



An Overview of the USADA Protocol Procedures for the Arbitration of Sport Doping Disputes

The USADA Protocol sets forth the sport disciplinary process afforded an athlete or other person (e.g. coach, manager, doctor, agent etc.) notified of committing an Anti-Doping Rule Violation (ADRV). An ADRV can result from an adverse analytical finding (positive test), or through other reliable evidence of doping, commonly referred to as a “non-analytical finding.” This process was designed and approved by the USOC, the Athletes Advisory Council (AAC) and the National Governing Bodies (NGBs) in accordance with the Congressional Statutes and the Ted Stevens Olympic and Amateur Sports Act.

Notice of Potential Anti-Doping Rules Violation

Once an athlete or other person receives written notice of the allegations from USADA, the athlete or other person has ten (10) days to provide a written response for submission to an independent Anti-Doping Review Board. The Review Board is a group of experts independent of USADA that reviews the information submitted by USADA and by the athlete or other person. The Review Board, which can consist of a technical expert, legal expert and/or medical expert, considers the written submissions and recommends whether there is “sufficient evidence of doping to proceed with the adjudication process”. The Review Board’s written recommendation is provided to the athlete, the athlete’s NGB, the USOC, the athlete’s International Federation and WADA.

Initiation of Anti-Doping Rules Violation Charge

Based on the Review Board’s recommendation, USADA either closes the matter or charges the athlete or other person with an ADRV. In the event a person is charged with an ADRV, USADA sends a written charge setting out the specific sport rules violation, a recommended sanction based on the applicable rules, and a description of the process for contesting the charges and recommended sanction.

The person charged may then choose to accept a sanction or exercise his or her right to request a hearing before independent arbitrators from the American Arbitration Association (AAA) North American Court of Arbitration for Sport. The hearing will occur within three months of the AAA panel being seated (unless extended by the arbitrators).

Every athlete is entitled to a three- member or single- member arbitration panel comprised of independent arbitrators from the North American CAS and the AAA (“National Pool”). If a three- person arbitration panel is selected, then USADA selects an arbitrator from the National Pool and the athlete makes his/her choice from the National Pool in 5 days following USADA’s selection. The two arbitrators selected by the parties then select the Chairperson for the panel from the National Pool.

The arbitration before the AAA is rooted in the Sports Act and provides full due process. This document entitled “Due Process Checklist” was independently prepared by athlete defense counsel and is now maintained on the USOC website at: <http://www.teamusa.org/For-Athletes/Athlete-Ombudsman/Athlete-Rights.aspx>

The AAA arbitration process not only meets, but in fact exceeds, the concerns for due process set forth in this checklist. As an example of an additional safeguard, the AAA process for doping offenses allows for the arbitration hearing to be open to the public if the accused requests and the arbitrators agree. The case may be appealed to the full body of the Court of Arbitration for Sport (“CAS”).

USADA does not select the individual arbitrators who comprise the National Pool of Arbitrators. The AAA and CAS, together determine who is selected to serve as AAA and/or CAS arbitrators, based on their criteria and procedures. For more information about AAA please go to <http://www.adr.org>

The AAA/NCAS process consists of a live hearing where evidence is presented and witness testimony is given under oath. The hearing can be open to the public at the athlete’s request. The decision if and ADRV has been committed and what sanction, if any will be imposed, is determined by the independent arbitrators after the completion of the full hearing process, and not by USADA. Upon receiving the ruling from the AAA hearing the person charged, or WADA or USADA may choose to appeal the ruling and have the case heard in the Court of Arbitration for Sport (CAS). Once CAS has ruled on the case, the ruling is final. For more information about CAS please go to <http://www.tas-cas.org/>.