



PROFESSIONAL GOLF TOUR OF INDIA

ANTI-DOPING POLICY 2016

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INTRODUCTION

Preface – Fundamental Rationale and Scope of these Anti-Doping Rules

This Anti-Doping Policy is adopted and implemented by the Professional Golf Tour of India “PGTI” in conformance with the World Anti-Doping Code 2015 (“the *Code*”), PGTI’s responsibilities under the *Code*, and in furtherance of PGTI's continuing efforts to eradicate doping in the sport of golf.

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

General Statement of Policy

PGTI is committed to maintaining the integrity of golf. The use of doping substances or doping methods is contrary to the spirit of fair competition. This Anti-Doping Policy is designed to deter the use of Prohibited Substances and Prohibited Methods through education, information and, where appropriate, testing.

It is a condition of entry to all Events organised by the PGTI that *Players* voluntarily accept the application to them of this Policy in its entirety and submit to Testing in accordance with its provisions, and to the jurisdiction of the disciplinary process set out in this Policy.

In addition to any requirement which may be applicable under Rules of PGTI, this Anti-Doping Policy shall apply to and be adhered to by the PGTI, and each of its *Players* and *Members*.

The PGTI Anti-Doping Policy shall apply to the *Players*, *Player Support Personnel* and other *Persons*, each of whom is deemed, as a condition of his/her membership, accreditation and/or participation in the activities of the PGTI, or/and have submitted to the authority of the PGTI to enforce its Anti-Doping Policy and to the jurisdiction of the hearing panels to hear and determine cases and appeals brought under this Anti-Doping Policy. This Anti-Doping Policy shall apply to all *Doping Controls* over which PGTI has jurisdiction.

ARTICLE 1 DEFINITION OF DOPING

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

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

2.1 Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Player's Sample*

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

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

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

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

2.2 Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method

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

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

2.3 Evading, Refusing or Failing to Submit to Sample Collection

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

2.4 Whereabouts Failures

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

2.5 Tampering or Attempted Tampering with any part of Doping Control

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

2.6 Possession of a Prohibited Substance or a Prohibited Method

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

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

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

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

2.9 Complicity

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

2.10 Prohibited Association

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

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

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

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

In order for this provision to apply, it is necessary that the *Player* or other *Person* has previously been advised in writing by an *Anti-Doping Organization* with jurisdiction over the *Player* or other *Person*, or by WADA, of the *Player Support Person's* disqualifying status and the potential *Consequence* of prohibited association and that the *Player* or other *Person* can reasonably avoid the association. The *Anti-Doping Organization* shall also use reasonable efforts to advise the *Player Support Person* who is the subject of the notice to the *Player* or other *Person* that the *Player Support Person* may, within 15 days, come forward to the *Anti-Doping Organization* to explain that the criteria described in Article 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 15, this Article applies even when the *Player Support Person's* disqualifying conduct occurred prior to the effective date provided in Article 18.7.)

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

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

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

PGTI shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether PGTI has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where this Anti-Doping Policy places the burden of proof upon the *Player* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

3.2 Methods of Establishing Facts and Presumptions

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

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

3.2.2 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the International Standard for Laboratories. The *Player* or other *Person* may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*. If the *Player* or other *Person* rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then PGTI shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

3.2.3 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or this Anti-Doping Policy which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *Player* or other *Person* establishes a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an *Adverse*

Analytical Finding or other anti-doping rule violation, then PGTI shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

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

3.2.5 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Player* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Player's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel.

ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the *Prohibited List*

This Anti-Doping Policy incorporates the *Prohibited List*, which is published and revised by WADA as described in Article 4.1 of the *Code*. The *Prohibited List* can be found on both the PGTI and WADA websites.

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

4.2.1 *Prohibited Substances and Prohibited Methods*

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under this Anti-Doping Policy three months after publication by WADA, without requiring any further action by PGTI. All *Players* and other *Persons* shall be bound by the *Prohibited List*, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Players* and other *Persons* to familiarize themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.

4.2.2 *Specified Substances*

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

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

4.3 WADA's Determination of the *Prohibited List*

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

4.4 Therapeutic Use Exemptions (“TUEs”)

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

4.4.2 If a *PGTI Player* is using a *Prohibited Substance* or a *Prohibited Method* for therapeutic reasons:

4.4.2.1 Where the *Player* already has a *TUE* granted by *International Golf Federation (IGF)* or *Higher Ranking Professional Golf Tours* (viz. *PGA Tour*, *European Tour*, *LPGA Tour*, *Champions Tour*, *Asian Tour*, *Japan Golf Tour*, *LPGA of Japan Tour*) for the substance or method in question, that *TUE* shall be automatically valid for *PGTI Competitions*, where the *TUE* meets the criteria set out in the International Standard for Therapeutic Use Exemptions. If *PGTI* considers that the *TUE* does not meet those criteria and so refuses to recognize it, *PGTI* shall notify the *Player* and *IGF* or *Higher Ranking Professional Golf Tour*, as applicable, promptly with reasons. The *Player* or *IGF* or *Higher Ranking Professional Golf Tour*, as applicable, shall have 21 days from such notification to refer the matter to *WADA* for review in accordance with Article 4.4.6. If the matter is referred to *WADA* for review, the *TUE* granted by the *IGF* or *Higher Ranking Professional Golf Tour*, as applicable, remain valid for *IGF* or *Higher Ranking Professional Golf Tour*, as applicable, *Competitions* and *Out-of-Competition Testing* (but is not valid for *PGTI Competitions*) pending *WADA*'s decision. If the matter is not referred to *WADA* for review, the *TUE* becomes invalid for any purpose when the 21-day review deadline expires.

[Comment to Article 4.4.2.1: Further to Articles 5.6 and 7.1(a) of the International Standard for Therapeutic Use Exemptions, *PGTI* may publish notice on its website <http://www.pgtofindia.com/> that it will automatically recognize *TUE* decisions (or categories of such decisions, e.g., as to particular substances or methods) made by *IGF* or *Higher Ranking Professional Golf Tour*. If a *Player*'s *TUE* falls into a category of automatically recognized *TUEs*, then he/she does not need to apply to *PGTI* for recognition of that *TUE*.

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

4.4.2.2 If the *Player* does not already have a *TUE* granted by *IGF* or *Higher Ranking Professional Golf Tour* for the substance or method in question, the *Player* must apply directly to PGTI for a *TUE* in accordance with the process set out in the International Standard for Therapeutic Use Exemptions [using the form posted on the PGTI website at <http://www.pgtofindia.com>.] If PGTI denies the *Player's* application, it must notify the *Player* promptly, with reasons. If PGTI grants the *Player's* application, it shall notify not only the *Player* but also *IGF* or *Higher Ranking Professional Golf Tour*, as applicable. If *IGF* or *Higher Ranking Professional Golf Tour* considers that the *TUE* granted by PGTI does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to *WADA* for review in accordance with Article 4.4.6. If *IGF* or *Higher Ranking Professional Golf Tour* refers the matter to *WADA* for review, the *TUE* granted by PGTI remains valid for PGTI level *Competitions* and *Out- of-Competition Testing* pending *WADA's* decision.

4.4.2.3 If a *Player* included by the *IGF* in its *Registered Testing Pool* is a member of PGTI, the *IGF* shall accept a *TUE* granted by PGTI, where the *TUE* has been determined in accordance with the International Standard for Therapeutic Use Exemptions.

4.4.3 If PGTI chooses to test a *Player* who is not member of *IGF* or *Higher Ranking Professional Golf Tour*, PGTI shall permit that *Player* to apply for a retroactive *TUE* for any *Prohibited Substance* or *Prohibited Method* that he/she is using for therapeutic reasons.

4.4.4 An application to PGTI for grant or recognition of a *TUE* must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least 30 days before the *Player's* next *Competition*. PGTI shall appoint a panel to consider applications for the grant or recognition of *TUEs* (the "TUE Committee"). The TUE Committee shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and the specific protocols posted on PGTI website. Subject to Article 4.4.6 of these Rules, its decision shall be the final decision of PGTI, and shall be reported to *WADA* and other relevant *Anti-Doping Organizations*, in accordance with the International Standard for Therapeutic Use Exemptions.

