

SPORT DISPUTE RESOLUTION CENTRE OF CANADA

IN THE MATTER OF THE CANADIAN ANTI-DOPING PROGRAM

**AND IN THE MATTER OF AN ANTI-DOPING RULE VIOLATION BY ZACH WHITE
ASSERTED BY THE CANADIAN CENTRE FOR ETHICS IN SPORT**

No.: SDRCC DT 09-0102
(Doping Tribunal)

Canadian Centre for Ethics in Sport
Football Canada

-and-

Zach White (Athlete)

-and-

Government of Canada (Observer)

World Anti-Doping Agency (Observer)

BEFORE: Ross C. Dumoulin

APPEARANCES:

For the Athlete: Arthur Cogan

For the Canadian Centre for Ethics in Sport: David Lech

For Football Canada: Shannon Donovan

DECISION

May 10, 2010

I was selected by the parties pursuant to subsection 6.8 (b) (i) of the *Canadian Sport Dispute Resolution Code* (2009) and appointed as arbitrator to sit as Doping Tribunal by the Sport Dispute Resolution Centre of Canada (SDRCC) to hear and determine the present matter. My appointment was confirmed by the SDRCC pursuant to subsection 6.9 (a) of the *Code*.

This is a decision with reasons issued pursuant to subsection 6.21 (c) of the *Code* and Rule 7.88, paragraph c) of the *Canadian Anti-Doping Program* (2009) (CADP).

On November 27, 2009, a preliminary meeting of the parties was held by teleconference pursuant to section 7.7 of the *Code* and Rule 7.94 of the CADP.

On May 3, 2010, an in-person arbitration hearing was held in Ottawa pursuant to subsection 7.9 (b) of the *Code*.

On May 4, 2010, this tribunal rendered the following decision pursuant to subsection 6.21 (c) of the *Code* and Rule 7.88, paragraph b) of the CADP:

It is hereby ordered that the sanction for the anti-doping rule violation committed by the Athlete be seven (7) months of ineligibility to be served commencing on November 18, 2009, the date the Athlete accepted a voluntary provisional suspension, and ending on June 18, 2010.

THE FACTS

The Canadian Centre for Ethics in Sport (CCES) is an independent, non-profit organization 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. As Canada's national anti-doping organization, the CCES is in compliance with the World Anti-Doping Code and its mandatory international standards. The CCES has implemented this Code and its mandatory international standards through the CADP, the domestic rules which govern this proceeding.

Mr. Zach White, the athlete, is a Football Canada athlete. According to Rules 1.3, 1.7, 1.8 and 1.13 of the CADP, its provisions apply to all members of, and participants in the activities of, sports organizations adopting it. The CADP was issued for adoption by Canadian sport organizations on October 15, 2008, to be operational on January 1, 2009.

Football Canada adopted the CADP on December 10, 2008. Therefore, as a participant in the activities of Football Canada, Mr. White is subject to the Rules of the CADP.

On September 12, 2009, the CCES conducted an in-competition doping control in Ottawa involving Mr. White. He was notified for doping control on that date at 9:49 p.m. He then provided a witnessed urine sample which he

transferred from his collection vessel into the "A" and "B" bottles of the sample collection kit. These samples were delivered by secure chain of custody to the World Anti-Doping Agency (WADA) accredited laboratory on September 15, 2009.

Mr. Bryan Merrett of the CCES acted as chaperone to Mr. White for the sample collection on September 12, 2009. When he arrived at the Carleton University football field, he was assigned to chaperone Mr. White by the Doping Control Officer. He saw Mr. White playing quarterback in the third quarter or early in the fourth quarter and observed that Mr. White got hit very hard, or as he put it, "destroyed", and then fumbled the ball. He didn't see Mr. White play again. Mr. Merrett then escorted the athlete to the collection area where the latter gave his sample.

Ms. Anne Brown, the General Manager, Ethics and Anti-Doping Services for the CCES, testified that Mr. White was target tested in accordance with Rule 6.13 of the CADP.

On October 1, 2009, the CCES received the Certificate of Analysis from the WADA-accredited laboratory in Montréal relating to Mr. White's sample. The Certificate of Analysis indicated an adverse analytical finding for the presence of cannabis, measured at 700 ± 60 ng/ml. The presence of cannabis, above the threshold of 15 ng/ml, is a prohibited substance according to the 2009 WADA Prohibited List, which states that all prohibited substances "shall be considered as 'Specified Substances' except in classes S1, S2, S4.4 and S6.a and Prohibited Methods M1, M2 and M3." The WADA Prohibited List names, under category S8, "Cannabinoids (e.g. hashish, marijuana)" as a substance

prohibited in-competition. Cannabis is a "specified substance" since it is a prohibited substance that doesn't come under one of the excepted classes.

