

# **LIV GOLF**

## **ANTI-DOPING POLICY: PERFORMANCE ENHANCING DRUGS (PEDs)**

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## INTRODUCTION

### Preface

LIV Golf has developed this Anti-Doping Policy (as modified, amended, or updated from time to time in LIV Golf's sole discretion, this "Policy") to protect the fairness and integrity of the *League* and its *Events*, and to ensure the health and safety of all *Players*. This *Policy* sets forth the policies and procedures related to *Players*' use of *Prohibited Substances* and *Prohibited Methods* in connection with any *Event*. This *Policy* will be administered by the Administrator of this *Policy* (the "Policy Administrator"), in consultation with LIV Golf staff and internal and external legal, medical, and scientific experts.

LIV Golf will designate the *Policy Administrator*. The *Policy Administrator* will have the sole discretion to make determinations, consistent with the terms of this *Policy*, concerning: (i) the method by which *Players* will be subjected to testing; (ii) the selection of *Players* to be tested and the dates on which tests will be administered; (iii) the number and frequency of tests; (iv) analysis of test results; (v) review and approval of *TUEs* (in consultation with the *TUE Administrator*); (vi) communication with and oversight of the *Collection Vendor*; and (vii) whether a *Player* has committed an *Anti-Doping Rule Violation* and the associated sanctions for such *Anti-Doping Rule Violation*.

The *Policy Administrator* has the authority to retain other legal, medical, and scientific experts for consultation in connection with the performance of duties under this *Policy*.

Italicized terms in this *Policy* have the meanings set forth in Appendix 1. Unless otherwise specified, references to Articles are references to Articles of this *Policy*.

### Scope of Policy

This *Policy* (in addition to any requirements that may be applicable under the *LIV Golf Rules and Regulations*) applies to and must be adhered to by all *Players*.

All *Players* are deemed, as a condition of their participation or involvement in an *Event* organized by LIV Golf, to have agreed to be bound by this *Policy*, and to have submitted to the authority of LIV Golf and the *Policy Administrator* to enforce this *Policy*.

## 1 ARTICLE 1 - ANTI-DOPING RULE VIOLATIONS

The below circumstances and conduct constitute Anti-Doping Rule Violations ("Anti-Doping Rule Violations"). *Players* are responsible for knowing what constitutes an *Anti-Doping Rule Violation* under this *Policy*.

**1.1 Presence.** It is an *Anti-Doping Rule Violation* for a *Prohibited Substance* or its *Metabolites* or *Markers* to be *Present* in a *Player's* specimen.

**1.1.1** "Presence" or "Present" means there was a *Positive Test Result* for that *Prohibited Substance* or its *Metabolites* or *Markers*.

**1.1.2** *Players* are responsible for what is in their bodies. A *Positive Test Result* will not be excused because the *Player* was unaware that the *Player* was taking a *Prohibited Substance*.

**1.2 Use or Attempted Use.** It is an *Anti-Doping Rule Violation* for a *Player* to *Use*, or to *Attempt to Use*, a *Prohibited Substance* or *Prohibited Method*.

**1.2.1** "Use" means consuming, ingesting, utilizing, applying or injecting by any means.

**1.2.2** "Attempt to Use" or "Attempted Use" means the *Player* (1) intended to *Use* the *Prohibited Substance* or *Prohibited Method* and (2) did something that was a substantial step towards such *Use*.

**1.3 Possession.** It is an *Anti-Doping Rule Violation* for a *Player* to Possess a *Prohibited Substance* or *Prohibited Method*.

**1.3.1** “Possess” or “Possession” means the *Player* knew of the presence of the *Prohibited Substance* or *Prohibited Method* and had physical control of it, or knew of its presence and had the power and intention to control it.

**1.4 Misconduct with Respect to Specimen Collection.** It is an *Anti-Doping Rule Violation* for a *Player* to fail or refuse to appear for required specimen collection, absent the *Player’s* showing of a legitimate excuse. It is also an *Anti-Doping Rule Violation* for a *Player* to fail or refuse to cooperate fully in the specimen collection process.

**1.4.1** Any effort to substitute, dilute or adulterate a specimen, or to manipulate test results to evade detection will be considered a violation of this *Policy*.

**1.5 Misconduct with Respect to Reporting.** It is an *Anti-Doping Rule Violation* for a *Player* to threaten or intimidate another person with the intent of preventing that other person from, or retaliating against that other person for, the good-faith reporting of information that relates to an alleged *Anti-Doping Rule Violation*.

**1.6** For an *Anti-Doping Rule Violation* under Article 1.1 (Presence), the violation is deemed to have occurred as of the date of the doping control test conducted that resulted in the *Positive Test Result*.

**1.7** For all other *Anti-Doping Rule Violations*, the violation is deemed to have occurred as of the date of the substantive conduct underlying the violation.

## **2 ARTICLE 2 – BURDENS AND STANDARDS OF PROOF**

The *Policy Administrator* will bring anti-doping cases based upon the assertion that one or more *Anti-Doping Rule Violations* has occurred. This Article 2 sets forth the burdens of proof, standards of proof, and methods of proof to be used in any hearing in an anti-doping case.

