate decision-making and control of matters central to governance; and*
 - (C) *is free from outside restraint;*
 - (6) *demonstrates that it is a member of no more than one international sports federation that governs a sport included on the program of the Olympic Games or the Pan-American Games;*
 - (7) *demonstrates that its membership is open to any individual who is an amateur athlete, coach, trainer, manager, administrator, or official active in the sport for which recognition is sought, or any amateur sports organization that conducts programs in the sport for which recognition is sought, or both;*
 - (8) *provides an equal opportunity to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athletic competition, without discrimination on the basis of race, color, religion, sex, age, or national origin, and with fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator, or official before declaring the individual ineligible to participate;*
 - (9) *is governed by a board of directors or other governing board whose members are selected without regard to race, color, religion, national origin, or sex, except that, in sports where there are separate male and female programs, it provides for reasonable representation of both males and females on the board of directors or other governing board;*
 - (10) *demonstrates, based on guidelines approved by the corporation, the Athletes' Advisory Council, and the National Governing Bodies' Council, that its board of directors and other such governing boards have established criteria and election procedures for and maintain among their voting members individuals who are actively engaged in amateur athletic competition in the sport for which recognition is sought or who have represented the United States in international amateur athletic competition within the preceding 10 years, that any exceptions to such guidelines by such organization have been approved by the corporation, and that the voting power held by such individuals is not less than 20 percent of the voting power held in its board of directors and other such governing boards;*
 - (11) *provides for reasonable direct representation on its board of directors or other governing board for any amateur sports organization that —*
 - (A) *conducts a national program or regular national amateur athletic competition in the applicable sport on a level of proficiency appropriate for the selection of amateur athletes to represent the United States in international amateur athletic competition; and*
 - (B) *ensures that the representation reflects the nature, scope, quality, and strength of the programs and competitions of the amateur sports organization in relation to all other programs and competitions in the sport in the United States;*
 - (12) *demonstrates that none of its officers are also officers of another amateur sports organization recognized as a national governing body;*
 - (13) *provides procedures for the prompt and equitable resolution of grievances of its members;*
 - (14) *does not have eligibility criteria related to amateur status or to participation in the Olympic Games, the Paralympic Games, or the Pan-American Games that are more restrictive than those of the appropriate international sports federation; and*
 - (15) *demonstrates, if the organization is seeking to be recognized as a national governing body, that it is prepared to meet the obligations imposed on a national governing body under sections 220524 and 220525 of this title.*
- (b) *RECOGNITION OF PARALYMPIC SPORTS ORGANIZATIONS. — For any sport which is included on the program of the Paralympic Games, the corporation is authorized to designate, where feasible and when such designation would serve the best interest of the sport, and with the approval of the affected national governing body, a national governing body recognized under subsection (a) to govern such sport. Where such designation is not feasible or would not serve the best interest of the sport, the corporation is authorized to recognize another amateur sports organization as a paralympic sports organization to govern such sport, except that, notwithstanding the other requirements of this chapter, any such paralympic sports organization —*
- (1) *shall comply only with those requirements, perform those duties, and have those powers that the corporation, in its sole discretion, determines are appropriate to meet the objects and purposes of this chapter; and*

- (2) may, with the approval of the corporation, govern more than one sport included on the program of the Paralympic Games.

220523. Authority of national governing bodies

- (a) **AUTHORITY.** — For the sport that it governs, a national governing body may —
- (1) represent the United States in the appropriate international sports federation;
 - (2) establish national goals and encourage the attainment of those goals;
 - (3) serve as the coordinating body for amateur athletic activity in the United States;
 - (4) exercise jurisdiction over international amateur athletic activities and sanction international amateur athletic competition held in the United States and sanction the sponsorship of international amateur athletic competition held outside the United States;
 - (5) conduct amateur athletic competition, including national championships, and international amateur athletic competition in the United States, and establish procedures for determining eligibility standards for participation in competition, except for amateur athletic competition specified in section 220526 of this title;
 - (6) recommend to the corporation individuals and teams to represent the United States in the Olympic Games, the Paralympic Games, and the Pan-American Games; and
 - (7) designate individuals and teams to represent the United States in international amateur athletic competition (other than the Olympic Games, the Paralympic Games, and the Pan-American Games) and certify, in accordance with applicable international rules, the amateur eligibility of those individuals and teams.
- (b) **REPLACEMENT OF NATIONAL GOVERNING BODY PURSUANT TO ARBITRATION.** — A national governing body may not exercise any authority under subsection (a) of this section for a particular sport after another amateur sports organization has been declared (in accordance with binding arbitration proceedings prescribed by the organic documents of the corporation) entitled to replace that national governing body as the member of the corporation for that sport.

220524 General duties of national governing bodies

For the sport that it governs, a national governing body shall —

- (1) develop interest and participation throughout the United States and be responsible to the persons and amateur sports organizations it represents;
- (2) minimize, through coordination with other amateur sports organizations, conflicts in the scheduling of all practices and competitions;
- (3) keep amateur athletes informed of policy matters and reasonably reflect the views of the athletes in its policy decisions;
- (4) disseminate and distribute to amateur athletes, coaches, trainers, managers, administrators, and officials in a timely manner the applicable rules and any changes to such rules of the national governing body, the corporation, the appropriate international sports federation, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization;
- (5) allow an amateur athlete to compete in any international amateur athletic competition conducted by any amateur sports organization or person, unless the national governing body establishes that its denial is based on evidence that the organization or person conducting the competition does not meet the requirements stated in section 220525 of this title;
- (6) provide equitable support and encouragement for participation by women where separate programs for male and female athletes are conducted on a national basis;
- (7) encourage and support amateur athletic sports programs for individuals with disabilities and the participation of individuals with disabilities in amateur athletic activity, including, where feasible, the expansion of opportunities for meaningful participation by individuals with disabilities in programs of athletic competition for able-bodied individuals;
- (8) provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis; and
- (9) encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety.

220525. Granting sanctions for amateur athletic competitions

- (a) **PROMPT REVIEW AND DECISION.** - For the sport it governs, a national governing body promptly shall -

- (1) review a request by an amateur sports organization or person for a sanction to hold an international amateur athletic competition in the United States or to sponsor United States amateur athletes to compete in international amateur athletic competition outside the United States; and
 - (2) grant the sanction if —
 - (A) the national governing body does not decide by clear and convincing evidence that holding or sponsoring an international amateur athletic competition would be detrimental to the best interest of the sport; and
 - (B) the requirements of subsection (b) of this section are met.
- (b) **REQUIREMENTS.** — An amateur sports organization or person may be granted a sanction under this section only if the organization or person meets the following requirements —
- (1) The organization or person must pay the national governing body any required sanctioning fee, if the fee is reasonable and nondiscriminatory.
 - (2) For a sanction to hold an international amateur athletic competition in the United States, the organization or person must —
 - (A) submit to the national governing body an audited or notarized financial report of similar events, if any, conducted by the organization or person; and
 - (B) demonstrate that the requirements of paragraph (4) of this subsection have been met.
 - (3) For a sanction to sponsor United States amateur athletes to compete in international amateur athletic competition outside the United States, the organization or person must —
 - (A) submit a report of the most recent trip to a foreign country, if any, that the organization or person sponsored for the purpose of having United States amateur athletes compete in international amateur athletic competition; and
 - (B) submit a letter from the appropriate entity that will hold the international amateur athletic competition certifying that the requirements of paragraph (4) of this subsection have been met.
 - (4) The requirements referred to in paragraphs (2) and (3) of this subsection are that —
 - (A) appropriate measures have been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition;
 - (B) appropriate provision has been made for validation of any records established during the competition.
 - (C) due regard has been given to any international amateur athletic requirements specifically applicable to the competition;
 - (D) the competition will be conducted by qualified officials;
 - (E) proper medical supervision will be provided for athletes who will participate in the competition; and
 - (F) proper safety precautions have been taken to protect the personal welfare of the athletics and spectators at the competition.

220526. Restricted amateur athletic competitions

- (a) **EXCLUSIVE JURISDICTION.** — An amateur sports organization that conducts amateur athletic competition shall have exclusive jurisdiction over that competition if participation is restricted to a specific class of amateur athletes, such as high school students, college students, members of the Armed Forces, or similar groups or categories.
- (b) **SANCTIONS FOR INTERNATIONAL COMPETITION.** — An amateur sports organization under subsection (a) of this section shall obtain a sanction from the appropriate national governing body if the organization wishes to —
 - (1) conduct international amateur athletic competition in the United States; or
 - (2) sponsor international amateur athletic competition to be held outside the United States.

220527. Complaints against national governing bodies

- (a) **GENERAL.** —
 - (1) An amateur sports organization or person that belongs to or is eligible to belong to a national governing body may seek to compel the national governing body to comply with sections 220522, 220524, and 220525 of this title by filing a written complaint with the corporation. A copy of the complaint shall be served on the national governing body.
 - (2) The corporation shall establish procedures for the filing and disposition of complaints under this section.
- (b) **EXHAUSTION OF REMEDIES.** —
 - (1) An organization or person may file a complaint under subsection (a) of this section only after exhausting all available remedies within the national governing body for correcting deficiencies, unless

it can be shown by clear and convincing evidence that those remedies would have resulted in unnecessary delay;

- (2) Within 30 days after a complaint is filed, the corporation shall decide whether the organization or person has exhausted all available remedies as required by paragraph (1) of this subsection. If the corporation determines that the remedies have not been exhausted, it may direct that the remedies be pursued before the corporation considers the complaint further.
- (c) **HEARINGS.** — If the corporation decides that all available remedies have been exhausted as required by subsection (b)(1) of this section, it shall hold a hearing, within 90 days after the complaint is filed, to receive testimony to decide whether the national governing body is complying with sections 220522, 220524, and 220525 of this title.
- (d) **DISPOSITION OF COMPLAINT.** —
 - (1) If the corporation decides, as a result of the hearing, that the national governing body is complying with sections 220522, 220524, and 220525 of this title, it shall so notify the complainant and the national governing body;
 - (2) If the corporation decides, as a result of the hearing, that the national governing body is not complying with sections 220522, 220524, and 220525 of this title, it shall —
 - (A) place the national governing body on probation for a specified period of time not to exceed 180 days, which the corporation considers necessary to enable the national governing body to comply with those sections; or
 - (B) revoke the recognition of the national governing body; or
 - (3) If the corporation places a national governing body on probation under paragraph (2) of this subsection, it may extend the probationary period if the national governing body has proven by clear and convincing evidence that, through no fault of its own, it needs additional time to comply with sections 220522, 220524, and 220525 of this title. If, at the end of the period allowed by the corporation, the national governing body has not complied with those sections, the corporation shall revoke the recognition of the national governing body.

220528. Applications to replace an incumbent national governing body

- (a) **GENERAL.** — An amateur sports organization may seek to replace an incumbent as the national governing body for a particular sport by filing a written application for recognition with the corporation.
- (b) **ESTABLISHMENT OF PROCEDURES.** — The corporation shall establish procedures for the filing and disposition of applications under this section. If 2 or more organizations file applications for the same sport, the applications shall be considered in a single proceeding.
- (c) **FILING PROCEDURES.** —
 - (1) An application under this section must be filed within one year after the final day of —
 - (A) any Olympic Games, for a sport in which competition is held in the Olympic Games or the Paralympic Games, or in both the Olympic and Pan-American Games; or
 - (B) any Pan-American Games, for a sport in which competition is held in the Pan-American Games but not in the Olympic Games; and
 - (2) The application shall be filed with the corporation by certified mail, and a copy of the application shall be served on the national governing body and with any other organization that has filed an application. The corporation shall inform the applicant that its application has been received.
- (d) **HEARINGS.** — Within 180 days after receipt of an application filed under this section, the corporation shall conduct a formal hearing open to the public to determine the merits of the application. The corporation shall publish notice of the time and place of the hearing in a regular issue of its principal publication at least 30 days, but not more than 60 days, before the date of the hearing. The corporation also shall send written notice, including a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the corporation in that sport. In the hearing, the applicant and the national governing body shall be given a reasonable opportunity to present evidence supporting their positions.
- (e) **STANDARDS FOR GRANTING APPLICATIONS.** — In the hearing, the applicant must establish by a preponderance of the evidence that —
 - (1) it meets the criteria for recognition as a national governing body under section 220522 of this title; and
 - (2) (A) the national governing body does not meet the criteria of section 220522, 220524, or 220525 of this title; or
 - (B) the applicant more adequately meets the criteria of section 220522 of this title, is capable of more adequately meeting the criteria of sections 220524 and 220525 of this title, and provides or is capable of providing a more effective national program of competition than the national governing body in the sport for which it seeks recognition.

- (f) **DISPOSITION OF APPLICATIONS.** — Within 30 days after the close of the hearing required by this section, the corporation shall —
- (1) uphold the right of the national governing body to continue as the national governing body for its sport;
 - (2) revoke the recognition of the national governing body and declare a vacancy in the national governing body for that sport;
 - (3) revoke the recognition of the national governing body and recognize the applicant as the national governing body; or
 - (4) place the national governing body on probation for a period not exceeding 180 days, pending the compliance of the national governing body, if the national governing body would have retained recognition except for a minor deficiency in one of the requirements of section 220522, 220524, or 220525 of this title and notify such national governing body of such probation and of the actions needed to comply with such requirements.
- (g) **REVOCATION OF RECOGNITION AFTER PROBATION.** — If the national governing body does not comply with sections 220522, 220524, and 220525 of this title within the probationary period prescribed under subsection (4) of this section the corporation shall revoke the recognition of the national governing body and either —
- (1) recognize the applicant as the national governing body; or
 - (2) declare a vacancy in the national governing body for that sport.

220529. Arbitration of corporation determinations

- (a) **RIGHT TO REVIEW.** — A party aggrieved by a determination of the corporation under section 220527 or 220528 of this title may obtain review by any regional office of the American Arbitration Association.
- (b) **PROCEDURE.** —
- (1) A demand for arbitration must be submitted within 30 days after the determination of the corporation;
 - (2) On receipt of a demand for arbitration, the Association shall serve notice on the parties to the arbitration and on the corporation, and shall immediately proceed with arbitration according to the commercial rules of the Association in effect at the time the demand is filed, except that —
 - (A) the arbitration panel shall consist of at least 3 arbitrators, unless the parties to the proceeding agree to a lesser number;
 - (B) the arbitration hearing shall take place at a site selected by the Association, unless the parties to the proceeding agree to the use of another site, and
 - (C) the arbitration hearing shall be open to the public; and
 - (3) A decision by the arbitrators shall be by majority vote unless the concurrence of all arbitrators is expressly required by the contesting parties;
 - (4) Each party may be represented by counsel or by any other authorized representative at the arbitration proceeding; and
 - (5) The parties may offer any evidence they desire and shall produce any additional evidence the arbitrators believe is necessary to an understanding and determination of the dispute. The arbitrators shall be the sole judges of the relevancy and materiality of the evidence offered. Conformity to legal rules of evidence is not necessary.
- (c) **SETTLEMENT.** — The arbitrators may settle a dispute arising under this chapter before making a final award, if agreed to by the parties and achieved in a manner not inconsistent with the constitution and bylaws of the corporation.
- (d) **BINDING NATURE OF DECISION.** — Final decision of the arbitrators is binding on the parties, if the award is not inconsistent with the constitution and bylaws of the corporation.
- (e) **REOPENING HEARINGS.** —
- (1) At any time before a final decision is made, the hearings may be reopened by the arbitrators on their own motion or on the motion of a party; and
 - (2) If the reopening is based on the motion of a party, and if the reopening would result in the arbitrators' decision being delayed beyond the specific period agreed to at the beginning of the arbitration proceedings, all parties to the decision must agree to reopen the hearings.

EXHIBIT H
USOC CONSTITUTION AND BYLAWS

The United States Olympic Committee's current Constitution and Bylaws, including those provisions affecting the authority, jurisdiction, and operation of national governing bodies, are on the World Wide Web at www.usoc.org.

EXHIBIT I
UNITED STATES OLYMPIC COMMITTEE NATIONAL ANTI-DOPING POLICIES

(Revisions effective as of August 13, 2004, unless otherwise noted)

1. Mandatory Rules from the World Anti-Doping Code.

The World Anti-Doping Code requires each National Olympic Committee and National Paralympic Committee to adopt certain Articles from the World Anti-Doping Code verbatim into its own rules. The United States Olympic Committee ("USOC") hereby adopts the rules set forth in Annex A which are incorporated herein by reference.

2. Retirement.

- a. *Any athlete enrolled in the United States Anti-Doping Agency's ("USADA") Registered Testing Pool who wishes to be removed from the program on account of retirement must promptly notify USADA and the applicable National Governing Body ("NGB") in writing in order for retirement from the Registered Testing Pool to be effective. Any athlete who has not provided advance written notice of retirement to USADA and then refuses to participate in a USADA test claiming retirement, shall be "ineligible" within the meaning of paragraph 6 of these policies for a period of 2 years following such refusal, subject to the right to a hearing set forth in paragraph 8 of these policies.*
- b. *Any athlete who has ever been enrolled in a No Advance Notice testing program or Registered Testing Pool of an International Federation ("IF"), the USOC or USADA who retires and then wishes to return to eligible status must enroll in the USADA Registered Testing Pool program at least 6 months in advance of regaining eligible status and, for purposes of participating on a USOC Team in the Olympic Games or Paralympic Games, 12 months before the start of those Games.*
- c. *USADA shall not suspend or terminate the prosecution of a doping offense as a result of an athlete's subsequent retirement.*

3. Suspension by an NGB or International Federation.

Athletes and athlete support personnel shall be ineligible within the meaning of paragraph 6 of these policies while serving a period of ineligibility for violating anti-doping rules imposed by a National Governing Body as the result of proceedings by USADA or by an International Federation or other signatory to the World Anti-Doping Code.