[Comment to Article 4.4.4: The submission of false or misleadingly incomplete information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organization for such a TUE) may result in a charge of Tampering or Attempted Tampering under Article 2.5.]

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

4.4.5 Expiration, Cancellation, Withdrawal or Reversal of a TUE

4.4.5.1 A *TUE* granted pursuant to this Anti-Doping Policy: (a) shall expire automatically at the end of any term for which it was granted,

without the need for any further notice or other formality; (b) may be cancelled if the *Player* does not promptly comply with any requirements or conditions imposed by the TUE Committee upon grant of the *TUE*; (c) may be withdrawn by the TUE Committee if it is subsequently determined that the criteria for grant of a *TUE* are not in fact met; or (d) may be reversed on review by *WADA* or on appeal.

4.4.5.2 In such event, the *Player* shall not be subject to any *Consequences* based on his/her *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *TUE* prior to the effective date of expiry, cancellation, withdrawal or reversal of the *TUE*. The review pursuant to Article 7.2 of any subsequent *Adverse Analytical Finding* shall include consideration of whether such finding is consistent with *Use* of the *Prohibited Substance* or *Prohibited Method* prior to that date, in which event no anti-doping rule violation shall be asserted.

4.4.6 Reviews and Appeals of *TUE* Decisions

4.4.6.1 *WADA* shall review any decision by *PGTI* not to recognize a *TUE* granted by *IGF* or *Higher Ranking Professional Golf Tour* that is referred to *WADA* by the *Player* or *IGF* or *Higher Ranking Professional Golf Tour*. In addition, *WADA* shall review any decision by *PGTI* to grant a *TUE* that is referred to *WADA* by *IGF* or *Higher Ranking Professional Golf Tour*. *WADA* may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, *WADA* will not interfere with it. If the *TUE* decision does not meet those criteria, *WADA* will reverse it.

4.4.6.2 Any *TUE* decision by *PGTI* (or *IGF* or *Higher Ranking Professional Golf Tour*, where it has agreed to consider the application on behalf of *PGTI*) that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Player* and/or *IGF* or *Higher Ranking Professional Golf Tour* exclusively to *CAS*, in accordance with Article 12.

[Comment to Article 4.4.6.2: In such cases, the decision being appealed is the PGTI's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the deadline to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]

4.4.6.3 A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Player*, and/or *IGF* or *Higher Ranking Professional Golf Tour* exclusively to *CAS*, in accordance with Article 12.

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

ARTICLE 5 TESTING AND INVESTIGATIONS

5.1 Purpose of *Testing* and Investigations

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

5.1.1 *Testing* shall be undertaken to obtain analytical evidence as to the *Player's* compliance (or non-compliance) with the strict *Code* prohibition on the presence/Use of a *Prohibited Substance* or *Prohibited Method*. Test distribution planning, *Testing*, post-*Testing* activity and all related activities conducted by PGTI shall be in conformity with the International Standard for Testing and Investigations. PGTI shall determine the number of finishing placement tests, random tests and target tests to be performed, in accordance with the criteria established by the International Standard for Testing and Investigations. All provisions of the International Standard for Testing and Investigations shall apply automatically in respect of all such *Testing*.

5.1.2 Investigations shall be undertaken:

5.1.2.1 in relation to *Atypical Findings*, *Atypical Passport Findings* and *Adverse Passport Findings*, in accordance with Articles 7.4 and 7.5 respectively, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Article 2.1 and/or Article 2.2; and

5.1.2.2 in relation to other indications of potential anti-doping rule violations, in accordance with Articles 7.6 and 7.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.10.

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

5.2 Authority to conduct *Testing*

5.2.1 Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3 of the *Code*, PGTI shall have *In-Competition* and *Out-of-Competition Testing* authority over all of the *Players* specified in the Introduction to this Anti-Doping Policy (under the heading "Scope").

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

[Comment to Article 5.2.2: Unless the Player has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, PGTI will not test a

Player during that period unless it has a serious and specific suspicion that the Player may be engaged in doping. A challenge to whether PGTI had sufficient suspicion for Testing in that period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]

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

5.2.4 If PGTI delegates or contracts any part of *Testing* to a *National Anti-Doping Organization*, that *National Anti-Doping Organization* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense. If additional *Samples* are collected or additional types of analysis are performed, PGTI shall be notified.

5.3 Event Testing

5.3.1 Except as provided in Article 5.3 of the Code, only single organization should be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At PGTI *Events*, the collection of *Samples* shall be initiated and directed by PGTI. At the request of PGTI, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with PGTI.

5.3.2 If an *Anti-Doping Organization* which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event* desires to conduct *Testing* of *Players* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organization* shall first confer with PGTI to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organization* is not satisfied with the response from PGTI, the *Anti-Doping Organization* may ask WADA for permission to conduct *Testing* and to determine how to coordinate such *Testing*, in accordance with the procedures set out in the International Standard for Testing and Investigations. WADA shall not grant approval for such *Testing* before consulting with and informing PGTI. WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. Results management for any such test shall be the responsibility of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.

5.4 Test Distribution Planning

Consistent with the International Standard for Testing and Investigations, and in coordination with other *Organizations* conducting *Testing* on the same *Players*, PGTI shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of *Players*, types of *Testing*, types of *Samples* collected, and types of *Sample* analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. PGTI shall provide WADA upon request with a copy of its current test distribution plan.

5.5 Coordination of Testing

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

5.6 Player Whereabouts Information

5.6.1 Where a *Player* is in a *Registered Testing Pool* of *IGF* or *Higher Ranking Professional Golf Tour*, PGTI may access his/her Whereabouts Filings (as defined in the International Standard for Testing and Investigations) for the period for which the *Player* is subject to PGTI's *Testing* authority. PGTI will access the *Player's* Whereabouts Filings not via the *Player* but rather via *IGF* or *Higher Ranking Professional Golf Tour* that is receiving the *Player's* Whereabouts Filings. PGTI will not require the *Player* to file any different whereabouts information with it.

5.6.2 Where a *Player* is not in a *Registered Testing Pool* in the period for which the *Player* is subject to PGTI's *Testing* authority, PGTI may require him/her to provide such information about his/her whereabouts in that period as it deems necessary and proportionate in order to conduct *Testing* upon him/her, up to and including information equivalent to the Whereabouts Filings that an *Player* would have to make in accordance with Annex I to the International Standard for Testing and Investigations if he/she were in a *Registered Testing Pool*.

5.6.3 For purposes of Article 2.4, a *Player's* failure to comply with the requirements of the International Standard for Testing and Investigations shall be deemed a filing failure or a missed test (as defined in the International Standard for Testing and Investigations) where the conditions set forth in the International Standard for Testing and Investigations for declaring a filing failure or missed test are met.

5.6.4 A *Player* in the *Registered Testing Pool* of *IGF* or *Higher Ranking Professional Golf Tour* shall continue to be subject to the obligation to comply with the whereabouts requirements of the International Standard for Testing and Investigations unless and until (a) the *Player* gives written notice to *IGF* or *Higher Ranking Professional Golf Tour* that he/she has retired or (b) *IGF* or *Higher Ranking Professional Golf Tour* has informed him or her that he/she no longer satisfies the criteria for inclusion in PGTI's *Registered Testing Pool*.

5.6.5 Whereabouts information relating to a *Player* shall be shared with *WADA* and PGTI having authority to test that *Player*, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in Article 5.6 of the *Code*, and shall be destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information once it is no longer relevant for these purposes.

