

**DECISION OF THE INTERNATIONAL TENNIS INTEGRITY AGENCY  
PURSUANT TO ARTICLE 7.14 OF THE 2023 TENNIS ANTI-DOPING PROGRAMME**

**I. Introduction**

1. The International Tennis Integrity Agency (**ITIA**) is the delegated third party, under the World Anti-Doping Code (**Code**), of the International Tennis Federation (**ITF**), the international governing body for the sport of tennis and signatory of the Code. Under the delegation, the ITIA is responsible for the management and administration of anti-doping across professional tennis in accordance with the Tennis Anti-Doping Programme (the **TADP** or the **Programme**), which sets out Code-compliant anti-doping rules applicable to players competing in Covered Events.
2. Casey Kania (the **Player**) is a 21-year-old player from the United States. He has achieved a career-high ATP doubles ranking of 1317. By virtue of (among other things) his ATP ranking and participation in Covered Events in 2023, the Player was bound by and required to comply with the TADP.
3. The ITIA charged the Player with the commission of anti-doping rule violations under Article 2.1 and/or Article 2.2 of the TADP (copied below), and proposed certain Consequences based on its analysis of the degree of fault that the Player bears for those violations:
  - “2.1 *The presence of a Prohibited Substance or any of its Metabolites or Markers in a Player’s Sample, unless the Player establishes that such presence is consistent with a TUE granted in accordance with Article 4.4.*”
  - “2.2 *Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method, unless the Player establishes that such Use or Attempted Use is consistent with a TUE granted in accordance with Article 4.4.*”
4. The Player is deemed to have admitted the anti-doping rule violations charged and acceded to the Consequences proposed by the ITIA.
5. In such circumstances, Article 7.14 of the TADP provides that:
  - “7.14.1 *At any time prior to a final decision by the Independent Tribunal, the ITIA may invite the Player or other Person to admit the Anti-Doping Rule Violation(s) asserted and accede to specified Consequences [...]*
  - 7.14.2 *In the event that the Player or other Person admits the Anti-Doping Rule Violation(s) asserted and accedes to Consequences specified by the ITIA [...], the ITIA will promptly issue a reasoned decision confirming the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences [...], will send notice of the decision to the Player or other Person and to each Interested Party, and will Publicly Disclose the decision in accordance with Article 8.6. [...]*
  - 7.14.3 *Any decision issued by the ITIA in accordance with Article 7.14.2 that an Anti-Doping Rule Violation has been committed [...] will address and determine (without limitation):*

*(1) the factual basis of the decision that an Anti-Doping Rule Violation was committed; and (2) all of the Consequences to be imposed for such Anti-Doping Rule Violation, including the reasons for imposing the Consequences specified, and in particular the reasons for exercising any discretion not to impose the full Consequences available under this Programme.”*

