

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS SARAH CHEPHCHIRCHIR

### INTRODUCTION

1. World Athletics has established the Athletics Integrity Unit ("**AIU**") whose role is to protect the integrity of the sport of Athletics, including fulfilling World Athletics' obligations as a Signatory to the World Anti-Doping Code ("the "**Code**"). World Athletics has delegated implementation of the World Athletics Anti-Doping Rules ("**ADR**") to the AIU, including but not limited to the following activities in relation to International-Level Athletes: Testing, Investigations, Results Management, Hearings, Sanctions and Appeals.
2. This decision is issued by the AIU pursuant to Rule 8.5.6 ADR, which provides as follows:

*"8.5.6 In the event that the Athlete or other Person either (i) admits the violation and accepts the proposed Consequences or (ii) is deemed to have admitted the violation and accepted the Consequences as per Rule 8.5.2(f), the Integrity Unit will promptly:*

- (a) issue a decision confirming the commission of the violation(s) and the imposition of the specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed);*
- (b) Publicly Report that decision in accordance with Rule 14;*
- (c) send a copy of the decision to the Athlete or other Person and to any other party that has a right, further to Rule 13, to appeal the decision (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision)."*

### THE ATHLETE'S COMMISSION OF ANTI-DOPING RULE VIOLATIONS

3. Rule 2 ADR sets out that the following shall constitute an anti-doping rule violation:

*"2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample*

*[...]*

*2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method"*

4. Ms Sarah Chepchirchir ("the **Athlete**") is a 39-year-old long-distance runner from Kenya<sup>1</sup>.

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<sup>1</sup> <https://worldathletics.org/athletes/kenya/sarah-chepchirchir-14327759>

5. On 5 November 2023, the Athlete provided a urine Sample In-Competition at the Bangsaen42 Chonburi Marathon in Chonburi, Thailand, which was given code 1186340 (the “**Sample**”).
6. Analysis of the Sample by the World Anti-Doping Agency (“**WADA**”) accredited laboratory in Bangkok, Thailand (the “**Laboratory**”), revealed the presence of Metabolites of Testosterone consistent with exogenous origin (the “**Adverse Analytical Finding**”).
7. Testosterone is a Prohibited Substance under the WADA 2023 Prohibited List under the category S1.1 Anabolic Androgenic Steroids. It is a Non-Specified Substance prohibited at all times.
8. The AIU reviewed the Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management (“**ISRM**”) and determined that:
  - 8.1. the Athlete did not have a Therapeutic Use Exemption (“**TUE**”) that had been granted (or that would be granted) for the Metabolites of Testosterone consistent with exogenous origin found in the Sample; and
  - 8.2. there was no apparent departure from the International Standard for Testing and Investigations (“**ISTI**”) or from the International Standard for Laboratories (“**ISL**”) that could reasonably have caused the Adverse Analytical Finding.
9. Therefore, on 22 December 2023, in accordance with Article 5.1.2.1 ISRM, based on the Adverse Analytical Finding, the AIU issued the Athlete with a Notice of Allegation of Anti-Doping Rule Violations, imposing a Provisional Suspension (effective immediately) and, *inter alia*, invited the Athlete to provide a detailed written explanation for the Adverse Analytical Findings by no later than 5 January 2024.
10. The Athlete failed to respond by the 5 January 2024 deadline.
11. Therefore, on 10 January 2024, the AIU wrote to the Athlete by e-mail noting that she had failed to respond to the Notice of Allegation. The AIU confirmed that the Athlete was deemed to have irrevocably waived her right to the B Sample analysis and informed the Athlete that the details of her Provisional Suspension would be Publicly Disclosed by (at a minimum) being published on the AIU website.
12. The AIU also confirmed that the Athlete was exceptionally granted until no later than 10 January 2024 to (i) submit a request for the laboratory documentation package supporting the Adverse Analytical Finding, (ii) to submit an explanation or (iii) to request that the matter be resolved in accordance with either Rule 10.8.1 or Rule 10.8.2 of the Rules.
13. The Athlete was informed that if she failed to respond to the Notice of Allegation by 10 January 2024, then the AIU would issue a Notice of Charge.
14. The Athlete failed to respond by the extended deadline of 10 January 2024.
15. On 22 January 2024, the AIU therefore issued a Notice of Charge (“the **Charge**”) to the Athlete in accordance with Rule 8.5.1 and Article 7.1 ISRM. The Athlete was informed, *inter alia*, that the AIU remained satisfied that she had committed Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR, that the Anti-Doping Rule Violations warranted a period of Ineligibility of eight (8) years (see Consequences, below) and invited the Athlete to respond confirming how she wished to proceed with the Charge by no later than 5 February 2024.

