

# Professional Fighters League Whereabouts Policy

Effective July 11, 2023

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## 1. General Principles

The *Professional Fighters League* (“PFL”) *Whereabouts Policy* (“Whereabouts Policy”) is based upon the relevant provisions of the *PFL Anti-Doping Policy* (the “PFL ADP”) and the *World Anti-Doping Code International Standard for Results Management*. *International Standards* may be used to interpret this Whereabouts Policy, unless there is a conflict, in which case this Whereabouts Policy shall prevail. All *Athletes*<sup>1</sup> meeting the criteria outlined in the *PFL ADP* must comply with the requirements in this Whereabouts Policy.

## 2. PFL Registered Testing Pool

The *PFL Registered Testing Pool* (“PFL RTP”) is comprised of *Athletes* subject to *Testing* by *USADA* as identified in the *PFL ADP* (under the heading “Scope and Application of the Policy”) who compete in the *PFL League Season* or *PFL PPV Super Fights* events and are thereby required to file whereabouts information as described in this Whereabouts Policy. The *PFL RTP* may also include: (1) any *Athletes* who are returning from retirement and who are required to return to the *PFL RTP* pursuant to Article 5.7 of the *PFL ADP* or (2) certain *Athletes* who are serving a period of *Ineligibility* for an *PFL ADP* Anti-Doping Policy violation and whom *USADA* determines must provide whereabouts to facilitate *Out-of-Competition Testing*. Once notified of their inclusion, *Athletes* remain in the *PFL RTP* until they receive written notice from *USADA* that they have been removed from the *PFL RTP*. As provided in this Whereabouts Policy, *Athletes* meeting the criteria outlined above are considered to be part of the *PFL RTP*.

## 3. Whereabouts Obligations

- a. As part of their whereabouts obligations, all *Athletes* in the *PFL RTP* must:
  - i. At the time of admission to the *PFL RTP* and annually thereafter, complete the *USADA* online education module or an alternative education program provided or approved by *USADA*;
  - ii. At the time of admission to the *PFL RTP*, and quarterly thereafter, fully and accurately complete and timely submit their *PFL* whereabouts filing;
  - iii. Immediately upon learning that any information in a previously provided whereabouts filing is incomplete, inaccurate, or has changed, communicate such changed information to *USADA* by updating the whereabouts filing or submitting a change of plan; and
  - iv. Provide daily accessibility for *Testing* during the precise times and at the precise locations specified on the *Athlete’s* whereabouts filing for the entire periods designated by the *Athlete* on the *Athlete’s* whereabouts filing.

## 4. Whereabouts Filings

Up to date whereabouts information that must be provided by *Athletes* in the *PFL RTP* as required by the *PFL ADP* and this Whereabouts Policy includes:

- a. A complete mailing address where correspondence and notices involving anti-doping matters may be sent to the *Athlete*;
- b. An email address where correspondence and notices involving anti-doping matters may be sent to the

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<sup>1</sup> Capitalized and italicized terms have the meaning set forth in the Definitions Section of the *PFL ADP*.  
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*Athlete*;

- c. The *Athlete's* primary phone number;
- d. The name and detailed contact information for any representative designated by the *Athlete* and authorized to receive any correspondence on the *Athlete's* behalf, if applicable;
- e. Details of any disability that may affect the procedure to be followed in conducting a *Sample* collection session;
- f. Confirmation of the *Athlete's* consent to the sharing of their whereabouts filing and other anti-doping information with a *Sports Organization* and other *Anti-Doping Organizations* (“*ADOs*”);
- g. The *Athlete's Bout* schedule for the quarter, including the name and address of each location where the *Athlete* is scheduled to compete during the quarter and the date(s) on which the *Athlete* is scheduled to compete at such location(s);
- h. For each day during the quarter, the full address of the place where the *Athlete* will be residing (e.g., home, temporary lodgings, hotel); and
- i. For each day during the quarter, the name and address of each location where the *Athlete* will train, work, or conduct any other regular activity, as well as the usual time-frames for such regular activities.<sup>2</sup>

## 5. *Whereabouts Failures*

The failure by any *Athlete* in the *PFL RTP* to comply with this *Whereabouts Policy* by failing to timely, accurately, and completely provide required whereabouts information and/or for being unavailable for *Testing* due to inaccurate information provided on the whereabouts filing may result in a *Whereabouts Failure*. Pursuant to the *PFL ADP*, any three *Whereabouts Failures* within a rolling 12-month period will result in an *Anti-Doping Policy Violation* (“*ADPV*”) under Article 2.4 of the *PFL ADP*.

