



U.S. ANTI-DOPING AGENCY
WHEREABOUTS POLICY



EFFECTIVE JANUARY 1, 2015

Effective January 1, 2015, all *Athletes*¹ in the USADA *Registered Testing Pool* (“USADA RTP”) must comply with the whereabouts requirements in this Policy, which is consistent with the World Anti-Doping Agency (“WADA”) *International Standard for Testing and Investigations* (“ISTI”).

1. USADA REGISTERED TESTING POOL

The USADA RTP is comprised of *Athletes* subject to *Testing* by USADA as set forth in Section 3 of the USADA Protocol for Olympic and Paralympic Movement Testing (“USADA Protocol”) who meet one or more of the criteria set forth in Paragraphs 1(a)-(b) of this Policy. *Athletes* in the USADA RTP are placed into two divisions — the National Testing Pool (“NTP”) and the International Testing Pool (“ITP”). As set forth below, each division within the USADA RTP has different criteria for *Athlete* inclusion and different whereabouts requirements imposed on *Athletes* within each division. U.S. National Governing Bodies (“NGBs”) may recommend to USADA that *Athletes* be removed from the RTP.

a. National Testing Pool

The NTP may include: (1) any *Athletes* who are returning from retirement and who are required to return to the USADA RTP pursuant to the World Anti-Doping Code (the “Code”) and *ISTI*; (2) certain *Athletes* who are serving a period of ineligibility for an anti-doping rule violation and whom USADA determines must provide whereabouts in order to facilitate *Out-of-Competition Testing*; or (3) any *Athletes* who USADA, within its sole discretion, determine shall be included in the RTP and have received notice from USADA of such inclusion. Once notified of their inclusion, *Athletes* remain in the NTP until they receive written notice from USADA that they have been removed from the NTP. As provided in this Policy, *Athletes* in the NTP are considered to be part of the USADA RTP.

b. International Testing Pool

The ITP may include any *Athlete* who meets criteria to be included in the NTP and has been notified of his or her inclusion in the ITP as well as any *Athletes* who are: (1) included in their respective International Federation’s (“IF”) *Registered Testing Pool*; (2) not regular members of their NGB and are expected to compete within 6 months on a USOC team in the Olympic or Paralympic Games²; (3) competing at a high level of competence or prominence in international *Competition* as determined by USADA in consultation with the *Athlete*’s NGB(s) and/or IF(s); or (4) any *Athlete* who USADA, within its sole discretion, determines shall be included in the ITP and has received notice from USADA of such inclusion. Once notified of their inclusion, *Athletes* remain in the ITP until they receive written notice from USADA that they have been removed from the ITP. As provided in this Policy, *Athletes* in the ITP are considered to be part of the USADA RTP.

2. WHEREABOUTS OBLIGATIONS

a. As part of their whereabouts obligations, **all** *Athletes* in the USADA RTP must:

- i. At the time of admission to the USADA RTP (whether NTP or ITP) and annually thereafter, complete the USADA online education module or an alternative education program provided or approved by USADA;

¹ Capitalized and italicized terms have the meaning set forth in the Definitions Section of the World Anti-Doping Code or the *International Standard for Testing and Investigations*.

² This clause is intended to cover in particular *Athletes* who are not regular members of a NGB (for example, professional basketball and hockey players) but who are identified by that NGB as being likely candidates for membership on the U.S. Olympic or Paralympic Team.

- ii. At the time of admission to the USADA RTP and quarterly thereafter, fully and accurately complete and timely submit their USADA *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;
 - iv. Provide daily accessibility for *Testing* during the 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*.
- b. Whereabouts obligations specific to ITP *Athletes*:

In addition to the whereabouts obligations outlined in Paragraph 2(a) above, each *Athlete* in the ITP must also be accessible daily during the 60-minute time slot chosen by the *Athlete* at the precise location specified on the *Athlete's Whereabouts Filing* for the entire 60-minute period as provided in the *ISTI*. The *Failure to Comply* with requirements related to the 60-minute time slot may subject the *Athlete* to a *Missed Test* determination as described in Paragraph 5(b) below. ITP *Athletes* are further required to be available for *Testing* at the precise regular locations and during the precise times specified on their *Whereabouts Filings*. The failure by an ITP *Athlete* to also make him or herself available for *Testing* outside of their 60-minute time slot may result in a *Filing Failure* as described in Paragraph 5(a) below.

- c. Whereabouts obligation specific to NTP *Athletes*:

Members of the NTP are not required to designate a 60-minute time slot, but are instead required to be available for *Testing* at the precise regular locations and during the precise times specified on their *Whereabouts Filings*.

