

## **Hong Kong Anti-Doping Committee Whereabouts Policy**

According to the “Anti-Doping Rules of Hong Kong Anti-Doping Committee” (HKADC), athletes under the jurisdiction of HKADC shall be subject to testing anytime and anywhere.

In order to facilitate the implementation of the Testing Programme, including no advance notice out-of-competition testing, HKADC has to establish Testing Pools and collect whereabouts information from the athletes.

### HKADC Testing Pools

HKADC has 2 Testing Pools: The Registered Testing Pool (RTP) and the Elite Testing Pool (ETP).

#### Inclusion Criteria of HKADC Testing Pools:

Registered Testing Pool (RTP)	Elite Testing Pool (ETP)
<ul style="list-style-type: none"> <li>- Athletes receiving Elite Training Grant Elite A+ category;</li> <li>- Athletes being included in the respective International Federation’s (IF’s) Registered Testing Pool</li> <li>- Any other athletes at the discretion of HKADC</li> </ul>	<ul style="list-style-type: none"> <li>- Athletes receiving Elite Training Grant Elite A, Elite B+ or Elite B categories;</li> <li>- Any other athletes at the discretion of HKADC</li> </ul>

## Whereabouts Requirements for Athletes included in the HKADC Testing Pools:

	RTP	ETP
<b>Whereabouts Submission</b>		
To be submitted on a <u>quarterly basis</u> . The deadlines for each quarter are 31 December, 31 March, 30 June, and 30 September.	✓	✓
Whereabouts <u>shall be updated</u> as necessary so that it remains accurate and complete at all times.	✓	✓
<b>Whereabouts Items</b>		
To provide the full address of the place where the athlete will be staying overnight for each day, i.e. the <u>daily overnight residence</u> .	✓	
To specify a <u>60-minute time slot</u> between 5 a.m. and 11 p.m. for each day, during which the athlete is available and accessible at the specified location for testing.	✓	
To provide training and competition schedules or schedule of other regular activities <u>at least 3 days per week</u> .	✓	✓

Definition of Whereabouts Failures for athletes in the Registered Testing Pool (RTP)

1. Athletes in RTP shall strictly follow the latest International Standard for Testing and Investigations in terms of whereabouts requirements and consequence of failure to comply with the requirements.
2. Any RTP athlete failed to meet the whereabouts requirements will have committed a Whereabouts Failure. There are two kinds of Whereabouts Failures, namely Filing Failure and Missed Test.
3. Filing Failure is a failure by the athlete (or by a third party to whom the athlete delegated this task) to make an accurate and complete whereabouts filing that enables the athlete to be located for testing in accordance with the requirements listed above.
4. Missed Test is a failure by the athlete to be available for testing at the location and time specified in the 60-minute time slot identified in his/her whereabouts filing for the day in question.
5. Pursuant to the Anti-Doping Rules of HKADC and the World Anti-Doping Code, any combination of three (3) Filing Failures and/or Missed Tests committed within a 12-month period shall constitute an anti-doping rule violation.

Definition of Whereabouts Non-compliance for athletes in the Elite Testing Pool (ETP)

