
DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS SANJIVANI JADHAV

Introduction

1. In April 2017, the IAAF established the Athletics Integrity Unit ("**AIU**") whose role is to protect the integrity of the sport of Athletics, including fulfilling the IAAF's obligations as a Signatory to the World Anti-Doping Code. The IAAF has delegated implementation of the IAAF 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. Ms Sanjivani JADHAV is a 23-year old Indian long-distance runner who is an International-Level Athlete for the purposes of the ADR (the "**Athlete**").
3. The AIU has charged the Athlete with commission of anti-doping rule violations under the ADR and has proposed certain consequences. The Athlete has admitted the anti-doping rule violations with which she was charged and has accepted the consequences proposed.
4. This decision is accordingly issued pursuant to Article 8.4.7 ADR which provides that:

8.4.7 "[i]n the event that [...] the Athlete or Athlete Support Person admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the Integrity Unit, a hearing before the Disciplinary Tribunal shall not be required. In such a case, the Integrity Unit...shall promptly issue a decision confirming...the commission of the Anti-Doping Rule Violation(s) and the imposition of the Specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed)".

The Athlete's commission of Anti-Doping Rule Violations

5. On 27 May 2018, the Athlete underwent an in-competition doping control at the 'TCS World 10k' held in Bangalore India. On 29 June 2018, the Athlete underwent a further in-competition doping control at the '58th National Inter-State Senior Athletics Championships' held in Guwahati, India. The Athlete provided urine samples numbered 503235 and 503365 respectively (the "**Samples**").
6. On 28 October 2018, the WADA accredited laboratory in Montreal, Canada reported Adverse Analytical Findings for the presence of probenecid in the Samples (the "**AAFs**").¹
7. Probenecid is a Prohibited Substance under category S5 (Diuretics and Masking Agents) of the WADA 2018 Prohibited List. It is a specified substance prohibited at all times.
8. The Athlete did not have a Therapeutic Use Exemption ("**TUE**") permitting the use of probenecid.
9. Following confirmation from WADA that results management in this matter should be conducted by the AIU on behalf of the IAAF in accordance with Article 7.2.8(b) ADR², on 22 November

¹ The estimated concentration of probenecid in the Samples was 1.2 ng/mL (SG 1.008) in Sample 503235 and 0.9 ng/mL (SG 1.005) in Sample 503365.

2018, the AIU notified the Athlete, via her National Federation, of the AAFs and offered her the opportunity to explain the circumstances that resulted in the presence of probenecid in the Samples.

10. On 26 November 2018, the Athlete attended the offices of the Athletics Federation of India where the contents of the correspondence from the AIU dated 22 November 2018 were explained to her.
11. On 29 November 2018, the Athlete sent her explanation to the AIU, which provided that she was surprised about the results from analysis of the Samples and that she had not, to the best of her knowledge, taken probenecid. The Athlete confirmed that she had not used any additional supplements or substances than those disclosed on her Doping Control Forms of 27 May 2018 and 29 June 2018 (“the **DCF**s”). The Athlete requested an extension of thirty (30) days in order to make arrangements to cover the costs of the B Sample analyses.
12. On 18 December 2018, the AIU wrote to the Athlete providing further details regarding the proposed dates and the costs for analysis of the B Samples and requested confirmation of the Athlete’s preferred dates by no later than 2 January 2019.
13. On 31 December 2018, the AIU received correspondence through the Athlete’s appointed representative confirming that the Athlete had procured sealed containers/packs of the supplements declared on the DCFs (“the **Athlete’s Supplements**”). The Athlete requested that the AIU direct the WADA-accredited laboratory in New-Delhi, India, the National Dope Testing Laboratory (“**NDTL**”), to undertake the analysis of the Athlete’s Supplements. The Athlete also waived her right to have the B Samples analysed.
14. Between 8 January 2019 and 26 February 2019, the parties engaged in discussions regarding analysis of the Athlete’s Supplements. Recognising the Athlete’s individual circumstances, on 26 February 2019, the AIU exceptionally agreed to the Athlete’s Supplements being analysed at the NDTL and reserved its right to request that any supplement(s) be transferred to the WADA-accredited laboratory in Montreal, Canada for further analysis.
15. On 31 May 2019, the Athlete’s representatives forwarded correspondence from the NDTL dated 23 May 2019 enclosing the results from testing of the Athlete’s Supplements. The results confirmed that no prohibited substances had been detected.
16. On 19 June 2019, the AIU charged the Athlete with committing anti-doping rule violations pursuant to Article 2.1 ADR (Presence of a Prohibited Substance) and Article 2.2 ADR (Use of a Prohibited Substance). The Athlete was offered the opportunity to either admit the anti-doping rule violations and accept a two (2) year sanction³, or to request a hearing before the Disciplinary Tribunal.
17. On 28 June 2019, to satisfy the requirements of Article 10.10.2(b) ADR that the Athlete must serve at least one-half of the two-year period of ineligibility imposed, the Athlete admitted committing anti-doping rule violations for the Presence of probenecid in the Samples and the Use of probenecid and accepted the proposed consequences by signing the Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form.