### **2.1 Proof of an Anti-Doping Rule Violation Under Article 1.1 (Presence)**

**2.1.1** The *Policy Administrator* will have the burden to establish that (1) a test conducted under this *Policy* of the *Player’s* “A” sample returned a *Positive Test Result* for a *Prohibited Substance* or its *Metabolites* or *Markers* and (2) the analysis of the *Player’s* “B” sample confirmed the *Positive Test Result*. The *Policy Administrator* is not required to establish intent, knowledge, fault or negligence.

**2.1.1.1** The *Policy Administrator* may satisfy its burden by introducing the *Standard Laboratory Documentation Package*, matching the control identification number with the *Player’s* name, and demonstrating that the test result was for a *Prohibited Substance* or its *Metabolites* or *Markers*. These documents are admissible without regard to hearsay challenge.

**2.1.1.2** The *Collection Vendor*, the *Testing Laboratory* or *Laboratories*, the *Policy Administrator*, and the *Chief Forensic Toxicologist* will be presumed to have collected and analyzed the *Player’s* specimen in accordance with this *Policy*. The *Policy Administrator* may rely solely on the information contained in the *Standard Laboratory Documentation Package* to demonstrate that the specimen was obtained in accordance with collection procedures and that the test was conducted in accordance with laboratory procedures, including,

without limitation, that the chain of custody of the specimen was maintained.

**2.1.2** A *Player* may challenge the *Policy Administrator's* showing by establishing that (1) the test result was not in fact positive for the *Prohibited Substance* at issue or its *Metabolites* or *Markers* under this *Policy*; (2) the specimen was not obtained pursuant to a test authorized under this *Policy*; or (3) the specimen was not obtained or was not analyzed in accordance with collection procedures or laboratory procedures.

**2.1.2.1** Notwithstanding Article 2.1.2, the *Player* may not satisfy the *Player's* burden by challenging the *Policy Administrator's* decision to use an analytical method, include a *Prohibited Substance* or *Prohibited Method* on the *Prohibited List*, or set or not set a *Decision Limit*, as further discussed in Article 2.3.3.

**2.1.2.2** It is not a defense to an *Anti-Doping Rule Violation* that the *Player* did not have the requisite intent, knowledge, fault or negligence.

**2.1.3** If a *Player* establishes a challenge under subpart (1) of Article 2.1.2, the *Policy Administrator* will carry its burden by demonstrating, by a preponderance of the evidence, that the test result was in fact positive for the *Prohibited Substance* at issue or its *Metabolites* or *Markers* under this *Policy*.

**2.1.4** If a *Player* establishes a challenge under subpart (2) of Article 2.1.2, the *Policy Administrator* will carry its burden by demonstrating, by a preponderance of the evidence, that the specimen was obtained pursuant to a test authorized under this *Policy*.

**2.1.5** If a *Player* establishes a challenge under subpart (3) of Article 2.1.2, the *Policy Administrator* will carry its burden by demonstrating, by a preponderance of the evidence, that (1) there was no deviation from collection procedures or laboratory procedures; (2) the deviation was authorized by the *Policy Administrator* and the *Player*; or (3) the deviation did not materially affect the accuracy or reliability of the test result.

## **2.2 Proof of All Other Anti-Doping Rule Violations**

**2.2.1** The *Policy Administrator* will have the burden to show that a *Player* violated a specific rule set forth in Article 1 by establishing, by a preponderance of the evidence, each element of a violation of that rule. The *Policy Administrator* is not required to otherwise establish intent, knowledge, fault or negligence.

**2.2.2** It is not a defense to a violation of a specific rule set forth in Article 1 that the *Player* did not have the requisite intent, knowledge, fault or negligence, unless such rule expressly makes such mental state an element of a violation.

## **2.3 Methods of Proof**

**2.3.1** Facts in an anti-doping case may be established by any reliable means. However, the weight given to any method of proof must be proportionate to the degree of reliability of such method of proof. Accordingly, less reliable methods of proof must be given less weight while more reliable methods of proof must be given more weight. Any unreliable method of proof must be excluded.

**2.3.2** An *Anti-Doping Rule Violation* may be established through proof that the *Player* was suspended from competition by a recognized sports organization for conduct relating

to the *Use, Attempted Use, Possession*, acquisition, sale, or distribution of a *Prohibited Substance* or *Prohibited Method*.

**2.3.3** The *Policy Administrator's* decisions regarding which analytical method to use, which *Prohibited Substances* and *Prohibited Methods* to include on the *Prohibited List*, whether to set a *Decision Limit*, and what *Decision Limit* to set were made after careful investigation and are presumed to be scientifically valid. Accordingly, a *Player* may not satisfy their burden under this Article 2 by challenging any such *Policy Administrator* decisions.

