

IMPORTANT NOTE: *This version is a translation of the original French version.*

SPORT DISPUTE RESOLUTION CENTRE OF CANADA (SDRCC)

**No: SDRCC DT 11-0146
(Doping Tribunal)**

BETWEEN

**CANADIAN CENTRE FOR ETHICS IN SPORT (CCES)
WTF TAEKWONDO ASSOCIATION OF CANADA (TAEKWONDO CANADA)**

AND

**CAROLINE PYZIK
(ATHLETE)**

AND

**GOVERNMENT OF CANADA
WORLD ANTI-DOPING AGENCY (WADA)
(OBSERVERS)**

ARBITRATOR: PATRICE M. BRUNET

Attendance:

For **Caroline Pyzik**: Sébastien Pyzik

For **CCES**: Yann Bernard and Fabrice Vil

THE FACTS

1. Caroline Pyzik is a junior taekwondo athlete. She turned 17 years of age in March 2011.
2. On January 30, 2011, Caroline Pyzik was subject to an anti-doping control as part of the Canadian Taekwondo Championships. Analysis of the collected sample revealed the presence of prohibited diuretics (triamterene and hydrochlorothiazide) under the World Anti-Doping Code. The athlete was served with a positive control notice, in compliance with CCES policies.
3. Through her representative and by her own admission during her testimony at the hearing, Caroline Pyzik did not dispute the results of the doping control test.
4. The Tribunal held a first hearing on July 5, 2011, followed by a second hearing on August 11, 2011. The Tribunal did not schedule an earlier date at the request of the athlete who wished to finish her term in school.
5. Caroline Pyzik does not benefit from the support of sponsors or a scholarship, and finances her sport with fundraising activities.
6. She has been training since the age of 7 at her coach Christian Sourdif's club.
7. A young promising athlete, Caroline diversified her training and began meeting with trainer Jimmy Gariépy in September 2010 to prepare for the Canadian Championships to be held in January 2011.
8. The initial contact between Caroline and Mr. Gariépy was positive and he quickly earned her trust.
9. A few weeks prior to the Canadian Championships, Caroline enquired with Mr. Gariépy about over-the-counter products that could help her safely manage her weight, while specifying she did not want a doping product.
10. Mr. Gariépy confirmed he could provide a safe pill to be taken 2 or 3 days before the competition in order to maintain her weight.

11. Since her sport is organized in weight categories, Caroline felt concerned about her weight of 54 kg (at that time) because she was classified in the 55 kg or less category.
12. She would be disqualified if she did not fall into the weight classification at the weigh-in.
13. According to her calculations, her menstrual period would coincide with the Canadian Championships. For some women, this period is associated with significant swelling and some weight gain. Caroline testified that her body could gain up to 1 kg during this period.
14. It is reasonable to believe that this can be a sensitive issue for a young woman of 17 years of age.
15. When asked if she had doubts about the potential doping effects of the product, Caroline candidly responded that Mr. Gariépy clearly confirmed that she could safely take the supplement. She did not ask Mr. Gariépy the name of the supplied product.
16. Mr. Gariépy handed her a half-portion of an orange-colored pill, without any packaging. He instructed her to take the pill the Thursday prior to the competition. She thought it would be something similar to Tylenol, a medication which she has frequently used in the past.
17. Only when the CCES confirmed she tested positive to triamterene and hydrochlorothiazide did Caroline realize the product was prohibited.
18. Caroline never disputed the presence of a doping product in her body nor the lab results.
19. It was Caroline's first doping control test and her first junior athlete competition.
20. When performing the doping control procedures, the anti-doping officers ask the athletes to declare any substance they might have taken. Evidence confirms that Caroline declared having taken Advil and Tylenol, but neglected to declare the half-pill.
21. Caroline won the Canadian Championship in her weight category.

22. Caroline testified that neither the Provincial Federation nor the National Federation had raised her awareness or trained her in matters of doping, a fact confirmed by her coach Christian Sourdif.
23. According to Caroline's understanding, doping was limited to stimulants and steroids, and did not include diuretics.
24. Her coach Christian Sourdif holds a Level 4 coaching certificate with the NCCP (National Coaching Certification Program) and testified that the program did not include training on doping.
25. Mrs. Joanne Rougeau, mother of Taekwondo champions, testified that she had never received anti-doping information nor guidelines from any Taekwondo Federation.

DISCUSSION

26. A doping violation is a matter of strictly liability. It is not necessary to prove intent to commit a violation; it is sufficient to establish a violation by simple evidence of a prohibited substance in the athlete's body.
27. The athlete did not dispute the presence of diuretics in her body.
28. However, the athlete maintains that she did not intentionally ingest a prohibited substance and demonstrated evidence of due diligence when she asked Jimmy Gariépy whether the half-pill to be taken before the Championships was prohibited or not.
29. The Tribunal notes that the half-pill was handed to her outside of its package, by a training club employee who participates in body-building competitions and is not a certified trainer.
30. The Tribunal acknowledges that Caroline Pyzik is a candid young athlete with a potentially brilliant sporting career ahead of her.
31. She seems to benefit from excellent parental supervision and was very naive in taking a prohibited substance in order to remain in her weight category, while participating in a Championship during her menstrual period.
32. The Tribunal notes that the CCES, jointly with the National Taekwondo Federation and indirectly the Quebec Federation, have failed to deliver on

their duties in matters of anti-doping education, as provided under the following rules of the Canadian Anti-Doping Program (CADP):

- a. 1.0, 4th paragraph
- b. 1.3 (a)
- c. 1.17
- d. 2.4
- e. 2.5
- f. 2.7

- 33. Nothing in the evidence suggests that clear and comprehensive doping information was provided, in French, to Caroline Pyzik in her new capacity as a junior athlete subject to doping controls. This shortfall is deeply disturbing as it will taint the record of this otherwise promising athlete.
- 34. The National Federation's failure to implement doping awareness programs may be a direct consequence of Caroline Pyzik's decision to take the diuretic, without giving it further thought beyond Mr. Gariépy's assurances.
- 35. Although a NSO may have defaulted in its obligations toward the CCES in matters of doping education, it is not the Tribunal's mandate to determine the scope and impact of the default as it relates to Caroline Pyzik's positive doping test.
- 36. The Tribunal must strictly focus on the present doping case and can only invite concerned parties to implement policies that comply with the CADP's guidelines in order to maximize information on doping at all levels.

DECISION

The Tribunal does not consider that circumstances justify the application of Rules 7.44 and 7.45.

Regarding Rule 7.60, the Tribunal considers it does not have sufficient jurisdiction to intervene in the relationship between the CCES and Taekwondo Canada in this arbitration procedure.

CONSIDERING the documentary evidence and testimony, I conclude that Caroline Pyzik has committed an anti-doping rule violation under Rule 7.23 of the Canadian Anti-

Doping Program (CADP). Because this is a first violation, the period of ineligibility is of two (2) years.

CONSIDERING that Caroline Pyzik complied with a provisional suspension from her sport effective March 30, 2011, in compliance with Rule 7.15, her period of ineligibility will end on March 30, 2013.

I retain jurisdiction with respect to any issue which may arise concerning the interpretation or implementation of this decision.

The whole without cost.

Montreal, August 16, 2011

Patrice M. Brunet, Arbitrator