5.7 Retired Players Returning to Competition

5.7.1 A *Player* in a *Registered Testing Pool* of *IGF* or *Higher Ranking Professional Golf Tour* who retires and then wishes to return to active participation in sport may not participate in PGTI's *Events* until he/she has given *IGF* or *Higher Ranking Professional Golf Tour* written notice of his/her intent to resume competing and has made him/herself available for *Testing* for a period of six months, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. *WADA*, in consultation with *IGF* or *Higher Ranking Professional Golf Tour*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair

to *Player*. This decision may be appealed under Article 12. Any competitive results obtained in violation of Article 5.7.1 shall be *Disqualified*.

5.7.2 If a *Player* retires from sport while subject to a period of *Ineligibility*, the *Player* shall not resume competing in PGTI's *Events* until the *Player* has given six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Player* retired, if that period was longer than six months) to *IGF* or *Higher Ranking Professional Golf Tour* of his/her intent to resume competing and has made him/herself available for *Testing* for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

5.8 Independent Observer Program

PGTI shall authorize and facilitate the *Independent Observer Program* at all its *Events*.

ARTICLE 6 ANALYSIS OF SAMPLES

Samples shall be analyzed in accordance with the following principles:

6.1 Use of Accredited and Approved Laboratories

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

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

6.2 Purpose of Analysis of Samples

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

[Comment to Article 6.2.1: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.]

6.2.2 PGTI shall ask laboratories to analyze *Samples* in conformity with Article 6.4 of the *Code* and Article 4.7 of the International Standard for Testing and Investigations.

6.3 Research on Samples

No *Sample* may be used for research without the *Player's* written consent. *Samples* used for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular *Player*.

6.4 Standards for *Sample* Analysis and Reporting

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

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

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

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

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

6.5 Further Analysis of *Samples*

Any *Sample* may be stored and subsequently subjected to further analysis for the purposes set out in Article 6.2: (a) by *WADA* at any time; and/or (b) by PGTI at any time before both the A and B *Sample* analytical results (or A *Sample* result where B *Sample* analysis has been waived or will not be performed) have been communicated by PGTI to the *Player* as the asserted basis for an Article 2.1 anti-doping rule violation. Such further analysis of *Samples* shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

ARTICLE 7 RESULTS MANAGEMENT

7.1 Responsibility for Conducting Results Management

7.1.1 The circumstances in which PGTI shall take responsibility for conducting results management in respect of anti-doping rule violations involving *Players* and other *Persons* under its jurisdiction shall be determined by reference to and in accordance with Article 7 of the *Code*.

7.2 Review of *Adverse Analytical Findings* From Tests Initiated by PGTI

Results management in respect of the results of tests initiated by PGTI (including tests performed by *WADA* pursuant to agreement with PGTI) shall proceed as follows:

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

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

7.2.3 If the review of an *Adverse Analytical Finding* under Article 7.2.2 reveals an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, the entire test shall be considered negative and the *Player*, *IGF* or *Higher Ranking Professional Golf Tour*, as applicable, and *WADA* shall be so informed.

7.3 Notification After Review Regarding *Adverse Analytical Findings*

7.3.1 If the review of an *Adverse Analytical Finding* under Article 7.2.2 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, PGTI shall promptly notify the *Player*, and simultaneously *IGF* or *Higher Ranking Professional Golf Tour*, as applicable, and *WADA*, in the manner set out in Article 13.1, of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Player's* right to promptly request the analysis of the *B Sample* at his own cost (which must be received by PGTI within three calendar days of the date of notice to the *Player*) or, failing such request, that the *B Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the *B Sample* analysis if the *Player* or PGTI chooses to request an analysis of the *B Sample*; (e) the opportunity for the *Player* and/or the *Player's* representative to attend the *B Sample* opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested; and (f) the *Player's* right to request at his own cost copies of the *A* and *B Sample* laboratory documentation package which includes information as required by the International Standard for Laboratories. If PGTI decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Player*, *IGF* or *Higher Ranking Professional Golf Tour*, as applicable, and *WADA*.

7.3.2 Where requested by the *Player* or *PGTI*, arrangements shall be made to analyze the *B Sample* in accordance with the International Standard for Laboratories. If requested by the *Player* for *B Sample* analysis, the cost associated with the analysis of *B Sample* will be borne by the *Player*. A *Player* may accept the *A Sample* analytical results by waiving the requirement for *B Sample* analysis. PGTI may nonetheless elect to proceed with the *B Sample* analysis.

7.3.3 The *Player* and/or his representative shall be allowed to be present at the analysis of the *B Sample*. Also, a representative of PGTI shall be allowed to be present.

7.3.4 If the B *Sample* analysis does not confirm the A *Sample* analysis, then (unless PGTI takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the *Player, IGF or Higher Ranking Professional Golf Tour*, as applicable, and WADA shall be so informed.

7.3.5 If the B *Sample* analysis confirms the A *Sample* analysis, the findings shall be reported to the *Player, IGF or Higher Ranking Professional Golf Tour*, as applicable, and to WADA.

7.4 Review of Atypical Findings

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

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

7.4.3 If the review of an *Atypical Finding* under Article 7.4.2 reveals an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative and the *Player, IGF or Higher Ranking Professional Golf Tour*, as applicable, and WADA shall be so informed.

7.4.4 If that review does not reveal an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the PGTI shall conduct the required investigation or cause it to be conducted. After the investigation is completed, either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*, in accordance with Article 7.3.1, or else the *Player, IGF or Higher Ranking Professional Golf Tour*, as applicable, and WADA shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.

7.4.5 PGTI will not provide notice of an *Atypical Finding* until it has completed its investigation and has decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

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

7.4.5.2 If PGTI is asked (a) by a *Major Event Organization* shortly before one of its *International Events*, or (b) by a sport organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Player* identified on a list provided by the *Major Event Organization* or sport organization has a pending *Atypical Finding*,

PGTI shall so advise the *Major Event Organization* or sports organization after first providing notice of the *Atypical Finding* to the *Player*.

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

Review of *Atypical Passport Findings* and *Adverse Passport Findings* shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as the PGTI is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Player* (and simultaneously the *IGF or Higher Ranking Professional Golf Tour*, as applicable, and *WADA*) notice of the anti-doping rule violation asserted and the basis of that assertion.

7.6 Review of Whereabouts Failures

7.6.1 PGTI shall refer potential filing failures and missed tests (as defined in the International Standard for Testing and Investigations) to whichever of the *IGF or Higher Ranking Professional Golf Tour*, as applicable, receives that *Player's* whereabouts filings and so has responsibility for results management of whereabouts failures by that *Player*.

7.7 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.2–7.6

PGTI shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Articles 7.2- 7.6. At such time as PGTI is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Player* or other *Person* (and simultaneously *IGF or Higher Ranking Professional Golf Tour*, as applicable, and *WADA*) notice of the anti-doping rule violation asserted and the basis of that assertion.

7.8 Identification of Prior Anti-Doping Rule Violations

Before giving a *Player* or other *Person* notice of an asserted anti-doping rule violation as provided above, PGTI shall contact *IGF or Higher Ranking Professional Golf Tour*, as applicable, and *WADA* to determine whether any prior anti-doping rule violation exists.

7.9 Provisional Suspensions

7.9.1 Mandatory Provisional Suspension: If analysis of an *A Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance*, or for a *Prohibited Method*, and a review in accordance with Article 7.2.2 does not reveal an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, a *Provisional Suspension* shall be imposed upon or promptly after the notification described in Articles 7.2, 7.3 or 7.5.

7.9.2 Optional Provisional Suspension: In case of an *Adverse Analytical Finding* for a *Specified Substance*, or in the case of any other anti-doping rule violations not covered by Article 7.9.1, PGTI may impose a *Provisional Suspension* on the *Player* or other *Person* against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 7.2–7.7 and prior to the final hearing as described in Article 8.

7.9.3 Where a *Provisional Suspension* is imposed pursuant to Article 7.9.1 or Article 7.9.2, the *Player* or other *Person* shall be given either: (a) an opportunity for a *Provisional Hearing* (by an PGTI Anti-Doping Hearing Panel, appointed as per

Article 8) either before or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited final hearing in accordance with Article 8 on a timely basis after imposition of the *Provisional Suspension*. Furthermore, the *Player* or other *Person* has a right to appeal from the *Provisional Suspension* in accordance with Article 13.2 (save as set out in Article 7.9.3.1).