4. Testing During Ineligibility.

In order to regain eligibility, within the meaning of paragraph 6 of these policies, any athlete who is declared ineligible for an anti-doping rule violation by a National Governing Body or, International Federation or other signatory to the World Anti-Doping Code must comply with all requirements of the USADA Registered Testing Pool program during the period of ineligibility and must bear the costs associated with any no advance notice tests conducted by USADA on him or her during the period of ineligibility.

If an athlete subject to a period of ineligibility retires and is removed from USADA's Registered Testing Pool, then the athlete shall be subject to the additional reinstatement obligations set forth in Article 10.10 of the World Anti-Doping Code, as set forth in Annex A.

5. Prior Participation in USADA's Registered Testing Pool Program by Potential Members of the U.S. Olympic and Paralympic Teams.

It shall be the policy of the USOC to subject all athletes who are candidates for membership on the U.S. Olympic, or Paralympic Teams to USADA's no-advance-notice drug testing program for a period of at least 12 months before the commencement of the Games. In some sports, potential team candidates are not generally members of the NGB for their sport and are not otherwise subject to the jurisdiction of the NGB. The terms and conditions for testing athletes who are not subject to the jurisdiction of an NGB, which may vary based upon the circumstances existing in each sport, shall be determined by the USOC Chief Executive Officer. Any such athlete who is invited to participate in the USADA Registered Testing Pool program under the terms and conditions established by the USOC Chief Executive Officer and declines such invitation shall not be eligible, subject to the right to a hearing set forth in paragraph 8 of these policies, to participate on the USOC's Team at the next Olympic or Paralympic Games and shall otherwise be ineligible within the meaning of paragraph 6 of these policies for a period of 12 months following that invitation. (Athletes who are members of an NGB shall be automatically included in the USADA Registered Testing Pool after notice to them that they have been so designated by USADA in consultation with their NGB.)

6. Ineligibility and Loss of USOC and NGB Opportunities and Benefits.

If an athlete or athlete support personnel is found to be "ineligible" on account of an antidoping rule violation, the athlete will not be permitted to (i) participate in the Olympic, Pan American, or Paralympic Games, trials, or qualifying events; (ii) be a member of an Olympic, Pan American or Paralympic Games Team or staff; or (iii) have access to the training facilities of an Olympic Training Center or other programs and activities of the USOC including, but not limited to, grants, awards or employment. The applicable USOC policy on suspension of benefits in circumstances addressed by this rule, including on suspension of NGB benefits, is attached as Annex C and is incorporated herein by this reference.

7. Rules of International Federations.

The requirements and consequences set forth in this Policy shall be in addition to those obligations related to out-of-competition testing imposed by the various International Federations and shall not relieve any athlete of the consequence of failing to comply with the anti-doping rules of his or her International Federation.

8. Right to Hearing.

No athlete or athlete support personnel shall be denied eligibility within the meaning of paragraph 6 of these policies without first being afforded the opportunity for a hearing pursuant to the USADA Protocol for Olympic Movement Testing ("USADA Protocol") incorporated into the contract between the USOC and USADA.

9. Pre Games Testing.

All athletes nominated for appointment to a U.S. Team for the Olympic, Paralympic or Pan American Games shall have been tested for doping at some time not more than 120 days prior to the opening ceremonies of such Games with such test or tests not resulting in an anti-doping rule violation. No athlete may be added to the U.S. Team by substitution or otherwise, unless he or she has been tested for doping and found negative within this 120 day period. It shall be the USOC's and USADA's obligation to ensure that the required testing occurs within the 120 day period. After appointment, athlete members of the U.S. Team may also be subject to additional testing through said Games. For purposes of this Article, if a specimen is collected at trials or other competition, the specimen analysis shall test for those substances and methods tested for in the applicable International Federation's In-Competition program; if a specimen is not collected at trials or other competition, the specimen analysis shall test for those substances and methods on the WADA List of Prohibited Substances which are prohibited both in- and out-of competition. If an NGB submits an athlete as a replacement after the team has been selected, NGB shall notify the USADA of such replacement within 48 hours so that the USADA may conduct testing pursuant to this section if necessary. The NGB shall also arrange to make the replacement available for testing.

In the event that a specimen is confirmed to have an adverse analytical finding after the U.S. Team has been nominated by the NGB and approved by the USOC for the Olympic, Paralympic or Pan American Games, any hearing requested by the athlete for purposes of determining eligibility for the U.S. Team shall be conducted on an expedited basis pursuant to paragraph 9 of the USADA Protocol, but this sentence shall not apply until September 1, 2004. In the interest of time, the athlete may waive the Review Board process set forth in paragraph 9(a) of the USADA Protocol.

10. Missed No Advance Notice Tests.

- a. Under the Registered Testing Pool program implemented by USADA, it is the responsibility of each athlete designated by a National Governing Body for participation in the Registered Testing Pool to provide USADA with up-to-date information on his or her whereabouts so that he or she can be located for no advance notice testing. Athletes identified for no advance notice testing are required to file Athlete Location Forms with USADA on a quarterly basis. They are also responsible for notifying USADA when they will not be available for testing at the location specified on their Athlete Location Form. USADA has provided all athletes in the USADA Registered Testing Pool both a facsimile number and e-mail address to use in updating their Athlete Location Forms or to notify USADA that they will not be available for testing at the specified location at a particular time. The USADA procedure for determining that an athlete participating in the Registered Testing Pool program has a "missed test" is attached as Annex B.
- b. Any athlete having three missed tests within any rolling 18 month period shall be ineligible within the meaning of paragraph 6 of these policies for a period of two years from the athlete's last "missed test."

No athlete shall be disciplined for having three missed tests within an 18 month period unless the athlete has been offered an opportunity for a hearing as provided in paragraph 8 of these policies. Missed tests shall not be announced publicly until the conclusion of the hearing process.

11. Public Disclosure of Pending Cases.

No later than 2 business days after it has been determined in a hearing in accordance with the USADA Protocol that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, USADA shall publicly report the disposition of the anti-doping matter.

12. Agreement by Participants to be Bound by the USOC National Anti-Doping Policies and the USADA Protocol.

The World Anti-Doping Code requires that each signatory establish rules and procedures to ensure that all Participants (as that term is defined in the World Anti-Doping Code) under the authority of the signatory and its member organizations are informed of and agree to be bound by anti-doping rules in force of the relevant anti-doping organizations. To implement this requirement, each NGB shall be responsible for informing Participants in its sport of these USOC National Anti-Doping Policies and the USADA Protocol which is incorporated into the agreement between the USOC and USADA. By virtue of their membership in an NGB or participation in a competition organized or sanctioned by an NGB, Participants agree to be bound by the USOC National Anti-Doping Policies and the USADA Protocol.

13. NGB Compliance with USOC National Anti-Doping Policies and the USADA Protocol.

The World Anti-Doping Code imposes the obligation on the USOC to require as a condition of funding and recognition of NGBs that NGB rules be in compliance with applicable provisions of the World Anti-Doping Code. The applicable provisions of the World Anti-Doping Code have been incorporated into these USOC National Anti-Doping Policies and the USADA Protocol. NGBs shall not have any anti-doping rule which is inconsistent with these policies or the USADA Protocol, and NGB compliance with these policies and the USADA Protocol shall be a condition of USOC funding and recognition.

14. Incorporation into USOC/USADA Agreement.

USADA's responsibility for implementing the applicable provisions of these policies shall be incorporated in the Agreement between the USOC and USADA.

15. Review.

The USOC will review implementation of these National Anti-Doping Policies on an annual basis.

16. Effective Date.

These restated USOC National Anti-Doping Policies, adopted by the USOC Board of Directors on August 12, 2004, shall go into effect on August 13, 2004. Such revisions shall not apply retroactively to matters pending before August 13, 2004. The USOC National Anti-Doping Policies, as modified through October 5, 2002, shall remain in effect until August 13, 2004.

USADA ANNEX B
ATHLETE LOCATION FORM

See www.usantidoping.org/ae/

**ANNEX C TO USOC NATIONAL ANTI-DOPING POLICIES
SUSPENSION OF BENEFITS**

a) Suspension of USOC Benefits After Adjudication, Admission, or Acceptance

The below chart summarizes the disposition of athlete access to USOC benefits after adjudication, admission, or acceptance of having committed a doping offense. Should an individual other than an athlete be found to have committed a doping offense, by adjudication, admission, or acceptance, that individual shall be treated in a manner consistent with the dispositions set forth in the below chart.

USOC Benefit	Disposition
1. Direct Athlete Support that is not based on a single competitive result	<i>For all violations resulting in a period of suspension, loss of benefit for period of suspension. After the conclusion of the suspension, the athlete will have to re-qualify for athlete support programs (e.g., attain appropriate rank, etc.)</i>
2. Op Gold and single competitive result based athlete support	<i>If an athlete loses a competitive result as a result of an anti-doping rule violation from in competition testing, the athlete will lose the Direct Athlete Support based solely on that event (and the result at that event).</i>
3. Tuition Grants	<i>For all violations, loss of benefit for period of suspension. If punishment is loss of result only, there will be no loss of benefit. Athletes cannot be considered for a tuition grant during any period of suspension.</i>
4. Olympic Training Center and Olympic Training Sites Access (camps, etc.)	<i>For all first time violations of section 10.3 of the World Anti-Doping Code, no loss of benefit. For all other violations, loss of benefit for period of suspension.</i>
5. Olympic Training Center Residence	<i>For all first time violations of section 10.3 of the World Anti-Doping Code, no loss of benefit. For all other violations, loss of benefit for period of suspension. Recreational drugs not included in the prohibited list, and other conduct issues, and resulting penalties, will be handled through the OTC Code of Conduct.</i>
6. Other Services <i>Alumni Relations Athlete Marketing (including access to sponsor programs and OJOP) Athlete Service Centers Career Consultation Media Services Peak Performers Workshops Personal Development Programs Resource Library Access Sports Medicine Sports Science and Coaching SUMMITs TeamUSA.net Website</i>	<i>For all first time violations of section 10.3 of the World Anti-Doping Code no loss of benefit. For all other violations, loss of benefit for period of suspension. Participation in the OJOP program and sponsor programs will also be dependent on employer or sponsor views.</i>
7. USOC Events <i>Olympic, Pan American, Paralympic Games teams, trials, and qualifying events Titan Games and similar events</i>	<i>For all violations, loss of benefit or eligibility for benefit for period of suspension. This issue may be controlled by IF or IOC or other rules, which may cause a different result.</i>
8. Elite Athlete Health Insurance	<i>For all first time violations of section 10.3 of the World Anti-Doping Code, no loss of benefit. For all other violations, loss of benefit for period of suspension.</i>

If a doping offense results in no period of suspension (i.e., only loss of result), then the athlete will lose the result-dependent USOC benefits set forth in the second category of the chart above but no other benefits will be lost.

All USOC benefits are contingent on participation in the anti-doping testing program. Should the case arise where cash benefits of athlete support and tuition grants are paid before an athlete is suspended and the athlete is later determined to have committed a doping offense during the period in which the athlete received benefits, the athlete will have a repayment obligation to the USOC equal to the amount of the benefit received.

To the extent the USOC creates a benefit not listed in the above chart, the USOC will endeavor to classify the new benefit in accordance with similar benefits in the above chart and will publish an addendum to this Annex or restate the entire Annex reflecting that change.

b) Suspension of USOC Benefits Prior to Adjudication, Admission, or Acceptance

After an A sample is declared positive or when an anti-doping case is proceeding:

1. Cash benefits of athlete support that are based on single results (such as Operation Gold or other NGB-specific programs) should be suspended if they have not already been paid when an "A" positive is reported to the USOC for the event that forms the basis of the award. Should the case arise where such result-dependent benefits of athlete grants are paid before suspension and the athlete is determined to have committed an anti-doping rule violation, the athlete will have a repayment obligation to the USOC equal to the amount of the benefit received. The USOC, seeking AAC and other appropriate input, and USADA will together develop: 1) a timeline, and 2) a reporting mechanism for processing and reporting results-dependent event testing. The timeline developed will be recommended for adoption as a National Anti-Doping Policy of the USOC and published as such. Such timeline will allow for test results to be processed and reported, but shall not unreasonably delay payment to athletes.
2. Athlete support payments will be temporarily held by the USOC if there is any outstanding information due to the USOC and USADA until that information is provided.¹
3. For all other USOC-provided benefits or circumstances not falling within the above two categories, no benefits impact would occur until after an admission by an athlete or the conclusion of an adjudication or acceptance of a penalty adverse to an athlete, in which case the benefits would be addressed in accordance with the above chart.
4. Under no circumstances, except those described specifically above will the USOC withhold athlete support benefits or monies, unless otherwise required by law or superior regulation.

c) Access to NGB Benefits and Services

Under the World Anti-Doping Code, NGBs, as members of a Code signatory (the USOC), must engage in the same or similar suspensions of benefits and access as the USOC. NGBs are to adopt policies similar to those adopted by the USOC within this policy, subject to USOC approval.

¹ The information referred to in this paragraph is limited to USOC paperwork required to provide the athlete support benefit, athlete location information required by USADA, and similar information that might be requested in the future to allow administration of these programs.

USADA ANNEX E
American Arbitration Association Supplementary Procedures for
the Arbitration of Olympic Sport Doping Disputes

R-2 AAA and Delegation of Duties

Doping cases shall be administered by the AAA through the AAA Vice President then serving as the Secretary for the North American/Central American/Caribbean Islands Decentralized Office of The Court of Arbitration for Sport or his/her designee (Administrator).

R-3 National Pool of Arbitrators

The Pool of Arbitrators for doping cases shall consist of the North American Court of Arbitration for Sport (CAS) Arbitrators who shall also be AAA Arbitrators (the Arbitrator Pool). Any reference to arbitrator in these rules shall also refer to an arbitration pane consisting of three arbitrators, if applicable. All arbitrators in the Arbitrator Pool shall be offered training by the AAA.

R-4 Initiation by USADA

Arbitration proceedings shall be initiated by USADA by sending a notice to the athlete or other person charged with a doping offense and the Administrator, which sets forth the sanction, consistent with the applicable International Federation rules, the mandatory Articles from the World Anti-Doping Code (Annex A of the USADA Protocol) and the United States Olympic Committee ("USOC") National Anti-Doping Policies, which USADA is seeking to have imposed and other possible sanctions, which could be imposed under the applicable International Federation rules the mandatory Articles from the World Anti-Doping Code (Annex A of the USADA Protocol) and the USOC National Anti-Doping Policies. The notice shall also advise the athlete of the name, telephone number and website of the Athlete Ombudsman and shall include a copy of the USADA Protocol and these Supplemental Procedures. The parties to the proceeding shall be USADA and the athlete or other person charged with a doping offense. The applicable International Federation shall also be invited to join in the proceeding as a party or as an observer. The athlete shall have the right to invite the Athlete Ombudsman as an observer, but under no circumstances may any party or arbitrator compel the Athlete Ombudsman to testify as a witness. If the parties agree or the athlete or other person charged with a doping offense requests and the arbitrator agrees, the hearing shall be open to the public.

R-7 Applicable Procedures

All cases shall be administered in accordance with Sections R-1 through R-56 of these rules.

The applicable procedure shall be the regular procedure (as opposed to the Expedited or Complex procedures) set forth in the AAA Commercial Arbitration Rules. At the request of any party, any time period set forth in these procedures may be shortened by the arbitrator(s) where doing so is reasonably necessary to resolve any athlete's eligibility before a protected competition, while continuing to protect the right of an athlete or other person charged with a doping offense to a fair hearing. The shortened time periods shall not prohibit the athlete's or other person's right to request three (3) arbitrators or choose a neutral arbitrator.

If a request to expedite the adjudication process is made prior to the arbitration panel being appointed, the AAA shall randomly select 1 arbitrator from the Arbitrator Pool, who shall determine whether the adjudication process shall be expedited and the schedule pursuant to which the process shall proceed. This randomly selected arbitrator shall not sit on the panel.

If a request to expedite the adjudication process is made after the arbitration panel is appointed, the arbitration panel shall determine whether the adjudication process shall be expedited and the schedule pursuant to which the process shall proceed.

The AAA shall immediately notify the Athlete Ombudsman and the USOC General Counsel's office of any arbitration that may be or has been initiated under these expedited procedures.

R-9 Mediation

The reference to mediation has been deleted.

R-11 Fixing of Locale

The locale of the arbitration shall be in the United States at a location determined by the Administrator using criteria established by the AAA but making every effort to give preference to the choice of the athlete or other person charged with a doping offense.

R-12 Qualifications of an Arbitrator

- (a) Any neutral arbitrator appointed pursuant to Section R-13, R-14, R-15, or selected by mutual choice of the parties or their appointees, shall be subject to disqualification for the reasons specified in Section R-19. If the parties specifically so agree in writing, the arbitrator shall not be subject to disqualification for those reasons.
- (b) Party-appointed arbitrators are expected to be neutral and may be disqualified for the reasons set forth in R-19.

