

In the matter of the Canadian Anti-Doping Program;

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

File Outcome Summary

Summary

1. In order to facilitate out-of-competition testing the Canadian Centre for Ethics in Sport (CCES) is required to maintain a Registered Testing Pool (RTP). Athletes in the CCES RTP have an obligation to make quarterly whereabouts submissions which outline their regular activities, and provide a 60-minute period each day where the athlete guarantees they will be available for testing. Should an RTP athlete fail to file their whereabouts submission, fail to keep the information up-to-date, or fail to be available during their identified 60-minute period they will receive a Whereabouts Failure. The accumulation of three Whereabouts Failures within a 12-month period could constitute an anti-doping rule violation.
2. Mr. Earle Connor (“the athlete”) was a member of the CCES’ RTP, as such he was required to file the required whereabouts information with the CCES. During the period between May – October, 2015, Mr. Connor received three Whereabouts Failures which were pursued by the CCES as a Whereabouts violation under the Canadian Anti-Doping Program (CADP).
3. The athlete failed to dispute the asserted Whereabouts violation within the timelines outlined within the CADP and as a result was deemed to have admitted that he committed the asserted Whereabouts violation, waived his right to a hearing and accepted the proposed 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 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 Athletics Canada and participates in different disciplines in track and field at sanctioned events. 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. Athletics Canada adopted the CADP on December 16, 2014. Therefore, as a member of Athletics Canada and/or as a participant in Athletics Canada sport activities, the athlete is subject to the Rules of the CADP.

Whereabouts Failures

7. During the period between May 2015 and October 2015 the athlete received three Whereabouts Failures from the CCES as follows:
8. **1st Failure – Missed Test – May 14, 2015**
On May 14, 2015 a Doping Control Officer (DCO) from the CCES attempted to locate the athlete for doping control. As a result of the athlete's unavailability for testing on this date during his dedicated one-hour time slot the CCES pursued a missed test. The athlete did not challenge the CCES' determination that a missed test had occurred and this missed test was confirmed on June 10, 2015.
9. **2nd Failure – Missed Test – June 29, 2015**
On June 29, 2015 a CCES DCO attempted to locate the athlete at the address indicated on his whereabouts submission during his dedicated one-hour time slot. As a result of the athlete's unavailability for testing on this date during his dedicated one-hour time slot the CCES pursued a missed test. In the absence of any formal response from the athlete, on July 30, 2015 the CCES confirmed a second missed test.
10. **3rd Failure – Filing Failure – October 1, 2015**
On October 6, 2015 the CCES issued a notice to the athlete that he was facing a potential Whereabouts Failure for the failure to file the required whereabouts information for the October – December 2015 quarter by the relevant deadline; September 30, 2015. In response to the CCES' communication, the athlete indicated that he had retired from sport. However, no retirement form was ever received by the CCES during the relevant period. The CCES did not consider the athlete to be retired. In contrast, the athlete was at the time actively contesting an earlier violation asserted by the CCES. The athlete failed to file the required whereabouts information for the quarter. As a result, on October 23, 2015 the CCES confirmed a third whereabouts failure (a filing failure) against the athlete.

Results Management

11. On May 6, 2016, having completed a review all available information pertaining to each of the athlete's three whereabouts strikes, the CCES formally asserted a Whereabouts violation against the athlete.

12. In accordance with CADP Rule 10.3.2, the standard sanction for a Whereabouts violation is a two (2) year period of ineligibility. However, as this would be the athlete's second anti-doping rule violation within the past 10 years (a violation was confirmed in 2016 for the Presence of a prohibited substance), in accordance with CADP Rule 10.7.1 the CCES proposed a four (4) year sanction within its assertion of May 6, 2016.

Confirmation of Violation and Sanction

13. Rule 7.10.2 of the CADP states:

7.10.2 Alternatively, if the Athlete or other Person against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by the CCES asserting the violation, then he/she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the Consequences that are mandated by the Rules or (where some discretion as to Consequences exists under the Rules) that have been offered by CCES.

14. In recognition of CADP Rule 7.10.2, which was specifically referenced within the assertion letter, the CCES informed the athlete that, should the athlete take no further action within 30 days of receiving the assertion (by June 7, 2016), he would be deemed to have waived his right to a hearing in accordance with CADP Rule 7.10.2 and thereby would have accepted the four (4) year sanction proposed by the CCES.

15. As no further action was taken by the athlete, the CCES relies on the provisions contained in CADP Rule 7.10.2. Accordingly, effective June 7, 2016 by reason of the deemed Waiver, a Whereabouts violation has been confirmed against the athlete. In accordance with CADP Rules 10.3.2 and 10.7.1, as this would be a second anti-doping rule violation for the athlete the sanction for this violation is a four (4) year period of ineligibility (in accordance with CADP Rule 10.3.1) which commenced on June 5, 2016 and concludes on June 4, 2020.

16. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 16 day of June, 2016.



Jeremy Luke

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