On October 22, 2009, the CCES issued a notice to Mr. White pursuant to Rule 7.66 of the Doping Violations and Consequences Rules of the CADP. The notice, addressed to Ms. Shannon Donovan, Manager, Competitions and Operations, Football Canada, states that cannabis, above the allowable threshold of 15 ng/ml, is a prohibited substance according to the Prohibited List Rules of the CADP. Cannabis is identified as a "specified substance" pursuant to Rule 7.4 of the CADP. That Rule states in part that the Prohibited List identifies Specified Substances "which may be susceptible to unintentional anti-doping rules violations." The said notice states that the CCES asserts that Mr. White committed an anti-doping rule violation pursuant to Rules 7.23 to 7.26 of the CADP (Presence in Sample). The CCES proposed a sanction of a two (2) year period of ineligibility in accordance with Rule 7.38.

On November 18, 2009, in accordance with CADP Rule 7.15, Mr. White accepted a Voluntary Provisional Suspension as imposed by the CCES.

A psychiatric report by Dr. A.G. Ahmed of the Royal Ottawa Mental Health Centre dated February 17, 2010 pertaining to Mr. White was submitted prior to the hearing. The report is based upon a psychiatric interview, mental state examination and structured assessment of Mr. White. The report states in part the following in response to the question of why Mr. White "got into use of cannabis":

It is my medical opinion that Mr. White got into the use of cannabis purely for recreational reasons in the context of

peer relationships. There is no indication in my assessment that the use of cannabis is motivated by the desire to improve his performance in sports or any other skills. His frequency of use had been very variable, dependent on the social circumstance and did not appear to be related to periods that he was involved in sports. There appeared to be no temporal relationship between his drug use and involvement in sport practices or participation in competitive sports activities.

Mr. White also furnished, prior to the hearing, a written statement which reads in part as follows:

Approximately 3 years ago I started to use cannabis as a result of what was going on in my life and in combination with my peers who were seeking a form of escape from our normal lives. I was not happy with myself and my life at home with my parents.

I was attending a private school and use of cannabis became the social thing to do at night where we just hung out and got high... my consumption quantity grew over time - probably up to 2 grams per day.

In 2008 I did not play any organized sports but continued my drug use as before, strictly for social and psychological needs. I was still not happy with my life.

In 2009, I began playing football in the Ontario Junior Football Conference. Notwithstanding my resumption of playing, I did not stop indulging in the use of cannabis and smoked it on a daily basis in evenings and early hours of the morning. On a game day I did not consume any drugs. At no time did I ever utilize cannabis to enhance my performance in football. In fact, the effects of the drug on me were that it made me feel mellow, sleepy and lethargic and less capable of doing

things that I was used to. I felt less sharp and somewhat numb. That was the escape feeling that I was searching for...

I was consuming about 2 grams per session per day. I had a psychological need to consume the drug and probably a physical desire as well, without realizing any addiction going on within my body.

I would like to talk about the day of testing. This was a game that I was told in advance, prior to game day, that I was not going to play. During the morning of game day I went to a friend's house and we smoked cannabis. I knew that I was not going to play as told to me by my coach and for that reason I smoked cannabis. I never would have consumed cannabis had I been told this was a typical game day and I would be starting and playing as usual.

... I had been a regular and habitual user [of cannabis] up until that time.

I did not, nor would I ever, consume any substance to enhance my performance.

Near the end of the game I was actually put into play by my coach. This was not expected. My performance was not enhanced whatsoever as a result of cannabis in my system...

I take, and have taken, full responsibility for my actions...

In the end I feel that this situation has produced a positive effect upon my life.

Firstly, I have ceased all drug use.

Secondly, I have sought professional advice and will continue as the need requires.

Thirdly, I returned to school and hope to achieve a high school diploma in the Spring to allow me to enter college in the Fall. I intend to obtain employment during the summer.

Fourthly, I have improved my relationships with my parents and we have a better understanding between us. I feel less pressure upon me to be a super achiever...

My school year ends in June 2010. I am eligible for two more seasons in the Junior Conference. Depending upon your decision, I would like to continue to play if I am able to contribute to the team in the eyes of the coaches.

I have had random testing done and I passed. I have ceased all use of illegal substances.