## **2.4 Violations of Law**

**2.4.1** Notwithstanding any other provision in this Article 2, an *Anti-Doping Rule Violation* is established by a *Player's* conviction or admission to a violation of law relating to the *Use, Attempted Use, Possession*, acquisition, sale, or distribution of a *Prohibited Substance* or *Prohibited Method*. The *Policy Administrator* has the authority to make an immediate charge of an *Anti-Doping Rule Violation* and impose an immediate *Suspension* solely based upon such conviction or admission.

## **3 ARTICLE 3 - THE PROHIBITED LIST**

**3.1** The list of *Prohibited Substances* and *Prohibited Methods* (the "Prohibited List") is set forth in Appendix 2. The *Prohibited List* may be revised or updated from time to time at the discretion of the *Policy Administrator* and will take effect as specified by the *Policy Administrator*.

**3.2** The *Prohibited List* will identify which substances and methods are prohibited by this *Policy* because they have the potential to give *Players* an unfair advantage over others in sporting competitions or because they have the potential to mask the use of other *Prohibited Substances* or *Prohibited Methods*.

**3.3** The *Prohibited List* will also set *Decision Limits* to the extent necessary and appropriate.

### **3.4 Therapeutic Use Exemptions ("TUEs")**

**3.4.1** The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* will not be considered an *Anti-Doping Rule Violation* if it is consistent with the provisions of a *TUE* granted in accordance with this *Policy*.

**3.4.2** The *Use, Attempted Use* or *Possession* of a *Prohibited Substance* or a *Prohibited Method* will not be considered an *Anti-Doping Rule Violation* if it is consistent with the provisions of a *TUE* granted in accordance with this *Policy*.

**3.4.3** The *Policy Administrator* will designate the *TUE Administrator* ("TUE Administrator"). The *TUE Administrator* will be responsible for, among other duties, the process that allows *Players* to apply for a *TUE*, which includes (i) establishing and managing a secure process to receive, support and evaluate *TUE* applications, (ii) evaluating the *TUE* applications, and (iii) recording and communicating the outcome of the *TUE* applications. The *TUE Administrator* must be a physician licensed and in good standing by the medical board of any state in the United States.

### **3.4.4 TUE Application Process**

**3.4.4.1** All *Players* requesting a *TUE* must fill out a *TUE Application Form* and submit the completed *TUE* application to the *TUE Administrator* as soon as possible. Except in emergency situations (as determined by the *TUE Administrator*), *Players* must not begin any medical treatments involving a *Prohibited Substance* or *Prohibited Method*,

until after such *Player* has been granted a *TUE* for such *Prohibited Substance* or *Prohibited Method*.

- 3.4.4.2** After all requested medical documentation has been submitted by the *Player*, the *TUE Administrator* will promptly evaluate and issue a decision regarding the *Player's TUE* application.

### **3.4.5 Retroactive TUE Applications**

If a *Player* (i) is using a *Prohibited Substance* or *Prohibited Method* at the time that this *Policy* goes into effect, such that the *Player* is unable to apply for a *TUE* prior to using such *Prohibited Substance* or *Prohibited Method*, or (ii) undergoes emergency medical treatment (as determined by the *TUE Administrator*), in either case of clause (i) or (ii), the *TUE Administrator* will permit such *Player* to apply for a retroactive *TUE*; provided, that such *Player* must in all cases submit the applicable *TUE Application Form* and any supporting medical documentation as soon as possible.

### **3.4.6 Expiration, Withdrawal or Reversal of a TUE**

- 3.4.6.1** A *TUE* granted pursuant to this *Policy*: (a) will expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) will be withdrawn if the *Player* does not promptly comply with any requirements or conditions imposed by the *TUE Administrator* upon granting the *TUE*; and (c) may be withdrawn by the *TUE Administrator* if it is subsequently determined that the criteria for grant of a *TUE* are not in fact met.

### **3.4.7 Reviews and Appeals of TUE Decisions**

- 3.4.7.1** The *TUE Administrator's* decision to deny a *Player's TUE* application may be appealed by the *Player* in accordance with Article 7.1.2.
- 3.4.7.2** A failure by the *TUE Administrator* to review a *TUE* application or render a decision within a reasonable time on a properly submitted application for grant of a *TUE* will be considered a denial of the *TUE* application, thus triggering the applicable rights of review and appeal.

## **4 ARTICLE 4 – SPECIMEN COLLECTION**

- 4.1** The *Policy Administrator* has authority to require a *Player* to submit to doping control testing at any time during the *In-Competition* period, at the *Event Venue*, and for any reason in furtherance of this *Policy*.
- 4.2** The *Policy Administrator* will designate the Collection Vendor ("Collection Vendor"). The *Collection Vendor* will be responsible for, among other duties, specimen collection, storage, and transportation to the designated *Testing Laboratory*. The *Collection Vendor's* written protocols and chain-of-custody documents must utilize best practices that are consistent with generally accepted scientific principles relevant to the collection, storage, and transportation of the types of substances tested for under this *Policy*.
- 4.3** Any *Player* who has been selected for doping control testing must be provided with written notice of such selection and the time and place of the test.
- 4.4** If a *Player* receives notice of testing pursuant to Article 4.3, the *Player* must appear at the noticed location and time and must furnish a specimen to the authorized specimen collector. The specimen will be split into an "A" sample and a "B" sample.