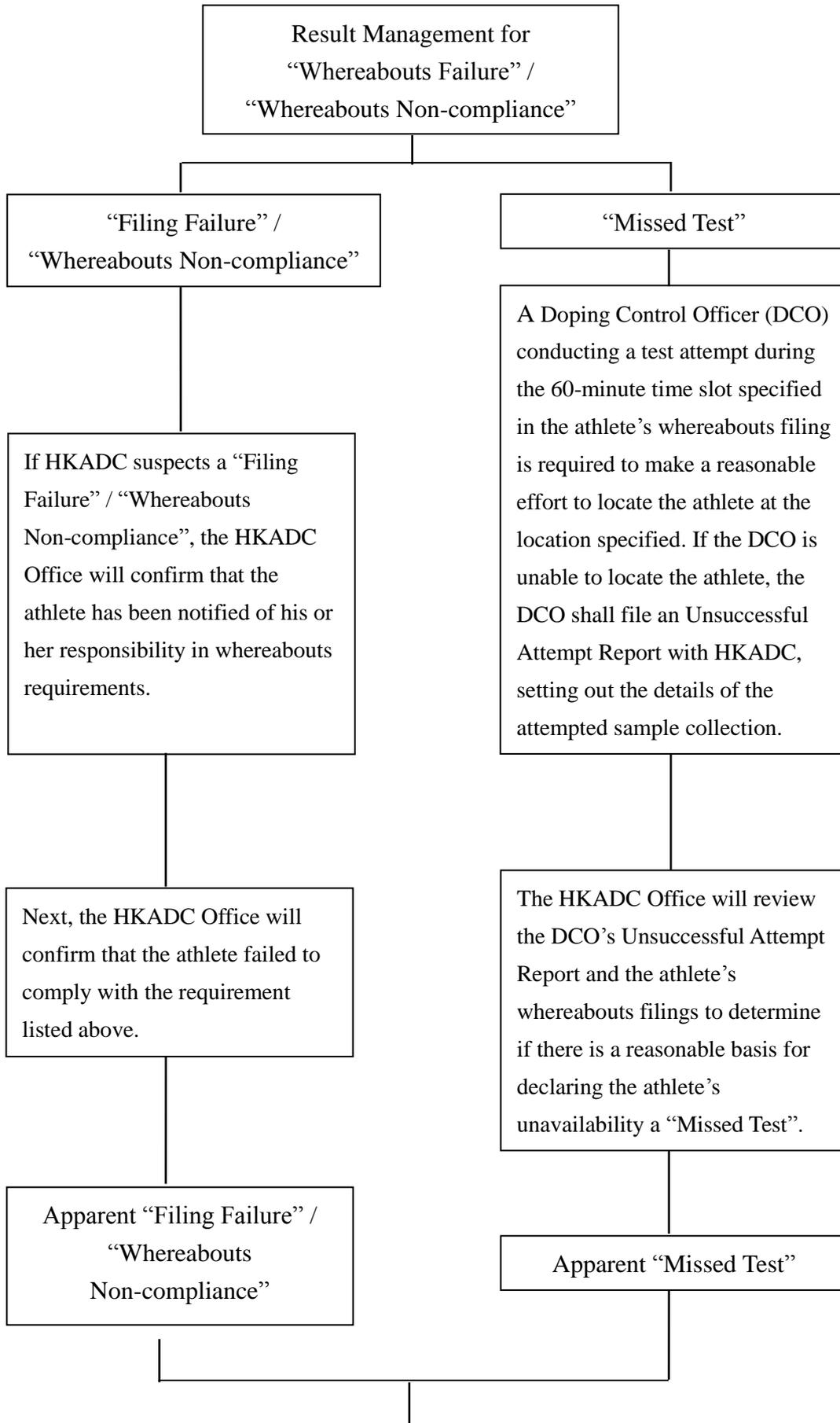
1. Whereabouts requirements and consequence of failure to comply with the requirements for athletes in ETP are defined by HKADC.
2. ETP athlete commits Whereabouts Non-compliance if
  - 2.1 The athlete (or by a third party to whom the athlete delegated this task) failed to make an accurate and complete whereabouts filing that enables the athlete to be located for testing in accordance with the corresponding requirements listed above.
  - 2.2 Whereabouts submitted is not accurate or not updated and therefore the athlete was not available for testing.
3. Any combination of three (3) Whereabouts Non-compliances committed within a 12-month period shall constitute a violation of HKADC’s whereabouts requirements.

Possible consequences for Whereabouts Failures/ Whereabouts Non-compliances

Registered Testing Pool (RTP)	Elite Testing Pool (ETP)
Accumulation of 3 Filing Failures and/or Missed Tests committed within a 12-month period shall constitute an anti-doping rule violation that may result in up to two years of ineligibility.	Athletes having accumulated 3 Whereabouts Non-compliances within a 12-month period shall be transferred to RTP which requires stricter whereabouts requirements.

