

**In the matter of the Canadian Anti-Doping Program;**

**And in the matter of an anti-doping rule violation by Tayden De Pol 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 6, 2022, in Victoria, BC.
2. Mr. Tayden De Pol (the “athlete”) was selected for doping control. The sample provided by the athlete returned an adverse analytical finding for Methylphenidate, a specified substance.
3. Following receipt of the CCES’ Notice of Charge, asserting an anti-doping rule violation for the presence and use of the prohibited substance Methylphenidate, the athlete waived his right to a hearing, accepting 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 implements 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 Swimming Canada. 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 adopted by Swimming Canada on November 3, 2020. Therefore, as a member of Swimming Canada and/or as a participant in Swimming Canada sport activities, the athlete is subject to the Rules of the CADP.

**Doping Control**

7. On April 6, 2022, the CCES conducted an in-competition doping control session in Victoria, BC. Testing was conducted on Swimming Canada 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 4625506.
9. On April 8, 2022, the athlete’s sample was received by the World Anti-Doping Agency (WADA) accredited laboratory, the INRS Centre Armand-Frappier Santé Biotechnologie (INRS), in Laval, QC.

## **Results Management**

10. The adverse analytical finding was reported by the INRS on May 3, 2022. The Certificate of Analysis indicated the presence of Methylphenidate.
11. Methylphenidate is classified as a specified substance on the 2022 WADA Prohibited List.
12. The CCES commenced an initial review into the athlete's adverse analytical finding and issued a notification of a potential anti-doping rule violation on May 18, 2022. This notification followed a Notification letter sent to U SPORTS on May 2, 2022, regarding an in-competition doping control the athlete had been subject to at the 2022 U SPORTS Swimming Championships. This letter outlined that an adverse analytical finding had also been reported for Methylphenidate in relation to the sample that he had provided on March 25, 2022, at the 2022 U SPORTS Swimming Championships.
13. On June 3, 2022, the CCES granted the athlete a TUE for methylphenidate going forward. On June 10, 2022, the CCES requested WADA's approval for a retroactive therapeutic use exemption (TUE) pursuant to Article 4.3 of the International Standard for Therapeutic Use Exemption (ISTUE). On June 21, 2022, the CCES received WADA's response denying the CCES' request.
14. On July 6, 2022, and in relation to the sample collected from the athlete on April 6, 2022, the CCES formally issued a Notice of Charge asserting an anti-doping rule violation against the athlete for the presence and use of a specified substance. Within the Notice of Charge, the CCES noted the Athlete had accepted a voluntary provisional suspension on May 17, 2022, in accordance with CADP Rule 7.4.4.
15. In accordance with CADP Rules 10.2.1.2 and 10.2.2, the standard sanction for an anti-doping violation involving the presence and use of a prohibited substance is a two (2) year period of ineligibility. Given the circumstances of this case, notably the athlete's failure to apply for a prospective TUE prior to his sample being collected on April 6, 2022, the CCES proposed a 1-month period of ineligibility in its Notice of Charge of July 6, 2022, pursuant to CADP Rule 10.6.1.1.

## **Confirmation of Violation and Sanction**

16. In accordance with CADP Rule 8.4.1 and in response to the CCES' assertion, the Athlete waived his right to a hearing thereby accepting both the asserted violation and the 1-month period of ineligibility and all applicable consequences proposed by the CCES within its July 6, 2022, Notice of Charge.
17. On July 12, 2022, the Athlete submitted the signed Waiver of Hearing Form to the CCES. Accordingly, effective July 12, 2022, an anti-doping rule violation was confirmed against the athlete for the Presence and Use of the identified specified substance.
18. In accordance with CADP Rule 10.6.1.1, the sanction for this violation is a one (1) month period of ineligibility which commenced on May 17, 2022, (the date the athlete accepted a voluntary Provisional Suspension) and concluded on June 16, 2022. Further, in accordance with CADP Rule 10.1 and 10.10, any competitive results obtained by the athlete, from date of sample collection, must be disqualified. In addition, it is noted that, in accordance with CADP

Rule 10.9.3.1, the athlete's March 25, 2022, adverse analytical finding, as well as his April 6, 2022 adverse analytical finding were considered as a single anti-doping rule violation and his 1-month period of ineligibility applies to both violations.

19. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 2<sup>nd</sup> day of July 2022.



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Jeremy Luke  
Executive Director, Sport Integrity  
CCES