- 4.4.1 The *Collection Vendor* will ensure that the *Player's* name does not appear on any documentation for the specimen. Instead, the *Policy Administrator* will provide a control identification number for the *Player* and the specimen will be documented using that number.
- 4.4.2 If the specimen collector reasonably believes that the *Player* is evading testing, the collector will report the matter to the *Collection Vendor* and/or the *Policy Administrator*.
- 4.5 The *Player's* specimen will be collected, stored, and transported to the designated *Testing Laboratory* according to the written protocols and using the chain-of-custody documents referenced in Article 4.2.

## 5 ARTICLE 5 – TESTING AND RESULTS NOTIFICATION

- 5.1 The *Policy Administrator* will designate a Chief Forensic Toxicologist (“Chief Forensic Toxicologist”). The *Chief Forensic Toxicologist* will be responsible for, among other duties, (i) auditing the operation of *Testing Laboratories*, including the implementation of procedures, laboratory analysis of specimens and documentation; (ii) consulting with the *Policy Administrator* and *Collection Vendor* as appropriate; (iii) reviewing and certifying laboratory results; and (iv) providing advice and consultation to the *Policy Administrator* in connection with other matters including existing and proposed analytical methods and anti-doping-related research. The *Chief Forensic Toxicologist* must be a forensic toxicologist who is board certified in the United States and in good standing.
- 5.2 The *Policy Administrator* (in consultation with the *Chief Forensic Toxicologist*) will designate the Testing Laboratory or Laboratories (“Testing Laboratory or Laboratories”). The *Testing Laboratory or Laboratories* must be accredited for anti-doping analysis and perform anti-doping testing for other elite professional sports organizations.
- 5.3 The designated *Testing Laboratory* will analyze the *Player's* “A” sample and report the results to the *Policy Administrator* in conformity with the *International Standard for Laboratories*.
- 5.3.1 The *Testing Laboratory* will ensure that the *Player's* name does not appear on any documentation for the specimen. The same control identification number used by the *Collection Vendor* will be used by the *Testing Laboratory* and the specimen will be documented using that number.
- 5.3.2 All screening and confirmatory tests will be done on state-of-the-art equipment and will principally involve the use of GC/MS or LC/MS equipment.
- 5.4 If a *Positive Test Result* on the *Player's* “A” sample is confirmed, the *Policy Administrator* will match the control identification number with the *Player's* name, notify the *Player* in writing of the positive result (an “Initial Results Notice”), and request that the *Player* contact the *Policy Administrator* to discuss the result and the scheduling of the “B” sample analysis.
- 5.5 The *Policy Administrator* has authority to impose a *Provisional Suspension* on the *Player* pending the result of the “B” sample analysis. If the *Policy Administrator* makes a decision to impose such a *Provisional Suspension*, the *Policy Administrator* will notify the *Player* in the *Initial Results Notice*.
- 5.6 Any *Player* who receives an *Initial Results Notice* may either accept the discipline or await the results of the analysis of the *Player's* “B” sample. The *Policy Administrator* has discretion to decide whether, to what extent, and under what terms and conditions to allow a representative of the *Player* to attend the “B” sample analysis.



5.7 The same *Testing Laboratory* that conducted the “A” sample analysis will conduct the “B” sample analysis. The *Testing Laboratory* will report the results of the “B” sample analysis to the *Policy Administrator* in conformity with the *International Standard for Laboratories*.

5.8 The *Policy Administrator* will provide written notice to the *Player* if the “B” sample analysis does not confirm the *Positive Test Result* on the “A” sample. If the “B” sample analysis generates a *Positive Test Result* and the *Chief Forensic Toxicologist* certifies that result, the *Policy Administrator* will provide written notice to the *Player* of the positive result.

## 6 ARTICLE 6 – SANCTIONS

6.1 The *Policy Administrator* has authority to charge a *Player* with an *Anti-Doping Rule Violation* and to impose a sanction. If there is a decision to charge the *Player*, the *Policy Administrator* will provide written notice to the *Player* (“Charging Notice”) of the decision to charge, the applicable rule or rules that are alleged to have been violated, the sanction, and any *Provisional Suspension* as appropriate. The *Policy Administrator* will also inform the *Player* in the *Charging Notice* of the *Player’s* right to timely appeal to a hearing officer and the deadline for any such appeal. If the *Policy Administrator* determines that the *Player’s* alleged conduct constitutes both an *Anti-Doping Rule Violation* and a “Program Violation” under the LIV Golf Substances of Abuse Policy (e.g., evading testing), the *Policy Administrator* will charge the conduct under this *Policy*.