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

7.9.3.2 At a *Provisional Hearing*, the *Provisional Suspension* shall be imposed (or shall not be lifted) unless the *Player* or other *Person* establishes that: (a) the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the *Player* or other *Person*; or (b) the *Player* or other *Person* has a strong arguable case that he/she bears *No Fault or Negligence* for the anti-doping rule violation(s) asserted, so that any period of *Ineligibility* that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 10.4; or (c) some other facts exist that make it clearly unfair, in all of the circumstances, to impose a *Provisional Suspension* prior to a final hearing in accordance with Article 8. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Player* or other *Person* participating in a particular *Competition* or *Event* shall not qualify as exceptional circumstances for these purposes.

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

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

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

7.10 Resolution Without a Hearing

7.10.1 A *Player* or other *Person* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the

Consequences that are mandated by this Anti-Doping Policy or (where some discretion as to *Consequences* exists under this Anti-Doping Policy) that have been offered by PGTI.

7.10.2 Alternatively, if the *Player* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by the PGTI asserting the violation, then he/she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the *Consequences* that are mandated by this Anti-Doping Policy or (where some discretion as to *Consequences* exists under this Anti-Doping Policy) that have been offered by PGTI.

7.10.3 In cases where Article 7.10.1 or Article 7.10.2 applies, a hearing before a hearing panel shall not be required. Instead PGTI shall promptly issue a written decision confirming the commission of the anti-doping rule violation and the *Consequences* imposed as a result, and setting out the full reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. PGTI shall send copies of that decision to *IGF or Higher Ranking Professional Golf Tour*, with a right to appeal under Article 12.2.2, and shall *Publicly Disclose* that decision in accordance with Article 13.3.2.

7.11 Notification of Results Management Decisions

In all cases where PGTI has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a *Provisional Suspension*, or agreed with an *Player* or other *Person* on the imposition of *Consequences* without a hearing, PGTI shall give notice thereof in accordance with Article 13.2.1 to *IGF or Higher Ranking Professional Golf Tour*, with a right to appeal under Article 12.2.2.

7.12 Retirement from Sport

If a *Player* or other *Person* retires while PGTI is conducting the results management process, PGTI retains jurisdiction to complete its results management process. If a *Player* or other *Person* retires before any results management process has begun, and PGTI would have had results management authority over the *Player* or other *Person* at the time the *Player* or other *Person* committed an anti-doping rule violation, PGTI has authority to conduct results management in respect of that anti-doping rule violation.

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

ARTICLE 8 RIGHT TO A FAIR HEARING

The PGTI shall appoint an Anti-Doping Hearing Panel to conduct hearings involving alleged anti-doping rule violations.

8.1 Principles for a Fair Hearing

8.1.1 When PGTI sends a notice to a *Player* or other *Person* asserting an anti-doping rule violation, and the *Player* or other *Person* does not waive a hearing in accordance with Article 7.10.1 or Article 7.10.2, then the case shall be referred to the PGTI Anti-Doping Hearing Panel for hearing and adjudication.

8.1.2 Hearings shall be scheduled and completed within four weeks of the notice of hearing to the *Player* or other *Person* unless special circumstances require a delay. Hearings held in connection with *Events* that are subject to this Anti-Doping Policy may be conducted by an expedited process where permitted by the hearing panel.

[Comment to Article 8.1.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Player's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of the Player's results or continued participation in the Event.]

8.1.3 The PGTI Anti-Doping Hearing Panel shall determine the procedure to be followed at the hearing.

8.1.4 WADA and/or other *Person* may attend the hearing as observers. In any event, PGTI shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.

8.1.5 The PGTI Anti-Doping Hearing Panel shall act in a fair and impartial manner towards all parties at all times.

8.2 Decisions

8.2.1 At the end of the hearing, or on a timely basis thereafter, the PGTI Anti-Doping Hearing Panel shall issue a written decision that includes the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the greatest potential *Consequences* were not imposed, within ten days of the close of the hearing, unless special circumstances exist.

8.2.2 The decision may be appealed to the CAS as provided in Article 12. Copies of the decision shall be provided to the *Player* or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Article 12.2.2.

8.2.3 If no appeal is brought against the decision, then (a) if the decision is that an anti-doping rule violation was committed, the decision shall be *Publicly Disclosed* as provided in Article 13.3.2; but (b) if the decision is that no anti-doping rule violation was committed, then the decision shall only be *Publicly Disclosed* with the consent of the *Player* or other *Person* who is the subject of the decision. PGTI shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Player* or other *Person* may approve. The principles contained at Article 13.3.6 shall be applied in cases involving a *Minor*.

8.3 Single Hearing Before CAS

Cases asserting anti-doping rule violations may be heard directly at CAS, with no requirement for a prior hearing, with the consent of the *Player*, PGTI, WADA, and any other *Organization* that would have had a right to appeal a first instance hearing decision to CAS.

[Comment to Article 8.3: Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two hearings. An Anti-Doping Organization that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.]

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

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

ARTICLE 10 SANCTIONS ON INDIVIDUALS

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

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

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

[Comment to Article 10.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Player tested positive (e.g., the individual event), this Article may lead to Disqualification of all events during the Event. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the severity of the Player's anti-doping rule violation and whether the Player tested negative in other events.]

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

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

The period of *Ineligibility* for a violation of Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6:

10.2.1 The period of *Ineligibility* shall be two (2) years where:

10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance*, unless the *Player* or other *Person* can establish that the anti-doping rule violation was not intentional.

10.2.1.2 The anti-doping rule violation involves a *Specified Substance* and PGTI can establish that the anti-doping rule violation was intentional.

10.2.2 If Article 10.2.1 does not apply, the period of *Ineligibility* shall be one year.

10.2.3 As used in Articles 10.2 and 10.3, the term “intentional” is meant to identify those *Players* who cheat. The term therefore requires that the *Player* or other *Person* engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be rebuttably presumed to be not intentional if the substance is a *Specified Substance* and the *Player* can establish that the *Prohibited Substance* was Used *Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered intentional if the substance is not a *Specified Substance* and the *Player* can establish that the *Prohibited Substance* was Used *Out-of-Competition* in a context unrelated to sport performance.

10.3 *Ineligibility* for Other Anti-Doping Rule Violations

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Articles 10.5 or 10.6 are applicable:

10.3.1 For violations of Article 2.3 or Article 2.5, the period of *Ineligibility* shall be two years unless, in the case of failing to submit to *Sample* collection, the *Player* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall be one year.

10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be in compliance with the Whereabouts Failure sanctions of *IGF* or *Higher Ranking Professional Golf Tour*, as per *IGF* or *Higher Ranking Professional Golf Tour* rules and regulations.

10.3.3 For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of one year up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Minor* shall be considered a particularly serious violation and, if committed by *Player Support Personnel* for violations other than for *Specified Substances*, shall result in eight years up to lifetime *Ineligibility* for *Player Support Personnel*. In addition, significant violations of Article 2.7 or 2.8, which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

[Comment to Article 10.3.3: Those who are involved in doping Players or covering up doping should be subject to sanctions which are more severe than the Players who test positive. Since the authority of

sport organizations is generally limited to *Ineligibility* for accreditation, membership and other sport benefits, reporting *Player Support Personnel* to competent authorities is an important step in the deterrence of doping.]

10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of one year, up to two years, depending on the seriousness of the violation.

10.3.5 For violations of Article 2.10, the period of *Ineligibility* shall be one year, subject to reduction down to a minimum of six months, depending on the *Player* or other *Person's* degree of *Fault* and other circumstances of the case.

[Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined by the authorities under the jurisdiction its work.]

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

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

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

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

10.5.1 Reduction of Sanctions for *Specified Substances* or *Contaminated Products* for Violations of Article 2.1, 2.2 or 2.6.

