

**UNITED STATES OLYMPIC  
COMMITTEE (USOC)  
ANTI-DOPING POLICIES**

**AND**

**UNITED STATES ANTI-DOPING  
AGENCY (USADA)  
PROCEDURE REGARDING  
MISSED TESTS**

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## USOC ANTI-DOPING POLICIES

(effective October 7, 2002)

### 1. Retirement

a. Any athlete enrolled in the USADA No Advance Notice ("NAN") program who wishes to be removed from the program on account of retirement must promptly notify USADA and the applicable National Governing Body in writing in order for retirement from the NAN program to be effective. Any athlete who has not provided advance written notice of retirement to USADA and then refuses to participate in a USADA NAN test claiming retirement, shall be "ineligible" within the meaning of paragraph 6 below for a period of 2 years following such refusal.

b. Any athlete who has ever been enrolled in a NAN program of an IF, the USOC or USADA who retires and then wishes to return to eligible status must enroll in the USADA NAN program at least 6 months in advance of regaining eligible status.

c. USADA shall not suspend or terminate the prosecution of a doping offense related to a positive sample as a result of an athlete's subsequent retirement.

### 2. Missed NAN Tests

a. Under the NAN testing program implemented by USADA, it is the responsibility of each athlete designated by a National Governing Body for NAN participation to provide USADA with up to date information on his or her whereabouts so that he or she can be located for NAN testing. Athletes identified for No Advance Notice testing are required to file Athlete Location Forms with USADA on a quarterly basis. They are also responsible for notifying USADA any time they will not be available for testing at the location specified on their Athlete Location Form. USADA has provided all athletes subject to NAN testing both a facsimile number and e-mail address to use in updating their Athlete Location Forms or to notify USADA that they will not be available for testing at the specified location at a particular time. The USADA procedure for determining that an athlete participating in the NAN program has a "missed test" is attached.

b. Any athlete having three missed tests within any rolling 18 month period shall be ineligible within the meaning of paragraph 6 for a period of two years from the athlete's last "missed test." No athlete shall be disciplined for having three missed tests within an eighteen month period unless the athlete has been offered an opportunity for a hearing as provided in paragraph 8 below. Missed tests shall not be announced publicly until the conclusion of the hearing process.

c. The effectiveness of the policy set forth in this resolution shall be reviewed on an ongoing basis.

### **3. Suspension by an NGB or International Federation**

Athletes shall be ineligible within the meaning of paragraph 6 below while serving a doping suspension imposed by a National Governing Body or International Federation.

### **4. Testing During Suspensions**

In order to regain eligibility, within the meaning of paragraph 6 below, any athlete who is suspended for a doping violation by a National Governing Body or International Federation must comply with all requirements of the USADA NAN testing program during the period of suspension and must bear the costs associated with any NAN tests conducted by USADA on him or her during the suspension period.

### **5. Prior Participation in NAN Testing by Potential Members of the U.S. Olympic, Paralympic and Pan American Teams**

It shall be the policy of the USOC to subject all athletes who are candidates for membership on the U.S. Olympic, Paralympic and Pan American Teams to USADA's no-advance-notice drug testing program for a period of up to 12 months before the commencement of competition. In some sports, potential team candidates are not generally subject to the jurisdiction of the NGB. The terms and conditions for the testing of such athletes, which may vary based upon the circumstances existing in each sport, shall be determined by the USOC Chief Executive Officer in consultation with USADA, the NGB council, the AAC and the NGB for the involved sport and on a basis which is equitable for all U.S. athletes.

Any athlete who declines to participate in the USADA NAN Program under the terms and conditions established by the USOC Chief Executive Officer shall be ineligible within the meaning of paragraph 6 below for a period of 12 months following that offer.

### **6. Ineligibility and Loss of USOC Opportunities and Benefits**

If an athlete is found to be "ineligible" as provided herein, the athlete will not be permitted to (i) participate in Olympic, Pan American or Paralympic Games, trials or qualifying events; (ii) be a member of an Olympic, Pan American or Paralympic Games team; or (iii) have access to the training facilities of an Olympic Training Center or other programs and activities of the USOC including, but not limited to, grants, awards or employment.

