

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR JOEL MAINA MWANGI

### 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 (**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 matter concerns a violation of the prohibition against participation during Ineligibility by Mr Joel Maina Mwangi (the **Athlete**), a 38-year-old road runner from Kenya<sup>1</sup>.
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)."*

### FACTUAL BACKGROUND

4. On 29 June 2022, the AIU issued a decision confirming that the Athlete had committed an anti-doping rule violation ("**ADRV**") pursuant to Rule 2.2 of the 2021 ADR and imposed a period of Ineligibility of three (3) years upon him from 23 June 2022 to 22 June 2025.<sup>2</sup>
5. Rule 10.14.1 of the 2021 ADR specifies the prohibition against participation during Ineligibility in the following terms (emphasis added):

*"No Athlete or other Person who has been declared Ineligible or is subject to a Provisional Suspension may, during a period of Ineligibility or Provisional Suspension, participate in any capacity in a Competition or activity (other than authorised anti-doping Education or rehabilitation programs) authorised or*

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<sup>1</sup> <https://worldathletics.org/athletes/kenya/joel-mwangi-maina-14208963>

<sup>2</sup> <https://www.athleticsintegrity.org/downloads/pdfs/disciplinary-process/en/AIU-21-203-Joel-Maina-Mwangi-Decision.pdf>

*organised by any Signatory, Signatory's member organisation, or a club or other member organisation of a Signatory's member organisation, or in Competitions authorised or organised by any professional league or any international or national level event organisation or any elite or national-level sporting activity funded by a governmental agency."*

6. On 15 May 2023, the AIU informed the Athlete that it had recently received information concerning his participation in, and completion of, online courses organized by World Athletics through the World Athletics' Education Hub (World Athletics' e-Learning platform), in particular:
  - 6.1. the World Athletics Gender Leadership Online Course (the "**Gender Leadership Course**") on 27 April 2023; and
  - 6.2. the World Athletics Technical Officials Education and Certification System Level 1 online course (the "**TOECS Course**") on 4 May 2023 (together, "the **Courses**").
7. The AIU also reminded the Athlete, without prejudice to any action that it may take based on his apparent participation in the Courses, that he should refrain from participating during his period of Ineligibility in any capacity in an activity organised by World Athletics or a Member Federation (other than authorised anti-doping education or rehabilitation programmes), including, for the avoidance of doubt, officiating at any competition under the jurisdiction of a Member Federation.
8. On the same day, the Athlete responded to the AIU apologizing for his mistake by participating in the Courses.
9. On 16 June 2023, having confirmed the Athlete's participation and completion of the Courses, the AIU concluded that the Athlete had violated the prohibition against participation during Ineligibility set out in Rule 10.14.1(a) and requested his full written explanation to allow the AIU to determine the appropriate Consequences.<sup>3</sup>
10. On 19 June 2023, the Athlete wrote to explain that he was interested in learning and had been seeking to better himself by completing certain education programmes whilst he was unable to compete in the sport. He had not realised the Courses would be prohibited because they were being organised by World Athletics on-line and did not involve attendance from him in person. He apologised again for his mistake and committed to respecting the terms of the ban for the remainder of his period of Ineligibility.
11. Taking into consideration the Athlete's degree of Fault and the overall circumstances of the case, including the fact that the Athlete admitted the breach immediately upon notification, the AIU considered that a reprimand and no additional period of Ineligibility to be the appropriate Consequences for the Athlete's violation.

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<sup>3</sup> The period of Ineligibility to be imposed under Rule 10.14.3 is a period of Ineligibility equal in length to the original period of Ineligibility which may be adjusted based on the Athlete's degree of Fault and other circumstances of the case.

12. On 10 July 2023, the Athlete signed an admission and acceptance form in which he admitted that he had committed a violation of the prohibition against participation during Ineligibility by participating in and completing the Courses and accepted the Consequences proposed by the AIU for such violation in the form of a reprimand.

## CONSEQUENCES

13. On the basis that the Athlete has admitted the breach of the prohibition against participation during Ineligibility under Rule 10.14.1, in accordance with Rule 10.14.3, the AIU confirms by this decision the following Consequences:

- 13.1. a reprimand and no further period of Ineligibility.

14. The Athlete has accepted these Consequences for the breach of Rule 10.14.1 and has expressly waived his right to have them determined by the Disciplinary Tribunal at a hearing.

## PUBLICATION

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

## RIGHTS OF APPEAL

16. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6.
17. Further to Rule 13.2.3, WADA, the Anti-Doping Agency of Kenya ("**ADAK**") and the National Anti-Doping Organization of Italy ("**NADO Italia**") 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.
18. If an appeal is filed against this decision by WADA, ADAK or NADO Italia, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Rule 13.2.4.

Monaco, 27 July 2023