### 6.2 Disqualification of Results

6.2.1 The *Policy Administrator* has discretion to *Disqualify* all of the *Player’s* individual results at *Events* obtained beginning from the date of the *Anti-Doping Rule Violation* (if the *Anti-Doping Rule Violation* occurred at or in connection with an *Event*, such date begins to run from the beginning of the *Event*) through the commencement of any *Provisional Suspension* or *Suspension* period, with all of the resulting consequences, including forfeiture of any points and prizes; provided, the *Policy Administrator* has discretion not to *Disqualify* one or more of such results if fairness so requires.

6.2.2 If the *Player* establishes that they bear *No Fault or Negligence* for the *Anti-Doping Rule Violation*, (i) the *Player’s* individual results at the *Event* at which the *Anti-Doping Rule Violation* occurred will still be *Disqualified* as provided above, but (ii) the *Player’s* individual results at other *Events* will not be *Disqualified*, unless the *Player’s* results at such other *Events* were likely to have been affected by the *Player’s* *Anti-Doping Rule Violation*.

6.2.3 If LIV Golf recovers prize money forfeited as a result of an *Anti-Doping Rule Violation*, it will take reasonable measures to allocate and distribute this prize money to the *Players* who would have been entitled to it had the forfeiting *Player* not competed.

### 6.3 Fines and Suspensions

6.3.1 Subject to Article 6.4, a *Player* who commits an *Anti-Doping Rule Violation* will be subject to discipline by LIV Golf as set forth below:

6.3.1.1 1<sup>st</sup> Violation: \$500,000 fine and *Suspension* for three (3) *Events*.

6.3.1.2 2<sup>nd</sup> Violation: \$1,000,000 fine and *Suspension* for five (5) *Events*.

6.3.1.3 3<sup>rd</sup> Violation: \$5,000,000 fine and lifetime *Suspension*.

### 6.4 Aggravating and Mitigating Circumstances

- 6.4.1** If the *Policy Administrator* establishes that an *Anti-Doping Rule Violation* includes *Aggravating Circumstances*, then the *Suspension* period otherwise applicable will be increased by an additional period of up to two (2) *Events* depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Player* can establish that they did not knowingly commit the *Anti-Doping Rule Violation*.
- 6.4.2** If the *Policy Administrator* determines that there are relevant *Mitigating Circumstances* related to an *Anti-Doping Rule Violation*, the *Policy Administrator* will have the ability, in its discretion, to decrease the applicable fine by up to 75% (e.g., \$500,000 fine can be reduced to a minimum of \$125,000) and/or reduce the applicable *Suspension* period by up to two *Events* (e.g., five (5) *Event Suspension* can be reduced to three (3) *Event Suspension*) based on such *Mitigating Circumstances*. In the case of a *Player's* third *Anti-Doping Rule Violation* that results in a lifetime *Suspension*, the *Policy Administrator* will have the ability, in its discretion, to reduce the *Suspension* to no less than one (1) calendar year based on *Mitigating Circumstances*.

## **6.5 Scope of Suspensions**

- 6.5.1** Any *Player* subject to a *Suspension* under this *Policy* will be prohibited from participating in or attending any *Events*, as well as from training with other *Players*, until such period of *Suspension* has expired.

## **7 ARTICLE 7 – DISPUTES AND APPEALS TO HEARING OFFICER**

This Article 7 sets forth the process by which anti-doping cases will be resolved. The process is designed to be fair, expeditious, and efficient.

### **7.1 Disputes and Grounds for Appeal.**

- 7.1.1** Any *Player* who receives a *Charging Notice* may appeal the decision to charge, the sanction (including *Suspension*), and/or the *Provisional Suspension* to a hearing officer. If the *Player* does not appeal or fails to timely appeal, the sanction becomes final and will begin immediately. If the *Player* has served any portion of a *Provisional Suspension* imposed by the *Charging Notice*, such portion will be deducted from any final *Suspension* as time already served.
- 7.1.2** Any *Player* who has a grievance arising under this *Policy*, other than with respect to an *Anti-Doping Rule Violation* charge, sanction, or *Provisional Suspension*, must present such grievance to the *Policy Administrator* within five (5) business days of when the *Player* knew or should have known the grievance. The *Policy Administrator* will issue a written decision and a notice of decision on the grievance within thirty (30) business days. If the *Player* is unsatisfied with the *Policy Administrator's* decision, the *Player* may appeal the decision to a hearing officer.
- 7.1.3** A *Player* may not challenge the decisions designating the *Chief Forensic Toxicologist*, the *Collection Vendor*, or the *Testing Laboratory*, or the decision to use an analytical method, to include or not include a drug or substance on the *Prohibited List*, or to set or not set a *Decision Limit*.

### **7.2 Procedure and Process for Appeal.**

- 7.2.1** To timely appeal, a *Player* must submit to the *Policy Administrator* a notice of appeal in writing within five (5) business days of receiving written notice of the decision being appealed.

