

In the matter of the Canadian Anti-Doping Program;

**And in the matter of an anti-doping rule violation by Nicolas Cross asserted by the
Canadian Centre for Ethics in Sport;**

File Outcome Summary

Summary

1. The Canadian Centre for Ethics in Sport (CCES) conducted an in-competition sample collection session on October 28, 2017 in Vancouver, BC.
2. Mr. Nicolas Cross (“the athlete”) was selected for doping control. The sample provided by the athlete returned an adverse finding for Cannabis, a specified substance.
3. Following receipt of the CCES’ assertion of an anti-doping rule violation for the presence of Cannabis, the athlete accepted the anti-doping rule violation and waived his right to a hearing.

Jurisdiction

4. The CCES is an independent not-for-profit organization incorporated under the federal laws of Canada that promotes ethical conduct in all aspects of sport in Canada. The CCES also maintains and carries out the Canadian Anti-Doping Program (CADP), including providing anti-doping services to national sport organizations and their members.
5. As Canada’s national anti-doping organization, the CCES is in compliance with the World Anti-Doping Code (Code) and its mandatory International Standards. The CCES has implemented the Code and its mandatory International Standards through the CADP, the domestic rules which govern this proceeding. The purpose of the Code and of the CADP is to protect the rights of athletes to fair competition.
6. The athlete is a member of U SPORTS, and participates in the sport of American Football. According to Part C, Rule 1.3 of the CADP, the CADP provisions apply to all members of, and participants in the activities of, sport organizations adopting it. The CADP was issued for adoption by Canadian sport organizations on October 1, 2014, to be operational on January 1, 2015. U SPORTS adopted the CADP on December 19, 2014. Therefore, as a member of U SPORTS and/or as a participant in U SPORTS sport activities, the athlete is subject to the Rules of the CADP.

Doping Control

7. On October 28, 2017 the CCES conducted an in-competition sample collection session in Vancouver, BC. Testing at this competition was conducted on U SPORTS athletes as part of the CCES' domestic test distribution plan, all pursuant to the CADP.
8. The athlete was notified for doping control and, together with the Doping Control Officer (DCO) from the CCES, completed the sample collection process. The athlete's sample code number was 4041510.
9. On October 31, 2017 the athlete's sample was received by the World Anti-Doping Agency (WADA) accredited laboratory, the INRS-Institut Armand-Frappier (INRS), in Laval, QC.

Results Management

10. On November 18, 2017, the CCES received a Certificate of Analysis for the athlete's sample (sample code 4041510) from the INRS which indicated the presence of Cannabis above the threshold of 150 ng/mL.
11. Cannabis is classified as a prohibited substance (specified substance) on the 2017 WADA Prohibited List.
12. On December 1, 2017 the athlete accepted a Voluntary Provisional Suspension.
13. On December 13, 2017 the CCES formally asserted a violation against the athlete for the presence of a specified substance.
14. In accordance with CADP Rule 10.2.2, the standard sanction for an anti-doping rule violation involving the presence of a specified substance is a two (2) year period of ineligibility.
15. However, following an evaluation of all the relevant facts including the athlete's explanation the CCES has determined that the athlete was not at significant fault or negligence for the violation. Further, the CCES has evaluated the athlete's degree of fault for the violation, considers it to be low and therefore has concluded that a reduction in sanction is warranted. The CCES' rationale for this outcome is the following:
 - i) The athlete was not, at the time of testing, a National or International athlete as defined in the CADP;
 - ii) The athlete's use of the substance occurred out-of-competition, prior to the sample collection date;

iii) The athlete's use of the substance was social in nature and unconnected to sport or training.

16. Therefore, as this would be a first violation involving a specified substance, and after consideration for the factors outlined above, the CCES determined that the sanction for this violation should be a two (2) month period of ineligibility (in accordance with Rule 10.5.1.1 of the CADP).

Confirmation of Violation and Sanction

17. On December 14, 2017, in response to the CCES' assertion, the athlete admitted to the anti-doping rule violation in a timely fashion in accordance with CADP Rule 10.11.2. The athlete further waived his right to a hearing and accepted the two (2) month period of ineligibility proposed by the CCES.

18. When an athlete facing a period of ineligibility admits a violation in a timely fashion in accordance with CADP Rule 10.11.2, any sanction imposed may start as early as the date of sample collection which was October 28, 2017. However, as the athlete last competed on November 4, 2017 the sanction will not start prior to this date as the period of ineligibility should not overlap with a competition. Also, in accordance with CADP rule 10.11.2, at least 50% of the sanction (1 month) must be served after December 1, 2017 (the date the athlete accepted a Voluntary Provisional Suspension). Therefore, the 2-month sanction formally commenced on November 4, 2017 and concluded on January 4, 2018.

19. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 3rd day of January 2018.



Jeremy Luke
Director, Canadian Anti-Doping Program and Business Operations
CCES