



International Cheer Union (ICU) Failure to Comply Procedure

Enclosed herein, please find details of actions to be taken by the International Cheer Union (ICU) while investigating a possible “Failure to Comply” violation (e.g. evading, refusal, failing to submit to sample collection or tampering) in relation to the ICU World Anti-Doping Rules.

ICU, while serving as the Results Management Authority, will review all Doping Control Documentation to ensure that the respective Athlete is properly notified and understand the implications of procedure compliance; and, in particular, that the respective Athlete has been clearly advised of potential implications of failing to comply (e.g. not providing a sample).

ICU will investigate, as well as interview all persons with potentially relevant information for any potential “Failure to Comply” violations - while additionally requesting from the respective Athlete an explanation of the possible violation in question. All follow up investigations, should this be deemed necessary, will be conducted and completed prior to the start of any disciplinary proceedings.

Investigating a Possible “Failure to Comply” Violation

1. Objective:

To ensure that all matters occurring before, during or after a Sample Collection Session that may lead to a determination of a “Failure to Comply” violation are properly assessed, documented and implemented.

2. Scope:

Investigation of a possible “Failure to Comply” violation is initiated at the moment the ICU (while serving as the testing authority) or a Doping Control Officer (DCO) becomes informed or/aware of a possible “Failure to Comply” violation and a possible “Failure to Comply” violation is completed at the moment when the ICU implements the appropriate follow-up action based on the outcome of its investigation.

3. Responsibility:

3.1 ICU, while serving as the ICU is the testing authority, responsibilities include:

- a. Reporting a possible “Failure to Comply” violation immediately to WADA;
- b. Notifying the respective Athlete or other party of their possible “Failure to Comply” violation and consequences of such in writing – including notice to the respective Athlete of their opportunity to respond with any explanation(s) to the potential violation in question;
- c. Immediately initiating “Failure to Comply” violation investigation based on relevant information and documentation, as well as are conducted without unnecessary delay with a documented evaluation process; and

- d. Final determination (e.g. whether or not to assert the commission of an anti-doping rule violation) of a possible “Failure to Comply” violation including supporting documentation is reported, upon the final determination, to WADA and other Anti-Doping Organisations in accordance with the Code.

3.2 Doping Control Officer (DCO) responsibilities include:

- a. Informing the respective Athlete or other party of the consequences of a possible “Failure to Comply” violation;
- b. Completing the Athlete’s Sample Collection Session where possible; and
- c. Providing a detailed written report of any possible “Failure to Comply” violation.

3.3 Sample Collection Personnel responsibilities include:

- a. Informing the respective Athlete or other party of the consequences of a possible “Failure to Comply” violation; and
- b. Reporting to the DCO any possible “Failure to Comply” violation.

4. Requirements

4.1 Potential “Failure to Comply” violations shall be reported by the DCO and/or followed up by the ICU as soon as possible.

4.2 Should the ICU determine that there has been a potential “Failure to Comply” violation to investigate, the respective Athlete or other party shall be promptly notified in writing of the following:

- a. Consequences of a “Failure to Comply” violation; and
- b. Details of the potential “Failure to Comply” violation procedure; including but not limited to the investigation by the Testing Authority, as well as the appropriate follow-up due diligence, implementation and determination details - to complete the process.

4.3 All additional and necessary information about any potential “Failure to Comply” violation shall be obtained from all relevant sources, including the respective Athlete or other party, as soon as possible and shall be documented.

4.4 ICU will assure that the outcomes of its investigation of the potential “Failure to Comply” violation are considered for results management action and, if applicable, for further planning and Target Testing.

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