A letter dated April 16, 2010 from the CCES to Mr. Arthur Cogan, legal counsel of Mr. White, reads in part as follows:

This letter identifies an amendment to the Notification letter regarding a doping violation sent to your client through Football Canada on October 22, 2009. In response to its Notification, the CCES received an unsigned letter of explanation from Mr. White... as well as suitable corroborating evidence regarding the athlete's adverse analytical finding for Cannabis and his lack of intent to enhance his sport performance. Based on the information received from the athlete the CCES proposes that:

The sanction for the anti-doping rule violation asserted in the December 7, 2009 Notification be a reprimand with a fourteen (14) month period of ineligibility (in accordance with Rules 7.23-7.26 and 7.42-7.43).

A letter dated April 30, 2010 from Mr. Andrew McEvoy, Head Football Coach of the Ottawa Sooners football team and Mr. White's coach on the day of the testing, was submitted. It reads in part as follows:

Having known Zak for the past 12 years, I would like to state that I have never known him to take any substances to enhance his performance.

With respect to the day Zak was tested. Zak was informed that week that he would not be the starting QB for the upcoming game, so I think in his mind he rationalized that he would not be playing in the game so I don't think he really cared about his mental state for the game because he would only be watching the game and not participating in it. I think to infer that his test results, albeit high, were the result of anything more than a young man making a bad choice to smoke before a game in which he didn't think he would be involved in.

Mr. White testified at the hearing that he will be 21 years old on July 11, 2010. As he stated in his written statement, the athlete admitted at the hearing that he smoked cannabis on the morning of the day he was tested. His evidence was that at about 9 a.m., he and some friends had a joint. The reason he used cannabis on the day of the game was that he was angry with the coaches because he wasn't going to be playing. The game was at 7 p.m. Once he realized he was going to be tested, he understood that he would likely fail the test. He was told by his coach that he wasn't going to be playing "very much at all, if any." Under cross-examination, he specified that the coach told him he wouldn't be starting and "probably wouldn't play" because he'd had a bad attitude at practice.

Mr. White maintained that he has not consumed any prohibited drugs since the day of the testing. Before that, he had been using cannabis since the age of about 16 at a frequency of a few times per week.

The football season begins at the end of July and practice sessions had already started by the day of the hearing.

Under cross-examination, Mr. White admitted that he knew that cannabis was banned in sport and illegal. He testified that cannabis gave him a "diminished capacity". Up to the day of the testing, he was smoking cannabis a few times some weeks and on a daily basis other weeks. He would smoke two grams a day.

The athlete's father, Mr. Michael White, attended the hearing and testified in support of his son. His evidence was that since 2006, he and his wife knew that Zach was using cannabis. They tried to get him to stop. He now has stopped using cannabis, which has been a positive thing for him. Zach is getting his life in order. His conduct has improved at home. Michael White emphasized that his son never took anything to help him play. He believes that football is a structure in Zach's life which will help him grow into a young man. Zach has only two years left to play football and the proposed suspension would take half of that away. Michael White's love and support for his son were obvious.

THE POSITIONS OF THE PARTIES

The CCES:

Mr. Lech pointed out on behalf of the CCES that cannabis is a specified substance and that for a first anti-doping rule violation involving the presence

of cannabis, the period of ineligibility set out in Rule 7.38 shall be imposed unless the athlete demonstrates that the conditions for reducing the sanction in Rules 7.42 and 7.43 are met. The rule violation has been admitted in this case and the threshold of no intent to enhance performance has been satisfied. The CCES is satisfied that Mr. White has demonstrated how cannabis entered his system and that he did not intend to enhance his performance by consuming cannabis, a claim that has been generally corroborated. Mr. White has therefore discharged the required onus and burden of proof contained in CADP Rules 7.42 and 7.43 to permit a possible reduction in the mandated sanction.

It was also acknowledged that the athlete has been honest and forthright in this matter.

Counsel submitted that this case is all about the degree of fault, which is the single criterion to be considered in assessing any reduced sanction. The term "fault" is not defined in the CADP rules. Counsel referred to the commentary to Article 10.4 of the *World Anti-Doping Code* (2009) which states in part that in assessing the athlete's degree of fault, the circumstances considered must be specific and relevant to explain the athlete's "departure from the expected standard of behavior". The standard is the expected standard of behaviour of a Canadian athlete. When the specified substance is cannabis, the CCES does consider in every case the fact that cannabis is only prohibited in-competition and is very accessible in Canadian society.