R-13 Appointment of the Arbitration Panel

The arbitrator(s) shall be appointed in the following manner:

- (a) Immediately after the initiation of a proceeding by USADA (as set forth in R-4), the AAA shall send simultaneously to each party to the dispute an identical list of all names of persons in the Arbitrator Pool.
- (b) The proceeding shall be heard by 1 arbitrator from the list of persons in the Arbitrator Pool (as set forth in R-3), unless within 5 days following the initiation of the proceeding by USADA, a party elects instead to have the matter heard by a panel of 3 arbitrators from the Arbitrator Pool (Arbitration Panel). Such election shall be in writing and served on the Administrator and the other parties to the proceeding.
- (c) If the proceeding is to be heard by 1 arbitrator, that arbitrator shall be appointed as follows:
 - (i) Within 10 days following receipt of the Arbitrator Pool list provided by the Administrator under R-13(a), the parties shall notify the Administrator of the name of the person who is mutually agreeable to the parties to serve as the arbitrator.
 - (ii) If the parties are unable to agree upon an arbitrator by the time set forth in paragraph (c)(i) of this rule, each party to the dispute shall have 5 additional days in which to strike up to one third of the Arbitrator Pool, rank the remaining names in order of preference, and return the list to the AAA. If a party does not return the list within the time specified, all persons named therein shall be deemed acceptable. From among the persons who have been approved on both lists, and in accordance with the designated order of mutual preference, the AAA shall invite the acceptance of an arbitrator to serve. If the parties fail to agree on any of the persons named, or if acceptable arbitrators are unable to act, or if for any other reason the appointment cannot be made from the submitted lists, the AAA shall have the power to make the appointment from among other members of the panel without the submission of additional lists.
- (d) If the proceeding is to be heard by a panel of three arbitrators, those arbitrators shall be appointed as follows:
 - (i) Within 5 days following receipt of the Arbitrator Pool list provided by the Administrator under R-13(a) or from receipt of notice of the request to have a three (3) arbitrator panel, whichever is later, USADA, or USADA and the International Federation, if a party, shall designate 1 arbitrator from the Arbitrator Pool. The athlete or other person charged with a doping offense shall have an additional 5 days following receipt of the arbitrator choice from USADA, or from USADA and the International Federation, if a party, to designate 1 arbitrator from the Arbitrator Pool.
 - (ii) The 2 arbitrators chosen by the parties shall choose the third arbitrator from among the remaining members of the Arbitrator Pool. The AAA shall furnish to the party-appointed arbitrators the Arbitrator Pool list. If the 2 arbitrators chosen by the parties are unable, within 7 days following their selection, to choose the third arbitrator, then the party-appointed arbitrators shall so notify the AAA which shall notify the parties. Within 5 days of receipt of notice from the AAA that the party-selected arbitrators are unable to reach or have not reached agreement, the parties shall then each strike up to one third of the Arbitrator Pool and rank the remaining members in order of preference. From among the persons who have not been stricken by the parties, and in accordance with the designated order of mutual preference, the AAA shall invite the acceptance of 1 arbitrator to serve. The third arbitrator shall serve as Chair of the Arbitration Panel.

R-24 Date, Time, and Place of Hearing

Except as may be mutually agreed by the parties or upon the request of a single party for good cause as may be determined by the arbitrator, the hearing, including any briefing ordered by the arbitrator, shall be completed within three months of the appointment of the arbitrator. On good cause shown by any party, the hearing process shall be expedited as may be necessary in order to resolve the determination of an athlete's eligibility prior to any protected competition or team selection for a protected competition.

R-25 Attendance at Hearings

The arbitrator and the AAA shall maintain the privacy of the hearings unless the law provides to the contrary or the hearing is open to the public as prescribed in R-4 (The athlete or other person charged with a doping offense shall have the right to invite the Athlete Ombudsman as an observer regardless). Any person having a direct interest in the arbitration is entitled to attend hearings. The arbitrator shall otherwise have the power to require the exclusion of any witness, other than a party or other essential person, during the testimony of any other witness. It shall be discretionary with the arbitrator to determine the propriety of the attendance of any other person other than a party and its representatives. If the parties agree, or the athlete or other person charged with a doping offense requests and the arbitrator agrees, hearings may also be conducted telephonically.

R-26 Representation

Any party may be represented by counsel or other authorized representative. A party intending to be so represented shall notify the other party and the AAA of the name and address of the representative at least three days prior to the date set for the hearing at which that person is first to appear. When such a representative initiates an arbitration or responds for a party, notice is deemed to have been given.

R-28 Stenographic Record

Any party desiring a stenographic record of all or a portion of the hearing shall make arrangements directly with a stenographer and shall notify the other parties of these arrangements at least 3 days in advance of the start of the hearing or as required by the arbitrator. The requesting party or parties shall pay the cost of the transcript they request, whether full or partial. If a party seeks a copy of a transcript, full or partial, requested by another party, then the other party shall pay half the costs of the transcript to the requesting party. If the entire transcript is requested by the parties jointly, or if all or a portion of the transcript is determined by the arbitrator to be the official record of the proceeding or necessary to the arbitrator's decision, it must be provided to the arbitrator and made available to the other parties for inspection, at a date, time, and place determined by the arbitrator with the costs of the transcription divided equally between the parties. The arbitrator may award the costs of transcription for a transcript requested by the arbitrator as expenses of the arbitration pursuant to R-45 and R-52.

R-33 Evidence

- (a) The parties may offer such evidence as is relevant and material to the dispute and shall produce such evidence as the arbitrator may deem necessary to an understanding and determination of the dispute. Conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of all of the arbitrators and all of the parties, except where any of the parties is absent, in default or has waived the right to be present.*
- (b) The arbitrator shall determine the admissibility, relevance, and materiality of the evidence offered and may exclude evidence deemed by the arbitrator to be cumulative or irrelevant.*
- (c) The arbitrator shall take into account applicable principles of legal privilege, such as those involving the confidentiality of communications between a lawyer and client.*
- (d) An arbitrator or other person authorized by law to subpoena witnesses or documents may do so upon the request of any party or independently.*
- (e) Hearings conducted pursuant to these rules shall incorporate mandatory Articles from the World Anti-Doping Code (Annex A of the USADA Protocol). If the World Anti-Doping Code is silent on an issue, then the USADA Protocol, the USOC National Anti-Doping Policies, and the International Federation's anti-doping rules shall apply as determined by the arbitrator.*

R-34 Evidence by Affidavit and Post-hearing Filing of Documents or Other Evidence

- (a) *The arbitrator may receive and consider the evidence of witnesses by declaration or affidavit, but shall give it only such weight as the arbitrator deems it entitled to after consideration of any objection made to its admission.*
- (b) *If the parties agree, if any party requests and the arbitrator agrees, or if the arbitrator directs that documents or other evidence be submitted to the arbitrator after the hearing, the documents or other evidence shall be filed with the AAA for transmission to the arbitrator. All parties shall be afforded an opportunity to examine and respond to such documents or other evidence.*

R-36 Interim Measures

- (a) *The arbitrator may take whatever interim measures he or she deems necessary, including injunctive relief and measures for the protection or conservation of property and disposition of perishable goods.*
- (b) *Such interim measures may take the form of an interim award, and the arbitrator may require security for the costs of such measures.*
- (c) *A request for interim measures addressed by a party to a judicial authority shall not be deemed incompatible with the agreement to arbitrate or a waiver of the right to arbitrate.*

R-45 Scope of Award

- (a) *The arbitrator may grant any remedy or relief that the arbitrator deems just and equitable and within the scope of the agreement of the parties, including, but not limited to, specific performance of a contract.*
- (b) *In addition to a final award, the arbitrator may make other decisions, including interim, interlocutory, or partial rulings, orders, and awards. In any interim, interlocutory, or partial award, the arbitrator may assess and apportion the fees, expenses, and compensation related to such award as the arbitrator determines is appropriate.*
- (c) *In the final award, the arbitrator shall assess the fees, expenses, and compensation provided in R-51, R-52, and R-53. The arbitrator may apportion such fees, expenses, and compensation among the parties in such amounts as the arbitrator determines is appropriate.*
- (d) *The award of the arbitrator(s) may include: (a) interest at such rate and from such date as the arbitrator(s) may deem appropriate; and (b) an award of attorneys' fees if all parties have requested such an award or it is authorized by law or their arbitration agreement.*
- (e) *All fees and expenses payable to the AAA, the arbitrator, or for witnesses or proof produced at the direct request of the arbitrator shall be paid solely by the USOC to the AAA.*

R-46 Award upon Settlement

If the parties settle their dispute during the course of the arbitration and if the parties so request, the arbitrator may set forth the terms of the settlement in a "consent award."

EXHIBIT J
SELECTION OF ATHLETES

USATF Out-of-Competition Drug Testing Pool
Approved and in effect as of December 4, 2005

Part I	Definitions
Part II	Authority
Part III	Ranking Lists Used for Section 5.1 Events
Part IV	Selection of Athletes to be Tested
Part V	Tested Events
Part VI	Publication of Results
Part VII	Amendments

Part I DEFINITIONS

- 1.1 Athlete(s) shall mean an individual who is a United States citizen and who has subjected himself or herself to the jurisdiction of USATF by (a) becoming a member of USATF, (b) competing in an event conducted under the auspices of USATF, (c) executing a competition entry form that notifies the Athlete that his/her participation in the competition subjects the Athlete to drug testing pursuant to the applicable rules of USATF, the IAAF, USADA or the USOC, or (d) applying for USATF or USOC athlete support.
- 1.2 IAAF shall mean the International Association of Athletics Federations, the world governing body for track and field, long distance running and race walking (Athletics).
- 1.3 Out-of-Competition (OOC) Drug Testing Pool shall mean:
- A. **For Track and Field:** The top fifteen (15) Athletes listed by the IAAF as being among the top fifty (50) individual performers in the world in the Tested Events on the ranking lists set forth in Part V. If five (5) or more, but fewer than fifteen (15), athletes are so listed by the IAAF, all of those athletes shall constitute the Pool. If fewer than five (5) Athletes are so listed, the next highest ranking Athletes in that Event shall be added until the Pool is composed of at least five (5) Athletes. To the extent that the IAAF's lists are inadequate for this purpose, USATF may use Track and Field News' performer lists as a source for completing the OOC Pool.
 - B. **For Road Racing:** The top ten (10) Athletes listed by the IAAF as being among the top fifty (50) individual performers in the world in the Tested Events on the ranking lists as set forth in Part V. If fewer than ten (10) Athletes are so listed, the next highest ranking Athletes in that Event shall be added until the OOC Pool is composed of at least five (5) Athletes. To the extent that the IAAF's lists are inadequate for this purpose, USATF may use the Road Running Information Center or Track and Field News as a source for completing the OOC Pool.
 - C. **For Cross Country:** The top ten (10) Athlete finishers in the USATF Winter Cross Country National Championships, as set forth in Part V—5.3. USATF shall notify USADA of the names of those Athletes within seven days of the conclusion of the Championships. These Athletes shall be placed in the OOC Pool in the subsequent testing quarter and shall be removed from the Pool at the end of the fourth consecutive calendar quarter following inclusion in the OOC Pool, unless they are otherwise qualified to remain in the Pool.
 - D. **For Indoor Only Events:** The top five (5) Athlete finishers at the U.S. Senior Indoor National Championships, as set forth in Part V—5.2. USATF shall notify USADA of the names of these Athletes within seven days of the conclusion of the Championships. These Athletes shall be placed in the OOC Pool in the subsequent testing quarter and shall be removed from the Pool at the end of the fourth consecutive calendar quarter following inclusion in the OOC Pool, unless they are otherwise qualified to remain in the Pool.
 - E. **Others:** Any Athlete finishing in the top three positions in any Senior National Outdoor Championship. USATF shall notify USADA of the names of those Athletes within seven days of the conclusion of the Championships. These Athletes shall be placed in the OOC Pool in the subsequent testing quarter and shall be removed from the Pool at the end of the fourth consecutive calendar quarter following inclusion in the OOC Pool, unless they are otherwise qualified to remain in the Pool.

Any Athlete establishing a World or American Record in an event listed in Part V. Such athlete shall be added to the OOC Pool (if he or she is not already in the Pool) by USATF's notification to USADA within seven days of the performance.

- F. **USADA Additions:** Pursuant to USADA's Protocol For Olympic Movement Testing, Section 2, any U.S. athlete who is a member of USATF, or who has subjected him or herself to USATF's or the IAAF's jurisdiction by competing in a USATF or IAAF sanctioned event, may be added to OOC Pool by USADA, upon written notice to USATF and said athlete.
- G. **USATF Additions:** USATF reserves the right to add, to the OOC Pool, any Athlete who is receiving athlete support from USATF or the USOC.
USATF's Athlete Services Department shall maintain the quarterly list of OOC Pool Athletes, which list shall be made available for public inspection upon request.
- H. **IAAF Additions:** The IAAF may add Athletes to its out-of-competition drug testing pool based upon their athletic performances during the year. Any Athlete added to the IAAF's out-of-competition drug testing pool may be added to the USATF/USADA out-of-competition drug testing pool. USATF and USADA will make every effort to add Athletes added to the IAAF's out-of-competition drug testing pool to its domestic out-of-competition drug testing pool as specified in this Protocol.

- 1.4 **Out-of-Competition Drug Testing (OOC)** shall mean the out-of-competition drug testing program which takes place outside competitions, and which is conducted by the United States Anti-Doping Agency on behalf of the USOC and all member national governing bodies of the USOC, as mandated by the Chapter XXIII of the USOC By-Laws.
- 1.5 **Tested Event (or Events)** shall mean the events designated in Part V below.
- 1.6 **USATF** shall mean USA Track & Field, Inc.
- 1.7 **USADA** shall mean the United States Anti-Doping Agency.
- 1.8 **USOC** shall mean the United States Olympic Committee.

Part II AUTHORITY

- 2.1 This selection process is adopted pursuant to USATF's obligations pursuant to Chapter XXIII of the USOC By-Laws. The USATF Athletes Advisory Committee fully supports the principles embodied herein.
- 2.2 USATF designates USADA to conduct out-of-competition drug testing of Athletes (See USATF Regulation 10).
- 2.3 In addition to all the other testing authorized herein, the out-of-competition testing of Athletes may be conducted by the IAAF pursuant to IAAF Rule 57 and the IAAF Procedural Guidelines for Doping Control. Those OOC Pool Athletes failing to submit to drug testing, after having been notified by the appropriate testing authorities, shall be subject to disciplinary procedures established by USADA and imposed by USATF, pursuant to IAAF Rules (See USATF Regulation 10 and USADA Protocol For Olympic Movement Testing.)
- 2.4 USATF recognizes USADA's authority to drug test any USATF athlete, pursuant to its applicable protocols, whether or not said Athlete is a member of USATF's OOC Pool.

Part III RANKING LISTS USED FOR SECTION 5.1 EVENTS

- 3.1 For the first calendar quarter of each year, the ranking list for each event shall be the previous year's outdoor list, as available on November 1 of the previous year.
- 3.2 For the second calendar quarter of each year, the rankings in each event shall be based on a merged list composed of the previous year's outdoor list and the current year's indoor list as available in March, with the addition of the road racing and cross country OOC Pool Athletes.

- 3.3 For the third calendar quarter of each year, the rankings in each event shall be based on a merged list composed of the previous year's outdoor list, the current year's outdoor list as available in May, and the current year's indoor list, with the addition of the road racing and cross country OOC Pool Athletes.
- 3.4 For the fourth calendar quarter of each year, the rankings in each event shall be based on a merged list composed of the previous year's outdoor list, the current year's outdoor list, as available in July, and the current year's indoor list, with the addition of the road racing and cross country OOC Pool Athletes.

Part IV SELECTION OF ATHLETES FOR DRUG TESTING

- 4.1 Athletes shall be selected for drug testing from the OOC Pool by USADA using any method it deems appropriate. Any OOC Pool athlete so selected may be tested by USADA based on that selection, subject to USADA's rules and procedures, for as long as the athlete remains in the OOC Pool.
- 4.2 The names of those Athletes who have been banned for life from the sport of track and field, long distance running, and race walking, shall be removed from the OOC Pool. Also, an Athlete with multiple citizenships who has executed a "Surrender of Citizenship Benefits" form, renouncing all claims or entitlement to the privileges and benefits available to track and field athletes who are United States citizens, shall be removed from the OOC Pool. (See copy of "Surrender of Citizenship Benefits" form attached.) An Athlete may resume his/her eligibility to receive benefits available to American athletes if s/he: 1) makes all drug testing results from his/her foreign Track and Field/Athletics Federation available to USATF, and 2) agrees to comply with all applicable International Olympic Committee, USOC, USADA, USATF and/or IAAF eligibility rules, before resuming competition for the United States.
- 4.3 USADA shall determine the frequency, number, and timing of drug tests as well as the order in which athletes will be tested.