- 7.2.2 LIV Golf will maintain a list of approved, independent arbitrators with experience in elite professional golf, which list may not include any person who holds any current, paid position within LIV Golf. The hearing officer will conduct all matters relating to the appeal hearing and will be bound by this *Policy*.
- 7.2.3 The appeal hearing will be scheduled to take place on the fourth Tuesday following the notice of appeal, absent agreement by the parties or order of the hearing officer; provided that, in no event will the rescheduled date fall more than one (1) week after the originally scheduled date.
- 7.2.4 Hearings will be conducted by video or audio conference call, absent agreement by the parties or order of the hearing officer. At the appeal hearing, the *Player* may be represented by counsel. The *Policy Administrator* may prosecute the case by designee. Either party may present relevant evidence by documents or testimony.
- 7.2.5 Within three (3) business days after the appeal hearing or the receipt of the transcript, whichever is later, the hearing officer will evaluate the evidence and will issue a summary ruling. The hearing officer will issue a formal written opinion within ten (10) business days after the appeal hearing or the receipt of the transcript, whichever is later. The formal written opinion will constitute the final decision of the hearing officer. Unless there is a timely appeal to JAMS under Article 9, the hearing officer's final decision will constitute a full, final, and complete disposition of the appeal and will be binding on all parties.

## **8 ARTICLE 8 – PRE-HEARING DISCOVERY AND SUBMISSIONS**

### **8.1 Automatic Disclosures.**

- 8.1.1 If a *Player* appeals a decision to charge, sanction, and/or *Provisional Suspension* based on a *Positive Test Result*, within five (5) business days of the notice of appeal, the *Policy Administrator* will provide the *Player* with the correspondence relating to the *Positive Test Result* and the *Standard Laboratory Documentation Package*.

### **8.2 Pre-Hearing Discovery.**

- 8.2.1 Within seven (7) business days of the notice of appeal, the *Player* and the *Policy Administrator* may make any written requests for discovery to the other party relevant to the grounds for appeal or a defense to the appeal. Within this period, the *Player* must also advise the *Policy Administrator* if the *Player* seeks the testimony of any *Policy* personnel at the appeal hearing.
- 8.2.2 If there is no objection to a request for discovery, the requested documents will be provided within five (5) business days or as soon as the documents are obtained, and/or the requested witnesses will be made available for the hearing, as appropriate. If there is an objection to a request for discovery, the objection must be promptly submitted via conference call to the hearing officer for decision.
- 8.2.3 The *Player* must make any requests for information or requests for testimony from *Policy* personnel through the *Policy Administrator*.

### **8.3 Submissions.**

- 8.3.1 No later than four (4) business days prior to the hearing, the *Player* will complete and submit a statement setting forth the *Player's* specific grounds for appeal and identifying supporting facts in the form of proffered testimony or documentary evidence. The parties are precluded from introducing at the hearing any evidence relating to any issues outside of that set forth in the *Charging Notice* and the *Player's* appeal statement, absent a showing of extraordinary circumstances.

**8.3.2** No later than four (4) business days prior to the hearing, the parties will exchange copies of any exhibits upon which they intend to rely and a list of witnesses expected to provide testimony. The parties are precluded from introducing any exhibits at the hearing that were not provided by this deadline and from presenting any testimony at the hearing from any witnesses who were not identified by this deadline, absent a showing of extraordinary circumstances.

**8.3.3** The parties are not permitted to submit post-hearing briefs.

## **9 ARTICLE 9 – FURTHER APPEAL TO JAMS ARBITRATION**

**9.1** If either the *Player* or the *Policy Administrator* is unsatisfied with the hearing officer's final decision, they have a right to timely request a JAMS arbitration before a panel of three (3) arbitrators from a list of independent JAMS arbitrators maintained by LIV Golf.

**9.2** To appeal the hearing officer's final decision, the *Player* or the *Policy Administrator* must submit a written request for an arbitration to JAMS within five (5) business days of the hearing officer's issuance of the final decision.

**9.3** The JAMS arbitration will be conducted pursuant to its Comprehensive Rules, except, if any such rule conflicts with any provision of this *Policy*, the provision of this *Policy* will apply in lieu of the conflicting rule. In addition, the JAMS panel's authority to order discovery from a party is limited to the scope of the hearing officer's authority.

**9.4** The decision of the JAMS panel will constitute a full, final, and complete disposition of the appeal and will be binding on all parties. No party will have any further right of review.

## **10 ARTICLE 10 - CONFIDENTIALITY**

**10.1** Except as expressly allowed by this *Policy* or otherwise agreed to by the *Policy Administrator* and the *Player*, public disclosure, directly or indirectly, of information concerning positive doping control tests, appeals, or other violations of this *Policy* is not permitted.

**10.2** After notice has been provided to a *Player* of a *Provisional Suspension* or *Suspension*, the *Player's* name and the length of the *Suspension* will be added to the LIV Golf's *Suspension* list, which will be published on LIV Golf's website. This will be revised or updated in accordance with any final result of any appeal or with any acceptance of the *Suspension*.

**10.3** The *Policy Administrator* may otherwise publicly announce or acknowledge facts or allegations relating to a *Player* under this *Policy* if those facts or allegations are previously made public through a source other than LIV Golf, the *Policy Administrator* or *Policy* personnel.