Mr. Lech argued that in this case, the athlete's degree of fault for the violation is very high and justifies a significant sanction. Factors that are

relevant to Mr. White's degree of fault are: his long-term use of cannabis which had become a daily lifestyle habit; the significant amount he consumed each day; his knowledge that it was illegal and banned in sport competitions; his knowledge that it was possible he would be asked to play on the day of the testing; his decision to play that day while under the influence of cannabis - he could have and should have declined to play; the extremely high level of cannabis detected of 700 ng/ml; the impairment of the athlete while participating in sport by reason of his recent cannabis use prior to the game which greatly compromised his safety and placed him and all the others on the field at an increased risk of injury - cannabis is a banned substance because it is dangerous to health and counter to the spirit of sport; the athlete was target tested on that day.

Counsel submitted that based on the above factors, Mr. White should receive a sanction of between 10 and 14 months of ineligibility. The sanction to be imposed will start from November 18, 2009, the date that he accepted a voluntary provisional suspension. The sanction proposed by the CCES will prevent Mr. White from competing during the 2010 football season, but will allow him to compete again in 2011. To allow him to begin the 2010 schedule as usual is exactly the wrong message to send to this athlete, to his teammates and to the sport of junior football.

The Athlete:

Mr. Cogan submitted on behalf of the athlete that the determination of the sanction to be imposed should not be a mathematical formula based on the quantity of the drug consumed.

In this case, we have a kid who, from the age of 16 in 2006 began to use cannabis. The CADP rules were adopted by the junior football league in 2009. Therefore, Mr. White had already been using cannabis for three years at that point.

The position that Mr. White was impaired by his consumption of cannabis on the day of the testing is not supported by the evidence. Mr. Merrett saw no indication of impairment. There was also no evidence of a risk of injury to the players because of the athlete's consumption of cannabis. The CCES has the burden to prove that there existed such a risk and to submit that it was present is unfair conjecture.

Mr. Cogan asserted that a suspension of between six and eight months of ineligibility would be an appropriate sanction in this matter. This would allow Mr. White to play football for two more seasons.

Counsel pointed out that the breach of the rules committed by Mr. White has turned his life around. The purpose of sport is to bring about the enhancement of the individual and this has been done. This should not be destroyed. The rehabilitation of the athlete should be foremost in the mind of

the arbitrator. The decision will be published and will be a stigma for Mr. White. As well, the period of ineligibility constitutes punishment. He will be a worthy athlete and citizen for society. The random drug tests that have been conducted on him since the September 12, 2009 test have been negative.

Mr. Cogan submitted the following caselaw in support of the athlete's position: CCES, Football Canada and Curtis Cates (2010) (SDRCC file number not indicated) (Burkett); CCES, Football Canada and Alex Robichaud (2010) No.: SDRCC DT 09-0105 (Welbourn).

DECISION

It was acknowledged by the athlete, Mr. Zach White, that he committed the anti-doping rule violation of "Presence in Sample" stipulated in Rule 7.23 of the CADP. This was Mr. White's first violation. Rule 7.38 provides that the period of ineligibility imposed for a first violation of Rules 7.23 to 7.27 "shall be two (2) years *Ineligibility*, unless the conditions for eliminating or reducing the period of *Ineligibility*, as provided in Rules 7.42-7.43 (Specified Substances)... are met."

Rule 7.42 of the CADP states in part that where an athlete can establish how a specified substance entered his or her body and that such substance was "not intended to enhance the *Athlete's* sport performance", the period of ineligibility shall be replaced with, for a first violation, at a minimum, a reprimand and at a maximum, two years of ineligibility. Cannabis is a specified substance according to the WADA Prohibited List. Rule 7.43 stipulates that to

justify any reduction of the sanction under Rule 7.42, the athlete must produce "corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the Doping Tribunal the absence of an intent to enhance sport performance". In the case at hand, the CCES acknowledged in a letter dated April 16, 2010 to Mr. Arthur Cogan, legal counsel of the athlete, that it had received "suitable corroborating evidence" regarding Mr. White's lack of intent to enhance his sport performance. Based on the information received, the CCES proposed that the sanction be reduced from the sanction stipulated in Rule 7.38 of the CADP to a reprimand with a 14 month period of ineligibility. Mr. Lech stated in his argument on behalf of the CCES that the CCES is satisfied that Mr. White had demonstrated how cannabis had entered his system, that he did not intend to enhance his performance by consuming it and that this claim has been generally corroborated. The evidence presented in the February 17, 2010 report of Dr. Ahmed, in the April 30, 2010 letter from Mr. White's football coach and in the testimony of Mr. Michael White, the athlete's father, is corroborating evidence which, in addition to the athlete's word, establishes to my comfortable satisfaction the absence of intent to enhance sport performance. I should add that it is inconceivable that any athlete, especially a football player who has consumed cannabis in the past, could possibly intend to enhance his sport performance by consuming it before a game.