Part V TESTED EVENTS

5.1 TRACK EVENTS:

Women		Men	
100m	100m Hurdles	100m	110m Hurdles
200m	400m Hurdles	200m	400m Hurdles
400m	3,000m Steeple	400m	3,000m Steeplechase
800m		800m	
1,500m/Mile		1,500m/Mile	
5,000m		5,000m	
10,000m		10,000m	
10,000m			

FIELD EVENTS:

Women		Men	
High Jump	Shot Put	High Jump	Shot Put
Pole Vault	Discus Throw	Pole Vault	Discus Throw
Long Jump	Hammer Throw	Long Jump	Hammer Throw
Triple Jump	Javelin Throw	Triple Jump	Javelin Throw

MULTIPLE & COMBINED EVENTS:

Women	Men
Heptathlon	Decathlon
RACE WALK:	
Women	Men
20,000m Race Walk	20,000m Race Walk
	50,000m Race Walk

5.2 INDOOR ONLY EVENTS:

Women	Men
60m	60m
60m Hurdles	60m Hurdles
3,000m	3,000m
Pentathlon	Heptathlon

5.3 CROSS COUNTRY:**Women**

4,000m

8,000m

Men

4,000m

12,000m

5.4 ROAD RACING:**Women**

10,000m

Marathon

Men

10,000m

Marathon

Part VI PUBLICATION OF RESULTS

A report of those OOC Pool athletes testing negative shall be published quarterly by USATF, upon notification from USADA. The names of athletes found to have committed a doping violation will be published by USADA.

Part VII AMENDMENTS

- 7.1. *The USATF Board of Directors, by two-thirds vote, may amend this OOC Pool athlete selection process. Any such amendment shall not, however, alter USADA's authority to select any USATF athlete for testing as provided in Part II, 2.4 above, or any USADA protocol.*
- 7.2. *Any changes made to the selection process by the Board of Directors shall be effective immediately, unless otherwise specified.*

USA TRACK & FIELD ATHLETE SURRENDER OF CITIZENSHIP BENEFITS

I, _____, knowingly and with specific intent do hereby surrender my entitlement to compete in track and field events as a United States citizen, in favor of competing for _____, of which I am also a citizen. I understand that by surrendering my eligibility to represent the United States for competition purposes, I will forfeit all benefits to which I would otherwise be entitled as an American athlete member of USA Track & Field, Inc. (USATF), including but not limited to: my ability to compete in USATF national championship competitions, my eligibility to receive American-only prize money awarded at USATF national championships, and my eligibility to receive USATF or United States Olympic Committee grants, insurance and athlete support. In submitting this Surrender of Citizenship Benefits, I understand that I will be removed from USATF's out-of-competition drug testing program, and that if I wish to resume my status as a United States track and field athlete at a future date, I will be required to: 1) make all my drug testing results from my other Track and Field/Athletics Federation available to USATF, and 2) comply with all applicable International Olympic Committee, United States Olympic Committee, USATF and/or International Association of Athletics Federations eligibility rules, before resuming competition for the United States. I further understand and agree that this Surrender of Citizenship Benefits is not intended to avoid, nor will it have the effect of avoiding, any disciplinary proceedings that have or will be brought against me pursuant to USATF Regulation 10 for drug testing conducted prior to my surrender of citizenship benefits.

Date

ATHLETE

Athlete Signature

STATE OF }
 }
COUNTY OF }

I certify that this document was signed in my presence, by the individual named above, on the date indicated.

Commission Expires

Notary Public

EXHIBIT K
RANDOM DRUG-TESTING PROGRAM (IN-COMPETITION)

All athletes entered in any USATF-sanctioned competition are subject to drug testing. See the appropriate IAAF Rules in Exhibit M.

TESTING

No other testing except that authorized by USATF may be considered valid for events sanctioned by USATF.

- A Selection process for athletes at national championships:** At those National Championships during which selection to a national team is conducted, all athletes who will be representing the United States in international competition shall be subject to drug testing. At those National Championships during which selection to a national team does not occur, the top (3) place finishers will be selected for drug testing. In addition, up to thirty (30) athletes may be selected for testing at random.
- B Selection process for athletes at competitions other than national championships:** All selections are made prior to the start of the competition. Selections are determined by the athlete's place finish in a race. In selected events other than National Championships, up to a maximum of twenty-five (25) athletes will be selected for testing at each competition.
- 1 Outdoor track & field —**
Male and female athletes will be selected from four different categories of events:
 - a Sprints and hurdles
 - b Middle/Long distance runs
 - c Jumps
 - d Throws
 Up to four (4) athletes may be randomly selected from each of the four categories. In addition, up to eight (8) other athletes may be selected at random from any of the four categories.
 - 2 Indoor track & field —**
Male and female athletes will be selected from three different categories:
 - a Jumps/throws
 - b Sprints/hurdles
 - c Middle/long distances
 Up to four (4) athletes may be randomly selected from each of the three categories. In addition, up to eight (8) other athletes may be selected from any of the three categories at random.
 - 3 Alternates —**
If an event is not held, an alternate event will have been chosen in the same category. If a randomly selected event is canceled, another random event will have been selected. If any of the alternate events are not held, no further selections will be made.
 - 4 Long Distance/Racewalking —**
The first three men's and women's finishers, plus up to seven (7) additional place finishes selected at random from among the first 25 finishers in the men's and women's races, will be subject to drug testing.
 - 5 Multi-Day Events —**
At least eight athletes will be tested each day in competitions of more than one day's duration.

EXHIBIT L
IAAF PROCEDURAL GUIDELINES FOR DOPING CONTROL
2006 Edition

1. INTRODUCTION

- 1.1 All athletes and athlete support personnel should acquaint themselves fully with the IAAF Anti-Doping Rules (IAAF Rules 30-45) and the IAAF Anti-Doping Regulations in the form of these Procedural Guidelines.
- 1.2 These Procedural Guidelines have been prepared by the IAAF Medical and Anti-Doping Commission and approved by the IAAF Council. They shall be effective as from 1 January 2006 i.e., in relation to all samples collected, or any other anti-doping rule violation committed, on or after that date.
- 1.3 The Anti-Doping Rules and Procedural Guidelines shall apply to all doping controls over which the IAAF and respectively its Members and Area Associations have jurisdiction. References in the Procedural Guidelines below to the IAAF shall therefore, where applicable, include references to the relevant Member or Area Association.
- 1.4 The Procedural Guidelines must be followed as far as is reasonably practicable. However, in accordance with IAAF Rule 33.4(b), a departure or departures from the Procedural Guidelines shall not invalidate a finding that a prohibited substance was present in a sample or that a prohibited method was used, or that any other anti-doping rule violation was committed under the Anti-Doping Rules, unless the departure(s) was of such a nature as to undermine the validity of the finding in question.
- 1.5 Under IAAF Rule 32.2(a), an anti-doping rule violation is committed when a prohibited substance or its metabolites or markers is present in an athlete's body tissues or fluids. For the purposes of the Anti-Doping Rules and these Procedural Guidelines, the body fluids currently analyzed are urine and blood. The IAAF Council however reserves the right to authorize testing to be conducted on any other body tissues or fluids if advances made in the detection of prohibited substances or prohibited methods indicate that the analysis of such other body tissues or fluids would be useful and appropriate.
- 1.6 In the course of a hearing, disciplinary process or anticipated disciplinary process before the relevant tribunal of a National Federation, or as the case may be, before the IAAF or the Court of Arbitration for Sport (CAS), neither the IAAF, nor a National Federation, nor an athlete, nor an athlete support personnel shall be obliged to disclose:
 - (i) the contents of any legal advice obtained by that person or organization in connection with the issues arising from the case; or
 - (ii) any communications between any parties made or created for the sole or dominant purpose of giving or receiving advice or preparing evidence with regard to any impending or anticipated disciplinary action.
- 1.7 In the event of any differences between these Procedural Guidelines and the WADA International Standards, the Procedural Guidelines shall prevail.
- 1.8 Where appropriate, all references to the masculine gender in these Procedural Guidelines shall include references to the feminine and all references to the singular shall include references to the plural.
- 1.9 All communications and correspondence intended for the IAAF Medical and Anti-Doping Commission should be sent to the IAAF Office in Monaco.
- 1.10 This Introduction and the Definitions shall form an integral part of these Procedural Guidelines.

3. IN-COMPETITION TESTING

The Doping Control Station

- 3.1 A Doping Control Station shall be provided for in-competition testing which ensures the athlete's privacy when providing a sample and which is used solely as a Doping Control Station for the duration of the Sample Collection Session.
- 3.2 The Doping Control Station should be clearly identified. The Doping Control Station should consist of a waiting room, working room and WCs (men and women). It should be equipped with all necessary IAAF-approved materials, including collection vessels, bottles and sealing equipment. Sealed non-alcoholic drinks shall be available for the athletes should they need to re-hydrate after competing. The competition organizer and/or the DCO(s) should ensure that the facilities are clean and adequate and that the materials are acceptable prior to the start of the competition.
- 3.3 Only the following persons should be allowed in the Doping Control Station:
 - (a) the Official in charge of the Doping Control Station;
 - (b) the IAAF Delegate or Medical and Anti-Doping Delegate (if appointed);

- (c) *the DCO(s);*
 - (d) *the Blood Collection Official(s);*
 - (e) *other Sample Collection Personnel;*
 - (f) *the athletes to be tested and their representatives, if any; and*
 - (g) *any other person who might be authorized by the IAAF Delegate or Medical and Anti-Doping Delegate (if appointed) or the Official in charge of the Doping Control Station to be allowed in the Doping Control Station (for example, a WADA official in connection with the WADA Independent Observer Programme).*
- 3.4 *It is recommended, though not compulsory, that a security person be positioned outside the Doping Control Station to monitor the flow of people in and out and to keep unauthorized persons from entering the Doping Control Station. Sample Collection Personnel*
- 3.5 *Sample Collection Personnel may be appointed to conduct or assist with the Sample Collection Sessions.*
- 3.6 *Sample Collection Personnel should have official identification that is provided and controlled by the IAAF or by such other organizing body which has been delegated to conduct the testing at a competition. The minimum identification requirement for Sample Collection Personnel is an official card/document naming the IAAF or other organizing body by which they have been authorized to act. For DCOs, additional identification requirements shall include their name and photograph. For Blood Collection Officials, additional identification requirements shall include their name and photograph and evidence of their qualification in the collection of blood samples.*

Selection of Athletes to be tested

- 3.7 *The selection of athletes for testing shall be done on a final position basis and/or random basis, where applicable in accordance with the number of sample collections allocated in the test distribution plan.*
- 3.8 *In addition, further athletes may be selected for testing at the discretion of the IAAF, the Official in charge of the Doping Control Station, the IAAF Delegate or Medical and Anti-Doping Delegate (if appointed), by any method that it or he shall choose, including the use of target testing.*
- 3.9 *Sample collection shall also be conducted on any athlete who has broken or equaled an Area and/or World Record. Any athlete who has broken or equaled an Area and/or World Record in a long or middle distance event (from 400 metres upwards), including race walkers, shall be tested for rh-EPO. In such cases, a blood sample shall be taken if it is practicable to do so. Notification of Athletes*
- 3.10 *The DCO and/or Chaperone, as applicable, shall establish the location of the selected athlete and plan the approach and timing of the notification, taking into consideration the specific circumstances of the situation in question. For this purpose, the DCO and/or Chaperone shall be given all necessary information and assistance by the competition organizer, including unrestricted access to the areas where the athletes may be located.*
- 3.11 *The DCO or Chaperone, as applicable, shall consider whether a third party is required to be notified prior to notification of the athlete, for example, when the athlete is a minor. Otherwise, the athlete should be the first one notified that he has been selected for sample collection.*
- 3.12 *When initial contact has been made with the athlete, the DCO or Chaperone, as applicable, shall as discreetly as possible:*
- (a) *identify himself to the athlete by showing him his official identification; and*
 - (b) *if necessary, confirm the athlete's identity to ensure that the athlete to be notified is the same athlete who has been selected for doping control. Any failure by the athlete to confirm his identity on request to do so shall be documented. In such cases, the DCO responsible for conducting the Sample Collection Session shall decide whether it is appropriate to report the situation as a failure to comply.*
- 3.13 *The DCO or Chaperone, as applicable, shall ensure that the athlete is informed:*
- (a) *that he is required to undergo a sample collection;*
 - (b) *of the authority on behalf of which the sample collection is to be conducted;*
 - (c) *of the type of sample collection to be conducted and, where appropriate, any conditions that need to be adhered to prior to the sample collection;*
 - (d) *of the athlete's rights, including the right to:*
 - (i) *have a representative and, if required, an interpreter accompany him to the Doping Control Station;*
 - (ii) *ask for additional information about the sample collection process;*
 - (iii) *request a delay in reporting to the Doping Control Station where valid reasons for a delay exist (see 3.16 below);*
 - (e) *of the athlete's responsibilities, including the requirement to:*

- (i) remain within sight of the DCO/Chaperone at all times from the time of notification by the DCO/Chaperone until the completion of the sample collection procedure;
 - (ii) comply with sample collection procedures and the possible consequences of a refusal or failure to comply; and
 - (iii) report to the Doping Control Station, unless delayed for valid reasons agreed with the DCO or other responsible official in advance, as soon as possible and, in any event, within 60 minutes of the time of acknowledgement and acceptance of notification.
- (f) of the location of the Doping Control Station.
- 3.14 The DCO or Chaperone shall then have the athlete sign an appropriate form to acknowledge and accept the notification. If the athlete refuses to sign the notification form or otherwise seeks to evade the notification, the DCO/Chaperone shall (if possible) inform the athlete of the consequences of his refusal or failure to submit to doping control. If the notification is being performed by a Chaperone, he shall immediately report all relevant facts to a DCO or other responsible official. The DCO or other responsible official shall then attempt to contact the athlete and inform him of his obligation to undergo doping control and of the consequences of his refusal or failure to do so. If the athlete still refuses to sign the notification form, the DCO or other responsible official shall report the position as a refusal or failure to submit to doping control for the purpose of IAAF Rule 32.2(c).
- 3.15 Once the athlete has signed the notification form, he must report to the Doping Control Station as soon as possible but no later than the time stipulated on the form (being 60 minutes after the time of acknowledgement and acceptance of notification). From the time of notification until the athlete leaves the Doping Control Station at the end of his Sample Collection Session, the athlete should be kept under observation at all times.
- 3.16 The DCO or other responsible official shall consider any reasonable request by the athlete to delay reporting to the Doping Control Station beyond the 60 minute period or to leave the Doping Control Station after he has reported for testing, but only for valid reasons relating to the following activities:
- (a) participation in a medals ceremony;
 - (b) fulfillment of pressing media commitments;
 - (c) competing in further events;
 - (d) performing a warm down;
 - (e) obtaining necessary medical treatment;
 - (f) locating a representative and/or interpreter.
- 3.17 The DCO shall reject a request from an athlete under 3.16 above in any case where it will not be possible for the athlete to be continuously chaperoned during the period in question.
- 3.18 The DCO shall always document the reasons for any delay in an athlete reporting to the Doping Control Station and/or for an athlete leaving the Doping Control Station after reporting for testing. These reasons shall be submitted to the IAAF for further investigation, if necessary.
- 3.19 If the DCO gives approval for the athlete to leave the Doping Control Station after reporting for testing, he shall agree either the time of his return or his return upon completion of an agreed activity. The DCO shall document this information and then the actual time of the athlete's departure and return.
- 3.20 If, while keeping an athlete under observation, Sample Collection Personnel observe any matter which, in their opinion, has the potential to compromise the athlete's test, the circumstances shall be reported to, and documented by, the DCO. Where appropriate, the DCO shall notify the athlete that he is reporting a failure by the athlete to comply and that a further investigation may be carried out and appropriate follow up action taken. If possible, the athlete's Sample Collection Session shall still be completed.

Collection of Urine Samples

- 3.21 Following completion of the notification procedures and the athlete's arrival at the Doping Control Station, the DCO shall ensure that the athlete is informed of the requirements of the urine sample collection before the sample collection begins.
- 3.22 The DCO shall ensure that the athlete is offered a choice of Sample Collection Equipment for collecting the sample.
- 3.23 When the athlete feels he is ready to provide a sample, the DCO shall instruct the athlete to select a collection vessel from a choice of at least two clean, unused vessels.
- 3.24 Whenever an athlete selects Sample Collection Equipment, the DCO will instruct the athlete to check that all the seals on the selected equipment are intact and that the equipment has not been tampered with. If the athlete is not satisfied with the selected equipment, he may select another. If the athlete is not satisfied with any of the equipment available for selection, this fact shall be recorded by the DCO. If the DCO does not agree with the athlete's opinion that all the equipment available for selection is unsatisfactory, the DCO shall

instruct the athlete to proceed with the Sample Collection Session. If the DCO agrees with the reasons put forward by the athlete that all the equipment for selection is unsatisfactory, the DCO shall terminate the collection of the athlete's urine sample and this shall be recorded by the DCO.

