

In the matter of the Canadian Anti-Doping Program;

And in the matter of an anti-doping rule violation by Ruslan Gaziev asserted by the Canadian Centre for Ethics in Sport;

File Outcome Summary

Summary

1. In order to facilitate Out-of-Competition Testing, the CCES is required to maintain a Registered Testing Pool (RTP). Athletes in the CCES's RTP have an obligation to make quarterly whereabouts filings which outline their regular activities and provide a 60-minute period each day when the Athlete guarantees they will be available for Testing. Should an RTP athlete fail to file their whereabouts information, fail to keep the information up to date, or fail to be available during their identified 60-minute time slot, they are at risk of receiving a Whereabouts Failure. Any combination of three (3) Whereabouts Failures within a rolling twelve (12) month period by an RTP athlete may result in the assertion of an anti-doping rule violation (ADRV).
2. Ruslan Gaziev ("the Athlete") has been a member of the CCES's RTP since November 2018 and was informed accordingly of his obligations as an RTP athlete to file quarterly whereabouts information and be available for Testing during his identified 60-minute time slot each day. Between January 2023 and August 2023, the CCES recorded two (2) Missed Tests and one (1) Filing Failure against the Athlete which resulted in the CCES asserting an ADRV pursuant to CADP Rule 2.4 (Whereabouts Failures by an Athlete) against the Athlete.
3. As is more fully detailed below, following receipt of the CCES's Notification letter dated December 21, 2023, 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 compliant 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 Swimming Canada. According to CADP Rule 1.3, the CADP provisions apply to all members, registrants, license-holders or 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.

Swimming Canada adopted the CADP on November 3, 2020. Therefore, as a Participant in Swimming Canada activities, the Athlete is subject to the CADP.

Whereabouts Failures

7. During the period between January 2023 and August 2023, the CCES recorded three (3) Whereabouts Failures against the Athlete, which can be summarized as follows:

- a. **1st Whereabouts Failure (Filing Failure) – January 1, 2023**

8. On January 13, 2023, the CCES issued an apparent Filing Failure letter to the Athlete, indicating that he was facing a potential Whereabouts Failure for not submitting whereabouts information for the January – March 2023 quarter prior to the December 31, 2022 deadline. Based on the Athlete’s response, the CCES issued a Determination letter on February 21, 2023 confirming a Filing Failure and notifying the Athlete of his right to request an administrative review. Since the Athlete did not request an administrative review, the CCES recorded a Whereabouts Failure (Filing Failure) against the Athlete on February 21, 2023.

- b. **2nd Whereabouts Failure (Missed Test) – May 30, 2023**

9. On June 27, 2023, the CCES issued an apparent Missed Test letter to the Athlete, indicating that he was facing a potential second Whereabouts Failure for not being available and accessible for Testing during his 60-minute time slot on May 30, 2023. Based on the Athlete’s response, the CCES issued a Determination letter on September 15, 2023, confirming a Missed Test and notifying the Athlete of his right to request an administrative review. On September 22, 2023, the Athlete requested an administrative review, which was conducted by a person not previously involved in the assessment of the apparent Missed Test in accordance with the International Standard for Results Management (ISRM).

10. On October 27, 2023, the CCES notified the Athlete of the administrative review decision which confirmed that a second Whereabouts Failure (Missed Test) was being recorded against him.

- c. **3rd Whereabouts Failure (Missed Test) – August 17, 2023**

11. On September 29, 2023, the CCES issued an apparent Missed Test letter to the Athlete, indicating that he was facing a potential third Whereabouts Failure for not being available and accessible for Testing during his 60-minute time slot on August 17, 2023. Based on the Athlete’s response, the CCES issued a Determination letter on November 9, 2023 confirming a Missed Test and notifying the Athlete of his right to request an administrative review. On November 24, 2023, the Athlete requested an administrative review, which was conducted by a person not previously involved in the assessment of the apparent Missed Test in accordance with the ISRM.

12. On December 15, 2023, the CCES notified the Athlete of the administrative review decision which confirmed a third Whereabouts Failure (Missed Test) was being recorded against him.

Results Management

13. On December 21, 2023, having reviewed all available information pertaining to each of the Athlete's three (3) Whereabouts Failures, the CCES issued a Notification letter of Whereabouts Failures by an Athlete ("Notification letter") to the Athlete through Swimming Canada, pursuant to CADP Rule 7.2. Through this Notification letter, the CCES invited the Athlete to provide any information that identified a possible departure from the ISRM that would have undermined the validity of any of the three (3) Whereabouts Failures by January 8, 2024. The Notification letter further provided the Athlete the opportunity to accept a voluntary Provisional Suspension (VPS).
14. On January 16, 2024, the Athlete accepted a VPS.
15. On February 2, 2024, the Athlete provided a response to the CCES' Notification letter and provided his explanations regarding his three Whereabouts Failures.
16. Having assessed all the information provided by the Athlete, including that there was no evidence that the Athlete's behaviour suggested a pattern of last-minute whereabouts changes or other conduct that raised a serious suspicion that he was trying to avoid being available for Testing, and that the Athlete has a long and frequent history of Testing and has never had a positive test or otherwise committed an anti-doping rule violation, the CCES determined that the Athlete's degree of Fault was standard and fell within the normal Fault range, which in this case was assessed to be eighteen (18) months in accordance with CADP Rule 10.3.2.

Confirmation of Violation and Sanction

17. On April 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.
18. Therefore, the sanction for this violation is an eighteen (18) month period of Ineligibility which commenced on December 1, 2023¹, and concludes on May 31, 2025.
19. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 23rd day of May 2024.



Kevin Bean
Executive Director, Sport Integrity
CCES

¹ The Athlete and the CCES have agreed to start the period of Ineligibility on December 1, 2023 based on delays in the Result Management process not attributable to the Athlete.