Result Management for Whereabouts Failures / Whereabouts Non-compliances

The following result management protocol is adopted by HKADC to provide sufficient warning to the athletes concerned and to protect the right of athletes to provide valid reasons for a Whereabouts Failure / Whereabouts Non-compliance.



The athlete will receive an initial notice of an apparent “Filing Failure” / “Missed Test” / “Whereabouts Non-compliance” no later than 14 days from the date of the discovery of the “Filing Failure” / “Missed Test” / “Whereabouts Non-compliance” and will be invited to provide an explanation to HKADC, within 14 days of the date of the initial notification letter regarding

- why no whereabouts was filed or why incomplete or inaccurate information was submitted, OR
- why the athlete was not available for testing at the 60-minute location listed in the athlete’s whereabouts filing.

The athlete’s National Sports Association (NSA), the Sports Federation & Olympic Committee of Hong Kong, China (SF&OC), the International Federation (IF), WADA and any other parties will be copied on this correspondence.

Note 1 - The athlete shall not be held responsible for subsequent “Filing Failures” / “Missed Tests” / “Whereabouts Non-compliance” which occur before the athlete receives this initial notice.

Note 2 - After the notice is received, the athlete will be responsible for subsequent “Filing Failure” / “Missed Test” / “Whereabouts Non-compliance”, including failures that relate to the same kind of conduct involved in the prior “Filing Failure” / “Whereabouts Non-compliance”.

The HKADC Office will review any written response received from the athlete and conduct further investigation, if necessary, to determine whether it is appropriate to declare a “Filing Failure”/ “Missed Test”/ “Whereabouts Non-compliance”.

The athlete will receive a notice of HKADC Office’s decision within 14 days of receipt of the athlete’s response. The NSA, SF&OC, IF, WADA and any other parties with right of appeal will be copied on this correspondence.

The athlete may request an administrative review of the HKADC Office's decision to be done by the Doping Control Panel under the HKADC within 14 days of the date of the notice of decision.

Note 1 – Administrative review of the HKADC Office's decision shall be based on written submittals only and shall not be considered a hearing.

Note 2 - The decision of the Doping Control Panel shall not be binding in any subsequent hearing initiated by the athlete to contest the determination that the athlete has three "Whereabouts Failures" / "Whereabouts Non-compliance" or other anti-doping rule violation is at issue.

Note 3 - Any decision by the Doping Control Panel and any materials submitted to the Panel may be relied upon by any party in any subsequent proceeding where the alleged "Whereabouts Failure" / "Whereabouts Non-compliance" or other anti-doping rule violation is at issue.

The administrative review shall be completed within 14 days of the request by the athlete and the final decision shall be communicated to the athletes no more than 7 days following the decision of the Doping Control Panel. The NSA, SF&OC, IF, WADA and any other parties with right of appeal will be copied on this correspondence.

No athlete shall be disciplined for having three "Whereabouts Failures"/ "Whereabouts Non-compliance" within a 12-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 the HKADC Anti-Doping Rules and the World Anti-Doping Code.

Re-classification of Whereabouts Failure and Whereabouts Non-compliance records

If there is any Whereabouts Failure / Whereabouts Non-compliance recorded on the athlete's file at the time his/her status in the HKADC Testing Pool changes, the existing record should be reclassified according to the principles below.

- Any record of Whereabouts Failure will be reclassified as Whereabouts Non-compliance should the athlete be relocated from RTP to ETP. However, Whereabouts Non-compliance attained by athlete in ETP will not be recognized as Whereabouts Failure when the athlete is moved from ETP to RTP.
- If the athlete later returns to the original Testing Pool, the original grading at Whereabouts Failure / Whereabouts Non-compliance will be restored to the athlete's file. Should these record lays within the 12-month period, the record could be used to support sanction to be applied.

The table below lists how the whereabouts records will be reclassified under various scenarios:

	<b>Change of status in the HKADC Testing Pool</b>	<b>Original record</b>	<b>Record after reclassification</b>
1	RTP → ETP	Whereabouts Failure	Whereabouts Non-compliance
2	ETP → RTP	Whereabouts Non-compliance	No record