- 3.25 *Once the collection vessel has been selected, the DCO/Chaperone and the athlete shall proceed to a WC to commence the sample collection. No person other than the athlete and the DCO/Chaperone should be present in the WC when the urine sample is collected. The DCO/Chaperone who witnesses the passing of the sample shall be of the same gender as the athlete providing the sample.*
- 3.26 *The DCO/Chaperone shall take all necessary steps to satisfy himself as to the origin and authenticity of the sample being collected. To ensure the origin of the sample, the athlete may be required to disrobe as far as is necessary to confirm that the urine has been produced by him. This usually means the exposure of the body from the middle of the back to below the knees. The DCO/Chaperone shall witness the sample leaving the athlete's body and shall record the witnessing in writing. If there are any doubts as to the origin or authenticity of the sample, the athlete shall be asked to provide an additional sample. If the athlete refuses to provide an additional sample, the DCO shall report a refusal or failure to submit to doping control.*
- 3.27 *Athletes shall be required to provide as much urine as possible and no less than a minimum of 75ml of urine. The DCO shall verify, in full view of the athlete, that the required volume of urine has been provided. Where the volume of the urine is insufficient, the athlete shall be required to add to or "top up" the urine to the required amount in accordance with the procedure set out below (see Urine Samples – insufficient volume).*
- 3.28 *The athlete shall retain control of the collection vessel containing the urine until the sample is sealed.*
- 3.29 *The DCO shall instruct the athlete to select one sample collection kit (containing two bottles marked "A" and "B") from a selection of sealed kits.*
- 3.30 *Once a sample collection kit has been selected, the DCO and the athlete shall check that the code numbers match and that this code number is recorded accurately by the DCO.*
- 3.31 *If the athlete or DCO finds that the code numbers are not the same, the DCO shall instruct the athlete to choose another sample collection kit. The DCO shall record the matter.*
- 3.32 *The athlete shall pour the minimum volume of urine into the "B" bottle (30ml) as directed by the DCO, and shall then fill the "A" bottle as much as possible. Once the "A" bottle has been filled, the athlete shall use any remaining urine to fill the "B" bottle as much as possible, whilst ensuring that a small amount of urine is retained in the collection vessel in order to measure the sample's specific gravity.*
- 3.33 *The athlete shall seal the bottles as directed by the DCO. The DCO shall check, in full view of the athlete, that the bottles have been properly sealed.*
- 3.34 *The DCO shall test the specific gravity of the sample using the residual urine in the collection vessel. A specific gravity of 1.010 or higher is recommended (or 1.005 where a refractometer is used). If the sample does not meet this specification, the athlete shall be required to provide a further sample in accordance with the procedure set out below (see Urine Samples – samples that do not meet the required specific gravity). The DCO shall ensure that any residual urine that will not be sent for analysis is discarded.*

Urine Samples – insufficient volume

- 3.35 *Where the volume of urine is insufficient (see 3.27 above), the DCO shall inform the athlete that he will be required to add to the urine provided in order to meet the required minimum amount.*
- 3.36 *The DCO shall instruct the athlete to select a partial sample container or kit from a selection of sealed containers or kits and to check that all the seals on the selected equipment are intact and that the equipment has not been tampered with.*
- 3.37 *The DCO shall then instruct the athlete to open the relevant equipment, pour the insufficient sample into the partial sample container and seal it as directed by the DCO. The DCO shall check, in full view of the athlete, that the partial sample container has been properly sealed.*
- 3.38 *The DCO and the athlete shall check that the equipment code number and the volume and identity of the insufficient sample are recorded accurately by the DCO. The DCO shall retain control of the sealed partial sample container.*
- 3.39 *While waiting to provide an additional sample, the athlete shall remain under continuous observation and be given the opportunity to hydrate if necessary.*
- 3.40 *When the athlete is able to provide an additional sample, the procedures for collection of the sample shall be repeated as set out above until a sufficient volume of urine has been provided by combining the initial and additional sample(s).*
- 3.41 *When the DCO is satisfied that a sufficient volume of urine has been provided, the DCO and athlete shall check the integrity of the seal(s) of the partial sample container(s) containing the previously provided insufficient sample(s). Any irregularity with the integrity of such seal(s) will be recorded by the DCO in writing and may be subject to further investigation, as appropriate.*

- 3.42 The DCO shall then direct the athlete to break the seal(s) of the partial sample container and combine the samples, ensuring that the additional sample is added sequentially to the first sample collected until the required volume of the urine (or more) is met. The DCO shall ensure that any residual urine not to be sent for analysis is discarded.
- 3.43 The athlete shall have fulfilled his duty to submit to doping control only after having delivered the required volume of urine, irrespective of the time necessary for this. The DCO and the athlete shall then continue with the sample collection process as described in 3.28 and following.

Urine Samples - samples that do not meet the required specific gravity

- 3.44 If the sample does not meet the required specific gravity, then the DCO shall inform the athlete that he is required to provide a further sample. This further sample shall not be collected for at least one hour after the time of the first.
- 3.45 While waiting to provide the further sample, the athlete shall remain under continuous observation. He shall refrain from hydrating during this period.
- 3.46 When the athlete is able to provide the further sample, the procedures for collection of the urine samples shall be repeated as set out above.
- 3.47 The DCO shall record the fact that the samples collected belong to the same athlete and the order in which the samples were provided.
- 3.48 The DCO shall ensure that any residual urine not to be sent for analysis is discarded.
- 3.49 The athlete shall have fulfilled his duty to submit to doping control only after having delivered the required volume of acceptable urine, irrespective of the time and the number of attempts necessary for this. The DCO and the athlete shall then continue with the sample collection process as described in 3.28 and following.

Collection of Blood Samples

- 3.50 Following completion of the notification procedures (see 3.10 - 3.20 above) and the athlete's arrival at the Doping Control Station, the BCO/other responsible official shall ensure that the athlete is informed of the requirements of the blood sample collection before the sample collection begins. The BCO/other responsible official shall ask the athlete whether he has been tested before and whether he requires an explanation of the blood sample collection procedure. If the athlete has not been tested before, or requests an explanation of the procedure, the BCO/other responsible official shall explain the blood collection procedure to him.
- 3.51 No blood sample shall be taken from an athlete unless the athlete has signed a form of consent to blood testing, examples of which are to be found in Schedule 2 of these Procedural Guidelines. If an athlete refuses to sign a form of consent, a blood sample shall not be taken from him. Such a failure, other than in the circumstances set out in 3.61 below, shall however be regarded as a refusal to submit to doping control under IAAF Rule 32.2(c). In the event of a refusal to provide a blood sample, the athlete may nevertheless be required to provide a urine sample which shall be analyzed for the full range of prohibited substances.
- 3.52 The BCO/other responsible official and the athlete shall proceed to the area where the sample will be provided.
- 3.53 The BCO/other responsible official shall ensure the athlete is offered as comfortable conditions for the sample collection as possible, including being in a relaxed position for a reasonable length of time prior to providing the sample.
- 3.54 The BCO/other responsible official shall instruct the athlete to choose a blood sampling kit from a selection of at least two sealed kits. Blood sampling kits shall normally contain either a single tube or two tubes ("A" sample tube and a "B" sample) depending on the purpose of the sampling as follows.

Blood screening for haematological parameters

Number of samples: 1

Volume required: 1 x 3ml

Number of tubes: 1 (containing an anti-coagulant such as EDTA)

Blood analysis for prohibited substances and prohibited methods

Number of samples: 2 ("A" sample and "B" sample)

Volume required: 2 x 3ml (or as specified by the relevant laboratory)

Number of tubes: 2 (containing an anti-coagulant such as EDTA)

Analysis of serum for prohibited substances and methods

Number of samples: 2 ("A" and "B" sample)

Volume required: 2 x 3ml (or as specified by the relevant laboratory)

Number of tubes: 2

The athlete shall check that all the seals on the selected equipment are intact and that the equipment has not been tampered with. Sterile needles and syringes may be made available separately if required. If the athlete is not satisfied with the selected equipment, he may select another. If the athlete is not satisfied with any of the equipment available for selection, this fact shall be recorded by the BCO/other responsible official. If the BCO/other responsible official does not agree with the athlete's opinion that all the equipment available for selection is unsatisfactory, the BCO/other responsible official shall instruct the athlete to proceed with the Sample Collection Session. If the BCO/other responsible official agrees with the reasons put forward by the athlete that all the equipment for selection is unsatisfactory, the BCO/other responsible official shall terminate the collection of the athlete's blood sample and this shall be recorded by the BCO/other responsible official.

- 3.55 When a blood sample collection kit has been selected, the BCO/other responsible official and the athlete shall check that all code numbers match and that this code number is recorded accurately by the DCO.
- 3.56 If the athlete or BCO/other responsible official finds that the numbers are not the same, the BCO/other responsible official shall instruct the athlete to choose another kit. The BCO/other responsible official shall record the matter.
- 3.57 The BCO shall provide the athlete with evidence of his qualification before the blood sample collection takes place. Blood sample collections shall only be conducted by medically qualified personnel or by a qualified phlebotomist.
- 3.58 The BCO shall clean the skin with a sterile disinfectant wipe or swab and, if necessary, apply a tourniquet. The BCO shall take the blood sample from a superficial vein. No blood sample shall be taken from any part of the athlete's body other than from the arm or hand. The tourniquet, if applied, shall be immediately removed after the venipuncture has been made.
- 3.59 The amount of blood removed shall be adequate to satisfy analytical requirements for the sample analysis to be performed. The blood shall be collected into one or more tubes depending on the purpose of the sampling. No more than 25 millilitres of blood shall be withdrawn.
- 3.60 If the amount of blood that can be removed from the athlete at the first attempt is insufficient, the BCO shall repeat the procedure. The maximum number of attempts however shall be three. Should all attempts fail, then the BCO shall inform the DCO/other responsible official. The DCO/other responsible official shall terminate the collection of the blood sample and record this and the reasons for terminating the collection.
- 3.61 An athlete shall be entitled to refuse to provide a blood sample if:
- (a) the BCO purporting to conduct the blood sampling is unable to provide the athlete with evidence of his qualification;
 - (b) none of the blood sampling kits available for use are sealed and intact;
 - (c) the BCO seeks to withdraw more than 25 mls of blood from the athlete;
 - (d) the BCO seeks to take more than three attempts to withdraw the required amount of blood;
 - (e) the BCO seeks to withdraw blood otherwise than from one of the specified sites set out above.
- 3.62 The BCO shall apply a dressing to the puncture site(s).
- 3.63 The BCO shall dispose of any used blood sampling equipment not required for completing the Sample Collection Session.
- 3.64 The blood shall be withdrawn from the athlete into a tube (or tubes).
- (a) where blood has been taken for the purpose of blood screening or for the analysis of whole blood, the tube(s) shall be inverted gently to mix the blood with the anti-coagulant contained in the tube(s);
 - (b) where blood has been taken for the analysis of serum, the tubes shall be inverted gently 5 times to accelerate clotting. Clotting and centrifugation procedures shall then be carried out on the samples in accordance with the requirements of the Blood Testing Protocol.
- Each tube shall be marked with a code number. This code number should be recorded by the relevant official on the athlete's Doping Control Form and the athlete should ensure that the code number on the tube(s) corresponds to that entered by the official on the form. The tube (or tubes) shall be re-inserted into the original sample collection kit for storage prior to transportation. The kit shall be sealed. The athlete and the DCO/other responsible official shall check that the sealing of the kit is satisfactory.
- 3.65 The sealed sample shall be kept in secure conditions at a cool, but not freezing, temperature prior either to analysis at a mobile testing unit situated at the Doping Control Station itself or dispatch to a WADA-accredited laboratory or hematological laboratory which has been approved by the IAAF for the conduct of the analysis.
- 3.66 Where the IAAF carries out blood sampling, it may also require that the athlete provides a urine sample. If an athlete refuses to provide a urine sample, he shall be deemed to have refused to submit to doping control

and may be subject to sanctions under IAAF Rule 32.2(c). The urine sample shall be collected in accordance with paragraphs 3.21 - 3.49 of these Procedural Guidelines.

Post-Sample collection procedures for Urine/Blood Samples

- 3.67 Any behavior by the athlete and/or persons associated with the athlete or anomalies arising with the potential to compromise the sample collection shall be recorded and reported to the IAAF. If appropriate, on receipt of the report, the IAAF shall investigate the athlete's failure to comply.
- 3.68 The DCO/other responsible official shall provide the athlete with the opportunity to document any concerns he may have about how the session was conducted.
- 3.69 In conducting the Sample Collection Session, it is recommended that the following information shall be recorded on the Doping Control Form as a minimum:
- (a) date and time of notification;
 - (b) date, time and type of sample provision;
 - (c) the name of the athlete;
 - (d) the date of birth of the athlete;
 - (e) the gender of the athlete;
 - (f) the athlete's home address and telephone number;
 - (g) the athlete's discipline;
 - (h) the sample(s) code number(s);
 - (i) the name and signature of the Chaperone, where applicable, who witnessed the urine sample provision;
 - (j) the name and signature of the BCO who collected the blood sample;
 - (k) required laboratory information on the sample;
 - (l) medications and supplements taken and recent blood transfusion details, if applicable;
 - (m) any irregularities in procedures;
 - (n) athlete comments or concerns regarding the conduct of the session, if such are provided;
 - (o) the name and signature of the athlete;
 - (p) the name and signature of the athlete's representative, if any; and
 - (q) the name and signature of the DCO/other responsible official.
- 3.70 The athlete and the DCO/other responsible official shall sign the Doping Control Form to indicate their satisfaction that details of the athlete's Sample Collection Session have been accurately recorded, including any concerns voiced by the athlete. The athlete's representative shall sign on behalf of the athlete if the athlete is a minor. Other persons present who had a formal role during the athlete's Sample Collection Session may also sign the documentation as a witness of the proceedings.
- 3.71 The Doping Control Form used for the Sample Collection Session shall be devised so that duplicate copies are produced at the same time. These should be dealt with as follows:
- (a) the original to be retained by or sent to the IAAF;
 - (b) a copy to be retained by the representative of the relevant testing authority;
 - (c) a copy to be given to the athlete;
 - (d) a special copy to be sent to the laboratory or, where applicable, retained by the mobile testing unit which is to conduct the analysis. The copy that is sent to the laboratory should not contain any information that can identify the athlete who has provided the sample.

Sample storage

- 3.72 Following collection, the sealed samples should be stored in appropriate conditions in a manner that protects their integrity, identity and security prior to transportation from the Doping Control Station. Blood samples and/or urine samples collected for the purposes of testing an athlete for rh-EPO should be stored in accordance with the requirements set out in the Blood Testing Protocol.
- 3.73 Before the bottles containing the urine samples and/or the tubes containing the blood samples are packed for transportation, it should be confirmed that all samples that have been taken are present and that the number of samples is in accordance with the list of code numbers.
- 3.74 The DCO or other responsible official shall ensure that a Doping Control Form for each sealed sample is completed and securely handled.

Transportation of Samples

- 3.75 A transportation system shall be used that ensures that samples are transported to the laboratory in a manner that protects their integrity, identity and security. Blood samples and/or urine samples collected for

the purposes of testing an athlete for rh-EPO should be transported in accordance with the requirements set out in the Blood Testing Protocol.

- 3.76 *Sealed samples shall be transported using the authorized transport method as soon as practicable after the completion of the Sample Collection Session. The samples should, at a minimum, be placed in a suitable outer container for dispatch to the laboratory.*
- 3.77 *All information relating to the Chain of Custody of the samples collected should be recorded, including confirmation that the samples have arrived at their intended destination.*
- 3.78 *Documentation identifying the athletes shall not be included with the samples sent to the laboratory.*
- 3.79 *The DCO shall send all relevant Sample Collection Session documentation to the IAAF as soon as practicable after the completion of the Sample Collection Session.*
- 3.80 *The Chain of Custody shall be checked by the IAAF either in circumstances where the receipt of the samples and accompanying documentation has not been confirmed at the intended destination or if a sample's integrity or identity may have been compromised during transportation. In such a case, the IAAF shall consider whether the sample in question should be voided but the opening of the outer container will not, of itself, invalidate the sample.*

Analysis of Samples

- 3.81 *Without exception, all samples shall be sent for analysis to a WADA-accredited laboratory (or, where applicable, to a hematological laboratory or mobile testing unit) which has been approved by the IAAF. Where required, instructions for the type of analysis to be conducted shall be provided to the laboratory concerned.*
- 3.82 *Samples shall be analyzed, and the results of the analyses communicated, in accordance with IAAF Rule 36, the International Standard for Laboratory Analysis and these Procedural Guidelines.*

4. OUT-OF-COMPETITION TESTING

- 4.1 *The IAAF Medical and Anti-Doping Department may, on the advice of the Medical and Anti-Doping Commission, appoint DCOs and Sample Collection Personnel to conduct or assist with out-of-competition testing on athletes. It may also appoint any third party as an IAAF authorized out-of-competition collection agency which may, in turn, appoint DCOs and Sample Collection Personnel to conduct or assist with out-of-competition testing on the IAAF's behalf.*
- 4.2 *All Sample Collection Personnel appointed under 4.1 shall have been trained for their assigned responsibilities, shall not have a conflict of interest in the outcome of the sample collection for which they are appointed and shall not be minors.*
- 4.3 *The IAAF Medical and Anti-Doping Department shall maintain a register of all DCOs/BCOs appointed by the IAAF, or by an IAAF authorized collection agency, to conduct or assist with out-of-competition testing on its behalf. However, the fact that a DCO/BCO's name has not yet been added to the IAAF register shall not affect his competence to carry out this function.*
- 4.4 *Sample Collection Personnel appointed for out-of-competition testing shall have official identification that is provided and controlled by the IAAF or by the IAAF authorized collection agency. The minimum identification requirement is an official card/document naming the IAAF or IAAF authorized collection agency by which the person has been authorized. For DCOs, additional identification requirements shall include the person's name and photograph and the card's/document's expiry date. For Blood Collection Officials, additional identification requirements shall include the person's name and photograph and evidence of his qualification in the collection of blood samples.*

Registered Testing Pool

- 4.5 *The IAAF shall establish a Registered Testing Pool of athletes who may be subject to no advance notice out-of-competition testing by the IAAF at any time. The IAAF shall consider athletes for inclusion in the Registered Testing Pool based upon the following criteria:*
 - (i) *the top-ranked athletes according to the official IAAF World Rankings Lists in Athletics; and*
 - (ii) *the top-performing athletes according to the official IAAF Top Performance Lists in Athletics.**For the avoidance of doubt, the above criteria shall be for guideline purposes only and the IAAF may at its sole discretion include any athlete in the Registered Testing Pool which it considers to be appropriate. The IAAF's determination of the composition of the Registered Testing Pool shall be final and shall not be subject to challenge by any athlete or other person.*
- 4.6 *The Registered Testing Pool shall be published on the IAAF website. It shall be reviewed and updated on a monthly basis to reflect changes in athletes' competing levels and to ensure such other additions to it as may*

be considered appropriate. Once an athlete has been added to the Registered Testing Pool, he shall remain in the Pool until notice of his removal by the IAAF.

