

In the matter of the Canadian Anti-Doping Program;

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

Reasoned Decision

Summary

1. The Canadian Centre for Ethics in Sport (CCES) conducted an in-competition sample collection session at the 2015 Canadian Track and Field Championships.
2. Mr. Daniel Novia (“the athlete”) was selected for doping control. The sample provided by the athlete returned an adverse finding for three prohibited substances, including: Tamoxifen (Hormone and Metabolic Modulators), Methasterone (Anabolic Agent) and Testosterone (Anabolic Agent).
3. Following receipt of the CCES’ assertion of an anti-doping rule violation for the presence of Tamoxifen, Methasterone and Testosterone, the athlete promptly admitted the violation, agreed to the Prompt Admission sanction reduction approved by WADA and CCES 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 Athletics Canada and participates in different disciplines in track and field at sanctioned events. 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. Athletics Canada adopted the CADP on December 16, 2014. Therefore, as a member

of Athletics Canada and/or as a participant in Athletics Canada sport activities, the athlete is subject to the Rules of the CADP.

Doping Control

7. On July 5, 2015 the CCES conducted an in-competition doping control session at a track and field competition in Edmonton, AB. Testing at this competition was conducted on Athletics Canada 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 3901287.
9. On July 7, 2015 the athlete's sample was sent to World Anti-Doping Agency (WADA) accredited laboratory, the INRS-Institut Armand-Frappier (INRS), in Laval, QC.

Results Management

10. On July 12, 2015, the CCES received a Certificate of Analysis for the athlete's sample (sample code 3901287) from the INRS which indicated the presence of Tamoxifen and Methasterone.
11. Tamoxifen is classified as a prohibited substance (Hormone and Metabolic Modulators) on the 2015 WADA Prohibited List. Methasterone is classified as a prohibited substance (Anabolic Agent) on the 2015 WADA Prohibited List.
12. On July 13, 2015 the CCES received an amended Certificate of Analysis for the athlete's sample (sample code 3901287) from the INRS which, in addition to the presence of Tamoxifen and Methasterone, confirmed the presence of Testosterone (Anabolic Agent).
13. On July 13, 2015 the athlete requested the analysis of his B Sample which was conducted on July 15, 2015. The Certificate of Analysis pertaining to the B Sample was received by the CCES on July 16, 2015, and confirmed the adverse finding for Tamoxifen, Methasterone, and Testosterone.
14. On July 15, 2015, the CCES formally asserted a violation against the athlete for the presence of prohibited substances (non-specified substances). As a result of the CCES' assertion the athlete was also subject to a mandatory provisional suspension.
15. In accordance with CADP Rule 10.2.1, the standard sanction for an intentional doping violation involving the presence of a prohibited substance (non-specified substance) is a four (4) year period of ineligibility. The CCES proposed the standard four (4) year sanction within its assertion of July 15, 2015.

Confirmation of Violation and Sanction

16. In response to the CCES' assertion, the athlete promptly admitted to the anti-doping rule violation in accordance with CADP Rule 10.6.3. When an athlete facing a four (4) year period of ineligibility promptly admits a violation in accordance with CADP Rule 10.6.3, the athlete, upon the approval of WADA and CCES, may be eligible for a reduction in the standard sanction in a range from four (4) years down to a two (2) year period of ineligibility, depending on the "seriousness" of the athlete's violation and the athlete's "degree of fault" for their violation. In other words, an actual sanction reduction of up to two years is possible – provided the Tribunal hearing is also waived.
17. Following a careful review of all available information regarding the presence of these prohibited substances in the athlete's sample, including an evaluation of the "seriousness" of the violation and the athlete's "degree of fault" for the violation (see paragraph 18 below), WADA and CCES agreed to reduce the otherwise applicable period of ineligibility by four (4) months, to a three (3) year and eight (8) month period of ineligibility. The sanction reduction was premised on the "seriousness" of the violation and in recognition that a Tribunal hearing was avoided.
18. *Seriousness*: The athlete's violation was very serious. The athlete is a mature and experienced competitor who was well educated regarding his anti-doping responsibilities. The athlete is a member of the National Athlete Pool. The three substances detected are all potent doping agents. They all have a significant performance enhancing effects. Mitigating this seriousness to a small degree was the fact the athlete had 'retired' after a (believed to be) failed attempt to qualify for the Pan Am Games. The athlete's use of the supplements he claimed caused the adverse analytical finding commenced after this 'retirement.' The athlete was subsequently selected to compete at the Pan Am Games. He claimed to have then immediately stopped taking the supplement products. *Degree of Fault*: The athlete claimed that one or more of his supplement products bought from a friend must have contained Tamoxifen, Methasterone and Testosterone. The athlete claimed that his ingestion of Tamoxifen, Methasterone and Testosterone was the result of his supplement use and was thus inadvertent and unintentional. Critically, no evidence was presented to the CCES regarding the athlete's actual supplement products to prove the claims made by the athlete. No testing was conducted on the athlete's supplements. The CCES has significant concerns regarding the athlete's claims, specifically, (i) that all three prohibited substances were contained in the supplement product he ingested and (ii) the sudden and immediate cessation of use of the supplements once selected to the Pan Am Games team suggests that the athlete knew the true nature of the substances being ingested. The CCES concedes that what the athlete claims to have happened may be possible – but other means of ingestion of Tamoxifen, Methasterone and Testosterone are certainly possible (and more likely), including intentional use. It is impossible without a Tribunal hearing to definitively determine how the Tamoxifen, Methasterone and Testosterone was (or was not) ingested by the athlete. This factual

context is required to perform a “degree of fault” analysis. Accordingly, it is impossible to conclusively determine the athlete’s “degree of fault” for the violation. No reduction in sanction can be based on the athlete’s “degree of fault” which remains unknown.

19. On September 5, 2015, in response to the offer of a 4 month sanction reduction (as proposed by WADA and CCES in accordance with CADP Rule 10.6.3), the athlete waived his right to a hearing thereby accepting a three (3) year and eight (8) month of ineligibility which commenced on July 15, 2015, the date of provisional suspension and concludes on March 15, 2019.

20. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 16 day of September, 2015.



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