

**In the matter of the Canadian Anti-Doping Program;**

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

Reasoned Decision

**Summary**

1. The Canadian Centre for Ethics in Sport (CCES) conducted a sample collection session at the 2015 National Broomball Championships.
2. Upon proper notification, Broomball athlete, Chris Wakeham (the athlete), refused to submit to sample collection. The CCES subsequently asserted a Refusal violation against the athlete.
3. The athlete failed to dispute the matter within the timelines outlined within the Canadian Anti-Doping Program (CADP) and as a result was deemed to have admitted that he committed the asserted Refusal violation, waived his right to a hearing and accepted the proposed consequences.

**Jurisdiction**

4. The CCES is a not-for-profit organization incorporated under the federal laws of Canada. The CCES is an independent, not-for-profit corporation that promotes ethical conduct in all aspects of sport in Canada. The CCES also maintains and carries out the 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 Broomball Canada and participates in the sport of Broomball at Broomball Canada 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. Broomball Canada adopted the CADP on December 10, 2014. Therefore, as a member of Broomball Canada and/or as a participant in Broomball Canada sport activities, the athlete is subject to the Rules of the CADP.

## **Doping Control**

7. On April 11, 2015 the CCES conducted an in-competition doping control session at the National Mixed Broomball Championships. This event was sanctioned by Broomball Canada.
8. Mr. Jacques Pelletier, a certified Doping Control Officer (DCO) with the CCES was responsible for the sample collection session.
9. Upon being notified by Mr. Pelletier that he was subject to doping control, the athlete indicated that he would not undergo sample collection. Following a discussion with Mr. Pelletier (and others) regarding the serious consequences of such a decision, the athlete elected to sign the CCES Athlete Refusal Form, thereby confirming his intention to refuse to submit to sample collection after being notified.

## **Results Management**

10. On May 1, 2015, the CCES formally asserted a violation against the athlete for refusing to submit to sample collection. In asserting the violation, the CCES intended to rely on the Athlete Refusal Form, signed by the athlete, as proof of his anti-doping rule violation.
11. In accordance with CADP Rule 10.3.1, the standard sanction for a violation involving the refusal to submit to sample collection, without compelling justification, is a four (4) year period of ineligibility. In the absence of any compelling justification (or other rationale for the athlete's conduct) the CCES proposed the standard four (4) year sanction within its assertion of May 1, 2015.
12. The athlete did not respond to the CCES' assertion and did not participate at all in the results management process.

## **Confirmation of Violation and Sanction**

13. Rule 7.10.2 of the CADP states:

7.10.2 Alternatively, if the Athlete or other Person against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by the CCES asserting the violation, then he/she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the Consequences that are mandated by the Rules or (where some discretion as to Consequences exists under the Rules) that have been offered by CCES.

14. In recognition of CADP Rule 7.10.2, which was referenced within the assertion letter, the CCES confirmed that, should the athlete take no further action within 30 days of receiving the assertion (by May 31, 2015), he would be deemed to have waived his right to a hearing in accordance with CADP Rule 7.10.2 and thereby would have accepted the sanction proposed by the CCES.
15. As no further action was taken by the athlete, the CCES relies on the provisions contained in CADP Rule 7.10.2. Accordingly, effective May 31, 2015 by reason of the deemed Waiver, a violation has been confirmed against the athlete for refusing to submit to sample collection. The sanction for that violation is a four (4) year period of ineligibility (in accordance with CADP Rule 10.3.1) commencing May 31, 2015 and concluding May 31, 2019.
16. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 17<sup>th</sup> day of June, 2015.



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