

In the matter of the Canadian Anti-Doping Program;

**And in the matter of an anti-doping rule violation by Fabrice Robert 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 April 5, 2017 in Mont Tremblant, QC.
2. Mr. Fabrice Robert (“the athlete”) was selected for doping control. The sample provided by the athlete returned an adverse finding for Cannabis. Cannabis, in a concentration greater than 150 ng/mL, is classified as a prohibited substance on the 2017 World Anti-Doping Agency (WADA) Prohibited List. Further, this substance is classified as a “specified substance” pursuant to CADP Part C Rule 4.2.2.
3. Following receipt of the CCES’ assertion of an anti-doping rule violation for the presence of Cannabis, 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 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 Canada Snowboard, and participates in the sport of Snowboard. 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. Canada Snowboard adopted the CADP on October 22, 2014. Therefore, as a member of Canada Snowboard and/or as a participant in Canada Snowboard sport activities, the athlete is subject to the Rules of the CADP.

Doping Control

7. On April 5, 2017 the CCES conducted an in-competition sample collection session in Mont Tremblant, QC. Testing at this competition was conducted on Canada Snowboard 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 3907821.
9. On April 6, 2017 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 April 24, 2017, the CCES received a Certificate of Analysis for the athlete's sample (sample code 3907821) from the INRS which indicated the presence of Cannabis above the threshold of 150 ng/mL.
11. Cannabis, in a concentration greater than 150 ng/mL, is classified as a prohibited substance on the 2017 World Anti-Doping Agency (WADA) Prohibited List. Further, this substance is classified as a "specified substance" pursuant to CADP Part C Rule 4.2.2.
12. On May 8, 2017 the athlete accepted a Voluntary Provisional Suspension.
13. On May 17, 2017 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, down to a two (2) month period of ineligibility, is warranted in accordance with CADP Rule 10.5.1.1. The CCES' rationale for this outcome is the following:

- i) The athlete is included in the National Athlete Pool as defined in the CADP and was randomly selected for in-competition testing at the Speed Nation National Championships;
 - ii) The athlete was not, at the time of testing, an International athlete as defined in the CADP;
 - iii) The athlete's use of the substance occurred out-of-competition, prior to the sample collection date;
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 two (2) month period of ineligibility (in accordance with Rule 10.5.1.1 of the CADP).

Confirmation of Violation and Sanction

17. On May 19, 2017, in response to the CCES' assertion, the athlete waived his right to a hearing and accepted the two (2) month period of ineligibility proposed by the CCES which commenced on May 8, 2017 (the date the athlete accepted a provisional suspension) and concludes on July 8, 2017.

18. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 5th day of June 2017.



Jeremy Luke
Senior Director, Sport Integrity
CCES