**10.4** The *Policy Administrator* may publicly disclose information relating to a *Player* to maintain confidence in the credibility of the *Policy* and *Policy* personnel or to correct inaccurate public claims made by that *Player* or the *Player's* representatives about the operation of the *Policy*, sanction, underlying facts or allegations, or appeals or review process.

## **11 ARTICLE 11 – DESTRUCTION OF SPECIMENS**

**11.1** Unless otherwise agreed by the *Policy Administrator* and the *Player*, the *Testing Laboratory* or *Laboratories* will ensure the destruction of negative specimens ninety (90) days following analysis and positive specimens thirty (30) days following final adjudication of any appeal based on the positive specimen.

## **12 ARTICLE 12 - STATUTE OF LIMITATIONS**

**12.1** No *Anti-Doping Rule Violation* proceeding may be commenced against a *Player* unless the *Player* has been notified of the *Anti-Doping Rule Violation*, or notification has been reasonably

attempted, within four (4) years from the date the *Anti-Doping Rule Violation* is asserted to have occurred.

**13 ARTICLE 13 - INTERPRETATION**

- 13.1 Where the term “days” is used in this *Policy*, it will mean calendar days unless otherwise specified.
- 13.2 Dates and times under this *Policy* refer to Greenwich Mean Time (GMT).
- 13.3 This *Policy* will be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 13.4 The Introduction and each Appendix will be considered integral parts of this *Policy*.
- 13.5 The headings used for the various Parts and Articles this *Policy* are for convenience only and will not be deemed part of the substance of this *Policy* or to affect in any way the language of the provisions to which they refer.
- 13.6 This *Policy* will not apply retroactively to matters pending before the date it enters into force.
- 13.7 This *Policy* will enter into force on July 14, 2023 and may be modified, amended, or otherwise updated from time to time by LIV Golf in its sole discretion.

## APPENDIX 1 - DEFINITIONS

<b><i>Aggravating Circumstances</i></b>	Circumstances involving, or actions by, a <i>Player</i> that may justify the imposition of a <i>Suspension</i> period greater than the standard sanction. Such circumstances and actions will include, but are not limited to (i) the <i>Player's</i> degree of fault; (ii) the <i>Player Using</i> or <i>Possessing</i> multiple <i>Prohibited Substances</i> and/or <i>Prohibited Methods</i> ; (iii) the <i>Player Using</i> or <i>Possessing</i> a <i>Prohibited Substance</i> and/or <i>Prohibited Method</i> on multiple occasions or committing multiple other <i>Anti-Doping Rule Violations</i> ; (iv) the <i>Player</i> engaging in deceptive or obstructive conduct to avoid the detection and/or adjudication of an <i>Anti-Doping Rule Violation</i> ; or (v) the <i>Player</i> tampering or attempting to tamper with doping test results. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also be considered by the <i>Policy Administrator</i> when determining the applicable sanction.
<b><i>Anti-Doping Rule Violation</i></b>	Has the meaning set forth in <u>Article 1</u> .
<b><i>Attempt to Use or Attempted Use</i></b>	Has the meaning set forth in <u>Article 1.2.2</u> .
<b><i>Charging Notice</i></b>	Has the meaning set forth in <u>Article 6.1</u> .
<b><i>Chief Forensic Toxicologist</i></b>	The individual designated by the <i>Policy Administrator</i> as the "Chief Forensic Toxicologist", with the duties set forth in <u>Article 5</u> of this <i>Policy</i> .
<b><i>Collection Vendor</i></b>	The vendor designated by the <i>Policy Administrator</i> as the "Collection Vendor", with the duties set forth in <u>Article 4</u> of this <i>Policy</i> .
<b><i>Competition</i></b>	With respect to each <i>Event</i> , the period beginning from the first ball being struck for whichever occurs first between (a) the pro-am (if any) and (b) the official golf competition, until one (1) hour after the conclusion of the <i>Event</i> . For the avoidance of doubt, the <i>Event</i> will be deemed to conclude for a <i>Player</i> once such <i>Player</i> completes his final round of the <i>Event</i> .
<b><i>Decision Limit</i></b>	The quantitative reporting threshold for a substance in a specimen, above which will be deemed a <i>Positive Test Result</i> for such substance.

<b><i>Disqualification</i></b>	A <i>Player's</i> results in a particular <i>Event</i> are invalidated, with all resulting consequences, including forfeiture of any points and prizes.
<b><i>Event</i></b>	Any golf tournament staged by or on behalf of LIV Golf.
<b><i>Event Venues</i></b>	Those venues so designated by LIV Golf.
<b><i>In-Competition:</i></b>	The period commencing at 11:59 p.m. on the day before the <i>Competition</i> in which the <i>Player</i> is scheduled to participate through the end of such <i>Competition</i> and the specimen collection process related to such <i>Competition</i> .
<b><i>Initial Results Notice</i></b>	Has the meaning set forth in <u>Article 5.4</u> .
<b><i>International Laboratories</i></b>	<b><i>Standard for</i></b> The International Anti-Doping Standard for specimen analysis established by <i>WADA</i> .
<b><i>League</i></b>	A professional worldwide golf competition operated by LIV Golf, currently consisting of a season-long, team and individual concurrent world championship played as a series of events.
<b><i>LIV Golf Rules and Regulations</i></b>	The regulations of the <i>League</i> , as amended or otherwise modified from time to time, along with any directives, by-laws, rules, resolutions, codes, regulations and guidance notes and any other order or direction issued by LIV Golf relating or connected to the <i>League</i> .
<b><i>Marker</i></b>	A compound, group of compounds or biological variable(s) that indicates the use of the substance.
<b><i>Metabolite</i></b>	Any substance produced by a biotransformation process.