Rule 7.43 of the CADP goes on to stipulate that the athlete's "degree of fault" shall be the criterion considered in assessing any reduction of the period of ineligibility. Given that Mr. White has satisfied the onus and burden of proof contained in rules 7.42 and 7.43, the only issue in this case is his degree of fault in the tribunal's assessment of any reduction of the sanction.

The word "fault" is not defined in the CADP. However, the terms "No Fault or Negligence" and "No Significant Fault or Negligence", found in Rules 7.44 and 7.45 respectively, are defined. Both definitions relate to the athlete's knowledge of the use of the prohibited substance. In my view, the knowledge of the athlete pertaining to the prohibited substance is also a very important element in the consideration of his degree of fault under Rule 7.43.

I also take guidance from the commentary relating to Article 10.4 of the *World Anti-Doping Code* (2009) which states in part that in assessing the athlete's degree of fault, the circumstances considered must be specific and relevant "to explain the Athlete's... departure from the expected standard of behavior".

In the case at hand, the athlete admitted under cross-examination that he knew that cannabis was banned in sport and illegal. In my judgment, this factor is the one that most elevates his degree of fault. In spite of this knowledge, Mr. White nevertheless consumed cannabis on the day of a football game, a day on which he knew, or should have known, he could be tested. Also, he was dressed and on the sidelines during the game and, in spite of what his coach had told him, he knew, or should have known, that there was a distinct possibility he could play. Football players often get injured during games, quarterbacks included, and Mr. White should have anticipated, for instance, that he might be asked to go in to replace the starting quarterback in the event of an injury. As well, he should have anticipated that he could be asked to play by his coach, depending upon factors such as how well the starting quarterback was playing and the score. As it turned out, this is exactly what happened.

Another factor which establishes a relatively high degree of fault is the extremely high level of cannabis detected of 700 ng/ml and Mr. White's decision to go ahead and play anyway when asked by his coach. He acknowledged that the effects of the drug upon him were that it made him feel sleepy, lethargic, less capable, less sharp and that it gave him a "diminished capacity". I am in agreement with Mr. Lech that the extremely elevated quantity of a drug in the athlete's system that has this kind of effect upon him and his decision to play quarterback in a football game under such circumstances greatly compromised his safety and placed him at an increased risk of injury. On the majority of offensive plays, very large and strong linemen, as well as other faster players on the opposing team, attempt to hit the quarterback as hard as possible and to tackle him to the ground. A quarterback who, on the day of a game, has such a large quantity in his system of a drug that makes him feel sleepy and lethargic and gives him a diminished capacity is jeopardizing his safety. As well, this is certainly not the standard of behaviour that is expected of athletes.

On the other hand, the evidence established factors which, to some extent, diminish Mr. White's degree of fault. In my view, the circumstance which goes the furthest to, in the words of the *World Anti-Doping Code* (2009) commentary, "explain the Athlete's... departure from the expected standard of behavior" is the fact that, for some three years before the day of the test, Mr. White had been a regular and heavy user of cannabis. It was, for him, an entrenched habit. The evidence showed that, starting in 2006, at the age of 16, Mr. White consumed cannabis either on a daily basis, or at least a few times a week. He would consume about two grams per session per day. He did this to "escape" from some of the circumstances of his normal life. Mr. White

expressed that he had a psychological need to consume the drug and probably a physical desire as well. As he put it, he had been a regular and habitual user of cannabis up until the day of the testing. His parents tried to get him to stop, but to no avail. The tribunal appreciates that the athlete's consumption of cannabis was a regular, almost daily habit that was unfortunately ingrained into his lifestyle as a means of coping with his problems and as a social thing to do with his friends. It was certainly not the way to deal with his problems because I'm sure they were always still there once the effects of the drug had worn off. His habit was not a healthy one and added to, rather than solved, his problems, but this was the way he lived. Such a regular, long-standing habit would be very difficult to break. This explains, but does not justify, his departure from the expected standards of behaviour of an athlete.

