
Decision of the Athletics Integrity Unit in the Case of Ms Josephine Chepkoech

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. Ms Josephine Chepkoech ("the **Athlete**") is a 35-year-old marathon runner from Kenya.¹
3. 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

4. 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

[...]

¹ <https://worldathletics.org/athletes/kenya/josephine-chepkoech-14288902>

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

5. On 18 February 2024, the Athlete provided a urine Sample In-Competition in Seville, Spain, which was given code 1313097 (the "Sample").
6. On 30 April 2024, the World Anti-Doping Agency ("WADA") accredited laboratory in Madrid, Spain (the "Laboratory") reported that the analysis of the Sample had revealed the presence of 5 α -androstane-3 α ,17 diol ("5 α Adiol") and 5 β -androstane-3 α ,17 diol ("5 β Adiol") consistent with exogenous origin (the "Adverse Analytical Finding").
7. 5 α Adiol and 5 β Adiol are Metabolites of Testosterone which is a Prohibited Substance under the WADA 2024 Prohibited List under the category S1.1 Anabolic Androgenic Steroids (AAS). 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 5 α Adiol and 5 β Adiol 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. On 7 May 2024, the AIU notified the Athlete of the Adverse Analytical Finding in accordance with Article 5.1.2.1 of the ISRM, including that the Adverse Analytical Finding may result in Anti-Doping Rule Violations pursuant to Rule 2.1 ADR and/or Rule 2.2 ADR and of the imposition of an immediate Provisional Suspension.
10. The Athlete was also informed of her rights, inter alia, to request the B Sample analysis, to request copies of the laboratory documentation supporting the Adverse Analytical Finding and to admit the Anti-Doping Rule Violations and potentially benefit from a one-year reduction in the period of Ineligibility pursuant to Rule 10.8.1 ADR.
11. On 9 May 2024, the Athlete sent two e-mails to the AIU stating "Accepted" and "I have accepted".
12. On 20 May 2024, the AIU received an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form signed by the Athlete.

Consequences

13. This is the Athlete's second Anti-Doping Rule Violation.
14. The Athlete has previously served a period of Ineligibility of two (2) years from 15 March 2015 to 14 March 2017 for Anti-Doping Rule Violations under Article 32.2(a) and Article 32.2(b) of the 2014 IAAF Rules (equivalent to Rule 2.1 and Rule 2.2 of the Rules) (Presence/Use of a Prohibited

Substance or a Prohibited Method) based on the presence of Norandrosterone in a Sample that the Athlete provided on 31 December 2014.

15. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 ADR or Rule 2.2 ADR 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.”

16. 5 α Adiol and 5 β Adiol are Metabolites of Testosterone, which is a Prohibited Substance under the WADA 2024 Prohibited List under the category S1.1 Anabolic Androgenic Steroids. It is a Non-Specified Substance prohibited at all times.

17. 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**².

18. However, 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

² 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 (2 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 six (6) 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).

Ineligibility under this Rule 10.8.1, no further reduction in the asserted period of Ineligibility will be allowed under any other Rule.”

19. A Notice of Allegation was issued to the Athlete on 7 May 2024. On 20 May 2024, the AIU received an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form signed by the Athlete confirming that she admitted the Anti-Doping Rule Violations and accepted the asserted period of Ineligibility of eight (8) years.³
20. The Athlete shall therefore receive a one (1) year reduction in the asserted period of Ineligibility pursuant to Rule 10.8.1 ADR based on an early admission and acceptance of sanction.
21. On the basis that the Athlete has admitted the Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR, in accordance with Rule 10.2.1 ADR and the application of Rule 10.4 ADR and Rule 10.8.1 ADR, the AIU confirms by this decision the following Consequences for the Athlete's second Anti-Doping Rule Violation:
 - 21.1. a period of Ineligibility of seven (7) years commencing on 7 May 2024 (the date of Provisional Suspension); and
 - 21.2. disqualification of the Athlete's results on and since 18 February 2024, with all resulting Consequences, including the forfeiture of any medals, titles, awards, points, prizes, prize money and appearance money.
22. 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.

Publication

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

Rights of Appeal

24. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
25. Further to Rule 13.2.3 ADR, WADA and ADK 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.

³ The Notice of Allegation of Anti-Doping Rule Violations was issued to the Athlete by the AIU in accordance with Article 5.1.2 of the ISRM, prior to a Notice of Charge issued in accordance with Article 7 of the ISRM. Considering the Athlete's signed admission and acceptance of Consequences on 20 May 2024, no Notice of Charge was ever issued.

26. 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, 21 May 2024