

# WHEREABOUTS POLICY

Revised March 14, 2023



U.S. Anti-Doping Agency

Effective January 1, 2021, all *Athletes*<sup>1</sup> in the U.S. Anti-Doping Agency (“USADA”) *Registered Testing Pool* (“RTP”) and Clean Athlete Program (“CAP”) 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”), *International Standard for Results Management* (“ISRM”) and *World Anti-Doping Code* (the “Code”).

## I. USADA REGISTERED TESTING POOL (RTP)

### 1. USADA RTP INCLUSION

- a. The *RTP* is comprised of *Athletes* subject to *Testing* by USADA as set forth in Section 4 of the USADA Protocol for Olympic and Paralympic Movement Testing (“USADA Protocol”) who meet one or more of the criteria set forth in Paragraph 1(b) of this Policy. U.S. National Governing Bodies (“NGBs”) may recommend to USADA that *Athletes* be added or removed from the *RTP*.
- b. The *RTP* may include any *Athletes* who are: (1) competing at a high level of competence or prominence in international or national *Competition* as determined by USADA in consultation with the *Athlete's* NGB(s) and/or IF(s); (2) not regular members of their NGB and are expected to compete within six (6) months on a U.S. Olympic & Paralympic Committee (“USOPC”) team in the Olympic or Paralympic Games;<sup>2</sup> (3) any *International- or National-Level Athletes* in the *RTP* who retired and wish to return to compete at any *International or National Events*; (4) 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 (5) any *Athlete* who USADA, within its sole discretion, determines shall be included in the *RTP* and has received notice from USADA of such inclusion. Once notified of their inclusion, *Athletes* remain in the *RTP* until they receive email notification from USADA that they have been removed from the *RTP*.

### 2. AVAILABILITY FOR TESTING

Every *Athlete* must submit to *Testing* at any time and place upon request by USADA (Code Article 5.2). In addition, an *Athlete* in the *RTP* must specifically be present and available for *Testing* on any given day during the 60-minute time slot specified for that day at the location specified for that time slot and as further set forth in the *ISTI*.

### 3. WHEREABOUTS OBLIGATIONS

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

- a. At the time of admission to the *RTP* and annually thereafter, complete the USADA online education module or an alternative education program provided or approved by USADA;
- b. At the time of admission to the *RTP* and quarterly thereafter, fully and accurately complete and timely submit their *Whereabouts Filing*;
- c. Immediately upon learning that any information in a previously provided *Whereabouts Filing* is

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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 *International Standard for Testing and Investigations* or *International Standard for Results Management*.

<sup>2</sup> This clause is intended to cover *Athletes* who are not regular members of an NGB (e.g., 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.

- incomplete, inaccurate or has changed, communicate such new information to USADA by updating the *Whereabouts Filing* or submitting a change of plan;
- d. Provide sufficient information to enable the *Doping Control Officer* (“DCO”) to find the location and gain access to the location during the specified times and at the precise locations in the *Athlete’s Whereabouts Filing* for the entire periods designated by the *Athlete* in the *Athlete’s Whereabouts Filing*; and
- e. Each *Athlete* in the *RTP* must provide timely, accurate and complete *Whereabouts Filings* with the information described in the next section: *Whereabouts Filing*.

#### 4. WHEREABOUTS FILING

Up to date whereabouts information that must be provided by *Athletes* in the *RTP* as required by USADA and 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 and detailed contact information for any secondary contact designated by the *Athlete* and authorized to receive any correspondence on the *Athlete’s* behalf, if applicable;
- e. Details of any impairment 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 his or her *Whereabouts Filing* and other anti-doping information with other *Anti-Doping Organizations*;
- g. The *Athlete’s Competition/Event* 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 the *Athlete* will be staying overnight (e.g., home, temporary lodgings, hotel, etc.);
- 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 (e.g., school), as well as the usual time frames for such regular activities;<sup>3</sup> and
- j. 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.

Where an *Athlete* does not know precisely what his/her whereabouts will be at all times during the

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<sup>3</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.

forthcoming quarter, he/she must provide his/her best information, based on where he/she expects to be at the relevant times, and then update that information as necessary.