## **II. The Player's commission of anti-doping rule violations**

6. On 10 August 2023, while competing at the ATP Challenger event held in Cary, United States (the **Event**), the Player was required to provide a urine sample for drug testing pursuant to the TADP. The sample he provided was given reference number 1249695 and was split into an A sample and a B sample, which were sealed in tamper-evident bottles and transported to the WADA-accredited laboratory in Montreal (the **Laboratory**) for analysis.
7. The Laboratory detected the presence in sample A1249695 of Cannabis (Carboxy-THC and 11-nor-9-carboxy- $\Delta$ 9-tetrahydrocannabinol). Cannabis is a cannabinoid banned in competition under Section S8 (Cannabinoids) of the 2023 WADA Prohibited List. Cannabis is a Specified Substance. THC is a Substance of Abuse.
8. The Adverse Analytical Finding reported by the Laboratory in respect of the A sample was considered by an independent Review Board in accordance with TADP Article 7.4. The Review Board did not identify any apparent departures from the applicable sample collection and sample analysis procedures that could have caused these Adverse Analytical Findings and the Player did not have a valid Therapeutic Use Exemption (**TUE**). It therefore decided that the Player had a case to answer for breach of TADP Article 2.1 and/or 2.2.
9. The ITIA sent the Player a (pre-charge) Notice on 2 October 2023, advising him of his Adverse Analytical Finding and that he may have committed an Anti-Doping Rule Violation under TADP Article 2.1 (presence of a Prohibited Substance in his Sample) and/or TADP Article 2.2 (Use or Attempted Use of a Prohibited Substance). Given that Cannabis is classified as a Specified Substance under the TADP, the Player was not subject to a mandatory provisional suspension under TADP Article 7.12.1.
10. The Player did not respond to the (pre-charge) Notice.
11. The Laboratory analysed sample B1249695 and reported, on 24 October 2023, that it had detected the presence of Cannabis (Carboxy-THC and 11-nor-9-carboxy- $\Delta$ 9-tetrahydrocannabinol), i.e., the B sample analysis confirmed the Adverse Analytical Finding made in respect of the A sample. On 30 October 2023, the Player was notified of this.
12. On 7 November 2023, the ITIA formally charged the Player, via a Charge Letter, with the commission of an Anti-Doping Rule Violation under TADP Article 2.1 and/or TADP Article 2.2. TADP Article 2.1 is a strict liability offence that is established simply by proof that a Prohibited Substance was present in the sample, i.e., the ITIA does not have to prove how the substance got into the Player's system or that the Player took the substance intentionally (or even knowingly).
13. On 24 November 2023, the ITIA sent the Player a message requesting that he respond to the Charge Letter and reiterating the fact that the Player may get a reduced sanction if he was able to prove that the cannabis was taken out of competition and that the use of cannabis was

unrelated to sport performance. The Player responded on 24 November 2023 saying: “Yes it was used out of competition and not for sports performance.”

14. On 24 November 2023, the ITIA sent the Player another message explaining that it would require more detail in relation to the Player’s use of cannabis. The ITIA extended the deadline for the Player to do so to 27 November 2023.
15. The Player did not respond by this deadline and so the ITIA gave the Player another extension to respond to 1 December 2023.
16. On 30 November 2023, the Player responded and stated that he had been told to take [REDACTED] for [REDACTED] by a family doctor, but that he did not have a medical prescription. The Player was advised by the ITIA that he would need to provide more details of his usage of the [REDACTED], including correspondence from the doctor who had recommended that he take them. The ITIA also reiterated the possibilities in terms of sanction and what he would need to provide to be eligible for any reduction.
17. The Player was not able to provide any additional information, for example a note from the doctors, but on 9 December 2023, sent a photograph of the [REDACTED] he had supposedly taken, without any correspondence or other evidence from his doctor.
18. Between 12 December 2023 and 4 January 2024, the ITIA sent three messages to the Player inviting him to join a call with the ITIA, to give the Player an opportunity to explain the circumstances around his use of the [REDACTED]. The Player did not respond to any of these messages.

### III. Consequences

#### A. Period of Ineligibility

19. The Player has submitted no reasoned explanation, supported by evidence, as to the source of the cannabis in his sample. Further, the Player has not engaged with the attempts made by the ITIA for him to have an opportunity to explain the circumstances around his exposure to the cannabis.
20. This is the Player's first doping violation.
21. TADP Article 10.2.1 mandates a four-year ban for a TADP Article 2.1 and/or 2.2 violation that is “intentional” and is a first violation.<sup>1</sup> If the prohibited substance in question is classified as a Specified Substance (as here), the ITIA has the burden of proving that the violation was “intentional.” If the ITIA does not believe, or is not able to prove, that the violation was “intentional”, then TADP Article 10.2.2 provides for a two-year period of ineligibility, subject to potential further mitigation. TADP Article 10.2.3 explains that in this context “the term ‘intentional’ is meant to identify those Players or other Persons who engage in conduct that they knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the

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<sup>1</sup> In accordance with TADP Article 10.9.4.1, for the purposes of imposing consequences under the TADP, the anti-doping rule violations will be “considered together as one single first Anti-Doping Rule Violation, and the sanction imposed will be based on the Anti-Doping Rule Violation that carries the more severe sanction” if (as here) the Player did not commit the second anti-doping rule violation after he received notice of the first.