- 4.7 National Federations conducting their own no advance notice out-of-competition testing programmes may establish their own registered testing pools. These shall include as a minimum athletes who are part of national teams. A copy of any registered testing pool established by a National Federation shall be forwarded to the IAAF for information.
- 4.8 The IAAF shall collect athlete whereabouts information for the athletes in the IAAF Registered Testing Pool in accordance with IAAF Rule 35.16. Under such Rule, athletes shall be required to keep their whereabouts information on file on a quarterly basis and shall be required to notify the IAAF immediately that there is any change to such information to ensure that it is kept current at all times. The responsibility for providing whereabouts information rests in each case with the athlete.
- 4.9 If an athlete in the IAAF Registered Testing Pool fails on request to provide the IAAF with his whereabouts information, or fails to provide the IAAF with adequate whereabouts information, or is unable to be located at the updated whereabouts information retained on file for the athlete, he shall be subject to an evaluation by the IAAF Anti-Doping Administrator for a missed test. If an athlete is evaluated as having 3 missed tests in any period of 5 years beginning with the date of the first test, he shall have committed an anti-doping rule violation in accordance with IAAF Rule 32.2(d).
- 4.10 As a minimum, the following athlete whereabouts information shall be collected from athletes in the IAAF Registered Testing Pool:
 - (a) full name;
 - (b) event;
 - (c) current home address;
 - (d) separate mailing address, if appropriate;
 - (e) contact phone number(s);
 - (f) regular training times, schedules and venues;
 - (g) temporary training times, schedules and venues (e.g., training camps);
 - (h) travel plans; and
 - (i) competition schedule.

Selection of Athletes for Testing

- 4.11 Athletes in the IAAF Registered Testing Pool shall be selected for no advance notice out-of-competition testing by the IAAF using random selection methods and by target testing. Selection shall be made having regard to the number of sample collections allocated in the IAAF test distribution plan.
- 4.12 The IAAF may consider target testing athletes based on any of the following information:
 - (a) injury;
 - (b) withdrawal or absence from expected competition;
 - (c) going into or coming out of retirement;
 - (d) behavior indicating suspected doping;
 - (e) sudden major improvements in performance;
 - (f) changes in athlete whereabouts information that can indicate a potential increase in the risk of doping, including moving to a remote location;
 - (g) athlete sport performance history;
 - (h) details of past doping controls;
 - (i) athlete reinstatement after a period of ineligibility; and
 - (j) reliable information obtained from a third party.
- 4.13 The IAAF may also select athletes for no advance notice out-of-competition testing who are not included in the IAAF Registered Testing Pool defined in 4.5 above.
- 4.14 Where the IAAF delegates its authority to an IAAF authorized collection agency to select athletes for no advance notice out-of-competition testing, the IAAF shall provide selection criteria to the IAAF authorized collection agency for this purpose in accordance with the test distribution plan.
- 4.15 Following the selection of an athlete for no advance notice out-of-competition testing and prior to the notification of the athlete concerned, the decision to select the athlete for testing shall be disclosed only to those who need to know in order to ensure that the athlete can be notified and tested on a no advance notice basis.

Notification of Athletes

- 4.16 No advance notice shall be the notification method for out-of-competition testing by the IAAF. Advance notice testing shall only be conducted in exceptional cases (see paragraph 4.20 below).

- 4.17 The DCO or Chaperone, as applicable, shall seek to establish the location of the selected athlete by reference to the athlete whereabouts information provided and shall plan the approach and timing of the notification accordingly.
- 4.18 For no advance notice out-of-competition sample collection, reasonable attempts should be made to notify athletes of their selection for sample collection using the most up-to-date whereabouts provided. The DCO should record all notification attempts that were made.
- 4.19 If the athlete cannot be contacted by the DCO or Chaperone after reasonable attempts have been made using the whereabouts information provided by the athlete, the matter shall be reported to the IAAF as soon as possible and the IAAF shall proceed to evaluate whether there has been a missed test for the athlete concerned.
- 4.20 The DCO shall not re-schedule or change a sample collection from no advance notice to advance notice except where an unexpected situation forces the need for an advance notice sample collection. Any such decision shall be recorded by the DCO. Notification for advance notice sample collection shall be by any means that indicates that the athlete received the notice.
- 4.21 Where, in exceptional cases, a sample collection is to proceed on an advance notice basis, the DCO shall arrange with the athlete a time and place for the testing to take place. The DCO and the athlete shall seek to agree on a time and place that is convenient to both parties. If they are unable to agree, the final decision as regards the time and place of the test shall be taken by the DCO.
- 4.22 Where an arrangement has been made between a DCO and an athlete for advance notice testing, it is the athlete's responsibility to check prior to the arranged meeting that there is no possible confusion over the agreed time and precise location for the testing to take place.
- 4.23 When initial contact is made with the athlete, the DCO or Chaperone, as applicable, shall as discreetly as possible:
- (a) identify himself to the athlete by showing him his official identification (see 4.4 above); and
 - (b) if necessary, confirm the athlete's identity to ensure that the athlete who is to be notified is the same athlete who has been selected for doping control. Any failure by the athlete to confirm his identity on request to do so shall be documented. In such a case, the DCO responsible for conducting the Sample Collection Session shall decide whether it is appropriate to report the situation as a failure to comply.
- 4.24 The DCO or Chaperone, as applicable, shall ensure that the athlete is informed:
- (a) that he is required to undergo a sample collection;
 - (b) of the authority under which the sample collection is to be conducted;
 - (c) of the type of sample collection to be conducted and, where appropriate, any conditions that need to be adhered to prior to the sample collection;
 - (d) of the athlete's rights, including the right to:
 - (i) have a representative and, if required, an interpreter accompany him to the Doping Control Station;
 - (ii) ask for additional information about the sample collection process;
 - (iii) request a delay in reporting to the Doping Control Station where valid reasons for a delay exist (see 4.27 below);
 - (e) of the athlete's responsibilities, including the requirement to:
 - (i) remain within sight of the DCO/Chaperone at all times from the first moment of notification in person by the DCO/Chaperone until the completion of the sample collection procedure;
 - (ii) produce a document confirming his identification on request;
 - (iii) comply with the sample collection procedure;
 - (iv) report to the Doping Control Station, unless delayed for valid reasons (see 4.27 below) as soon as possible and within 60 minutes of the time of notification for a no advance notice sample collection or within 12 hours of receipt of the time of notification for an advance notice sample collection.
 - (f) of the location of the Doping Control Station.
- 4.25 The DCO or Chaperone shall then have the athlete sign an appropriate form to acknowledge and accept the notification. If the athlete refuses to sign the notification form or otherwise seeks to evade the notification, the DCO/Chaperone shall (if possible) inform the athlete of the consequences of his refusal or failure to submit to doping control. If the notification is being performed by a Chaperone, he shall immediately report all relevant facts to the DCO. The DCO shall then inform the athlete of his obligation to undergo doping control and of the consequences of his refusal or failure to do so. If the athlete still refuses to sign the notification form, the DCO shall report the position to the IAAF as a refusal or failure to submit to doping control for the purpose of IAAF Rule 32.2(c).

- 4.26 Once the athlete has signed the notification form, he must report to the Doping Control Station as soon as possible but no later than the time stipulated on the form (being 60 minutes after the time of acknowledgement and acceptance of notification). From the time of notification until the athlete leaves the Doping Control Station at the end of his Sample Collection Session, the athlete should be kept under observation at all times.
- 4.27 The DCO shall consider any reasonable request by the athlete to delay reporting to the Doping Control Station beyond the 60 minute period or to leave the Doping Control Station after he has reported for testing, but only for valid reasons relating to the following activities:
- (a) obtaining necessary medical treatment;
 - (b) locating a representative and/or interpreter; or
 - (c) some other valid and justifiable reason.
- 4.28 A DCO shall reject a request from an athlete under 4.27 above if it will not be possible for the athlete to be continuously chaperoned during the period in question.
- 4.29 The DCO shall always document the reasons for any delay in an athlete reporting to the Doping Control Station and/or for an athlete leaving the Doping Control Station after reporting for testing. These reasons shall be submitted to the IAAF for further investigation, if necessary.
- 4.30 If the DCO gives approval for the athlete to leave the Doping Control Station after reporting for testing, he shall agree either the time of his return or his return upon completion of an agreed activity. The DCO shall document this information and then the actual time of the athlete's departure and return.
- 4.31 If, while keeping an athlete under observation, Sample Collection Personnel observe any matter which, in their opinion, has the potential to compromise the athlete's test, the circumstances shall be reported to, and documented by, the DCO. Where appropriate, the DCO shall notify the athlete that he is reporting a failure by the athlete to comply and that a further investigation may be carried out and appropriate follow up action taken. If possible, the athlete's Sample Collection Session shall still be completed.
- 4.32 When an athlete notified of an advance notice sample collection does not report to the Doping Control Station at the designated time, the DCO shall use his judgment whether to attempt to contact the athlete further but shall be under no obligation to do so. At a minimum, the DCO shall wait 30 minutes after the designated time before departing the Doping Control Station, at which time the athlete will be declared absent from testing. A subsequent appeal by an athlete on the grounds that he did not fully understand where to go, or that he went at the wrong time, will not be considered. An athlete who is absent from testing will be deemed to have refused to submit to doping control in accordance with IAAF Rule 32.2(c).
- 4.33 If the athlete reports to the Doping Control Station after the minimum waiting time for advance notice testing, but prior to the DCO's departure, the DCO shall decide whether to process a failure to comply for doping control. If at all possible, the DCO shall proceed with collecting a sample from the athlete and shall document the details of the delay in the athlete reporting for testing.
- 4.34 If, while keeping the athlete under observation, the DCO or Chaperone observes any matter which has the potential to compromise the sample collection, the relevant circumstances shall be reported to and documented by the DCO. Where appropriate, the DCO shall report a failure to comply.

Collection of samples

- 4.35 The DCO shall select an appropriate site for the Doping Control Station where the out-of-competition testing is to take place.
- 4.36 The DCO will make every effort to collect the required sample from the athlete as discreetly as possible and with the maximum of privacy but the circumstances may impose difficulties on the DCO that cannot be overcome.
- 4.37 The DCO shall use the same procedures for the collection of urine and blood samples out-of-competition as for the collection of urine samples (see 3.21 – 3.49 above) and blood samples (see 3.50 – 3.66 above) in-competition.
- 4.38 The post-sample collection procedures to be applied in-competition (see 3.67 - 3.71 above) shall, where appropriate, also be applied to urine and blood samples collected out-of-competition.

Storage of samples

- 4.39 Following collection, the sealed samples should be stored in appropriate conditions in a manner that protects their integrity, identity and security prior to transportation from the Doping Control Station. Blood samples and/or urine samples collected for the purposes of testing an athlete for rh-EPO should be stored in accordance with the requirements set out in the Blood Testing Protocol.

- 4.40 Before the bottles containing the urine samples and/or the tubes containing the blood samples are packed for transportation, it should be confirmed that all samples that have been taken are present and that the number of samples is in accordance with the list of code numbers.
- 4.41 The DCO or Chaperone, as applicable, shall ensure that a Doping Control Form for each sealed sample is completed and securely handled.
- 4.42 Without exception, all samples shall be sent to WADA-accredited laboratories (or, where applicable, to hematological laboratories) which have been approved by the IAAF. Where required, instructions for the type of analysis to be conducted shall be provided.

Transportation of Samples

- 4.43 A transportation system shall be used that ensures that the samples and accompanying documentation will be transported to the laboratory in a manner that protects their integrity, identity and security. Blood samples and/or urine samples collected for the purposes of testing an athlete for rh-EPO should be transported in accordance with the requirements set out in the Blood Testing Protocol.
- 4.44 Sealed samples shall be transported using an authorized transport method as soon as practicable after the completion of the Sample Collection Session. The samples should, at a minimum, be placed in a suitable outer container for dispatch to the laboratory.
- 4.45 All information relating to the Chain of Custody of the samples and accompanying documentation should be recorded, including confirmation that the samples and accompanying documentation have arrived at their intended destination.
- 4.46 Documentation identifying the athletes shall not be included with the samples or accompanying documentation sent to the laboratory.
- 4.47 The DCO shall send all relevant Sample Collection Session documentation to the IAAF as soon as practicable after the completion of the Sample Collection Session.
- 4.48 The Chain of Custody shall be checked by the IAAF either if receipt of the samples and accompanying documentation is not confirmed at their intended destination or if a sample's integrity or identity may have been compromised during transportation. In such a case, the IAAF shall consider whether the sample in question should be voided but the opening of the outer container will not, of itself, invalidate the sample.

Waiver

- 4.49 The nature of no advance notice out-of-competition testing makes it inevitable that no or little advance warning is given to the athlete. Every effort will be made by the DCO/BCO to collect the sample speedily and efficiently with the minimum of interruption to the athlete's training plans and/or social or work arrangements. If there is an interruption, however, no athlete may take action to gain compensation for any inconvenience caused.

5. THERAPEUTIC USE EXEMPTIONS

Introduction

- 5.1 In accordance with IAAF Rule 34.5, athletes with a documented medical condition requiring the use of a prohibited substance or prohibited method in the Prohibited List must first obtain a TUE.
- 5.2 An application for a TUE for the use of a prohibited substance or a prohibited method is required:
- out-of-competition - for the use of the substances and methods listed in the Prohibited List as being prohibited at all times (see S1-S5 and M1-M3 of the Prohibited List); and
 - in-competition - for the use of the substances and methods listed in the Prohibited List as being prohibited at all times (see S1-S5 and M1-M3) and for the use of the substances and methods listed as being prohibited in-competition only (see S6-S9).
- 5.3 Applications for a TUE which are made by International-Level athletes must be submitted to the IAAF in accordance with the procedures set out below.
- 5.4 Applications for a TUE in all other cases must be submitted to the appropriate TUE body established within the athlete's National Federation, or by such other body as may be designated by the athlete's National Federation to review TUE cases, or which otherwise has competent authority to grant TUEs in the Country or Territory of the National Federation. All such applications should be reviewed in accordance with the principles set out in this Chapter 5 below. An athlete may not apply for a TUE to more than one body at a time.

The IAAF TUE Sub-Commission

- 5.5 The IAAF Council shall appoint a specific body to review TUE applications submitted to the IAAF that are referred to it in accordance with IAAF Rules and with these Procedural Guidelines. This body shall be

established as a Sub- Commission of the IAAF Medical and Anti-Doping Commission (the "IAAF TUESC"). The Chairman of the Medical and Anti-Doping Commission shall also be the Chairman of the IAAF TUESC.

- 5.6 The IAAF TUESC shall include, in addition to the Chairman, at least two physicians with experience in the care and treatment of athletes and with a sound knowledge of clinical, sports and exercise medicine. The Chairman of the Medical and Anti-Doping Commission shall have authority at any time to appoint an additional person or persons to the IAAF TUESC, as may be required, on a temporary basis. A minimum of three members of the IAAF TUESC shall review each TUE application that is specifically referred to it.
- 5.7 In order to ensure a level of independence of decision-making, a majority of the members of the IAAF TUESC reviewing a TUE application should not have any official day to day responsibility within the IAAF. All members of the IAAF TUESC will in any event sign a conflict of interest agreement. No member of the IAAF TUESC shall adjudicate on a TUE application submitted by an athlete from (or representing) his own country.
- 5.8 The members of the IAAF TUESC may exchange views on TUE applications by any appropriate means, including by e-mail, telephone, facsimile or in person.
- 5.9 The IAAF TUESC may, in the course of reviewing a TUE application, seek from external, independent experts (including, where appropriate, from the WADA TUE Committee and/or the IOC TUE Committee) any additional medical or scientific advice as it may deem to be necessary.
- 5.10 The IAAF TUESC may, in the course of exercising its function, refer to the Council for its opinion or guidance, either in relation to a particular case or on any matter of general policy that may arise.

Confidentiality of Information

- 5.11 The members of the IAAF TUESC and all IAAF staff involved in the administration of TUE applications under these Procedural Guidelines shall conduct their activities in strict confidence. All members of the IAAF TUESC and all IAAF staff involved will sign confidentiality agreements. In particular, the following information shall be kept confidential:
 - (a) all medical information and data provided by the athlete and physician(s) involved in the athlete's care;
 - (b) all details of the application including the name of the physician(s) involved in the process.
- 5.12 Should the assistance of external, independent experts be required, all details of the application will be circulated without identifying the athlete involved.
- 5.13 Should the athlete wish to revoke the right of the IAAF TUESC to obtain any health information on his behalf, the athlete must notify his medical practitioner in writing of the fact. As a consequence of such a decision, the athlete will not receive approval for a TUE or renewal of an existing TUE.