## 5. WHEREABOUTS FAILURES

The failure by any *Athlete* in the *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 or insufficient information provided on the *Whereabouts Filing* may result in a "*Filing Failure*." Additionally, and in accordance with the *ISRM*, *RTP 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 *ISRM*, for all *Athletes* in the *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 *RTP Athletes*, all *Whereabouts Failures* declared by any *Anti-Doping Organization* will be combined. Therefore, for example, if an *RTP 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 period of ineligibility between one (1) and two (2) years for a first offense.

## 6. 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 pursuing any *Whereabouts Failure*, USADA will apply the standards set forth below.

### a. *Filing Failures*

- i. When submitting 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 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 in their *Whereabouts Filings*. Therefore, under the *ISTI* and *ISRM*, *Athletes* in the *RTP* may be subject to a *Filing Failure* for any of the following:
  - 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*;
  - 4) Failure to designate a daily 60-minute time slot on a *Whereabouts Filing* or update; or



- 5) Failure by the *Athlete* to make himself/herself available for *Testing* due to the *Athlete* providing inaccurate information on his/her *Whereabouts Filing*.
- ii. An *RTP Athlete* may receive a *Filing Failure* for each occurrence of one of the foregoing failures and an additional *Filing Failure* after each 2 business day period in which he or she persists in failing to submit a complete and accurate *Whereabouts Filing*, subject to Paragraph 6(a)(i)(1).
- iii. If USADA suspects a *Filing Failure*, USADA will confirm that the *Athlete* is in the *RTP* and was notified of his or her inclusion and responsibility to make *Whereabouts Filings*.
- iv. Next, USADA will confirm that the *Athlete* failed to comply with the applicable whereabouts requirements set forth in Paragraphs 4(a)-(j).
- v. The *Athlete* should 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.<sup>4</sup>
  - 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*.
- vi. 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*.
- vii. Provided no additional investigation is necessary, the *Athlete* 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, USOPC, IF, *WADA* and any other parties with a right of appeal.<sup>5</sup>
- viii. 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.
- ix. The administrative review panel shall be comprised of three (3) 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 *Filing Failure*.
- x. Review of USADA's decision shall be based on written submittals only and shall not be considered a hearing.
- xi. 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.

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<sup>4</sup> Copies of USADA's decision letters will be uploaded to an external secure website which may be accessed by the NGB, the USOPC, *WADA*, the *Athlete's* IF and any other parties with a right of appeal

<sup>5</sup> Copies of USADA's decision letters will be uploaded to an external secure website which may be accessed by the NGB, the USOPC, *WADA*, the *Athlete's* IF and any other parties with a right of appeal.

- xii. 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.
  - xiii. The review should be completed within thirty (30) days of the request by the *Athlete* and the final decision should 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, USOPC, IF, WADA and any other parties with a right of appeal.
  - xiv. At all times, USADA will make every effort to adhere to the timelines set forth herein; however, the departure from the timelines shall not invalidate or otherwise prevent USADA from declaring a Filing Failure pursuant to the process outlined above and shall not prevent the Filing Failure from being upheld by any subsequent administrative review panel or at a hearing.
- b. *Missed Tests*
- i. Under the *ISTI* and *ISRM*, an *RTP Athlete* may only receive a *Missed Test* if he or she is unavailable for *Testing* during his or her designated 60-minute time slot. The following outlines the process for how *Missed Tests* will be handled within the results management process.
  - ii. If USADA suspects a *Missed Test*, USADA will confirm that the *Athlete* is in the *RTP* and was notified of his or her inclusion and responsibility to be available for testing during their designated 60-minute window.
  - iii. A 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.
  - iv. USADA shall review the DCO's Unsuccessful Attempt Report and the *Athlete's Whereabouts Filings* to determine whether there is a reasonable basis for concluding that the *Athlete's* unavailability constitutes a *Missed Test*.
  - v. If there is reasonable basis to consider the *Athlete's* unavailability a *Missed Test*, the *Athlete* should 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 location listed on the *Athlete's Whereabouts Filings* for the 60-minute time slot. The NGB and USOPC 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* and *Filing Failures*.
  - vi. 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*.