### **7. Rules of International Federations**

The requirements and consequences set forth in this Policy shall be in addition to those obligations related to out-of-competition testing imposed by the various International Federations and shall not relieve any athlete of the consequence of failing to comply with the anti-doping rules of his or her International Federation.

### **8. Right to Hearing**

No athlete shall be denied eligibility within the meaning of paragraph 6 above without first being afforded the opportunity for a hearing pursuant to the USADA Adjudication Protocol incorporated into the contract between the USOC and USADA.

**9. Pre Games Testing**

All athletes nominated for appointment to a U.S. team for the Olympic Games, Paralympic or Pan American Games shall have been tested for doping at some time not more than 120 days prior to the opening ceremonies of such Games with such test or tests not resulting in a doping offense. No athlete may be added to the U.S. team by substitution or otherwise, unless he or she has been tested for doping and found negative within this 120 day period. After appointment, athlete members of the

U.S. team may also be subject to additional testing through said Games. For purposes of this Article; if a specimen is collected at trials or other competition, the specimen analysis shall test for those substances and methods tested for in the applicable International Federations' IC program; if a specimen is not collected at trials or other competition, the specimen analysis shall test for those substances and methods tested for in the International Federation NAN program. If an NGB submits an athlete as a replacement after the team has been selected, NGB shall notify the USADA of such replacement within 48 hours so that the USADA may conduct testing pursuant to this section if necessary. The NGB shall also arrange to make the replacement available for testing.

In the event that a specimen is found to be positive after the U.S. team has been nominated by the NGB and approved by the USOC for the Olympic, Paralympic or Pan American Games, any hearing conducted in connection with such positive result for purposes of determining eligibility for the U.S. Team shall be conducted in accordance with the USOC's Code of Conduct and grievance procedures.

**10. Incorporation into USOC/USADA Contract**  
USADA's responsibility for implementing this Resolution shall be incorporated into the Agreement between the USOC and USADA.

*[Paragraphs 1 and 3-10 of this Policy were approved by the USOC Executive Committee on February 23, 2001. Paragraph 2 was approved by the USOC Executive Committee on April 27, 2001.]*

**USADA PROCEDURE REGARDING  
MISSED TESTS**  
(effective beginning first quarter 2003)

A. **Athlete is not at the location(s) listed by the athlete on the USADA Athlete Location Form**

**Step 1.** The DCO is obligated to make a reasonable effort to locate the athlete for testing. Before reporting to USADA that an athlete is unavailable for testing the DCO is specifically required to visit within a 24 hour period all locations on the Athlete Location Form and any applicable Athlete Change of Plan Form provided by the athlete. If the DCO cannot locate the athlete, the DCO is required to fill out an Unavailable Athlete Form establishing that reasonable attempts were made to locate the athlete.

**Step 2.** USADA CEO reviews the DCO's Unavailable Athlete Forms and the Athlete Location Form and any Athlete Change of Plan Form on file with USADA. If there appears to be a reasonable basis for calling this a missed test, then within 30 days after receipt of the Unavailable Athlete Forms the CEO will send notice by letter to the athlete, with a copy to the NGB, inviting the athlete to provide a written explanation why this should not be counted as a "missed test."

**Step 3.** Based on the athlete's written response, and further investigation if necessary, the CEO shall evaluate whether to treat the attempt to test as a "missed test." In this evaluation the burden shall be on the DCO to establish that the DCO's attempts to locate the athlete for testing were reasonable.

The burden shall be on the athlete to establish in his or her written response that he or she was reasonably prevented from notifying USADA that he or she would not be available for testing at the locations set forth on the Athlete Location Form or any applicable Athlete Change of Plan Form.