Standard TUE Application Process

- 5.14 For TUE applications for the use of beta-2 agonists by inhalation and glucocorticosteroids by non-systemic routes, an abbreviated application process has been established (see 5.28 below). For TUE applications for the use of all other prohibited substances and prohibited methods, a standard TUE application process is to be used as set out below.
- 5.15 A standard TUE application to the IAAF must be submitted on the IAAF's TUE Standard Application form (see Schedule 2 for a specimen TUE Standard Application Form).
- 5.16 A standard TUE application for the use of a prohibited substance or a prohibited method in-competition must be submitted to the IAAF no less than 21 days before the athlete participates in the competition in question.
- 5.17 A standard TUE application will not be considered for retroactive approval except in cases where:
 - (a) emergency treatment or treatment of an acute medical condition was necessary, or
 - (b) due to exceptional circumstances, there was insufficient time or opportunity for an applicant to submit an application, or for an application to be reviewed, prior to the athlete submitting to doping control.
- 5.18 The standard TUE application must be legible and complete. It will only be considered to be complete if all boxes on the TUE Standard Application Form have been properly filled in and if it is accompanied by all supporting medical documents as follows:
 - (a) a comprehensive medical history and the results of all examinations, laboratory investigations and imaging studies relevant to the application;
 - (b) a statement by an appropriately qualified physician attesting to the necessity of the otherwise prohibited substance or prohibited method in the treatment of the athlete and describing why an alternative, permitted medication cannot, or could not, be used in the treatment of such condition; and
 - (c) the dose, frequency, route and duration of administration of the otherwise prohibited substance or prohibited method in question must be specified in the application.

- 5.19 The athlete's standard TUE application must list any previous and/or current requests for permission to use an otherwise prohibited substance or prohibited method, the body to whom that request was made, and the decision of that body.
- 5.20 Any additional relevant investigations, examinations or imaging studies that may be requested will be undertaken at the expense of the applicant or his National Federation.
- 5.21 The applicant for a standard TUE must provide written consent in his application for the transmission of all information concerning the application to members of the IAAF TUESC and, as required, other independent medical or scientific experts, and to all necessary staff involved in the management, review or administration of TUEs.
- 5.22 The applicant must also provide written consent for the decision of the IAAF TUESC as regards his TUE application to be notified to other relevant organizations pursuant to IAAF Rule 34.5.

Criteria for granting Standard TUE Applications

- 5.23 All standard TUE applications, providing that they are legible and complete, shall be referred for adjudication by the IAAF TUESC.
- 5.24 Standard TUE applications will be granted by the IAAF TUESC only in cases of clear and compelling need in strict accordance with the following criteria:
- (a) that the athlete would experience a significant impairment to his health if the prohibited substance or prohibited method was to be withheld in the course of treating an acute or chronic medical condition.
 - (b) that the therapeutic use of the prohibited substance or prohibited method would produce no additional enhancement of performance other than that which might be anticipated by a return to a state of normal health following the treatment of a legitimate medical condition. The use of any prohibited substance or prohibited method to increase "low-normal" levels of any endogenous hormone or physiological blood parameter is not considered an acceptable therapeutic intervention.
 - (c) that it is possible without undue difficulty to monitor or control the dose, frequency, method of administration or other aspect of the use of a prohibited substance or prohibited method that may otherwise permit an enhancement of performance other than a return to a state of normal health;
 - (d) that there is no reasonable therapeutic alternative to the use of the otherwise prohibited substance or prohibited method.
 - (e) that the necessity for the use of the otherwise prohibited substance or prohibited method is not a consequence, either wholly or in part, of a prior non-therapeutic use of any prohibited substance on the Prohibited List.
 - (f) in no circumstances, shall a TUE be granted to an athlete if the IAAF considers that he would thereby gain a competitive advantage over another athlete.

Decision of the IAAF TUESC in standard TUE applications

- 5.25 The decision of the IAAF TUESC in respect of a standard TUE application will be conveyed to the athlete in writing, with a copy sent to his National Federation, the relevant national anti-doping organization (if appropriate) and WADA. Where a TUE has been granted, the athlete and WADA will be provided promptly with a certificate of approval confirming the duration of the TUE and specifying any requirements or conditions that may have been attached to the granting of the TUE by the IAAF TUESC.
- 5.26 A decision of the IAAF TUESC to grant or deny a standard TUE may be appealed in accordance with IAAF Rule 60.

Cancellation/Expiry of standard TUEs

- 5.27 A standard TUE will be cancelled if:
- (a) the athlete does not comply with any requirements or conditions imposed on the granting of the TUE by the IAAF TUESC.
 - (b) the term for which the TUE was granted by the IAAF TUESC has expired.
 - (c) the athlete is advised that the granting of the TUE by the IAAF TUESC has been withdrawn.

Abbreviated TUE Application Process

- 5.28 The abbreviated TUE application process shall be strictly limited to applications for the use of:
- (a) beta-2 agonists by inhalation (formoterol, salbutamol, salmeterol and terbutaline); and
 - (b) glucocorticosteroids by non-systemic routes.
- 5.29 An abbreviated TUE application to the IAAF must be submitted on the relevant IAAF TUE Abbreviated Application Form (see Schedule 2 for a specimen TUE Abbreviated Application Form).
- 5.30 An abbreviated TUE application to the IAAF for the use of:

- (a) a beta-2 agonist by inhalation must be submitted to the IAAF before any use of the beta-2 agonist by the athlete either in or out-of-competition; and
 - (b) a glucocorticosteroid by non-systemic routes in-competition must be submitted to the IAAF before the athlete participates in-competition.
- 5.31 An abbreviated TUE application will not be considered for retroactive approval except where:
- emergency treatment or treatment of an acute medical condition was necessary, or
 - due to exceptional circumstances, there was insufficient time or opportunity for an applicant to submit, or (where applicable) for the IAAF TUESC to receive, an application prior to the athlete's doping control.
- 5.32 The abbreviated TUE application must be legible and complete. It will only be considered to be complete if all boxes on the TUE Abbreviated Application Form have been properly filled in, including stating:
- (a) the diagnosis and, when applicable, any tests undertaken in order to establish the diagnosis (without providing the actual results or details of the tests save in the case of an abbreviated TUE application under 5.33 below); and
 - (b) the name of the drug, the dosage, route of administration and the duration of the treatment.
- 5.33 In the case of an abbreviated TUE application to the IAAF for the use of Beta-2 agonists by inhalation, the TUE Abbreviated Application Form must in addition be accompanied by all supporting medical documents required by the IAAF Beta-2 Agonists Protocol. This documentation includes:
- (a) the athlete's detailed medical records; and
 - (b) positive provocation test results.
- For full details of the documentation required, the IAAF Beta-2 Agonists Protocol should be consulted on the IAAF website at www.iaaf.org>Anti-Doping>Downloads>Beta-2 Agonists Protocol.
- 5.34 If an abbreviated TUE application for the use of a glucocorticosteroid by a nonsystemic route is legible and complete, the IAAF shall write to the athlete to inform him that the TUE is effective immediately. The IAAF shall copy this notification to the athlete's National Federation, the relevant national anti-doping organization (if appropriate) and WADA.
- 5.35 If an abbreviated TUE application for the use of Beta-2 agonists is legible and complete and includes all the supporting medical documents required by the IAAF Beta-2 Agonists Protocol, the IAAF shall write to the athlete to inform him that the TUE is effective immediately pending further review by the IAAF TUESC. The IAAF shall copy this notification to the athlete's National Federation, the relevant national anti-doping organization (if appropriate) and WADA. Following the further review of the application by the IAAF TUESC, either the IAAF will confirm the TUE and issue the athlete with a certificate of approval confirming the duration for which the TUE is granted or it will cancel the TUE. If the IAAF confirms the TUE, the IAAF shall send a copy of the certificate of approval to the athlete's National Federation, the relevant national anti-doping organization (if appropriate) and WADA.
- 5.36 If an abbreviated TUE application submitted to the IAAF is illegible or incomplete or is missing any of the supporting documents, it shall be returned to the applicant. In this case, there shall be no effective TUE in place for the athlete in question. If the athlete still wishes to apply for a TUE, he shall be required to re-submit his application to the IAAF in legible and complete form together with any missing information/documents.

Cancellation/Expiry of Abbreviated TUEs

- 5.37 If an abbreviated TUE is cancelled following review by the IAAF TUESC, the cancellation shall take immediate effect on its notification to the athlete. The cancellation shall also be notified to the athlete's National Federation, the relevant national anti-doping organization (if appropriate) and WADA.
- 5.38 Any athlete who has had a TUE under the abbreviated application process cancelled will nevertheless be able to re-apply for a TUE through the standard TUE application process under 5.14 above.

THE 2008 PROHIBITED LISTValid 1 January 2008

The use of any drug should be limited to medically justified indications

**SUBSTANCES AND METHODS PROHIBITED AT ALL TIMES
(IN- AND OUT-OF-COMPETITION)
PROHIBITED SUBSTANCES**

S1. ANABOLIC AGENTS

Anabolic agents are prohibited.

1. Anabolic Androgenic Steroids (AAS)**a. Exogenous* AAS, including:**

1-androstendiol (5 α -androst-1-ene-3 β ,17 β -diol); 1-androstendione (5 α -androst-1-ene-3,17-dione); bolandiol (19-norandrostenediol); bolasterone; boldenone; boldione (androsta-1,4-diene-3,17-dione); calusterone; clostebol; danazol (17 α -ethynyl-17 β -hydroxyandrost-4-eno[2,3-d]isoxazole); dehydrochlormethyltestosterone (4-chloro-17 β -hydroxy-17 α -methylandrosta-1,4-dien-3-one); desoxymethyltestosterone (17 α -methyl-5 α -androst-2-en-17 β -ol); drostanolone; ethylestrenol (19-nor-17 α -pregn-4-en-17-ol); fluoxymesterone; formebolone; furazabol (17 β -hydroxy-17 α -methyl-5 α -androstanol[2,3-c]-furan); gestrinone; 4-hydroxytestosterone (4,17 β -dihydroxyandrost-4-en-3-one); mestanolone; mesterolone; metenolone; methandienone (17 β -hydroxy-17 α -methylandrosta-1,4-dien-3-one); methandriol; methasterone (2 α , 17 α -dimethyl-5 α -androstane-3-one-17 β -ol); methyldienolone (17 β -hydroxy-17 α -methylestra-4,9-dien-3-one); methyl-1-testosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one); methylnortestosterone (17 β -hydroxy-17 α -methylestr-4-en-3-one); methyltrienolone (17 β -hydroxy-17 α -methylestra-4,9,11-trien-3-one); methyltestosterone; mibolerone; nandrolone; 19-norandrostenedione (estr-4-ene-3,17-dione); norboletone; norclostebol; norethandrolone; oxabolone; oxandrolone; oxymesterone; oxymetholone; prostanazol ([3,2-c]pyrazole-5 α -etioallocholane-17 β -tetrahydropyranol); quinbolone; stanazolol; stenbolone; 1-testosterone (17 β -hydroxy-5 α -androst-1-en-3-one); tetrahydrogestrinone (18 α -homo-pregna-4,9,11-trien-17 β -ol-3-one); trenbolone and other substances with a similar chemical structure or similar biological effect(s).

b. Endogenous AAS:**

androstenediol (androst-5-ene-3 β ,17 β -diol); androstenedione (androst-4-ene-3,17-dione); dihydrotestosterone (17 β -hydroxy-5 α -androstan-3-one); prasterone (dehydroepiandrosterone, DHEA); testosterone and the following metabolites and isomers:

5 α -androstane-3 α ,17 α -diol; 5 α -androstane-3 α ,17 β -diol; 5 α -androstane-3 β ,17 α -diol; 5 α -androstane-3 β ,17 β -diol; androst-4-ene-3 α ,17 α -diol; androst-4-ene-3 α ,17 β -diol; androst-4-ene-3 β ,17 α -diol; androst-4-ene-3 β ,17 β -diol; androst-5-ene-3 α ,17 α -diol; androst-5-ene-3 α ,17 β -diol; androst-5-ene-3 β ,17 α -diol; 4-androstenediol (androst-4-ene-3 β ,17 β -diol); 5-androstenedione (androst-5-ene-3,17-dione); epi-dihydrotestosterone; 3 α -hydroxy-5 α -androstan-17-one; 3 β -hydroxy-5 α -androstan-17-one; 19-norandrosterone; 19-noretiocholanolone.

Where an anabolic androgenic steroid is capable of being produced endogenously, a Sample will be deemed to contain such Prohibited Substance and an Adverse Analytical Finding will be reported where the concentration of such Prohibited Substance or its metabolites or markers and/or any other relevant ratio(s) in the Athlete's Sample so deviates from the range of values normally found in humans that it is unlikely to be consistent with normal endogenous production. A Sample shall not be deemed to contain a Prohibited Substance in any such case where an Athlete proves that the concentration of the Prohibited Substance or its metabolites or markers and/or the relevant ratio(s) in the Athlete's Sample is attributable to a physiological or pathological condition.

In all cases, and at any concentration, the Athlete's Sample will be deemed to contain a Prohibited Substance and the laboratory will report an Adverse Analytical Finding if, based on any reliable analytical method (e.g. IRMS), the laboratory can show that the Prohibited Substance is of exogenous origin. In such case, no further investigation is necessary.

When a value does not so deviate from the range of values normally found in humans and any reliable analytical method (e.g. IRMS) has not determined the exogenous origin of the substance, but if there

are indications, such as a comparison to endogenous reference steroid profiles, of a possible Use of a Prohibited Substance, or when a laboratory has reported a T/E ratio greater than four (4) to one (1) and any reliable analytical method (e.g. IRMS) has not determined the exogenous origin of the substance, further investigation shall be conducted by the relevant Anti-Doping Organization by reviewing the results of any previous test(s) or by conducting subsequent test(s).

When such further investigation is required the result shall be reported by the laboratory as atypical and not as adverse. If a laboratory reports, using an additional reliable analytical method (e.g. IRMS), that the Prohibited Substance is of exogenous origin, no further investigation is necessary, and the Sample will be deemed to contain such Prohibited Substance. When an additional reliable analytical method (e.g. IRMS) has not been applied, and the minimum of three previous test results are not available, a longitudinal profile of the Athlete shall be established by performing three no-advance notice tests in a period of three months by the relevant Anti-Doping Organization. The result that triggered this longitudinal study shall be reported as atypical. If the longitudinal profile of the Athlete established by the subsequent tests is not physiologically normal, the result shall then be reported as an Adverse Analytical Finding.

In extremely rare individual cases, boldenone of endogenous origin can be consistently found at very low nanograms per milliliter (ng/mL) levels in urine. When such a very low concentration of boldenone is reported by a laboratory and the application of any reliable analytical method (e.g. IRMS) has not determined the exogenous origin of the substance, further investigation may be conducted by subsequent test(s).

For 19-norandrosterone, an Adverse Analytical Finding reported by a laboratory is considered to be scientific and valid proof of exogenous origin of the Prohibited Substance. In such case, no further investigation is necessary.

Should an Athlete fail to cooperate in the investigations, the Athlete's Sample shall be deemed to contain a Prohibited Substance.

**2. Other Anabolic Agents, including but not limited to:
Clenbuterol, selective androgen receptor modulators (SARMs), tibolone, zeranol, zilpaterol.**

For purposes of this section:

* "exogenous" refers to a substance which is not ordinarily capable of being produced by the body naturally.

** "endogenous" refers to a substance which is capable of being produced by the body naturally.

S2. HORMONES AND RELATED SUBSTANCES

The following substances and their releasing factors are prohibited:

1. Erythropoietin (EPO);
2. Growth Hormone (hGH), Insulin-like Growth Factors (e.g. IGF-1), Mechano Growth Factors (MGFs);
3. Gonadotrophins (e.g. LH, hCG), prohibited in males only;
4. Insulins;
5. Corticotrophins.

and other substances with similar chemical structure or similar biological effect(s).

Unless the Athlete can demonstrate that the concentration was due to a physiological or pathological condition, a Sample will be deemed to contain a Prohibited Substance (as listed above) where the concentration of the Prohibited Substance or its metabolites and/or relevant ratios or markers in the Athlete's Sample so exceeds the range of values normally found in humans that it is unlikely to be consistent with normal endogenous production. If a laboratory reports, using a reliable analytical method, that the Prohibited Substance is of exogenous origin, the Sample will be deemed to contain a Prohibited Substance and shall be reported as an Adverse Analytical Finding.

S3. BETA-2 AGONISTS

All beta-2 agonists including their D- and L-isomers are prohibited.

As an exception, formoterol, salbutamol, salmeterol and terbutaline when administered by inhalation, require an abbreviated Therapeutic Use Exemption.

Despite the granting of any form of Therapeutic Use Exemption, a concentration of salbutamol (free plus glucuronide) greater than 1000 ng/mL will be considered an Adverse Analytical Finding unless the Athlete proves that the abnormal result was the consequence of the therapeutic use of inhaled salbutamol.