3. **WHEREABOUTS FILING**

Up to date whereabouts information that must be provided by *Athletes* in the USADA RTP as required by the *ISTI* 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 *Athlete*;
- c. The *Athlete's* primary phone number;
- d. The name of the *Athlete's* NGB, if applicable;
- e. 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;
- f. Details of any disability that may affect the procedure to be followed in conducting a *Sample Collection Session*;
- g. Confirmation of the *Athlete's* consent to the sharing of his or her *Whereabouts Filing* and other anti-doping information with other *Anti-Doping Organizations*;
- h. The *Athlete's* *Competition* 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);

- i. For each day during the quarter, the full address of the place where the *Athlete* will be residing (e.g., home, temporary lodgings, hotel, etc.);
- j. 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 (e.g. school), as well as the usual time-frames for such regular activities;³ and
- k. For ITP members only, for each day during the quarter, one specific 60-minute time slot between 5 a.m. and 11 p.m. each day during which the *Athlete* will be available and accessible for *Testing* at a specific location.

4. **WHEREABOUTS FAILURES**

The failure by any *Athlete* in the USADA RTP to comply with USADA’s whereabouts policies by failing to timely, accurately or 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 “*Filing Failure*.” In accordance with the *ISTI*, under this Policy, ITP *Athletes* may receive a “*Missed Test*” for failing to be at the location specified during the required 60-minute window on the *Athlete’s Whereabouts Filing*. Pursuant to the *Code* and the *ISTI*, for all *Athletes* in the USADA RTP, any three *Whereabouts Failures* within a rolling twelve (12) month period will result in an anti-doping rule violation under Article 2.4 of the *Code*.

Also, the fraudulent *Failure to Comply* with whereabouts requirements could result in an anti-doping rule violation pursuant to *Code* Article 2.3 for evading *Sample* collection or *Code* Article 2.5 for *Tampering* or *Attempted Tampering* with any part of *Doping Control*.

For ITP *Athletes*, all *Whereabouts Failures* declared by any *Anti-Doping Organization* will be combined. Therefore, for example, if an ITP *Athlete* received two *Whereabouts Failures* from USADA and one *Whereabouts Failure* from the *Athlete’s IF* during a twelve (12) month period, the *Athlete* would be considered to have committed an anti-doping rule violation and be subject to a presumptive sanction of between one and two years *Ineligibility* for a first offense.

5. **RESULTS MANAGEMENT**

When reviewing whether a *Whereabouts Failure* or an anti-doping rule violation has occurred based on circumstances related to an *Athlete’s* whereabouts and/or whereabouts responsibilities and when prosecuting any *Whereabouts Failure*, USADA will apply the standards set forth below.

- a. *Filing Failures*
 - i. When making a *Whereabouts Filing*, it is the *Athlete’s* responsibility to ensure that he or she provides all required information accurately and in sufficient detail to enable the *Athlete* to be located by any *Anti-Doping Organization* wishing to locate the *Athlete* for *Testing* on any given day in the quarter. USADA will rely on this information in order to conduct *Testing* in accordance with the purpose of the *Code* and *ISTI* and expects that *Athletes* will be available at the specific times and locations designated on their *Whereabouts Filings*. Therefore, under the *ISTI*, the following are the ways in which *Athletes* in the USADA RTP may be subject to a *Filing Failure*:

³ 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.

- 1) For NTP *Athletes*:
 - a) Failure to submit a completed *Whereabouts Filing* by the specified deadline;
 - b) 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;
 - c) Providing insufficient information on a *Whereabouts Filing* or update to enable the *Athlete* to be located for *Testing*; and
 - d) Failure by the *Athlete* to make himself/herself available for *Testing* due to the *Athlete* providing inaccurate information on his/her *Whereabouts Filing*.

An NTP *Athlete* may receive a *Filing Failure* for each occurrence of one of the foregoing failures, subject to Paragraph 5(a)(iv)(1).

- 2) For ITP *Athletes*:
 - a) Failure to submit a completed *Whereabouts Filing* by the specified deadline;
 - b) 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;
 - c) Providing insufficient information on a *Whereabouts Filing* or update to enable the *Athlete* to be located for *Testing*;
 - d) Failure to designate a daily 60-minute time slot on a *Whereabouts Filing*; and
 - e) Failure by the *Athlete* to make himself/herself available for *Testing* due to the *Athlete* providing inaccurate information on his/her *Whereabouts Filing*.

An ITP *Athlete* may receive a *Filing Failure* for each occurrence of one of the foregoing failures and for each month in which he or she persists in failing to submit a complete and accurate *Whereabouts Filing*, subject to Paragraph 5(a)(iv)(1).

- ii. If USADA suspects a *Filing Failure*, USADA will confirm that the *Athlete* is in the USADA RTP and was notified of his or her inclusion and responsibility to make *Whereabouts Filings*.
- iii. Next, USADA will confirm that the *Athlete* failed to comply with the applicable whereabouts requirements set forth in Paragraphs 3(a)-(k).
- iv. The *Athlete* will be sent initial notice of an apparent *Filing Failure* no later than fourteen (14) days from the date of the discovery of the *Filing Failure*. The initial notification letter will invite the *Athlete* to provide an explanation to USADA, within fourteen (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 NGB and USOC will be copied on this correspondence.
 - 1) An *Athlete* shall not be held responsible for subsequent *Filing Failures* which occur before the *Athlete* is provided this initial notice.
 - 2) After notice is received, the *Athlete* will be responsible for subsequent *Filing Failures*, including failures that relate to the same kind of conduct involved in the prior *Filing Failure*.