² “Results management and the conduct of hearings for Testing conducted by WADA on its own initiative, or an Anti-Doping Rule Violation discovered by WADA, shall be conducted by the Anti-Doping Organisation directed by WADA.”

³ This included that the period of ineligibility may be backdated so that it is deemed to have commenced as far back as the date of last occurrence of the Anti-Doping Rule Violation (i.e., in the case of Article 2.1 ADR, the date of sample collection, viz 29 June 2018) where the Athlete promptly admitted the Anti-Doping Rule Violation after being confronted with it by the Integrity Unit pursuant to Article 10.10.2(b) ADR.

18. Notwithstanding her admissions and acceptance of the consequences proposed in the Notice of Charge, the Athlete requested that the AIU give consideration to a reduction in the period of ineligibility pursuant to Article 10.4 or Article 10.5 ADR in her specific circumstances. In support of that request, the Athlete made written submissions through her appointed representative, summarised as follows:
 - 18.1. the concentrations of probenecid in the Samples were so low as to demonstrate that the Athlete could not have masked the use of [a] prohibited substance[s];
 - 18.2. the Athlete suspected that probenecid may have been contained in contaminated "Ayurvedic" medicines (an ancient form of Indian medication made of natural substances) that she was using at the time the Samples were collected;
 - 18.3. the Athlete's history of negative anti-doping tests should be considered in her favour; and
 - 18.4. the Athlete maintained that she had never cheated and never intentionally consumed a prohibited substance.
19. The Athlete also accepted that testing of the Athlete's Supplements by the NDTL did not reveal the presence of probenecid.

Sanction

20. Article 10.2 ADR provides that the period of ineligibility imposed for anti-doping rule violations under Article 2.1 ADR and Article 2.2 ADR involving a specified substance shall be two years, unless the AIU can establish that the anti-doping rule violations were intentional.
21. The AIU does not seek to demonstrate that the anti-doping rule violations committed by the Athlete were intentional.
22. Article 10.4 ADR permits the period of ineligibility to be eliminated in cases where an Athlete is able to establish that he/she bears No Fault or Negligence.
23. The definition of No Fault or Negligence provides as follows:

"No Fault or Negligence: The Athlete's or other Person's establishing that he did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must establish how the Prohibited Substance entered his system."
24. In addition, an Athlete can instead rely on Article 10.5.1(a) to reduce the period of ineligibility below the mandatory two years, by sustaining a plea of No Significant Fault or Negligence, defined as follows:

"No Significant Fault or Negligence: The Athlete's or other Person's establishing that his Fault or Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the Anti-Doping Rule Violation. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must establish how the Prohibited Substance entered his system."

