

In the matter of the Canadian Anti-Doping Program;

**And in the matter of an anti-doping rule violation by Jamie Harry 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 on September 29, 2018 in Ottawa, ON.
2. Mr. Jamie Harry (“the athlete”) was selected for doping control. The sample provided by the athlete returned an adverse finding for Terbutaline, a specified substance.
3. Following receipt of the CCES’ assertion of an anti-doping rule violation for the presence of Terbutaline, the athlete accepted the anti-doping rule violation 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 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 U SPORTS, and participates in the sport of Football. 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 September 29, 2018, the CCES conducted an in-competition doping control 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 4315156.
9. On October 2, 2018, the athlete's sample was received by World Anti-Doping Agency (WADA) accredited laboratory, the INRS-Institut Armand-Frappier (INRS), in Laval, QC.

Results Management

10. The adverse analytical finding was received from the INRS on November 7, 2018. The Certificate of Analysis indicated the presence of Terbutaline.
11. Terbutaline is classified as a specified substance on the 2018 WADA Prohibited List.
12. On November 20, 2018, the athlete accepted a Voluntary Provisional Suspension.
13. On December 20, 2018, the CCES formally asserted a violation against the athlete for the presence of a specified substance.
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.
15. However, following an evaluation of all the relevant facts including the athlete's explanation the CCES has determined that the athlete was not at significant fault or negligence for the violation. Further, the CCES has evaluated the athlete's degree of fault for the violation, considers it to be low and therefore has concluded that a reduction in sanction is warranted. The CCES' rationale for this outcome is the following:
 - i) The athlete was not, at the time of testing, a National or International athlete as defined in the CADP. The athlete was a Student-Athlete participating in U SPORTS competition;
 - ii) The athlete had a valid prior medical diagnosis for which he was prescribed Salbutamol;
 - iii) If the athlete had been prescribed Terbutaline for condition, a Medical Review would have been granted;
 - iv) The athlete knew his friend and teammate also suffered from a similar diagnosis;
 - v) The CCES received corroborated information indicating that, on the date of sample collection, the athlete forgot to bring his inhaler to the competition and as a

result borrowed an inhaler from a teammate which contained Terbutaline. The athlete did not understand the difference between the two medications, the athlete assumed his teammate was on the same medication as the teammate had the same medical condition and the athlete did not make any inquiries before using his teammates inhaler.

16. Therefore, as this would be a first violation involving a specified substance, and after consideration for the factors outlined above, the CCES determined that the sanction for this violation should be a four (4) month period of ineligibility (in accordance with Rules 10.2 and 10.5.1.1 of the CADP).

Confirmation of Violation and Sanction

17. On January 24, 2019, in response to the CCES' assertion, the athlete admitted to the anti-doping rule violation and waived his right to a hearing in accordance with CADP Rule 7.10.1 and accepted the four (4) month period of ineligibility proposed by the CCES.
18. Therefore, the four (4) month sanction formally commenced on November 20, 2018 (the date the athlete accepted a provisional suspension) and will conclude on March 19, 2019. All results from September 29, 2018 onward will be disqualified.
19. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 6th day of February 2019.



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