

ARBITRATION

Before the

DOPING TRIBUNAL

Sport Dispute Resolution Centre of Canada

BETWEEN

TAYLOR SHADGETT

("The Claimant")

AND

THE CANADIAN CENTRE FOR ETHICS IN SPORT

("The Respondent")

AND

**ACADIA UNIVERSITY
CANADIAN INTERUNIVERSITY SPORT**

("The Interveners")

**MR. MICHEL G. PICHER
ARBITRATOR**

Representing the Claimant:

Taylor Shadgett
Peter Shadgett

Representing the Respondent:

David Lech
Kevin Bean

Representing the Interveners:

Brian Heany, Athletic Director, Acadia University
Marg McGregor, C.E.O., Canadian Interuniversity Sport

Hearing held by conference call on July 15, 2010

ARBITRAL AWARD

By the consent of the parties, during the course of a Resolution Facilitation hearing conducted by telephone conference on July 15, 2010 it was agreed that Resolution Facilitator Michel G. Picher should be made the chair of the Doping Tribunal established to dispose of the claim of the athlete Taylor Shadgett. It was agreed that the information provided during the Resolution Facilitation should be deemed to be evidence before the Doping Tribunal. It was further agreed that the award of the Tribunal could record certain mitigating facts concerning Mr. Shadgett and his actions, while acknowledging the admitted doping infraction of the claimant and imposing the mandatory sanction.

The record confirms that the claimant, a football player with Acadia University, was tested for prohibited substances on June 7, 2010. At the time of the taking of his urine sample he was asked whether he had consumed any prohibited substances in the previous ten days. Mr. Shadgett admitted that he had. In the result, his urine sample tested positive for the use of Stanozolol through the ingestion of the steroid Winstrol. The athlete does not deny having committed a doping infraction and does not contest the positive test finding or the imposition of the mandatory sanction. During the proceedings, however, he recounted certain facts which the Arbitrator deems it important to record.

The material before me confirms that Taylor Shadgett is a person of good character. In addition to his athletic activities he has performed volunteer work with

youths, both through the “SMILE” program of Acadia University and as a coach in youth football in the Barrie/Orillia area of Ontario, which is his home. His general good character is also corroborated by the unreserved statement of Acadia’s Athletic Director during these proceedings. The Arbitrator accepts that the claimant has an established record of good conduct and good character and that the doping infraction in this claim is an isolated and uncharacteristic event.

Mr. Shadgett’s explanation of his actions, which the Arbitrator accepts without reservation, is that he suffered a substantial reversal of fortune in March of 2010 when he was not selected as one of Acadia’s three representative third year football players for the national east-west game. It appears that involvement in the game is important for a player’s prospects in the Canadian football League’s draft process. In fact, at the time of his non-selection, the claimant was informed that he had no real prospect of playing professional football, something which came as a devastating blow.

Mr. Shadgett’s limited potential as a professional football prospect stems from his size. At five feet and eight inches in height, with limited speed, he had critical physical limitations which he concluded excluded him from the east-west team selection. Upon his return to Ontario in April of 2010 he decided to try to improve his physical attributes of strength and speed. To that end he obtained two vials of Winstrol tablets, each containing one hundred pills.

The record confirms that the claimant began to consume Winstrol on or about May 22, 2010. He took a total of eleven tablets, between that day and May 29, 2010. At that point he had a change of heart and decided to no longer take the steroid Winstrol or any other prohibited substance.


He was called to give a urine sample through the normal testing process on June 7, 2010. He had then ceased taking the prohibited substance for some nine days. He nevertheless answered fully and honestly when asked if he had consumed any prohibited substance in the previous ten days.

The athlete recognizes that he made a grave error in judgement. He has apologized to the University for his conduct and, in the Arbitrator's view, he feels genuine regret and remorse for his mistake which, I am satisfied, was uncharacteristic of a person of previous good conduct and character. It should be noted that the claimant's doping infraction was not committed in an in-competition setting. There is no suggestion of the claimant having engaged in any effort to avoid testing, to tamper with his sample or to delay the process. Nor is he involved in the trafficking or supplying of prohibited substances to others. On the contrary, the record before the Arbitrator confirms that Mr. Shadgett reacted to personal stress by making a bad error in judgement, an error which he corrected before the positive test he provided on June 7, 2010. Moreover, as noted above, at the time of the giving of his urine sample, he honestly admitted to having consumed Winstrol some nine days previous.

It is common ground that, notwithstanding the facts, the Arbitrator has no discretion to reduce the two year ineligibility sanction which applies to the claimant's first offence. However, by reason of his honesty and prompt admission in the testing process, the respondent agrees that in mitigation the sanction of two years' ineligibility should be calculated from the earliest possible date under the rules, which is the date Mr. Shadgett was tested, June 7, 2010.

For all of the foregoing reasons, having regard to the agreement of the parties, the Tribunal finds and declares that the claimant did commit an anti-doping violation by the presence in his body and use of Winstrol, a prohibited substance, contrary to rules 7.23 to 7.26 and rules 7.28 to 7.30 of the Doping Violations and Consequences Rules of the Canadian Anti-Doping Program. The Tribunal therefore imposes a two year period of ineligibility in accordance with rule 7.38, such period to be calculated from June 7, 2010.

Dated at Ottawa this 22nd day of July 2010.



MICHEL G. PICHER
ARBITRATOR