*conduct might constitute or result in an Anti-Doping Rule Violation and manifestly disregarded that risk". The jurisprudence is clear that what counts in this context is what the Player actually knew, not what he should have known.<sup>2</sup>*

22. The ITIA accepts that the Player did not intentionally breach the provisions of the TADP. The ITIA acknowledges the Player's rudimentary statement that he used [REDACTED] to help with his [REDACTED] on the advice of a family doctor. Accordingly, the ITIA accepts that the Player's commission of the violation was not "*intentional*" within the meaning of TADP Articles 10.2.1 and 10.2.3, and so the two-year period of ineligibility set out in TADP Article 10.2.2 applies.
23. The Player has not formally responded to the Charge Letter sent by the ITIA on 7 November 2023. The ITIA, therefore, is not aware of any reasoned arguments the Player may have in terms of mitigation of his case or any applicable sanction.
24. As the Player has not submitted any counter-arguments, the ITIA is not able to afford the Player any mitigation of the presumptive two-year period of ineligibility set out in TADP Article 10.2.2.
25. In accordance with TADP Article 10.13, "*the period of Ineligibility will start on the date of the final decision providing for Ineligibility, or (if the hearing is waived, or there is no hearing) on the date Ineligibility is accepted or otherwise imposed*" save in certain circumstances which are set out in TADP Article 10.13.1. "*Where there have been substantial delays in the hearing process or other aspects of Doping Control, and the Player or other Person can establish that such delays are not attributable to the Player or other Person, the period of Ineligibility may be deemed to have started at an earlier date, commencing as early as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, will be Disqualified.*"
26. Here, the delays in the case have largely been attributable to the Player (including the delays in his response and, often, failure to respond at all) and, as such the Player's two-year period of ineligibility will be deemed to have started running from the date of this decision, i.e., 2 February 2024. Therefore, it will expire at midnight on 1 February 2026.
27. During his period of ineligibility, the Player's status will be as set out under TADP Article 10.14, i.e., he may not play, coach or otherwise participate in any capacity in (i) any Covered Event; (ii) any other Event or Competition, or activity (other than authorised anti-doping education or rehabilitation programmes) authorised, organised or sanctioned by the ITF, the ATP, the WTA, any National Association or member of a National 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. Nor will he be given accreditation for or otherwise granted access to any Event referred to at points (i) and (ii). In accordance with TADP Article 10.14.5.2, the Player may use the facilities of a club or other member organisation of a Signatory's member organisation for training purposes in the last two months of his period of ineligibility, i.e., from 1 December 2026 on.

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<sup>2</sup> ITF v Sharapova, Independent Tribunal decision dated 6 June 2016, para 68, not challenged on appeal, Sharapova v ITF, CAS 2016/A/4643

**B. Disqualification of results**

28. The results obtained by the Player at the Event and in subsequent events are disqualified pursuant to TADP Articles 9.1 and 10.10, and the points and prize money that he won at those events are forfeited in accordance with the same provisions.

**C. Costs**

29. Each party shall bear its own costs of dealings with this matter.

**D. Publication**

30. In accordance with TADP Article 8.6, this decision will be publicly reported by being posted (in full and/or summary form) on the ITIA's website.

**E. Acceptance by the Player**

31. The Player has accepted the consequences proposed above by the ITIA for his anti-doping rule violations and has expressly waived his right to have those consequences determined by the Independent Tribunal at a hearing.

**IV. Rights of appeal**

32. This decision constitutes the final decision of the ITIA, resolving this matter pursuant to TADP Article 7.14.

33. Further to TADP Article 13.2.1, each of WADA and USADA has a right to appeal against this decision to the CAS in Lausanne, Switzerland, in accordance with the procedure set out at TADP Articles 13.8 and 13.9.

34. As part of this resolution of the matter, the Player has waived his right to appeal against or otherwise challenge any aspect of this decision (both as to the finding that the Player has committed anti-doping rule violations and as to the imposition of the consequences set out above), whether pursuant to TADP Article 13.2.1 or otherwise. However, if an appeal is filed with the CAS against this decision either by WADA or USADA, the Player will be entitled (if so advised) to exercise his right of cross-appeal in accordance with TADP Article 13.9.4.

Issued Decision of the ITIA

London, 2 February 2024