16. The Athlete failed to respond to the Charge by 5 February 2024.
17. Therefore, on 9 February 2024, the AIU wrote to the Athlete and confirmed that, by virtue of her failure to respond to the Charge by 5 February 2024, she was deemed to have waived her right to a hearing, and to have admitted the Anti-Doping Rule Violations and accepted the Consequences set out in the Charge in accordance with Rule 8.5.2(f) ADR.
18. However, the Athlete was reminded that she could still benefit from the one (1) year reduction in the period of Ineligibility by formally admitting that she had committed Anti-Doping Rule Violations and accepting the asserted period of Ineligibility (and other Consequences), by signing and returning an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form to the AIU by no later than 11 February 2024.
19. The Athlete failed to respond to the Notice of Charge by 11 February 2024 (or at all).

## CONSEQUENCES

20. This is the Athlete's second Anti-Doping Rule Violation.
21. The Athlete has previously served a period of Ineligibility of four (4) years from 6 February 2019 to 5 February 2023 for an Anti-Doping Rule Violation under Article 2.2 of the 2018 IAAF Rules (equivalent to Rule 2.2 of the Rules) (Use of a Prohibited Substance or a Prohibited Method) based on abnormal values in the hematological module of her Athlete Biological Passport.
22. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 or Rule 2.2 shall be as follows:
  - “10.2.1 *Save where Rule 10.2.4 applies, the period of Ineligibility will be four years where:*
    - (a) *The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.*
    - (b) *The anti-doping rule violation involves a Specified Substance or a Specified Method and the Integrity Unit can establish that the anti-doping rule violation was intentional.*”
23. Testosterone is a Prohibited Substance under the WADA 2023 Prohibited List under the category S1.1 Anabolic Androgenic Steroids. It is a Non-Specified Substance prohibited at all times.
24. As set out above, this constitutes the Athlete's second Anti-Doping Rule Violation. In accordance with Rule 10.9.1(a), the period of Ineligibility to be imposed is therefore **a period of Ineligibility of eight (8) years**<sup>2</sup>.

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<sup>2</sup> The period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1/Rule 2.2 involving a non-specified substance is a period of four (4) years in accordance with Rule 10.2.1(a). In accordance with Rule 10.9.1(a) the period of Ineligibility for a second Anti-Doping Rule Violation shall be in the range between (i) the sum of the period of Ineligibility imposed for the first Anti-Doping Rule Violation (4 years) plus the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation (4 years) (i.e., a total of eight (8) years), and (ii) twice the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation (i.e., 2 x 4 years = 8 years).

25. Rule 10.8.1 ADR provides that an athlete potentially subject to an asserted period of Ineligibility of four (4) years or more may benefit from a one (1)-year reduction in the period of Ineligibility based on an early admission and acceptance of sanction:

*“10.8.1 One year reduction for certain anti-doping rule violations based on early admission and acceptance of sanction.*

*Where the Integrity Unit notifies an Athlete or other Person of an anti-doping rule violation charge that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Rule 10.4), if the Athlete or other Person admits the violation and accepts the asserted period of Ineligibility no later than 20 days after receiving the Notice of Charge, the Athlete or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by the Integrity Unit. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Rule 10.8.1, no further reduction in the asserted period of Ineligibility will be allowed under any other Rule.”*

26. The Athlete was issued with a Notice of Charge on 22 January 2024. However, the Athlete failed to admit the Anti-Doping Rule Violations and accept the Consequences specified in the Notice of Charge within a period of 20 days (i.e., by 11 February 2024).

27. The Athlete shall not therefore receive any reduction in the period of Ineligibility in accordance with Rule 10.8.1 ADR.

28. On the basis that the Athlete is deemed to have waived her right to a hearing and admitted the Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR specified in the Notice of Charge, the AIU confirms by this decision the following Consequences for the Athlete’s second Anti-Doping Rule Violation:

28.1. a period of Ineligibility of eight (8) years commencing on 22 December 2023 until 21 December 2031; and

28.2. disqualification of the Athlete’s results on and since 5 November 2023, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points prizes and appearance money.

29. The Athlete is deemed to have accepted the above Consequences and to have waived her right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

## **PUBLICATION**

30. In accordance with Rule 8.5.6(b) ADR, the AIU shall publicly report this decision on the AIU's website.

## **RIGHTS OF APPEAL**

31. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.

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32. Further to Rule 13.2.3 ADR, the Athlete, WADA and the Anti-Doping Agency of Kenya (“**ADAK**”) have a right of appeal against this decision to the Court of Arbitration for Sport in Lausanne, Switzerland, in accordance with the procedure set out at Rule 13.6.1 ADR.
33. If an appeal is filed against this decision by WADA or ADAK, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 13 February 2024