Also, the fraudulent *Failure to Comply with whereabouts requirements* could result in an *ADPV* pursuant to *PFL ADP* Article 2.3 for evading *Sample* collection or *PFL ADP* Article 2.5 for *Tampering* or *Attempted Tampering* with any part of *Doping Control*.

*USADA* may combine *Whereabouts Failures* declared by any *Code Signatory ADO* for purposes of declaring an *ADPV* under Article 2.4 of the *PFL ADP*. *USADA* may also take into consideration *Whereabouts Failures* declared by any *Sports Organizations*. Therefore, for example, if an *Athlete* received two *Whereabouts Failures* from *USADA* and one *Whereabouts Failure* from any *Signatory ADO* or *Sports Organization* during a 12-month period, the *Athlete* may be considered to have committed an *ADPV* and be subject to a presumptive sanction of between six months and two years *Ineligibility* for a first offense.

*Whereabouts Failures* committed by the *Athlete* prior to retirement, as described in the *PFL ADP*, may be combined, for purposes of *PFL ADP* Article 2.4, with *Whereabouts Failures* committed by the *Athlete* after the *Athlete* again becomes available for *Out-of-Competition Testing*. Stated differently, the 12-month period is tolled while the *Athlete* is retired or not available for *Out-of-Competition Testing*. For example, if an *Athlete* committed two *Whereabouts Failures* in the six months prior to their retirement, then if they commit another *Whereabouts Failure* in the first six months in which they are again available for *Out-of-Competition Testing*, that amounts to a *PFL ADP* Article 2.4 *ADPV*.

## 6. Results Management

When reviewing whether a *Whereabouts Failure* or an *ADPV* has occurred based on circumstances related to an *Athlete's* whereabouts and/or whereabouts responsibilities and when prosecuting any *Whereabouts Failure*,

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<sup>2</sup> The *Athlete* must provide sufficient information to enable a *Doping Control Officer* to find the location, to gain access to the location, and to find the *Athlete* at the location. For example, declarations such as “running in Rocky Mountain National Park” are insufficient.

USADA will apply the standards set forth below.

a. *Whereabouts Failures*

- i. When making a whereabouts filing, it is the *Athlete's* responsibility to ensure that they provide all required information accurately and in sufficient detail to enable the *Athlete* to be located by USADA, or USADA's designee, for *Testing* on any given day in the quarter. USADA will rely on this information to conduct *Testing* in accordance with the purpose of the PFL ADP and expects that *Athletes* will be available at the specific times and locations designated on their whereabouts filings. Therefore, under the PFL ADP and this Whereabouts Policy, the following are the ways in which *Athletes* in the PFL RTP may be subject to a *Whereabouts Failure*:

- 1) Failure to submit a completed whereabouts filing by the specified deadline;
- 2) Failure to promptly update a whereabouts filing upon learning that information on the whereabouts filing has changed, will change, or is otherwise no longer accurate;
- 3) Providing insufficient information on a whereabouts filing or update to enable the *Athlete* to be located for *Testing*; and
- 4) Failure by the *Athlete* to make themselves available for *Testing* due to the *Athlete* providing inaccurate information on their whereabouts filing.

An *Athlete* may receive a *Whereabouts Failure* for each occurrence of one of the foregoing failures, subject to Paragraph 6(a)(iv)(1).