10.5.1.1 Specified Substances

Where the anti-doping rule violation involves a *Specified Substance*, and the *Player* or other *Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, one year of *Ineligibility*, depending on the *Player's* or other *Person's* degree of *Fault*.

10.5.1.2 Contaminated Products

In cases where the *Player* or other *Person* can establish *No Significant Fault or Negligence* and that the detected *Prohibited Substance* came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, one year *Ineligibility*, depending on the *Player's* or other *Person's* degree of *Fault*.

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

10.5.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.5.1

If a *Player* or other *Person* establishes in an individual case where Article 10.5.1 is not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of *Ineligibility* may be reduced based on the *Player* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight years.

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

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

10.6.1 *Substantial Assistance* in Discovering or Establishing Anti-Doping Rule Violations

10.6.1.1 PGTI may, prior to a final appellate decision under Article 12 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case in which it has results management authority where the *Player* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to PGTI. After a final appellate decision under Article 12 or the expiration of time to appeal, PGTI may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of WADA. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Player* or other *Person* and the significance of the *Substantial Assistance* provided by the *Player* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the

otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight years. If the *Player* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, PGTI shall reinstate the original period of *Ineligibility*. If PGTI decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 12.

10.6.1.2 To further encourage *Players* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of PGTI or at the request of the *Player* or other *Person* who has (or has been asserted to have) committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article 12, to what it considers to be an appropriate suspension of the otherwise applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, WADA may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 12, WADA's decisions in the context of this Article may not be appealed by any other *Anti-Doping Organization*.

10.6.1.3 If PGTI suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organizations* with a right to appeal under Article 12.2.2 as provided in Article 13.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize PGTI to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

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

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

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

[Comment to Article 10.6.2: This Article is intended to apply when a Player or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is

aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Player or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Player or other Person would have been caught had he/she not come forward voluntarily.]

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

A *Player* or other *Person* potentially subject to a two-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing *Sample Collection* or *Tampering with Sample Collection*), by promptly admitting the asserted anti-doping rule violation after being confronted by PGTI, and also upon the approval and at the discretion of both WADA and PGTI, may receive a reduction in the period of *Ineligibility* down to a minimum of one year, depending on the seriousness of the violation and the *Player* or other *Person's* degree of *Fault*.

10.6.4 Application of Multiple Grounds for Reduction of a Sanction

Where a *Player* or other *Person* establishes entitlement to reduction in sanction under more than one provision of Article 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.4, and 10.5. If the *Player* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

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

10.7 Multiple Violations

10.7.1 For a *Player* or other *Person's* second anti-doping rule violation, the period of *Ineligibility* shall be:

Two (2) years *Ineligibility* imposed on participation in *PGTI* tournaments, and all other *PGTI* activities. In addition, the *Player* shall lose his membership in the *PGTI* and any previously earned tournament exemptions. Following the two (2) years *Ineligibility*, he may regain his *PGTI* membership and eligibility on the same terms available to other non-members (for example, by attending an *PGTI* Qualifying Tournament, the *PGTI* Final Qualifying Tournament, or other participation points as decided by the *PGTI*).

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

10.7.2 A third anti-doping rule violation will always result in permanent loss of *PGTI* membership, and a lifetime *ineligibility imposed on participation in PGTI*

tournament, and Ineligibility to participate in all other PGTI activities, except if the third violation fulfills the condition for elimination or reduction of the period of Ineligibility under Article 10.4 or 10.5, or involves a violation of Article 2.4. In these particular cases, the period of Ineligibility shall be from eight years (8) to lifetime Ineligibility.

10.7.3 An anti-doping rule violation for which a *Player* or other *Person* has established *No Fault or Negligence* shall not be considered a prior violation for purposes of this Article.

10.7.4 Additional Rules for Certain Potential Multiple Violations

10.7.4.1 For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if PGTI can establish that the *Player* or other *Person* committed the second anti-doping rule violation after the *Player* or other *Person* received notice pursuant to Article 7, or after PGTI made reasonable efforts to give notice of the first anti-doping rule violation. If PGTI cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

10.7.4.2 If, after the imposition of a sanction for a first anti-doping rule violation, PGTI discovers facts involving an anti-doping rule violation by the *Player* or other *Person* which occurred prior to notification regarding the first violation, then PGTI shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8.

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

For purposes of Article 10.7, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

10.8 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation

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

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

10.8.1 Impact on PGTI Tournament Rankings: In the event anti-doping violation(s) causes the winner of a given Tournament(s) to be disqualified, and there

exists a tie for second place, the scores of the tied *Players* will be evaluated, according to the following guidelines, until the *Player* with the lowest score can be determined and a Tournament winner can be declared.

- (a) The lowest individual score in the final round over 18 holes;
- (b) The lowest individual score in the last 36 holes;
- (c) The lowest individual score in the last 9 holes of the Final Round;
- (d) The lowest individual score in the last 6 holes of the Final round;
- (e) The lowest individual score in the last 3 holes of the Final Round;
- (f) The lowest individual Score in the last hole of the Final Round.

The above criteria will be applied in the order until one individual Tournament winner is determined.

10.9 Allocation of CAS Cost Awards and Forfeited Prize Money

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; and second, reimbursement of the expenses of PGTI.

10.10 Financial Consequences

Where a *Player* or other *Person* commits an anti-doping rule violation, PGTI will elect to recover from the *Player* or other *Person* costs associated with the anti-doping rule violation, regardless of the period of *Ineligibility* imposed. The imposition of a financial sanction or the PGTI's recovery of costs shall not be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under this Anti-Doping Policy or the *Code*.

10.10.1 The prize money, if any, earned at PGTI tournament in which the player's doping control sample was collected will be held by PGTI pending the laboratory analysis of the Player's doping control sample. The WADA accredited laboratories are expected to deliver the analytical results within 20 days turns around time after receipt of sample(s) by the laboratory, accordingly Player's prize money will be released within 20 days after the receipt of sample(s) by the WADA accredited laboratory, in cases when:

10.10.1.1 The Player's 'A' Sample is reported by the Laboratory as negative, provided that PGTI does not report any other anti-doping rule violation(s).

10.10.1.2 The Player's 'B' Sample does not conform the results of 'A' *Sample* Adverse Analytical Findings; provided that Anti-Doping Commission determines that no further investigation is needed.

10.10.1.3 The Appellate authority after hearing the Player or other person found that the Player or other person has not committed anti-doping rule violation(s).

10.10.2 Restitution: Any prize money earned from participation in *PGTI* tournaments in which a player participates following the date of anti-doping rule violation(s) shall, following conclusion of the adjudication process, be promptly paid back to PGTI. Following the conclusion of such Player's suspension, payment of

the aforementioned prize money shall be a condition of precedent to reinstatement of Player's PGTI membership.

10.10.3 Attorney's Fee: To preserve and protect the collective PGTI membership, if a Player fails to pay the prize money referred in PGTI Anti-Doping Policy, the Player will be liable to pay PGTI any and all costs, including reasonable Attorney's fee, which PGTI incurs to recover the prize money from the *Player*.

10.10.4 Reallocation of Prize Money: To the extent practicable and to the extent PGTI secures possession to such prize money, the PGTI shall reallocate prize money, ranking points, titles, and awards, if any, to other Players who competed in the tournament(s) from which a Player was disqualified as a result of anti-doping rule violation(s), according to tournament results, as if the *Player* had been disqualified from the tournament(s). If PGTI is unable to secure possession of such prize money, it shall not be obligatory to reallocate such prize money.

10.11 Commencement of *Ineligibility* Period

Except as provided below, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed.

10.11.1 Delays Not Attributable to the *Player* or other *Person*

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Player* or other *Person*, PGTI may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.

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

10.11.2 Timely Admission

Where the *Player* or other *Person* promptly (which, in all events, for an *Player* means before the *Player* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by PGTI, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Player* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Player* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of *Ineligibility* has already been reduced under Article 10.6.3.