Moreover, Mr. White began consuming cannabis long before he became subject to the rules of the CADP, therefore his decision to begin indulging in this habit was made both at a young, easily influenced age and at a time when it was not, for him, a sport rule violation. In 2008, he did not play any organized sports. Football Canada did not adopt the CADP until December 10, 2008. It wasn't until mid-2009 that he began playing football and thereby came under the CADP rules. He had been a regular, habitual user of cannabis for some three years before that. And his habit had nothing to do with sports. It was an "escape" and also, in the words of Dr. Ahmed, for recreational reasons in the context of peer relationships. When he began playing football, his problems didn't suddenly disappear, nor did his friends, so he continued his consumption of cannabis. He wasn't doing it to cheat at sports, i.e., to give himself some unfair advantage. In fact, his habit had just the opposite effect. He was only cheating himself out of a better life, one in which

he could take action and improve his relationships. The fact that Mr. White regularly consumed cannabis for social and psychological needs, and not for sport-related purposes, also explains, but does not justify, his departure from standards one would expect from an athlete.

The two decisions submitted by Mr. Cogan, the athlete's legal counsel, have also been of assistance in my determination of the appropriate sanction. Both cases deal with football players who tested positive for cannabis, had consumed it frequently or for a significant period before the test and could have their sanctions reduced pursuant to Rules 7.42 and 7.43 of the CADP.

In the Robichaud matter, *supra*, the athlete had smoked cannabis frequently during the season prior to the day of testing and the evening before. The cannabis present in his sample measured 302 ng/ml. He deliberately consumed the cannabis and knew that its use was illegal and that it was a prohibited substance. The CCES submitted in that case that sanctions imposed for cannabis use violations should be "short to medium periods of ineligibility" and it proposed a penalty of three to four months of ineligibility. Arbitrator Welbourn found the athlete's degree of fault to be "relatively significant" and imposed a period of ineligibility of four months.

In the Cates matter, *supra*, the athlete had smoked cannabis for a significant period of time before the sample collection. The detected level was 422 ng/ml, which the CCES characterized as "extremely high". He also knew that cannabis is banned in sport and illegal, but he had made a decision

to use it as part of his lifestyle. Arbitrator Burkett found his conduct to be knowing and intentional. The CCES submitted that the athlete's degree of fault for the violation was high and that he should be sanctioned to a period of ineligibility of five months. The arbitrator agreed with this and adopted the proposal.

The most important distinguishing factor between the two above-noted cases and the one at hand is that here, the athlete's detected level of cannabis of 700 ng/ml is considerably higher than the levels detected in the other two cases. However, I'm in agreement with Mr. Cogan that a determination of the sanction to be imposed should not be a mathematical formula based on the quantity of the drug detected. In the Cates matter, the

CCES itself characterized the level detected as "extremely high", which would put it in the same general category as the level detected in the present case. Therefore, in my view, a sanction moderately higher than the five months of ineligibility imposed in that matter would be appropriate. In the Robichaud case, the arbitrator found the degree of fault to be "relatively significant", yet only imposed a sanction of four months of ineligibility, which is what the CCES had proposed in that matter. I would also characterize Mr. White's degree of fault as relatively significant, however a sanction greater than four months of ineligibility would, in my opinion, be more appropriate for such a level of fault.

In light of the above-noted factors established in evidence and caselaw, it is the tribunal's decision that the sanction for the anti-doping rule violation committed by the athlete be seven (7) months of ineligibility. This period of

ineligibility is to be served commencing on November 18, 2009, the date the athlete accepted a voluntary provisional suspension. It will end on June 18, 2010.

Mr. White has experienced the long, painful process that has led to this decision: he received a notice from the CCES, Canada's national anti-doping organization, of an asserted anti-doping rule violation and proposed sanction of two years of ineligibility, he accepted a voluntary provisional suspension and he attended an arbitration hearing in which part of his future was at stake. In my judgment, this process, along with the above-noted suspension from sport and the publication of this decision, are sufficient to send a powerful message to Mr. White and to the sport community about the consequences of athletes' decisions regarding their lifestyles and what they choose to consume while participating in sport. It is obvious that the message has been understood by the athlete in this case because he has really turned his life around since the day he was tested.

Now, Mr. White is a much wiser and stronger man. He is no longer indulging in a habit that is for the weak. He has improved his relationships with his parents, especially with his father who is prepared to support him all the way. He has sought professional advice. He is furthering his education and has plans to pursue this to the next step. He wants to play football for two more seasons. Coach McEvoy will be getting a new man and a new player.

Dated at Ottawa this 10th day of May, 2010.



Ross C. Dumoulin
Arbitrator