

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

**And in the matter of an anti-doping rule violation by Keenan Simpson 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 are at risk of receiving a Whereabouts Failure. The accumulation of three (3) Whereabouts Failures within a 12-month period could constitute an anti-doping rule violation.
2. Mr. Keenan Simpson (“the athlete”) was a member of the CCES’ RTP, as such he was required to file the necessary whereabouts information with the CCES. During the period between January – December 2021, Mr. Simpson received three confirmed Whereabouts Failures which were pursued by the CCES as a Whereabouts violation under the Canadian Anti-Doping Program (CADP) Rule 2.4 (Whereabouts Violations by an Athlete).
3. Following receipt of the CCES’ Notice of Charge, which asserted an anti-doping rule violation for a Whereabouts Violations by an Athlete, the athlete failed to dispute the asserted anti-doping rule violation within the timelines outlined in the Canadian Anti-Doping Program (CADP) and as a result was deemed to have admitted the asserted violation, waived his right to a hearing and accepted all 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. 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 Canoe Kayak Canada (CKC) on November 27, 2020. Therefore, as a member of CKC and/or as a participant in CKC sport activities, the athlete was subject to the Rules of the CADP. While the athlete subsequently retired from sport on January 12, 2022, after the commission of the third strike (October 1, 2021), the potential anti-doping rule violation was still pursued in accordance with CADP Rule 7.7.

## **Whereabouts Failures**

7. During the period between January and December 2021, the athlete received three Whereabouts Failures from the CCES, as follows:
8. **1<sup>st</sup> Failure – Filing Failure – January 1, 2021**

On January 7, 2021, the CCES issued an Apparent Filing Failure letter to the athlete, indicating that he was facing a potential Whereabouts Failure for the failure to file the required whereabouts information for the January – March 2021 quarter by the relevant deadline: December 31, 2020. While the athlete subsequently filed his whereabouts information on January 11, 2021, he failed to provide any response to the CCES to explain his late filing by the deadline provided. As a result, on January 19, 2021, the CCES confirmed a first Whereabouts Failure (Filing Failure) against the athlete.
9. **2<sup>nd</sup> Failure – Filing Failure – July 1, 2021**

On July 9, 2021, the CCES issued an Apparent Filing Failure letter to the athlete, indicating that he was facing a potential second Whereabouts Failure for the failure to file the required whereabouts information for the July – September 2021 quarter by the relevant deadline: June 30, 2021. While the athlete subsequently filed his whereabouts information on July 20, 2021, he failed to provide any response to the CCES to explain his late filing by the deadline provided. As a result, on July 22, 2021, the CCES confirmed a second Whereabouts Failure (Filing Failure) against the athlete.
10. **3<sup>rd</sup> Failure – Filing Failure – October 1, 2021**

On October 8, 2021, the CCES issued an Apparent Filing Failure letter to the athlete, indicating that he was facing a potential third Whereabouts Failure for failing to file the required whereabouts information for the October – December 2021 quarter by the relevant deadline: September 30, 2021. In response to the missed deadline, the athlete filed his whereabouts information on October 4, 2021, and further indicated that he had retired from sport. Despite the athlete's claims, no retirement form was ever received by the CCES during the relevant period.
11. Based on the athlete's response and in the absence of a retirement form filed before the September 30<sup>th</sup> whereabouts deadline, the CCES issued an Alleged Filing Failure letter, through which the athlete was provided the ability to request an Administrative Review. The athlete subsequently requested an Administrative Review, which was conducted in accordance with the International Standard for Results Management. On December 7, 2021, the CCES received the Administrative Review decision which confirmed a third Whereabouts Failure (Filing Failure) against the athlete.

## **Results Management**

12. On December 21, 2021, having reviewed all available information pertaining to each of the athlete's three Whereabouts Failures, the CCES issued a Notification to the athlete advising him of the potential whereabouts violation and providing him the opportunity to accept a voluntary provisional suspension (VPS).
13. In response to the CCES' Notification the athlete accepted a VPS on January 12, 2022, however no additional information was provided.

14. On January 24, 2022, having received no additional information from the athlete, the CCES issued a Notice of Charge, formally asserting a Whereabouts violation against the athlete in accordance with CADP Rule 2.4 (Whereabouts Failure by an Athlete), and proposing a two (2) year period of ineligibility in accordance with CADP Rule 10.3.2.

15. Rule 10.3.2 of the CADP states:

*For violations of Rule 2.4, the period of Ineligibility shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the Athlete's degree of Fault. The flexibility between two (2) years and one (1) year of Ineligibility in this Rule is not available to Athletes where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Athlete was trying to avoid being available for Testing.*

16. Through the Notice of Charge, the CCES also informed the athlete that, in accordance with CADP Rule 8.4.2, should the athlete take no further action within 20 days of receiving the assertion (by February 14, 2022), he would be deemed to have waived his right to a hearing and thereby would have accepted the consequences proposed by the CCES.

17. Rule 8.4.2 of the CADP states:

*However, if the Athlete or other Person against whom an anti-doping rule violation is asserted fails to dispute that assertion within the time period specified in the notification sent by the CCES asserting the violation, then they shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the proposed Consequences*

#### **Confirmation of Violation and Sanction**

18. As no further action was taken by the athlete in response to the Notice of Charge by the relevant deadline (February 14, 2022), the CCES relied on CADP Rule 8.4.2 to confirm the violation and related consequences.

19. Further, in the absence of any response by the athlete to the Notice of Charge, the CCES could not assess the athlete's degree of fault as outlined in CADP Rule 10.3.2 and therefore the proposed period of ineligibility of two (2) years was confirmed.

20. Accordingly, effective February 15, 2022, by reason of the deemed waiver, a Whereabouts violation and a two (2) year period of ineligibility has been confirmed against the athlete. Further, in accordance with CADP Rule 7.4.2, the two (2) year period of ineligibility commenced on January 12, 2022 (the date the athlete accepted a provisional suspension) and concludes on January 11, 2024.

21. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 4<sup>th</sup> day of March 2022.



---

Jeremy Luke  
Senior Director, Sport Integrity  
CCES