

In the matter of the Canadian Anti-Doping Program;

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

File Outcome Summary

Summary

1. The Canadian Centre for Ethics in Sport (CCES) conducted an out-of-competition sample collection session on Canadian Interuniversity Sport (CIS) athletes during the 2016 Canadian Football League Combine in Montreal, Quebec.
2. Mr. Jonathan Fortin (“the athlete”) was selected for doping control. The sample provided by the athlete returned an adverse finding for Methandienone, a prohibited anabolic agent.
3. Following receipt of the CCES’ assertion of an anti-doping rule violation for the presence of Methandienone, the athlete promptly admitted the violation, agreed to the Prompt Admission sanction reduction approved by the World Anti-Doping Agency (WADA) and CCES 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 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 CIS member institution. Specifically, the athlete is a member of the Bishop’s University 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. CIS adopted the CADP on December 19, 2014. Therefore, as a member of CIS and/or as a participant in CIS sport activities, the athlete is subject to the Rules of the CADP.

Doping Control

7. On March 9, 2016 the CCES conducted an out-of-competition doping control session at a CFL Combine in Montreal, Quebec. Testing at this doping control session was conducted on participating CIS 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 3904401.
9. On March 9, 2016 the athlete's sample was sent to World Anti-Doping Agency (WADA) accredited laboratory, the INRS-Institut Armand-Frappier (INRS), in Laval, QC.

Results Management

10. On March 29, 2016, the CCES received a Certificate of Analysis for the athlete's sample (sample code 3904401) from the INRS which indicated the presence of Methandienone.
11. Methandienone is classified as a prohibited substance (Anabolic Agent) on the 2016 WADA Prohibited List.
12. On April 7, 2016 the athlete requested the analysis of his B Sample which was conducted on April 20, 2016. The Certificate of Analysis pertaining to the B Sample was received by the CCES on April 25, 2016, and confirmed the adverse finding for Methandienone.
13. On April 15, 2016, the CCES formally asserted a violation against the athlete for the presence of a prohibited substance (non-specified substance). As a result of the CCES' assertion the athlete was also subject to a mandatory provisional suspension.
14. In accordance with CADP Rule 10.2.1, the standard sanction for an intentional doping violation involving the presence of a prohibited substance (non-specified substance) is a four (4) year period of ineligibility. The CCES proposed the standard four (4) year sanction within its assertion of April 15, 2016.

Confirmation of Violation and Sanction

15. In response to the CCES' assertion, the athlete promptly admitted to the anti-doping rule violation in accordance with CADP Rule 10.6.3. When an athlete facing a four (4) year period of ineligibility promptly admits a violation in accordance with CADP Rule 10.6.3, the athlete, upon the approval of WADA and CCES, may be eligible for a reduction in the standard sanction from four (4) years down to a two (2) year period of ineligibility, depending on the "seriousness" of the athlete's violation and the athlete's "degree of fault" for their violation. In other words, an actual sanction reduction of up to two years is possible – provided the Tribunal hearing is also waived.
16. Following a careful review of all available information regarding the presence of a prohibited substance in the athlete's sample, including an evaluation of the "seriousness" of the violation and the athlete's "degree of fault" for the violation (see paragraph 17 below), WADA and CCES agreed to reduce the otherwise applicable period of ineligibility by two (2) months, to a three (3) year and ten (10) month period of ineligibility.
17. The athlete claimed that one of his supplement products (Jack 3D) acquired from a friend must have contained Methandienone. He claimed that he received the supplement from his friend and the bottle was already open and was not certified through the NSF Certified for Sport program. The athlete claimed that his ingestion of Methandienone was the result of this supplement use and was thus inadvertent and unintentional. Critically, no evidence was presented to the CCES regarding the athlete's supplements to prove the claims made by the athlete. No testing was conducted on the athlete's supplements to show they contained Methandienone. The CCES concedes that what the athlete claims to have happened may be possible – but other means of Methandienone being present in the athlete's sample are also possible. In the result, it is impossible without a hearing to determine how the Methandienone came to be in the athlete's sample. It is equally impossible to evaluate the athlete's "degree of fault" for the violation without the athlete establishing how the substance came to be present in his sample. Accordingly, the short sanction reduction approved by WADA and CCES is given solely to recognize the very serious nature of the violation and that what the athlete claims to have occurred may be possible. The athlete's actual degree of fault for the violation is unknown.
18. On June 17, 2016, in response to the offer of a 2 month sanction reduction (as proposed by WADA and CCES in accordance with CADP Rule 10.6.3), the athlete waived his right to a hearing thereby accepting a three (3) year and ten (10) month period of ineligibility which commenced on April 15, 2016, the date of provisional suspension and concludes on February 14, 2020.
19. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 27 day of June, 2016.



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