

In the matter of the Canadian Anti-Doping Program;
And in the matter of an anti-doping rule violation by Daniel McNicoll
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 1, 2016 in Ottawa.
2. Mr. Daniel McNicoll (“the athlete”) was selected for doping control. The sample provided by the athlete returned an adverse finding for D and L-amphetamine, a Specified Substance.
3. Following receipt of the CCES’ assertion of an anti-doping rule violation for the presence of D and L amphetamine, the athlete waived his right to a hearing thereby accepting a two-year period of ineligibility.

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, and participates in the sport of Football with, a U Sports member institution. Specifically, the athlete is a member of the Carleton University men’s football team. 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 1, 2016 the CCES conducted an in-competition sample collection session in Ottawa, ON. 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 3903858.
9. On October 4, 2016 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 October 21, 2016, the CCES received a Certificate of Analysis for the athlete's sample (sample code 3903858) from the INRS which indicated the presence D and L-amphetamine.
11. D and L-amphetamine is classified as a prohibited substance (Specified Substance) on the 2016 WADA Prohibited List.
12. On November 10, 2016 the athlete accepted a Voluntary Provisional Suspension.
13. On December 16, 2016, the CCES formally asserted a violation against the athlete for the presence of a prohibited substance (Specified Substances).
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 unless the athlete can establish that they were at no fault or no significant fault or the CCES can prove that the athlete acted intentionally. In cases where the CCES can establish that the athlete acted intentionally the sanction would be increased to a four (4) year period of ineligibility. Alternatively, should the athlete establishes that they are at no fault or no significant fault the sanction can be reduced below two (2) years.
15. Following an evaluation of all the relevant facts the CCES has determined that the athlete's use of the Specified Substance was not intentional as it was used out-of-competition for academic purposes (but is only prohibited in-competition) so a four (4) year period of ineligibility was not asserted. The CCES further determined that the athlete was at significant fault or negligence for the violation. As part of the CCES' evaluation the following factors were considered:

- i) The athlete did not have a proper prescription for the substance from a medical doctor;
- ii) The athlete did not acquire the substance from a medical doctor or a pharmacist;
- iii) The athlete knew he was ingesting a Specified Substance, improperly obtained, just days prior to a Football competition;

16. After consideration for the factors outlined above, the CCES determined that the sanction for this violation should be the standard two (2) year period of ineligibility (in accordance with Rule 10.2.2 of the CADP).

Confirmation of Violation and Sanction

17. On December 19, 2016, in response to the CCES' assertion, the athlete waived his right to a hearing and accepted the two (2) year period of ineligibility proposed by the CCES which commenced on November 10, 2016 (the date the athlete accepted a provisional suspension) and concludes on November 9, 2018.

18. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 21st day of December, 2016.



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