10.11.3 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

10.11.3.1 If a *Provisional Suspension* is imposed and respected by the *Player* or other *Person*, then the *Player* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Player* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

10.11.3.2 If a *Player* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from PGTI and thereafter respects the *Provisional Suspension*, the *Player* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Player* or other *Person*'s voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 13.1.

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

10.11.3.3 No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Player* elected not to compete or was suspended by his or her team.

10.11.3.4 In *Team Sports*, where a period of *Ineligibility* is imposed upon a team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

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

10.12 Status During *Ineligibility*

10.12.1 Prohibition Against Participation During *Ineligibility*

No *Player* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by PGTI or *Higher Ranking Professional Golf Tour* or any *Signatory*, *Signatory*'s member organization, or a club or other member organization of a *Signatory*'s member organization, or in *Competitions* authorized or organized by any professional league or any international or national level *Event* organization or any elite or national-level sporting activity funded by a governmental agency.

A *Player* or other *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate as a *Player* in local sport events not sanctioned or otherwise under the jurisdiction of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Player* or other *Person* directly or indirectly to compete in (or accumulate points toward) a *PGTI* or *Higher Ranking Professional Golf Tour* or national championship or *International Event*, and does not involve the *Player* or other *Person* working in any capacity with *Minors*.

A *Player* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

[Comment to Article 10.12.1: For example, subject to Article 10.12.2 below, an *Ineligible Player* cannot participate in a training camp; exhibition or practice organized by *PGTI* or *Higher Ranking Professional Golf Tour* or his or her *National Federation Member* or a club which is a member of that *National Federation Member* or which is funded by a governmental agency. Further, the *PGTI* shall refer an *Ineligible Player* to their respective non-*Signatory* professional league for consideration of further disciplinary action. Participation in Events organized by a non-*Signatory International Event* organization or a non-*Signatory national-level event* organization may trigger the Consequences set forth in Article 10.12.3. The term “activity” also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. *Ineligibility* imposed in one sport shall also be recognized by other sports (see Article 14.1, *Mutual Recognition*).]

10.12.2 Return to Training

As an exception to Article 10.12.1, a *Player* may return to train with a team or to use the facilities of *PGTI* or a club or other member organization during the shorter of: (1) the last two months of the *Player’s* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.

[Comment to Article 10.12.2: During the training period described in this Article, an *Ineligible Player* may not compete or engage in any activity described in Article 10.12.1 other than training.]

10.12.3 Violation of the Prohibition of Participation During *Ineligibility*

Where a *Player* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.12.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length up to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Player* or other *Person’s* degree of *Fault* and other circumstances of the case. The determination of whether a *Player* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose results management led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 12.

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

10.12.4 Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.4 or 10.5, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by PGTI.

10.13 Automatic Publication of Sanction

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

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

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 Testing of Teams

Where one member of a team (in a team competition) has been notified of an anti-doping rule violation under Article 7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of all members of the team during the *Event Period*.

11.2 Consequences for Teams

11.2.1 In a team *Event* (e.g., the World Amateur Team Championships) if a member of the team commits an anti-doping rule violation during the *Event*, that *Player* will be *Disqualified* and the overall placing of the teams will be recalculated. Should two or more *Players* of a team commit anti-doping rule violations during a team *Event*, the team will be *Disqualified*.

ARTICLE 12 APPEALS

12.1 Decisions Subject to Appeal

Decisions made under this Anti-Doping Policy may be appealed as set forth below in Article 12.2 through 12.7 or as otherwise provided in this Anti-Doping Policy, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in PGTI's rules must be exhausted, provided that such review respects the principles set forth in Article 12.2.2 below (except as provided in Article 12.1.3).

12.1.1 Scope of Review Not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker.

12.1.2 CAS Shall Not Defer to the Findings Being Appealed

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

[Comment to Article 12.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.]

12.1.3 WADA Not Required to Exhaust Internal Remedies

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

[Comment to Article 12.1.3: Where a decision has been rendered before the final stage of PGTI's process (for example, a first hearing) and no party elects to appeal that decision to the next level of PGTI's process, then WADA may bypass the remaining steps in PGTI's internal process and appeal directly to CAS.]

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months' notice requirement for a retired *Player* to return to *Competition* under Article 5.7.1; a decision by WADA assigning results management under Article 7.1 of the *Code*; a decision by PGTI not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; PGTI failure to comply with Article 7.9; a decision that PGTI lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 10.6.1; a decision under Article 10.12.3; and a decision by PGTI not to recognize another *Anti-Doping Organization's* decision under Article 14, may be appealed exclusively as provided in Articles 12.2 – 12.7.

12.2.1 The PGTI decision may be appealed exclusively to CAS.

[Comment to Article 12.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]

12.2.2 Persons Entitled to Appeal

In cases under Article 12.2.1, the following parties shall have the right to appeal to CAS: (a) the *Player* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the PGTI; and (f) *WADA*.

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

12.2.3 Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the *Code* are specifically permitted. Any party with a right to appeal under this Article 12 must file a cross appeal or subsequent appeal at the latest with the party's answer.

[Comment to Article 12.2.3: This provision is necessary because since 2011, CAS rules no longer permit a Player the right to cross appeal when an Anti-Doping Organization appeals a decision after the Player's time for appeal has expired. This provision permits a full hearing for all parties.]

12.3 Failure to Render a Timely Decision

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

[Comment to Article 12.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for PGTI to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with PGTI and give PGTI an opportunity to explain why it has not yet rendered a decision.]

12.4 Appeals Relating to TUEs

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

12.5 Notification of Appeal Decisions

Any *Anti-Doping Organization* that is a party to an appeal shall promptly provide the appeal decision to the *Player* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal under Article 12.2.3 as provided under Article 12.2.

12.7 Time for Filing Appeals

12.7.1 Appeals to CAS

The time to file an appeal to CAS shall be twenty-one days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following

shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

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

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

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

ARTICLE 13 CONFIDENTIALITY AND REPORTING

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

13.1.1 Notice of Anti-Doping Rule Violations to *Players* and other *Persons*

Notice to *Players* or other *Persons* of anti-doping rule violations asserted against them shall occur as provided under Articles 7 and 13 of this Anti-Doping Policy. Notice to a *Player* or other *Person* who is a member of a *other National Professional Golf Tour* may be accomplished by delivery of the notice to the *other National Professional Golf Tour*.

13.1.2 Notice of Anti-Doping Rule Violations to other *National Professional Golf Tour, IGF* and *WADA*

Notice of the assertion of an anti-doping rule violation to other *National Professional Golf Tour, as applicable, IGF* and *WADA* shall occur as provided under Articles 7 and 13 of this Anti-Doping Policy, simultaneously with the notice to the *Player* or other *Person*.

13.1.3 Content of an Anti-Doping Rule Violation Notice

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

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

13.1.4 Status Reports

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

13.1.5 Confidentiality

The recipient organizations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Professional Golf Tour* and team in a *Team Sport*) until PGTI has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Article 13.3.

13.1.6 PGTI shall ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, and other asserted anti-doping rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Article 13.3, and shall include provisions in any contract entered into between PGTI and any of its employees (whether permanent or otherwise), contractors, agents and consultants, for the protection of such confidential information as well as for the investigation and disciplining of improper and/or unauthorised disclosure of such confidential information.

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

13.2.1 Anti-doping rule violation decisions rendered pursuant to Article 7.11, 8.2, 10.4, 10.5, 10.6, 10.12.3 or 12.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible *Consequences* were not imposed. Where the decision is not in English or French, PGTI shall provide a short English or French summary of the decision and the supporting reasons.

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

13.3 Public Disclosure

13.3.1 The identity of any *Player* or other *Person* who is asserted by PGTI to have committed an anti-doping rule violation may be *Publicly Disclosed* by PGTI only after notice has been provided to the *Player* or other *Person* in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to *WADA* and the *Higher Ranking Professional Golf Tour*, as applicable, or other *Person* in accordance with Article 13.1.2.

