

USADA WHEREABOUTS POLICY

Effective January 1, 2011, 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 ("IST")*.

1. **USADA Registered Testing Pool**

The USADA USADA RTP is comprised of two divisions—the International Testing Pool ("ITP") and the National Testing Pool ("NTP"). 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.

a. *International Testing Pool*

The ITP is comprised of U.S. *Athletes* or *Athletes* located in the U.S., residing in the U.S., or who are members of a U.S. National Governing Body ("NGB") who meet one or more of the criteria in the following sentence. The ITP will include any *Athletes* who are: (1) included in their respective International Federation's ("IF") Registered Testing Pool; (2) serving a period of ineligibility for an anti-doping rule violation; (3) returning from retirement and who are required to return to the USADA RTP by the rules of their IF, the USOC, USADA or any other sports organization²; (4) expected to compete within 12 months on a USOC team in the Olympic or Paralympic Games³; (5) 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 (6) any *Athlete* who USADA, within its sole discretion, determines shall be included in the ITP and has received notice from USADA of such inclusion. *Athletes* remain in the ITP until they receive written notice from USADA that they have been removed from the ITP. NGBs may recommend to USADA that *Athletes* be removed from the RTP. As provided in this Policy, *Athletes* in the ITP are considered to be part of the USADA RTP.

b. *National Testing Pool*

The National Testing Pool ("NTP") is comprised of *Athletes* who are not in the ITP and meet NGB, USOC, and/or USADA selection criteria. As provided in this Policy, athletes in the NTP are considered to be part of the USADA RTP.

2. **Whereabouts Obligations**

a. Whereabouts obligations for all *Athletes* in the USADA RTP include:

1. At the time of admission to the USADA RTP (whether ITP or NTP) and annually thereafter complete the USADA online education module and at the time of admission to the USADA RTP and quarterly thereafter fully and accurately complete the USADA *Whereabouts Filing*;
2. 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;

¹ 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.

² Generally these athletes will be placed in the ITP, at a minimum, for the period of time required by the rules of their respective IF prior to the athlete returning to competition. If the relevant IF rules are silent on such a period, the minimum time in the ITP for an athlete who retired while a member of either division of the USADA RTP will be six months, pursuant to the United State Olympic Committee ("USOC") National Anti-Doping Policies ("USOC NADP").

³ 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.

3. Daily be accessible for testing during the times and at the precise locations specified on the *Whereabouts Filing* for the entire periods designated by the *Athlete* on the *Athlete's Whereabouts Filing*.
 - b. Whereabouts obligations specific to ITP *Athletes*:
As part of ITP *Athletes'* whereabouts obligations pursuant to Paragraph 2(a) above, *Athletes* in the ITP must be accessible daily 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 on the *Athlete's Whereabouts Filing as provided in the IST*. 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*.
 - c. Whereabouts obligation specific to NTP *Athletes*:
Members of the NTP are not subject to a *Missed Test* determination based on the *IST* requirements pertaining to daily identification of and availability during 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 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 *Athlete's* primary phone number;
 - d. The name of the *Athlete's* national governing body NGB, 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 his or her *Whereabouts Filing* and other anti-doping information with other anti-doping organizations;
 - g. 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);
 - h. 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.);
 - i. 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 activities;⁴ and
 - j. For ITP members only, for each day during the following quarter, one specific 60-minute time slot between 6 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 negligent failure by any *Athlete* in the USADA RTP to comply with USADA's whereabouts policies may result in a

⁴ 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.

"*Filing Failure*" for 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*. In accordance with the *IST*, under this Policy, ITP *Athletes* may receive 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*, for all *Athletes* in the USADA RTP, 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*.

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 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.

5. 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. USADA will rely on this information in order to conduct *Testing* in accordance with the purpose of the *Code* and *IST* and expects that *Athletes* will be available at the specific times and locations designated on their *Whereabouts Filings*. Therefore, under the *IST*, the following are the ways in which *Athletes* in the USADA RTP may be subject to a *Filing Failure*:

1. For ITP *Athletes*:

- a) Failure to submit a completed *Whereabouts Filing* by the specified deadline;
- b) 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;
- c) Providing insufficient information on a *Whereabouts Filing* or update;
- d) Failure to designate a daily 60 minute time slot on a *Whereabouts Filing*; and
- e) The *Athlete* is unavailable for testing due to the *Athlete* providing inaccurate information on his/her *Whereabouts Filing*.

An ITP *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*, subject to Paragraph 5(a)(iv)(1).

2. For NTP *Athletes*:

- a) Failure to submit a completed *Whereabouts Filing* and the *Athlete* is drawn for out of competition testing by USADA;
- b) The *Athlete* is unavailable for testing due to the *Athlete* providing inaccurate information on his *Whereabouts Filing*.

A NTP *Athlete* may receive a *Filing Failure* for each occurrence of one of the foregoing failures, 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 whereabouts requirements set forth in Paragraphs 3(a) -(i).
 - 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 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. 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**
- Under the IST, 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 IST, 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 is 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*.
 - 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.
 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. 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.