***Mitigating Circumstances***

Circumstances involving, or actions by, a *Player* that may justify the reduction of a fine or *Suspension* period. Such circumstances and actions will include, but are not limited to (i) the *Player's* degree of fault (including *No Fault or Negligence*); (ii) whether it is the *Player's* first offense under this *Policy*; (iii) the degree to which the *Player* is forthright regarding the facts and circumstances surrounding the *Anti-Doping Rule Violation*; (iv) the *Player's* cooperation with LIV Golf and the *Policy Administrator* with respect to the investigation and adjudication of any *Anti-Doping Rule Violation*; and (v) if a *Player* voluntarily admits to an *Anti-Doping Rule Violation* before the *Player* receives an *Initial Results Notice* or a *Charging Notice*. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also be considered by the *Policy Administrator* when determining the applicable sanction.

***No Fault or Negligence***

The *Player* establishing that he did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he had used or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. For any violation of Article 1.1 (Presence), the *Player* must also establish how the *Prohibited Substance* entered the *Player's* system.

***Person***

A natural person or an organization or other entity.

***Players***

Any golfer who has been paid to become a member of the *League* or who has otherwise been contracted by LIV Golf to participate in one or more *Event(s)*; provided, that, for the avoidance of doubt, all reserve players and/or "Wildcard" players of the *League* and players eligible to become reserve players and/or "Wildcard" players will be deemed "Players" for purposes of this *Policy*.

***Policy***

Has the meaning set forth in the "Preface" section of the Introduction.

***Policy Administrator***

The individual designated by LIV Golf as the "Policy Administrator", with the duties set forth in the "Preface" section of the Introduction.



<b>Positive Test Result</b>	If there is no <i>Decision Limit</i> for the substance, testing found the presence of the <i>Prohibited Substance</i> or its <i>Metabolites</i> or <i>Markers</i> at any level. If there is a <i>Decision Limit</i> for the substance, testing found the presence of the <i>Prohibited Substance</i> or its <i>Metabolites</i> or <i>Markers</i> at a level beyond that applicable <i>Decision Limit</i> .
<b>Possess or Possession</b>	Has the meaning set forth in <a href="#">Article 1.3.1</a> .
<b>Presence or Present</b>	Has the meaning set forth in <a href="#">Article 1.1.1</a> .
<b>Prohibited List</b>	Has the meaning set forth in <a href="#">Article 3.1</a> .
<b>Prohibited Method</b>	Any method so described on the <i>Prohibited List</i> .
<b>Prohibited Substance</b>	Any substance, or class of substances, so described on the <i>Prohibited List</i> .
<b>Provisional Suspension</b>	A <i>Suspension</i> imposed on a <i>Player</i> prior to the sanction becoming final.
<b>Standard Laboratory Documentation Package</b>	The documentation set forth on <a href="#">Appendix 3</a> .
<b>Suspension</b>	A <i>Player</i> is barred from participating in any <i>Event</i> for a specified period of time as part of a sanction.
<b>Team</b>	Has the meaning given in the <i>LIV Golf Rules and Regulations</i> . <sup>1</sup>
<b>Testing Laboratory or Laboratories</b>	The laboratory or laboratories designated by the <i>Policy Administrator</i> as the “Testing Laboratory or Laboratories”, with the duties set forth in <a href="#">Article 5</a> of this <i>Policy</i> .
<b>TUE</b>	Therapeutic Use Exemption.
<b>TUE Administrator</b>	The individual designated by the <i>Policy Administrator</i> as the “TUE Administrator”, with the duties set forth in <a href="#">Article 3.4.3</a> of this <i>Policy</i> .

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<sup>1</sup> Definition of “Team” in LIV Golf Rules and Regulations is: “Collectively, the Players selected by a Team Captain to participate as a ‘Team’ in the League in accordance with these Rules and Regulations or as may otherwise be designated as a member of the ‘Team’ in accordance with these Rules and Regulations.”

***TUE Application Form***

The form for *TUE* applications available on the LIV Golf website, as such form may be modified or amended from time to time in the TUE Administrator's discretion.

***Use***

Has the meaning set forth in [Article 1.2.1](#).

***WADA***

The World Anti-Doping Agency.

**APPENDIX 2 – PROHIBITED LIST**

[See attached.]

**APPENDIX 3 – STANDARD LABORATORY DOCUMENTATION PACKAGE**

[See attached.]