

In the matter of the Canadian Anti-Doping Program;

And the matter of an anti-doping rule violation by Mitchell McKay 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 August 2, 2023, at the U23 Men's Fast Pitch Championship, in Saskatoon, SK.
2. Mitchell McKay ("the Athlete") was selected for Doping Control. The Athlete's Sample code was 7087751. The Sample provided by the Athlete returned an Adverse Analytical Finding (AAF) for Pseudoephedrine, a specified Prohibited Substance.
3. Following receipt of the CCES's Notice of Charge asserting an anti-doping rule violation (ADRV) for the presence and Use of Pseudoephedrine, the Athlete waived his right to a hearing, admitted the violation and accepted the proposed period of Ineligibility and all other applicable Consequences by signing an Agreement on Consequences.

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 implements 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 ("the Code") and its mandatory International Standards. The CCES has implemented the Code and the 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 activities of Softball Canada. According to Rule 1.3 of the CADP, the CADP applies to all members of, and Participants in activities of Sport Organizations adopting it. The CADP was issued for adoption by Canadian Sport Organizations on October 26, 2020, to be operational on January 1, 2021. Softball Canada adopted the CADP on November 4, 2020. Therefore, as a Participant in Softball Canada activities, the Athlete is subject to the CADP.

Doping Control

7. On August 2, 2023, the CCES conducted an In-Competition Sample collection session in Saskatoon, SK. Testing was conducted on softball athletes as part of the CCES's domestic test distribution plan, all pursuant to the CADP.
8. The Athlete was notified that he had been selected for Doping Control and, together with the Doping Control Officer (DCO) from the CCES, completed the Sample collection process. The

Athlete's Sample code was 7087751.

9. On August 4, 2023, the Athlete's urine Sample was received by the INRS Centre Armand-Frappier Santé Biotechnologie ("the INRS"), a World Anti-Doping Agency (WADA) accredited laboratory in Laval, QC.

Results Management

10. The AAF was reported by the INRS on August 17, 2023. The Certificate of Analysis indicated the presence of Pseudoephedrine.
11. Pseudoephedrine is classified as a specified Prohibited Substance on WADA's 2023 Prohibited List.
12. The CCES commenced an initial review into the Athlete's AAF and issued a notification of a potential ADRV on August 24, 2023.
13. In response to the CCES' Notification letter on August 25, 2023, the Athlete provided an explanation for his AAF to the CCES.
14. On September 7, 2023, the Athlete accepted a voluntary Provisional Suspension.
15. On September 21, 2023, the CCES formally issued a Notice of Charge asserting an ADRV against the Athlete for the presence and Use of the Prohibited Substance.
16. In accordance with CADP Rule 10.2.2, the sanction for an ADRV involving the presence and Use of a specified Prohibited Substances is a two (2) year period of Ineligibility. The CCES asserted a two (2) year sanction within its Notice of Charge of September 21, 2023.
17. On October 26, 2023, having assessed all of the information provided by the Athlete, the CCES proposed an eighteen (18) month period of Ineligibility based on the Athlete's degree of Fault.

Confirmation of Violation and Sanction

18. On January 15, 2024, and in accordance with CADP Rule 8.4.1, the Athlete signed an Agreement on Consequences and waived his right to a hearing, thereby admitting the ADRV and accepting both the asserted violation and the proposed period of Ineligibility plus all other applicable Consequences. Accordingly, effective January 15, 2024, an ADRV was confirmed against the Athlete for the presence and Use of Pseudoephedrine pursuant to CADP Rules 10.2.3 and 10.6.1.1. The sanction for this ADRV is an eighteen (18) month period of Ineligibility, which commenced on September 7, 2023 (the date the Athlete accepted a Provisional Suspension) and will conclude on March 6, 2025.
19. Further, in accordance with CADP Rules 10.1 and 10.10, any competitive results obtained by the Athlete during the U23 Men's Fast Pitch Championships, and from any subsequent Event, must be Disqualified.

20. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 12th day of February 2024.



Kevin Bean
Executive Director, Sport Integrity
CCES