- ii. If USADA suspects a *Whereabouts Failure*, USADA will confirm that the *Athlete* is in the PFL RTP, was notified of their inclusion and responsibility to make whereabouts filings and that the Doping Control Officer made a proper and valid attempt.
- iii. Next, USADA will confirm that the *Athlete* failed to comply with at least one of the applicable whereabouts requirements set forth in Paragraphs 4(a)-(i).
- iv. The *Athlete* should be sent initial notice of an apparent *Whereabouts Failure* no later than 14 days from the date of the discovery of the *Whereabouts Failure*. The initial notification letter will invite the *Athlete* to provide an explanation to USADA, within 14 days of the date of the initial notification letter, regarding why no whereabouts filing was filed or why incomplete or inaccurate information was submitted. The PFL will be copied on this correspondence.
- 1) An *Athlete* shall not be held responsible for subsequent *Whereabouts Failures* which occur before the *Athlete* is provided this initial notice.
  - 2) After notice is received, the *Athlete* will be responsible for subsequent *Whereabouts Failures*, including *Whereabouts Failures* that relate to the same kind of conduct involved in the prior *Whereabouts Failure* after the deadline specified in the notice (which must be within 48 hours after receipt of the notice) to file or correct the whereabouts filing.
- v. USADA staff will review any written response received from an *Athlete* and conduct further investigation, if necessary, to determine whether it is appropriate to declare a *Whereabouts Failure*.
- 1) The *Athlete's Whereabouts Failure* must be at least negligent. For these purposes, the *Athlete* will be presumed to have committed the failure negligently upon proof that they were notified of the requirements yet did not comply with them. That presumption may only be rebutted by the *Athlete* establishing that no negligent behavior on their part caused or contributed to the failure.
  - 2) Examples where USADA would not find it appropriate to declare a *Whereabouts Failure* include

family emergencies (and the emergency was ongoing at the time of the *Whereabouts Failure*), instances where valid attempts to file by the *Athlete* were unsuccessful, or other circumstances where the *Athlete* was not at fault for their failure to comply with this Whereabouts Policy.

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- vi. Provided no additional investigation is necessary, the *Athlete* should be sent notice of USADA's final decision within 14 days of receipt of the *Athlete's* response. This correspondence will also be made available to the PFL.<sup>3</sup>
  - vii. Upon the issuance of the third *Whereabouts Failure* within a rolling 12-month period, and before the determination that an ADPV has occurred, the *Athlete* may contest USADA's decision to declare a *Whereabouts Failure* on any or all of the *Whereabouts Failures* to an independent administrative review panel. The *Athlete's* request for review by the independent administrative review panel must be made within 14 days of the date of the issuance of the *Athlete's* third *Whereabouts Failure*.
  - viii. The administrative review panel shall be comprised of three individuals nominated by USADA's Board of Directors or USADA's CEO and selected by a designated staff member who was not involved in the previous assessment of the alleged *Whereabouts Failure*.
  - ix. Review of USADA's decision shall be based on written submittals only and shall not be considered a hearing.
  - x. The decision of the administrative review panel shall not be binding in any subsequent hearing initiated by the *Athlete* to contest the determination that the *Athlete* has three *Whereabouts Failures* or has otherwise committed an ADPV.
  - xi. Any decision by the administrative review panel and any materials submitted to the panel may be relied upon by any party in any subsequent proceeding where the alleged *Whereabouts Failure* or other ADPV is at issue.
  - xii. The review should be completed within fourteen days of the request by the *Athlete* and the final decision should be communicated to the *Athlete* no more than seven days following the decision of the panel. This correspondence will also be made available to the PFL.
  - xiii. At all times, USADA will make every effort to adhere to and strictly enforce the timelines set forth in Paragraphs 6(a)(iv), (vi), (vii) and (xii); however, the departure from the timelines shall not invalidate or otherwise prevent USADA from declaring a *Whereabouts Failure* pursuant to the process outlined above.

b. Hearing

No *Athlete* shall be disciplined for having three *Whereabouts Failures* within a 12-month period or for providing fraudulent information in their whereabouts filing, for evading *Sample* collection, *Tampering* or any other violation of this Whereabouts Policy without having been offered an opportunity to request a full evidentiary hearing in accordance with Article 8 of the PFL ADP.

7. Effective Date

The effective date of this PFL *Whereabouts Policy* shall be July 11, 2023. This Whereabouts Policy shall not apply retroactively to matters pending before July 11, 2023.

8. Amendments

This PFL Whereabouts Policy may be amended from time to time by USADA. Unless otherwise indicated,

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<sup>3</sup> Copies of USADA's final decision letter will be sent to the PFL at the same time it is sent to the Athlete. The letter will also be uploaded to an external secure website which may be accessed by the PFL.

all amendments shall be effective no earlier than thirty (30) days after publication on the *USADA-PFL* anti-doping website ([www.PFL.USADA.org](http://www.PFL.USADA.org)), with the precise effective date (and version) to be indicated in Section 7, above. It is each *Athlete's* responsibility to regularly check the *USADA-PFL's* anti-doping website to ensure that they are consulting the most up-to-date version of this and other anti-doping related policies.