

## USADA WHEREABOUTS POLICY

All *Athletes*<sup>1</sup> in the USADA *Registered Testing Pool* ("USADA RTP") must comply with the whereabouts requirements in the World Anti-Doping Agency ("*WADA*") International Standard for Testing ("*IST*") and those in this Policy.

### 1. **Whereabouts Obligations**

Whereabouts obligations for *Athletes* in the USADA RTP include:

- a. At the time of admission to the USADA RTP and annually thereafter complete the USADA online education module;
- b. At the time of admission to the USADA RTP and quarterly thereafter fully and accurately complete the USADA *Whereabouts Filing*;
- c. 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 completing a change of plan form ("*COP*");
- d. Daily be accessible for testing; during the 60 minute time slot chosen by the *Athlete* at the precise location specified on the *Whereabouts Filing* for the entire 60 minute period; and at the regular locations set forth on the *Athlete's Whereabouts Filing* at the times specified.

### 2. **Whereabouts Filing**

Up to date whereabouts information that must be provided by *Athletes* in the USADA RTP as required by the IST 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 name of the *Athlete's* national governing body ("*NGB*");
- d. Details of any disability that may affect the procedure to be followed in conducting a *Sample* collection session;
- e. 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;
- f. The *Athlete's* competition schedule for the following 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);
- g. For each day during the following quarter, the full address of the place where the *Athlete* will be residing (e.g., home, temporary lodgings, hotel, etc.);
- h. For each day during the following 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

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<sup>1</sup> Capitalized and italicized terms have the meaning set forth in the Definitions Section of the World Anti-Doping Code (the "*Code*") or the International Standard for Testing.

activities;<sup>2</sup> and

- i. For each day during the following quarter, one specific 60-minute time slot between 6 a.m. and 11 p.m. each day where the *Athlete* will be available and accessible for *Testing* at a specific location.

### 3. Whereabouts Failures

The negligent failure by any *Athlete* in the USADA RTP to comply with USADA's whereabouts policies may result in either a "*Filing Failure*" for failing to timely, accurately or completely provide required whereabouts information or a "*Missed Test*" for failing to be at the location specified during the required one hour window on the *Athlete's Whereabouts Filing*. Pursuant to the World Anti-Doping Code (the "*Code*") and the IST any three *Whereabouts Failures* within a rolling 18 month period will result in an anti-doping rules violation under Article 2.4 of the *Code*.

Also, the fraudulent failure to comply with whereabouts requirements could result in an anti-doping rules violation pursuant to *Code* Article 2.3 for evading *Sample* collection, in an anti-doping rules violation pursuant to *Code* Article 2.5 for *Tampering* or *Attempted Tampering* with any part of *Doping Control*, or in declaration of a *Whereabouts Failure* by the *Athlete*.

All *Whereabouts Failures* declared by any *Anti-Doping Organizations* after January 1, 2009 will be combined. Therefore, for example, if after January 1, 2009, an *Athlete* received two *Whereabouts Failures* from USADA and one *Whereabouts Failure* from the *Athlete's* international federation ("IF") during an eighteen 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. *Filing Failures* or *Missed Tests* declared by USADA prior to January 1, 2009, will be combined by USADA with any *Whereabouts Failures* declared by USADA or any other *Anti-Doping Organization* after January 1, 2009, for purposes of determining whether an *Athlete* has received three *Whereabouts Failures* within an 18 month period. USADA will not combine any *Whereabouts Failures* declared by other *Anti-Doping Organizations* prior to January 1, 2009, with *Whereabouts Failures* declared by USADA for purposes of the three *Whereabouts Failures* within 18 months rule.

### 4. Results Management

When reviewing whether a *Whereabouts Failure* or an anti-doping rules 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. This includes, but is not limited to, the provision of a 60-minute time slot and location, to be provided for each day of the quarter. Therefore, under the IST there are three ways in which an *Athlete* may be subject to a *Filing Failure*: (1) failure to submit a completed *Whereabouts Filing* by the specified deadline, (2) failing to promptly update a *Whereabouts Filing* upon learning that information on the *Whereabouts Filing* has changed, will change or is otherwise no longer accurate or (3) providing insufficient information on a *Whereabouts Filing* or update. An *Athlete* may receive a *Filing Failure* for each month in which he or she persists in failing to submit a complete and accurate *Whereabouts Filing*.
- ii. If USADA suspects a *Filing Failure*, USADA will confirm that the *Athlete* is in the USADA RTP or in the *Registered Testing Pool* of the *Athlete's* IF and was notified of his or her inclusion and responsibility to make *Whereabouts Filings*.

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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.

- iii. Next, USADA will confirm that the *Athlete* failed to comply with the requirement to submit a completed *Whereabouts Filing*, by the specified deadline and/or that the *Athlete* failed to submit sufficient whereabouts information or all required information on their *Whereabouts Filing* or update.
- iv. The *Athlete* will be sent initial notice of an apparent *Filing Failure* no later than 14 days from the date of the discovery of the *Filing Failure* and will be invited 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 NGB and United States Olympic Committee ("USOC") will be copied on this correspondence.
  - i. An *Athlete* shall not be held responsible for subsequent *Filing Failures* which occur before the *Athlete* is provided this initial notice.
  - ii. 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. The *Athlete* will be sent notice of USADA's decision within 14 days of receipt of the *Athlete's* response. The NGB, USOC, IF, *WADA* and any other parties with right of appeal will be copied on this correspondence.
- vii. The *Athlete* may appeal the USADA decision to an administrative review panel within 14 days of the date of the final decision letter.
- viii. The administrative review panel shall be comprised of 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 rules 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 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. The NGB, USOC, IF, *WADA* and any other parties with right of appeal will be copied on this correspondence.

**b. Missed Tests**

- 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*.
- 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 14 days from the date of the discovery of the *Missed Test* and invited to provide an explanation to USADA, within 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.

- i. An *Athlete* shall not be held responsible for subsequent *Missed Tests* which occur before the *Athlete* receives this initial notice.
  - ii. 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. The *Athlete* will be sent USADA's decision within 14 days of receipt of the *Athlete's* response. The NGB, USOC, IF, *WADA* and any other parties with right of appeal will be copied on this correspondence.
  - vi. The *Athlete* may appeal the USADA decision to an administrative review panel within 14 days of the date of the final decision letter.
  - vii. The administrative review panel shall be comprised of 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 rules 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 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. The NGB, USOC, IF, *WADA* and any other parties with right of appeal will be copied on this correspondence.
- c. **Hearing**  
No *Athlete* shall be disciplined for having three *Whereabouts Failures* within an 18 month period or for providing fraudulent information in his or her *Whereabouts Filings*, for evasion or *Tampering* or any other violation of this *Whereabouts Policy* without having been offered 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.