**Step 4.** The athlete shall be notified by letter of the CEO's decision. The NGB shall receive a copy of the decision. The CEO's determination of a missed test is not final and shall be subject to the review and appeal process set forth below. If the athlete wishes to contest a missed test decision at a subsequent hearing, then the athlete must file a written objection with USADA within 30 days of notice of USADA's decision. The athlete will also have the right to challenge any finding of any "missed test" objected to within 30 days of notice of the USADA CEO's decision in a hearing brought to impose discipline as a result of three missed tests. The hearing shall be conducted pursuant to the USADA Adjudication Protocol which shall be a part of the Contract between USADA and the USOC ("the USADA Adjudication Protocol"). In addition, within 30 days of notice of the USADA CEO's decision, the athlete may also request an administrative review of the CEO's determination of a missed test. This administrative review shall be conducted by a three member panel composed of members of the USADA Board of Directors or their designees. Such review shall be based on written submissions only and shall not be considered a hearing.

The decision of the panel shall not be binding in any subsequent hearing initiated by the athlete to contest the determination that the athlete has three missed tests. An athlete shall not be held responsible for subsequent missed tests which occur before the athlete receives notice under Step 2 above of a prior missed test.

**B Athlete is selected for testing from the NGB's Out of Competition ("OOC") pool but the athlete has not filed an Athlete Location Form for the quarter in which the draw takes place (the "current quarter").**

**Step 1.** USADA confirms that the athlete is in the NGB OOC pool and that the athlete was notified in writing of the requirement to submit a quarterly Athlete Location Form to USADA.

**Step 2.** USADA confirms that the athlete is past the specified deadline for submitting an Athlete Location Form for the current quarter and has had a reasonable time to do so.

**Step 3.** Athlete is notified by letter and invited to provide an explanation to USADA why no Athlete Location Form was filed for the current quarter.

**Step 4.** USADA's CEO determines whether to declare a missed test because the athlete's name was drawn for OOC testing and the athlete failed to file an Athlete Location Form for the current quarter.

**Step 5.** The athlete shall be notified by letter of the CEO's decision. The NGB shall receive a copy of the decision. The CEO's determination of a missed test is not final and shall be subject to the review and appeal process set forth below. If the athlete wishes to contest a missed test decision at a subsequent hearing, then the athlete must file a written objection with USADA within 30 days of notice of USADA's decision. The athlete will also have the right to challenge any finding of any "missed test" within 30 days of notice of the USADA CEO's decision objected to in a hearing brought to impose discipline as a result of three missed tests. The hearing shall be conducted pursuant to the USADA Adjudication Protocol which shall be a part of the Contract between USADA and the USOC ("the USADA Adjudication Protocol"). In addition, within 30 days of notice of the USADA CEO's decision, the athlete may also request an administrative review of the CEO's determination of a missed test. This administrative review shall be conducted by a three member panel composed of members of the USADA Board of Directors or their designees. Such review shall be based on written submittals only and shall not be considered a hearing. The decision of the panel shall not be binding in any subsequent hearing initiated by the athlete to contest the determination that the athlete has three missed tests. An athlete shall not be held responsible for subsequent missed tests which occur before the athlete receives notice under Step 3 above of a prior missed test.

***More information on page 12***

**C. Notice** For all purposes of this USADA Procedure Regarding Missed Tests, where USADA is required to send notice to the athlete, USADA will send the notice by overnight courier to the athlete's most recent address on file with USADA. If USADA is not able to obtain delivery at such address, then USADA shall contact the NGB and send notice by overnight courier to the athlete's most recent address on file with the NGB if that is a different address than the most recent address on file with USADA. If the athlete's most recent address on file with USADA and the NGB is the same, or if USADA is unable to obtain delivery at the athlete's most recent address on file with the NGB, then notice to the athlete shall be effective upon the courier's last attempt to deliver.

**United States Anti-Doping Agency**

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Colorado Springs, CO 80906

**Web Site**

[www.usantidoping.org](http://www.usantidoping.org)

1-719-785-2000 (phone)

1-719-785-2001 (fax)

1-866-601-2632 (toll-free phone)

**USADA Drug Reference Line**

1-800-233-0393 or

[drugreference@usantidoping.org](mailto:drugreference@usantidoping.org)