- vii. Provided no additional investigation is necessary, the *Athlete* should 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, USOPC, IF, *WADA* and any other parties with a right of appeal.
  - viii. 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.
  - ix. The administrative review panel shall be comprised of three (3) individuals nominated by USADA's Board of Directors or USADA's CEO and selected by a USADA designated staff member who was not involved in the previous assessment of the alleged *Missed Test*.
  - x. Review of USADA's decision shall be based on written submittals only and shall not be considered a hearing.
  - xi. 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.
  - xii. 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.
  - xiii. The review should be completed within thirty (30) days of the request by the *Athlete* and the final decision should 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, USOPC, IF, *WADA* and any other parties with a right of appeal.
  - xiv. At all times, USADA will make every effort to adhere to the timelines set forth herein; however, the departure from the timelines shall not invalidate or otherwise prevent USADA from declaring a Missed Test pursuant to the process outlined above and shall not prevent the Missed Test from being upheld by any subsequent administrative review panel or at a hearing.
- c. Hearing

No *Athlete* shall be disciplined for having three (3) *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 Policy without having been offered an opportunity to request a full evidentiary hearing in accordance with Article 8 of the *Code*, the USADA Protocol and the USOPC National Anti-Doping Policy ("USOPC NADP").

## II. USADA CLEAN ATHLETE POOL PROGRAM (CAP)

### 1. USADA CAP INCLUSION

- a. The CAP is comprised of *Athletes* subject to *Testing* by USADA as set forth in Section 3 of the USADA Protocol who meet one or more of the criteria set forth in Paragraph 1(b) of this Policy. NGBs may recommend to USADA that *Athletes* be added or removed from the CAP.
- b. The CAP may include any *Athletes* who are: (1) competing at a high level of competence or prominence in international or national *Competition* as determined by USADA in consultation with the *Athlete's* NGB(s) and/or IF(s); (2) not regular members of their NGB and are expected to compete within six (6) months on a USOPC team in the Olympic or Paralympic Games;<sup>6</sup> (3) any *International-* or *National-Level Athletes* in the CAP who retired and wish to return to compete at any *International* or *National Events*; (4) 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 (5) any *Athlete* who USADA, within its sole discretion, determines shall be included in the CAP and has received notice from USADA of such inclusion. Once notified of their inclusion, *Athletes* remain in the CAP until they receive written notice from USADA that they have been removed from the CAP.

### 2. USADA CAP OBLIGATIONS

As part of their obligations, *Athletes* in the CAP must:

- a. At the time of admission to the CAP and annually thereafter, complete the USADA online education module or an alternative education program provided or approved by USADA;
- b. At the time of admission to the CAP and biannually thereafter in accordance with stated deadlines, fully and accurately complete and submit their USADA whereabouts information described in the next section: Whereabouts Information;
- c. Immediately upon learning that any information in previously provided whereabouts submissions is incomplete, inaccurate or has changed, communicate such new information to USADA by updating their whereabouts information.

### 3. WHEREABOUTS INFORMATION

Up-to-date whereabouts information that must be provided by *Athletes* in the CAP 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;

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<sup>6</sup> This clause is intended to cover *Athletes* who are not regular members of an NGB (e.g., 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.



- d. The name and detailed contact information for any secondary contact designated by the *Athlete* and authorized to receive any correspondence on the *Athlete's* behalf, if applicable;
- e. Details of any impairment 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 his or her whereabouts information and other anti-doping information with other *Anti-Doping Organizations*;
- g. The *Athlete's Competitions* for the filing period, including the name and the date(s) on which the *Athlete* is scheduled to compete;
- h. The full address of the *Athlete's* residence during the filing period (e.g., home, dorm room, etc.); and
- i. The name and address of each location where the *Athlete* will train, as well as the usual time frames they train at each location.

#### 4. USADA CAP COMPLIANCE

The failure by any *Athlete* in the CAP to comply with USADA's whereabouts policies by failing to timely, accurately or completely provide required whereabouts information and/or complete the online education tutorial may result in an *Athlete* being added in the *RTP* and/or deemed non-compliant with section 8.2 of the USOPC NADP. If an *Athlete* is added to the *RTP* due to non-compliance, they will be required to serve a minimum of nine (9) months in the *RTP* and will be subject to all requirements outlined in section I: USADA *Registered Testing Pool* in this policy.