S4. HORMONE ANTAGONISTS AND MODULATORS

The following classes are prohibited:

1. *Aromatase inhibitors including, but not limited to: anastrozole, letrozole, aminoglutethimide, exemestane, formestane, testolactone.*
2. *Selective estrogen receptor modulators (SERMs) including, but not limited to: raloxifene, tamoxifen, toremifene.*
3. *Other anti-estrogenic substances including, but not limited to: clomiphene, cyclofenil, fulvestrant.*
4. *Agents modifying myostatin function(s) including but not limited to: myostatin inhibitors.*

S5. DIURETICS AND OTHER MASKING AGENTS

Masking agents are prohibited. They include:

Diuretics, epitestosterone, probenecid, alpha-reductase inhibitors (e.g. finasteride, dutasteride), plasma expanders (e.g. albumin, dextran, hydroxyethyl starch) and other substances with similar biological effect(s).*

Diuretics include:

Acetazolamide, amiloride, bumetanide, canrenone, chlorthalidone, etacrynic acid, furosemide, indapamide, metolazone, spironolactone, thiazides (e.g. bendroflumethiazide, chlorothiazide, hydrochlorothiazide), triamterene, and other substances with a similar chemical structure or similar biological effect(s) (except for drosperinone, which is not prohibited).

**A Therapeutic Use Exemption is not valid if an Athlete's urine contains a diuretic in association with threshold or sub-threshold levels of a Prohibited Substance(s).*

PROHIBITED METHODS

M1. ENHANCEMENT OF OXYGEN TRANSFER

The following are prohibited:

1. *Blood doping, including the use of autologous, homologous or heterologous blood or red blood cell products of any origin.*
2. *Artificially enhancing the uptake, transport or delivery of oxygen, including but not limited to perfluorochemicals, efaproxiral (RSR13) and modified haemoglobin products (e.g. haemoglobin-based blood substitutes, microencapsulated haemoglobin products).*

M2. CHEMICAL AND PHYSICAL MANIPULATION

1. *Tampering, or attempting to tamper, in order to alter the integrity and validity of Samples collected during Doping Controls is prohibited. These include but are not limited to catheterisation, urine substitution and/or alteration.*
2. *Intravenous infusion is prohibited. In an acute medical situation where this method is deemed necessary, a retroactive Therapeutic Use Exemption will be required.*

M3. GENE DOPING

The non-therapeutic use of cells, genes, genetic elements, or of the modulation of gene expression, having the capacity to enhance athletic performance, is prohibited.

SUBSTANCES AND METHODS PROHIBITED IN-COMPETITION

In addition to the categories S1 to S5 and M1 to M3 defined above, the following categories are prohibited in competition:

PROHIBITED SUBSTANCES

S6. STIMULANTS

All stimulants (including both their (D- & L-) optical isomers where relevant) are prohibited, except imidazole derivatives for topical use and those stimulants included in the 2008 Monitoring Program*.

Stimulants include:

*Adrafinil, adrenaline**, amfepramone, amiphenazole, amphetamine, amphetaminil, benzphetamine, benzylpiperazine, bromantan, cathine***, clobenzorex, cocaine, cropropamide, crotetamide, cyclazodone, dimethylamphetamine, ephedrine****, etamivan, etilamphetamine, etilefrine, famprofazone, fenbutrazate, fencamfamin, fencamine, fenetylline, fenfluramine, fenproporex, furfenorex, heptaminol, isometheptene, levmethamphetamine, meclofenoxate, mefenorex, mephentermine, mesocarb, methamphetamine (D-), methylenedioxyamphetamine, methylenedioxymethamphetamine, pmethylamphetamine, methylephedrine****, methylphenidate, modafinil, nikethamide, norfenefrine, norfenfluramine, octopamine, ortetamine, oxilofrine, parahydroxyamphetamine, pemoline, pentetrazol, phendimetrazine, phenmetrazine, phenpromethamine, phentermine, 4-phenylpiracetam (carphedon), prolintane, propylhexedrine, selegiline, sibutramine, strychnine, tuaminoheptane and other substances with a similar chemical structure or similar biological effect(s).*

* The following substances included in the 2008 Monitoring Program (bupropion, caffeine, phenylephrine, phenylpropanolamine, pipradol, pseudoephedrine, synephrine) are not considered as Prohibited Substances.

** *Adrenaline* associated with local anaesthetic agents or by local administration (e.g. nasal, ophthalmologic) is not prohibited.

*** *Cathine* is prohibited when its concentration in urine is greater than 5 micrograms per milliliter.

**** Each of *ephedrine* and *methylephedrine* is prohibited when its concentration in urine is greater than 10 micrograms per milliliter.

A stimulant not expressly mentioned as an example under this section should be considered as a Specified Substance only if the Athlete can establish that the substance is particularly susceptible to unintentional anti-doping rule violations because of its general availability in medicinal products or is less likely to be successfully abused as a doping agent.

S7. NARCOTICS

The following narcotics are prohibited:

Buprenorphine, dextromoramide, diamorphine (heroin), fentanyl and its derivatives, hydromorphone, methadone, morphine, oxycodone, oxymorphone, pentazocine, pethidine.

S8. CANNABINOIDS

Cannabinoids (e.g. hashish, marijuana) are prohibited.

S9. GLUCOCORTICOSTEROIDS

All glucocorticosteroids are prohibited when administered orally, rectally, intravenously or intramuscularly. Their use requires a Therapeutic Use Exemption approval.

Other routes of administration (intraarticular /periarticular/ peritendinous/ epidural/ intradermal injections and inhalation) require an Abbreviated Therapeutic Use Exemption except as noted below.

Topical preparations when used for dermatological (including iontophoresis/phonophoresis), auricular, nasal, ophthalmic, buccal, gingival and perianal disorders are not prohibited and do not require any form of Therapeutic Use Exemption.

SUBSTANCES PROHIBITED IN PARTICULAR SPORTS

P1. ALCOHOL

Alcohol (ethanol) is prohibited In-Competition only, in the following sports. Detection will be conducted by analysis of breath and/or blood. The doping violation threshold (haematological values) for each Federation is reported in parenthesis.

- Aeronautic (FAI) (0.20 g/L)
- Archery (FITA, IPC) (0.10 g/L)
- Automobile (FIA) (0.10 g/L)
- Boules (IPC bowls) (0.10 g/L)
- Karate (WKF) (0.10 g/L)
- Modern Pentathlon (UIPM) (0.10 g/L) for disciplines involving shooting
- Motorcycling (FIM) (0.10 g/L)
- Powerboating (UIM) (0.30 g/L)

P2. BETA-BLOCKERS

Unless otherwise specified, beta-blockers are prohibited In-Competition only, in the following sports.

- Aeronautic (FAI)
- Archery (FITA, IPC) (also prohibited Out-of-Competition)
- Automobile (FIA)
- Billiards (WCBS)
- Bobsleigh (FIBT)
- Boules (CMSB, IPC bowls)
- Bridge (FMB)
- Curling (WCF)
- Gymnastics (FIG)
- Motorcycling (FIM)
- Modern Pentathlon (UIPM) for disciplines involving shooting
- Nine-pin bowling (FIQ)
- Powerboating (UIM)
- Sailing (ISAF) for match race helms only
- Shooting (ISSF, IPC) (also prohibited Out-of-Competition)
- Skiing/Snowboarding (FIS) in ski jumping, freestyle aerials/halfpipe and snowboard halfpipe/big air
- Wrestling (FILA)

Beta-blockers include, but are not limited to, the following:

Acebutolol, alprenolol, atenolol, betaxolol, bisoprolol, bunolol, carteolol, carvedilol, celiprolol, esmolol, labetalol, levobunolol, metipranolol, metoprolol, nadolol, oxprenolol, pindolol, propranolol, sotalol, timolol.

SPECIFIED SUBSTANCES*

“Specified Substances”* are listed below:

- All inhaled Beta-2 Agonists, except salbutamol (free plus glucuronide) greater than 1000 ng/mL and clenbuterol (listed under S1.2: Other Anabolic Agents);

- Alpha-reductase inhibitors, probenecid;

- | | | | | |
|---------------------|-----------------|------------------|--------------------|---------------|
| • Cathine | cropropamide | crotetamide | ephedrine | etamivan |
| famprofazone | heptaminol | isometheptene | levmethamphetamine | meclofenoxate |
| p-methylamphetamine | methylephedrine | nikethamide | norfenefrine | octopamine |
| rtetamine | oxilofrine | phenpromethamine | propylhexedrine | selegiline |
| sibutramine | tuaminoheptane | | | |

and any other stimulant not expressly listed under section S6 for which the Athlete establishes that it fulfils the conditions described in section S6;

- Cannabinoids;
- All Glucocorticosteroids;
- Alcohol;
- All Beta Blockers.

* “The Prohibited List may identify specified substances which are particularly susceptible to unintentional anti-doping rule violations because of their general availability in medicinal products or which are less likely to be successfully abused as doping agents.” A doping violation involving such substances may result in a reduced sanction provided that the “...Athlete can establish that the Use of such a specified substance was not intended to enhance sport performance...”

EXHIBIT M
2008 WORLD ANTI-DOPING CODE PROHIBITED LIST
Valid 1 January 2008

To view the current 2008 World Anti-Doping Code Prohibited List please see:
<http://www.wada-ama.org/en/prohibitedlist.ch2>

EXHIBIT N-1
SAMPLE ASSOCIATION NATIONAL SUSPENSION REQUEST FORM

The [NAME OF ASSOCIATION] Association held a hearing on [DATE] regarding the matter of [PLANTIFF] vs. [DEFENDANT]. The issue(s) presented was/ (were) [PROVIDE SUMMARY].

The Association hearing panel decided that [DECISION OF PANEL] and imposed a period of suspension on/(expelled) [NAME OF SUSPENDED INDIVIDUAL] from membership in the Association for [DATES OR LIFETIME]. The [NAME OF ASSOCIATION] Association hereby requests that USA Track & Field endorse the action taken by the Association in the above-described matter:

Attached you will find:

- The decision and/or opinion of Association's hearing panel.
- Statement of Association in support of USATF's extension of action taken by the Association to the national level.

Submitted by

Signature of President

Signature of Secretary

Printed Name of President

Printed Name of Secretary

Date

Date

EXHIBIT N-2
SAMPLE NOTARIZATION OF COMPLAINT
(Attach to Complaint)

STATEMENT UNDER OATH

I, _____, do hereby affirm and swear that the statements in the attached memorandum/letter dated [DATE] 200X, are true and do not misstate a material fact or omit a material fact.

BY THE SIGNATOR

Date

Signature

NOTARIZATION

STATE OF }

}

COUNTY OF }

}

Before me, a Notary Public, in and for said County and State, personally appeared the individual named above who acknowledged execution of the foregoing memorandum/letter.

WITNESS my hand and Notarial Seal this ____ day of _____, 20 ____.

Commission Expiration Date

Notary Public Signature

County of Residence

Notary Printed Name

EXHIBIT N-3
USOC BYLAWS - ARTICLE IX ATHLETE'S RIGHTS

- Section 9.1** *No member of the corporation may deny or threaten to deny any amateur athlete the opportunity to participate in the Olympic Games, the Pan American Games, the Paralympic Games, a World Championship competition, or other such protected competition as defined in Section 1.3.P of these Bylaws nor may any member, subsequent to such competition, censure, or otherwise penalize, (1) any such athlete who participates in such competition, or (2) any organization which the athlete represents. The corporation shall, by all reasonable means at its disposal, protect the right of an amateur athlete to participate if selected (or to attempt to qualify for selection to participate) as an athlete representing the United States in any of the aforesaid competitions.*
- Section 9.2** *Any amateur athlete who alleges that he/she has been denied by a corporation member a right established by Section 9.1, shall immediately inform the CEO, who shall cause an investigation to be made and steps to be taken to settle the controversy without delay. Without prejudice to any action that may be taken by the corporation, if the controversy is not settled to the athlete's satisfaction, the athlete may submit to any regional office of the AAA ("AAA") for binding arbitration, a claim against such corporation member documenting the alleged denial as soon as is reasonably practicable, but not later than six (6) months after the date of denial. The athlete may submit the claim to the AAA simultaneously with the athlete's informing the CEO of the claim and the athlete does not have to wait for the CEO's investigation, but may pursue the claim immediately before the AAA. The AAA, however, (upon request by the athlete in question) is authorized, upon forty-eight (48) hours' notice to the parties concerned, and to the corporation, to hear and decide the matter under such procedures as the AAA deems appropriate, if the AAA determines that it is necessary to expedite such arbitration in order to resolve a matter relating to a competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the Association to do justice to the affected parties. By maintaining membership in the corporation, each member agrees that any such aforesaid controversy may be submitted to binding arbitration as provided in this Section and furthermore agrees to be bound by the arbitrators' award as a result thereof.*
- Section 9.3** *In any arbitration brought pursuant to this Article involving selection of an athlete to participate in a protected competition, the athlete submitting the controversy to the AAA must include with the initial submission a list of all persons that the athlete believes may be adversely affected by the arbitration. The member against which the arbitration has been filed must then promptly submit to the AAA a list of the persons it believes may be adversely affected by the arbitration, along with the relevant contact information for the persons identified by the member and by the athlete. The arbitrator then shall promptly determine which additional persons must receive notice of the arbitration. The athlete then shall be responsible for providing appropriate notice to these persons. Any person so notified then shall have the option to participate in the arbitration as a party, however, all persons so notified shall be bound by the results of the arbitration regardless of their decision to participate.*
- Section 9.4** *No claim that has previously been adjudicated by the independent antidoping organization designated by the corporation to conduct drug testing may be brought with the AAA under this Article.*
- Section 9.5** *Notwithstanding any other provision of this Article, the final decision of a referee during a competition regarding a field of play decision (a matter set forth in the rules of the competition to be within the discretion of the referee) shall not be reviewable by an arbitrator or the subject of a demand for arbitration unless the decision is (1) outside the authority of the referee to make or (2) the product of fraud, corruption, partiality or other misconduct of the referee. For purposes of this Section, the term "referee" shall include any individual with discretion to make field of play decisions.*
- Section 9.6** *Any amateur athlete, who alleges that he/she has been denied (whether or not by a member) an opportunity to compete in any international amateur athletic competition not protected by the terms of Section 9.1 of these Bylaws shall immediately inform the CEO, who will consult with legal counsel to determine whether the situation appears to be of sufficient seriousness and relevance to the*

obligation or responsibilities of the corporation to warrant action by the corporation in support of the athlete's claim.

Section 9.7 *The rights granted to athletes under Sections 9.1 through 9.3 of these Bylaws shall equally apply to any coach, trainer, manager, administrator, or other official seeking to participate in the conduct of any of the international amateur athletic competitions designated, or referred to, in Section 9.1.*

Section 9.8 *Whenever a complaint is filed with the corporation pursuant to this Article, the CEO shall:*

- A. promptly notify the Chair of the AAC, the president of the NGB or PSO of the sport involved and the Athlete Ombudsman of the complaint by telephone;*
- B. provide the Chair of the AAC, the President of the NGB or PSO and the Athlete Ombudsman with a copy of the complaint; and*
- C. investigate the allegations of the complaint.*

Section 9.9 *With respect to the complaints filed pursuant to Sections 9.1 and 9.2, the CEO is specifically authorized, in circumstances as he/she may deem appropriate, to authorize legal action by the corporation in support of the athlete, or to finance legal action taken by the athlete (including arbitration) against the corporation member in order to protect the rights of an athlete as specified in Section 9.1. The CEO's decision whether or not to authorize or finance legal action in support of the athlete's claim shall not be construed as an opinion of the corporation with respect to the merits of the athlete's claim.*

Section 9.10 *With respect to complaints filed pursuant to Section 9.6, the CEO, within forty-eight (48) hours after the filing of the complaint, shall consult with the corporation's General Counsel and determine whether the situation appears to be of sufficient seriousness and relevance to the obligation or responsibilities of the corporation to warrant action by the corporation in support of the athlete's claim. If the CEO determines that action by the corporation appears to be warranted, the matter shall be referred within ninety-six (96) hours of the filing of the complaint to the Board, which shall decide the nature and extent of the action to be taken. In any event, the filing of all complaints under Section 9.3 shall be reported by the CEO to the Board. The report shall contain a brief statement of facts, the status of the investigation (if still ongoing), and any recommendations or final disposition of the matter.*

Section 9.11 *In determining the nature and extent of the action to be taken pursuant to Sections 9.2 or 9.6 above, the Board may authorize appropriate action, which may include supporting legal actions taken by the athlete against an amateur sports organization that is not a member when it appears that this is the most effective remedy for the protection of the athlete's rights and the athlete so requests.*

Section 9.12 *No action taken by or on behalf of a complainant under this Article IX shall preclude or act as a bar to the filing of a complaint pursuant to Article VIII of these Bylaws.*

**EXHIBIT N-4
SAMPLE NOTICE OF APPEAL
(Attach to Appeal)**

NOTICE OF APPEAL

In the case of [APPELLANT] versus [APPELLEE], I, [NAME], hereby appeal the decision of [ASSOCIATION OR OTHER] rendered on [DATE], a copy of which is attached, on the basis that [STATE GROUNDS FOR APPEAL].

BY THE SIGNATOR

Date

Signature

NOTARIZATION

STATE OF }
 }
COUNTY OF }

Before me, a Notary Public, in and for said County and State, personally appeared the individual named above who acknowledged execution of the foregoing memorandum/letter.

WITNESS my hand and Notarial Seal this _____ day of _____, 20_____.

Commission Expiration Date

Notary Public Signature

County of Residence

Notary Printed Name

*EXHIBIT N-5
SAMPLE NOTICE OF PENALTY*

NOTICE OF PENALTY

COMPLAINANT/APPELLEE

Vs.

RESPONDENT/APPELLANT

You are hereby notified of the penalty of _____ which is being imposed against you in accordance with the decision and opinion of the NABR dated _____.

[DESCRIBE PENALTIES]

*Bill Roe
President*