13.3.2 No later than twenty days after it has been determined in a final appellate decision under Article 12.2.1 or 12.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, PGTI must *Publicly Report* the disposition of the matter, including the sport, the anti-doping rule violated, the name of the *Player* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any), and the *Consequences* imposed. PGTI must also *Publicly Report* within twenty days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

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

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

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

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

13.4 Statistical Reporting

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

13.5 Doping Control Information Clearinghouse

To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by the various *Anti-Doping Organizations*, PGTI shall report all *In-Competition* and *Out-of-Competition* tests on such *Players* to the *WADA* clearinghouse, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the *Player* and any other *Anti-Doping Organizations* with *Testing* authority over the *Player*.

13.6 Data Privacy

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

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

ARTICLE 14 APPLICATION AND RECOGNITION OF DECISIONS

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

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

[Comment to Article 14.2: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, PGTI shall attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found a Player to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his or her body but the period of Ineligibility applied is shorter than the period provided for in this Anti-Doping Policy, then PGTI shall recognize the finding of an anti-doping rule violation and may conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in this Anti-Doping Policy should be imposed.]

ARTICLE 15 STATUTE OF LIMITATIONS

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

ARTICLE 16 PGTI COMPLIANCE REPORTS TO WADA

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

ARTICLE 17 EDUCATION

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

ARTICLE 18 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

18.1 This Anti-Doping Policy may be amended from time to time by PGTI Anti-Doping Commission.

18.2 This Anti-Doping Policy shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

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

18.4 The *Code* and the *International Standards* shall be considered integral parts of this Anti-Doping Policy and shall prevail in case of conflict.

18.5 This Anti-Doping Policy has been adopted pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*. The Introduction and Scope shall be considered an integral part of this Anti-Doping Policy.

18.6 The comments annotating various provisions of the *Code* and this Anti-Doping Policy shall be used to interpret this Anti-Doping Policy. Where not included in this Anti-Doping Policy, the comments to the *Code* shall be treated as if set out in full herein, and shall be used to interpret this Anti-Doping Policy.

18.7 This Anti-Doping Policy shall come into full force and effect on 1 August 2016 (the "Effective Date"). They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

18.7.1 Anti-doping rule violations taking place prior to the Effective Date count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.

18.7.2 The retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.7.5 and the statute of limitations set forth in Article 15 are procedural rules and should be applied retroactively; provided, however, that Article 15 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date. Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred unless the panel hearing the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case.

18.7.3 Any Article 2.4 whereabouts failure (whether a Filing Failure or a Missed Test, as those terms are defined in the International Standard for Testing and Investigations) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the International Standard for Testing and Investigation, but it shall be deemed to have expired 12 months after it occurred.

18.7.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Player* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Player* or other *Person* may apply to the *Anti-Doping Organization* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of this Anti-Doping Policy. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 12.2. This Anti-Doping Policy shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

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

ARTICLE 19 INTERPRETATION OF THE CODE

19.1 The official text of the *Code* shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

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

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

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

19.5 The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.

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

ARTICLE 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF PLAYERS AND OTHER PERSONS

20.1 Roles and Responsibilities of *Players*

20.1.1 To be knowledgeable of and comply with this Anti-Doping Policy.

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

[Comment to Article 20.1.2: With due regard to a Player's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Players use low doses of EPO during these hours so that it will be undetectable in the morning.]

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

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

20.1.5 To disclose to PGTI any decision by a non-*Signatory* finding that the *Player* committed an anti-doping rule violation within the previous ten years.

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

20.1.7 Failure by any *Player* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of misconduct under PGTI's disciplinary rules.

20.2 Roles and Responsibilities of *Player Support Personnel*

20.2.1 To be knowledgeable of and comply with this Anti-Doping Policy.

20.2.2 To cooperate with the *Player Testing* program.

20.2.3 To use his or her influence on *Player* values and behavior to foster anti-doping attitudes.

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

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

ARTICLE 21 WAIVER AND CONSENT

Players and other *Persons* subject to this Anti-Doping Policy, insofar as permitted by the law of the country in which any anti-doping rule violation takes place, agree to release and waive any and all claims, actions, lawsuits, damages, awards and losses arising out of or in connection with the administration of this Policy that the *Player* or other *Person* may have against PGTI, employees, agents, consultants, championship officials, and other *Players* involved in the implementation and administration of this Policy. This consent and waiver shall apply to the parents and legal guardians of any minor so as to bind the *Player* or other *Person* concerned or any other body adopting this Policy.

APPENDIX 1 DEFINITIONS

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

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

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

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

Anti-Doping Commission: A Commission appointed by the PGTI from which panels will be appointed to conduct hearings involving alleged anti-doping rule violations. The appointed members shall have had no prior involvement with the case.

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

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

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

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

Competition: A tournament.

Consequences of Anti-Doping Rule Violations (“Consequences”): A *Player's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the *Player's* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) Ineligibility means the *Player* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.12.1; (c) Provisional Suspension means the *Player* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure or Public Reporting means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 13. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11 of the *Code*.

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

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

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

Elite Amateur Player: any person who is a member of the National Golf squad (as determined by the applicable National Federation Member), and any other person selected to represent a National Federation Member at International Events.

Event: A tournament.

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

Event Period: The time between the beginning and end of an *Event*, as established by the ruling body of the *Event*. At a golf tournament, this period commences from the day of *Player* registration to the conclusion of the tournament.

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

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

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

In-Competition: "In-Competition" means the period commencing at midnight the night before the first day of a tournament in which a *Player* is entered through to midnight of the day a *Player* finished Participating in a tournament.

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

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

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

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

International-Level Player: *Players* who compete in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations. For the sport of Golf *International-Level Players* are defined as set out in the Scope section of the Introduction to this Anti-Doping Policy.

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

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

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

Metabolite: Any substance produced by a biotransformation process.

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

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

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

National Federation Member: A national or regional entity that is a member of the International Federation and recognized in its country as the entity governing International Federation's sport in that nation or region. Professional golf tours are specifically excluded from the definition of *National Federation Member*.

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

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

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

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

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

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

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

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

PGTI: Professional Golf Tour of India (PGTI), is the controlling body for professional golf in India. PGTI's objective is to promote professional golf in the country, and create more competitive playing opportunities for its members. It is recognized as a 'body having its recognition from the European Tour and the Asian Tour. It has also been inducted as a member of the prestigious 'International Federation of PGA Tours' and is acknowledged worldwide as the official sanctioning body of professional golf in India. PGTI is also affiliated as Professional Golf Member with International Golf Federation (IGF).

Player: Any International-Level Player, National-Level Player and other competitor in the sport of golf who is otherwise subject to the jurisdiction of any Signatory or other sports organization accepting the *Code*. A *Player* is any *Person* who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to a *Player* who is neither an *International-Level Player* nor a *National-Level Player*, and thus to bring them within the definition of "Player." In relation to *Players* who are neither *International-Level* nor *National-Level Players*, an *Anti-Doping Organization* may elect to: conduct limited

Testing or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Player* over whom an *Anti-Doping Organization* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 13.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is a *Player*.

[*Comment: This definition makes it clear that all International- and National-Level Players are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations, respectively. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Players to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organization could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences provided for in the Code (with the exception of Article 13.3.2). The decision on whether Consequences apply to recreational-level Players who engage in fitness activities but never compete is left to the National Anti-Doping Organization. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not analyze Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.*]

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

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

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

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

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

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

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

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

Provisional Hearing: For purposes of Article 7.9, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Player* with notice and an opportunity to be heard in either written or oral form.

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

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

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

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

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

Rules of Sport: The *Rules of Sport* as approved by the International Federation.

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

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

Specified Substance: See Article 4.2.2.

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

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

provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

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

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

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

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

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

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

TUE Committee: A Committee of experts appointed by the PGTI to consider requests for TUEs.

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

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

WADA: The World Anti-Doping Agency.