- 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 *Filing Failure*.
- vi. Provided no additional investigation is necessary, the *Athlete* will be sent notice of USADA's final decision within fourteen (14) days of receipt of the *Athlete's* response. This correspondence will be made available to the NGB, USOC, IF, WADA and any other parties with a right of appeal.⁴
- vii. The *Athlete* may appeal USADA's decision to declare a *Filing Failure* to an independent administrative review panel within fourteen (14) days of the date of the final decision letter.
- viii. The administrative review panel shall be comprised of three (3) individuals nominated by USADA's Board of Directors and selected by USADA's CEO who were not involved in the previous assessment of the alleged *Filing 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 anti-doping rule violation.
- 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 anti-doping rule violation is at issue.
- xii. The review shall be completed within fourteen (14) days of the request by the *Athlete* and the final decision shall be communicated to the *Athlete* no more than (7) days following the decision of the panel. This correspondence will be made available to the NGB, USOC, IF, WADA and any other parties with a right of appeal.
- xiii. At all times, USADA will make every effort to adhere to and strictly enforce the timelines set forth in Paragraphs 5(a)(iv), (vi), (vii) and (xii); however, the departure from the timelines for good cause shall not invalidate or otherwise prevent USADA from declaring a *Filing Failure* pursuant to the process outlined above.

b. *Missed Tests*

Under the *ISTI*, an *Athlete* may only receive a *Missed Test* if he or she is unavailable for *Testing* during his or her designated 60-minute time slot. Therefore, pursuant to this Policy and consistent with the *ISTI*, only ITP *Athletes* are subject to *Missed Tests* because NTP *Athletes* are not required to provide a 60-minute time slot with their *Whereabouts Filings*. The following outlines the process for how *Missed Tests* will be handled within the results management process.

- i. A *Doping Control Officer ("DCO")* conducting a test attempt during the 60-minute time slot specified in the *Athlete's Whereabouts Filing* is required to make a reasonable effort to locate the *Athlete* at the location specified. If the *DCO* is unable to locate the *Athlete*, the *DCO* shall file an *Unsuccessful Attempt Report* with USADA, setting out the details of the attempted *Sample* collection.
- ii. USADA shall review the *DCO's Unsuccessful Attempt Report* and the *Athlete's Whereabouts Filings* to determine if there is a reasonable basis for calling the *Athlete's* unavailability a *Missed Test*.

⁴ Copies of USADA's final decision letter will be sent to the NGB and USOC 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 WADA, the *Athlete's* IF and any other parties with a right of appeal.

- iii. If there is reasonable basis to consider the *Athlete's* unavailability a *Missed Test*, the *Athlete* will be sent initial notice of the apparent *Missed Test* no later than fourteen (14) days from the date of the discovery of the *Missed Test*. The initial notification letter will invite the *Athlete* to provide an explanation to USADA, within fourteen (14) days of the date of the initial notification letter, as to why the *Athlete* was not located for *Testing* at the 60-minute location listed on the *Athlete's Whereabouts Filings*. The NGB and USOC will be copied on this correspondence.
 - 1) An *Athlete* shall not be held responsible for subsequent *Missed Tests* which occur before the *Athlete* receives this initial notice.
 - 2) After notice is received the *Athlete* will be responsible for subsequent *Missed Tests*.
 - iv. 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 *Missed Test*.
 - v. Provided no additional investigation is necessary, the *Athlete* will be sent USADA's final decision within fourteen (14) days of receipt of the *Athlete's* response. This correspondence will be made available to the NGB, USOC, IF, WADA and any other parties with a right of appeal.
 - vi. The *Athlete* may appeal USADA's decision to declare a *Missed Test* to an independent administrative review panel within fourteen (14) days of the date of the final decision letter.
 - vii. The administrative review panel shall be comprised of three (3) individuals nominated by USADA's Board of Directors and selected by USADA's CEO who were not involved in the previous assessment of the alleged *Missed Test*.
 - viii. Review of USADA's decision shall be based on written submittals only and shall not be considered a hearing.
 - ix. 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 anti-doping rule violation.
 - x. 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 anti-doping rule violation is at issue.
 - xi. The review shall be completed within fourteen (14) days of the request by the *Athlete* and the final decision shall be communicated to the *Athlete* no more than (7) days following the decision of the panel. This correspondence will be made available to the NGB, USOC, IF, WADA and any other parties with a right of appeal.
 - xii. At all times, USADA will make every effort to adhere to and strictly enforce the timelines set forth in Paragraphs 5(b)(iii), (v), (vi) and (xi); however, the departure from the timelines for good cause shall not invalidate or otherwise prevent USADA from declaring a *Missed Test* pursuant to the process outlined above.
- c. Hearing
- No *Athlete* shall be disciplined for having three *Whereabouts Failures* within a twelve (12) month period or for providing fraudulent information in his or her *Whereabouts Filings*, for evading *Sample* collection, *Tampering* or any other violation of this USADA Whereabouts Policy without having been offered an opportunity to request a full evidentiary hearing in accordance with Article 8 of the *Code* and the requirements of the USADA Protocol and the USOC Anti-Doping Policies.