25. Pursuant to the foregoing, it is a prerequisite for the application of both No Fault or Negligence and No Significant Fault or Negligence that the Athlete must demonstrate (on the balance of probabilities) how the prohibited substance (in this case, probenecid) entered her system.
26. In this respect, the AIU notes the following:
- 26.1. the Athlete's Supplements subject to testing by the NDTL did not reveal the presence of any prohibited substances;
- 26.2. whereas Ms Jadhav asserts that she was also taking ayurvedic medicine at the material time, she:
- (i) failed to disclose the use of any ayurvedic medicine on the DCFs; and
- (ii) confirmed in her initial explanation for the Adverse Analytical Findings provided in November 2018 that "*I have never used any additional supplement or substance, apart from the substance mentioned on the Doping Control Forms dated May 27, 2018 and June 29, 2018*".
- 26.3. even assuming *arguendo* that the AIU accepts the Athlete's latest claim that she was using ayurvedic medicine around the time of sample collection, there remains no evidence to support the Athlete's suspicion that this traditional (herbal) medicine that uses natural substances, could have been contaminated with probenecid.
27. Pursuant to the foregoing, the Athlete has failed to meet her burden to establish on the balance of probabilities how probenecid came to be present in the Samples. The Athlete is therefore unable to rely on Article 10.4 or Article 10.5 to reduce the period of ineligibility.

Consequences

28. This constitutes the Athlete's first Anti-Doping Rule Violation under the ADR.
29. On the basis that the Athlete has admitted to committing anti-doping rule violations under Article 2.1 ADR and Article 2.2 ADR, the AIU confirms by this decision the following consequences for a first anti-doping rule violation:
- 29.1. a period of Ineligibility of two (2) years pursuant to Article 10.2.2 ADR commencing on 29 June 2018⁴;
- 29.2. disqualification of the Athlete's results obtained at the 'TCS World 10k' held in Bangalore India on 27 May 2018 and in the '58th National Inter-State Senior Athletics Championships' held in Guwahati, India on 29 June 2018 with all resulting consequences including the forfeiture of any titles, awards, medals, points and prize and appearance money pursuant to Article 9 ADR; and
- 29.3. disqualification of the Athlete's results since 29 June 2018 with all resulting consequences including the forfeiture of any titles, awards, medals, points and prize and appearance money pursuant to Article 10.8 ADR;
30. The Athlete has accepted the above consequences for her anti-doping rule violations and has expressly waived her right to have those consequences determined by the Disciplinary Tribunal at a hearing.

⁴ Pursuant to Article 10.10.2(b) ADR, see footnote 3 supra.

31. The Athlete's status during the period of ineligibility is set out in Article 10.11 ADR as follows:

"10.11.1 Prohibition Against Participation During Ineligibility

- (a) *No Athlete or other Person who has been declared ineligible may, during the period of ineligibility, compete or otherwise participate in any capacity in (or if the Athlete is an Athlete Support Person, assist any Athlete competing or otherwise participating in any capacity in):*
- (i) *any International Competition;*
 - (ii) *any other Competition or Event or activity (other than authorised anti-doping education or rehabilitation programmes) authorised, organised, or sanctioned by the IAAF, any National Association or member of a National Association, or any Area Association, or any Signatory, Signatory's member organisation, or club or member organisation of that Signatory's member organisation;*
 - (iii) *any Event or Competition authorised or organised by any professional league or any international or national-level Event or Competition organisation; or*
 - (iv) *any elite or national-level sporting activity funded by a governmental agency".*

Publication

32. In accordance with Article 8.4.7(b) ADR, the AIU shall publicly report this decision on the AIU's website.

Rights of Appeal

33. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.

34. Further to Article 13.2.4 ADR, WADA and the National Anti-Doping Agency of India ("**NADA**") 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 Article 13.7.2 ADR.

35. If an appeal is filed against this decision by WADA or NADA, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Article 13.9.3 ADR.

Monaco, 18 July 2019