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

APPENDIX 2 EXAMPLES OF THE APPLICATION OF ARTICLE 10

EXAMPLE 1.

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

Application of Consequences:

1. The starting point would be Article 10.2. Because the *Player* is deemed to have *No Significant Fault* that would be sufficient corroborating evidence (Articles 10.2.1.1 and 10.2.3) that the anti-doping rule violation was not intentional, the period of *Ineligibility* would thus be two years, not four years (Article 10.2.2).

2. In a second step, the panel would analyze whether the *Fault*-related reductions (Articles 10.4 and 10.5) apply. Based on *No Significant Fault or Negligence* (Article 10.5.2) since the anabolic steroid is not a *Specified Substance*, the applicable range of sanctions would be reduced to a range of two years to one year (minimum one-half of the two year sanction). The panel would then determine the applicable period of *Ineligibility* within this range based on the *Player's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of 16 months.)

3. In a third step, the panel would assess the possibility for suspension or reduction under Article 10.6 (reductions not related to *Fault*). In this case, only Article 10.6.1 (*Substantial Assistance*) applies. (Article 10.6.3, Prompt Admission, is not applicable because the period of *Ineligibility* is already below the two-year minimum set forth in Article 10.6.3.) Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 16 months.* The minimum period of *Ineligibility* would thus be four months. (Assume for purposes of illustration in this example that the panel suspends ten months and the period of *Ineligibility* would thus be six months.)

4. Under Article 10.11, the period of *Ineligibility*, in principle, starts on the date of the final hearing decision. However, because the *Player* promptly admitted the anti-doping rule violation, the period of *Ineligibility* could start as early as the date of *Sample* collection, but in any event the *Player* would have to serve at least one-half of the *Ineligibility* period (i.e., three months) after the date of the hearing decision (Article 10.11.2).

5. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would have to automatically *Disqualify* the result obtained in that *Competition* (Article 9).

6. According to Article 10.8, all results obtained by the *Player* subsequent to the date of the *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.

7. The information referred to in Article 13.3.2 must be *Publicly Disclosed*, unless the *Player* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

8. The *Player* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Player's* period of *Ineligibility* (Article 10.12.1). However, the *Player* may return to train with a team or to use the

facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Player's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Player* would be allowed to return to training one and one-half months before the end of the period of *Ineligibility*.

EXAMPLE 2.

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

Application of Consequences:

1. The starting point would be Article 10.2. Because the *Anti-Doping Organization* can establish that the anti-doping rule violation was committed intentionally and the *Player* is unable to establish that the substance was permitted *Out-of-Competition* and the *Use* was unrelated to the *Player's* sport performance (Article 10.2.3), the period of *Ineligibility* would be four years (Article 10.2.1.2).
2. Because the violation was intentional, there is no room for a reduction based on *Fault* (no application of Articles 10.4 and 10.5). Based on *Substantial Assistance*, the sanction could be suspended by up to three-quarters of the four years.* The minimum period of *Ineligibility* would thus be one year.
3. Under Article 10.11, the period of *Ineligibility* would start on the date of the final hearing decision.
4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically *Disqualify* the result obtained in the *Competition*.
5. According to Article 10.8, all results obtained by the *Player* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.
6. The information referred to in Article 13.3.2 must be *Publicly Disclosed*, unless the *Player* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).
7. The *Player* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Player's* period of *Ineligibility* (Article 10.12.1). However, the *Player* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Player's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Player* would be allowed to return to training two months before the end of the period of *Ineligibility*.

EXAMPLE 3.

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

Application of Consequences:

1. The starting point would be Article 10.2. Because the *Player* can establish through corroborating evidence that he did not commit the anti-doping rule violation intentionally, i.e., he had *No Significant Fault* in *Using a Contaminated Product* (Articles 10.2.1.1 and 10.2.3), the period of *Ineligibility* would be two years (Articles 10.2.2).
2. In a second step, the panel would analyze the *Fault*-related possibilities for reductions (Articles 10.4 and 10.5). Since the *Player* can establish that the anti-doping rule violation was caused by a *Contaminated Product* and that he acted with *No Significant Fault or Negligence* based on Article 10.5.1.2, the applicable range for the period of *Ineligibility* would be reduced to a range of two years to a reprimand. The panel would determine the period of *Ineligibility* within this range, based on the *Player's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of four months.)
3. According to Article 10.8, all results obtained by the *Player* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.
4. The information referred to in Article 13.3.2 must be *Publicly Disclosed*, unless the *Player* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).
5. The *Player* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Player's* period of *Ineligibility* (Article 10.12.1). However, the *Player* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Player's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Player* would be allowed to return to training one month before the end of the period of *Ineligibility*.

EXAMPLE 4.

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

Application of Consequences:

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

3. Based on the *Player's* spontaneous admission (Article 10.6.2) alone, the period of *Ineligibility* could be reduced by up to one-half of the four years. Based on the *Player's Substantial Assistance* (Article 10.6.1) alone, the period of *Ineligibility* could be suspended up to three-quarters of the four years.* Under Article 10.6.4, in considering the spontaneous admission and *Substantial Assistance* together, the most the sanction could be reduced or suspended would be up to three-quarters of the four years. The minimum period of *Ineligibility* would be one year.

4. The period of *Ineligibility*, in principle, starts on the day of the final hearing decision (Article 10.11). If the spontaneous admission is factored into the reduction of the period of *Ineligibility*, an early start of the period of *Ineligibility* under Article 10.11.2 would not be permitted. The provision seeks to prevent a *Player* from benefitting twice from the same set of circumstances. However, if the period of *Ineligibility* was suspended solely on the basis of *Substantial Assistance*, Article 10.11.2 may still be applied, and the period of *Ineligibility* started as early as the *Player's* last *Use* of the anabolic steroid.

5. According to Article 10.8, all results obtained by the *Player* subsequent to the date of the anti-doping rule violation until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.

6. The information referred to in Article 13.3.2 must be *Publicly Disclosed*, unless the *Player* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

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

EXAMPLE 5.

Facts:

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

Application of Consequences:

1. According to Article 10.3.4, the period of *Ineligibility* would be from two up to four years, depending on the seriousness of the violation. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of three years.)

2. There is no room for *Fault*-related reductions since intent is an element of the anti-doping rule violation in Article 2.9 (see comment to Article 10.5.2).

3. According to Article 10.6.2, provided that the admission is the only reliable evidence, the period of *Ineligibility* may be reduced down to one-half. (Assume for purposes of illustration in this example that the panel would impose a period of *Ineligibility* of 18 months.)

4. The information referred to in Article 13.3.2 must be *Publicly Disclosed* unless the *Player Support Person* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

EXAMPLE 6.

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

Application of Consequences:

1. Article 10.7 is applicable to the second anti-doping rule violation because Article 10.7.4.1 and Article 10.7.5 apply.
2. Under Article 10.7.1, the period of *Ineligibility* would be the greater of:
 - (a) six months;
 - (b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6 (in this example, that would equal one-half of 14 months, which is seven months); or
 - (c) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6 (in this example, that would equal two times 16 months, which is 32 months).

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

3. In a next step, the panel would assess the possibility for suspension or reduction under Article 10.6 (non-*Fault*-related reductions). In the case of the second violation, only Article 10.6.1 (*Substantial Assistance*) applies. Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 32 months.* The minimum period of *Ineligibility* would thus be eight months. (Assume for purposes of illustration in this example that the panel suspends eight months of the period of *Ineligibility* for *Substantial Assistance*, thus reducing the period of *Ineligibility* imposed to two years.)

4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically *Disqualify* the result obtained in the *Competition*.

5. According to Article 10.8, all results obtained by the *Player* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.

6. The information referred to in Article 13.3.2 must be *Publicly Disclosed*, unless the *Player* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

7. The *Player* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Player's* period of *Ineligibility* (Article 10.12.1). However, the *Player* may return to train with a team or to use the

facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Player's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Player* would be allowed to return to training two months before the end of the period of *Ineligibility*

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