

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

**SPORT DISPUTE RESOLUTION CENTRE OF CANADA (SDRCC)
CENTRE DE RÈGLEMENT DES DIFFÉRENDS SPORTIFS DU CANADA (CRDSC)**

Citation : AA v. Deputy Director of Sanctions and Outcomes, 2025 CASDRC 24
Case No.: SDRCC ST 25-0056
(SAFEGUARDING TRIBUNAL)
Date: 2025-08-11

BETWEEN:

AA (Interested Party)

And

Deputy Director of Sanctions and Outcomes (DDSO)

And

DB (Respondent)

ARBITRATOR: Janie Soublière

Representatives of the Parties:

Interested Party: Self-represented

**On behalf of the DSO: David Kellerman, Deputy Director of
Sanctions and Outcomes**

**On behalf of the Respondent: DB
Isabelle Lamarche**

REASONED DECISION

INTRODUCTION

1. On July 3, 2025, the Interested Party filed a Request for a hearing to challenge a sanction under Section 8.6 of the 2023 Canadian Sport Dispute Resolution Code

(the “Code”) before the SDRCC Safeguarding Tribunal, as defined in Subsection 1.1(vv) of the Code.

2. The Interested Party is challenging the sanctions imposed against the Respondent by the Deputy Director of Sanctions and Outcomes (“DDSO”) in their *Final Report on Violations and Sanctions* (the “Report”), which is a decision bearing case number 2024-07-0205 that was notified to the Parties on June 13, 2025.
3. The abridged reasons for the Interested Party’s Request are as follows:

[Translation]

The written warning, letter of apology, and the mere training prescribed to the Respondent are clearly insufficient for:

- *the severity of the recognized psychological maltreatment*
- *the imbalance of the coach/athlete power and my vulnerability*
- *the lasting psychological impact on my health and performance as an athlete on the Canadian team*
- *the lack of genuine remorse demonstrated by the ambiguous wording in the June 16, 2025 apology.*

Procedure and Jurisdiction of the Tribunal

4. On July 14, 2025, Janie Soublière was selected with the consent of all parties and agreed to act as Arbitrator in the case.
5. A preliminary meeting was held on July 22, 2025, following which the parties agreed to hold the hearing by documentary review and establish a procedural schedule for the filing of their written submissions.
6. During the above call, the parties also confirmed that:
 - The Safeguarding Tribunal has jurisdiction to decide the dispute
 - The challenge of the DDSO Sanction Report was initiated within the time limits set out in the Code
 - No party is challenging the appointment of the Arbitrator to the case.
7. The Parties complied with the procedural schedule and, after filing their respective submissions, the Arbitrator hereby renders her reasoned decision.

The challenged “decision”

8. The Report details a formal complaint against a karate coach for psychological abuse, including the findings and imposed sanctions.
9. In accordance with the Office of the Sport Integrity Commissioner (OSIC) Guidelines Regarding Investigations of Complaints (the “Guidelines”), the OSIC retained an investigator to lead an independent investigation of the complaint. The investigator completed their investigation and submitted their Final Investigation Report dated February 27, 2025 (the “Investigation Report”).
10. The DDSO stated in their Report that a formal complaint was filed on July 19, 2024 against the Respondent, a karate coach. The complaint alleges psychological abuse at a national championship competition on July 7, 2024. The complaint was deemed admissible by the OSIC. An independent investigation was conducted, ending with a report on February 27, 2025.
11. In his Report, the DDSO explained that he had reviewed various documents, including allegations, the Investigation Report and the Interested Party’s submissions. The purpose of the analysis was to understand the context and issues related to the complaint.
12. The investigation revealed that the coach made offensive comments to the Interested Party after a match. Although the alleged attempts by the coach to enter the medical tent were not fully supported, the Interested Party’s evidence was found to be credible, while that of the coach was inconsistent.
13. Psychological maltreatment is defined as deliberate behaviour that impairs a person’s psychological well-being. The document describes specific behaviours that constitute psychological maltreatment under the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS).
14. The DDSO concluded that the coach’s behaviour constituted psychological maltreatment as defined by the UCCMS. The coach’s comments were deemed degrading and humiliating, causing emotional distress to the Interested Party (identified as the “Complainant” in the Report).
15. In considering Section 7.2 of the UCCMS, which lists various sanctions that may be imposed in the event of findings of UCCMS violations, the DDSO has concluded that the following sanctions should be imposed:

- *The Respondent must issue a written apology to the Complainant within thirty (30) days of this Report (Section 7.2.1);*
- *The Respondent is issued an official, written warning indicating that they have violated the UCCMS and that more severe sanctions will result should they commit other violations (Section 7.2.2);*
- *The Respondent must take educational training on abuse of power (7.2.3) within sixty (60) days of receiving this Report;*

(Collectively, the “Imposed Sanctions”) in accordance with Sections 7.2.1, 7.2.2 and 7.2.3 of the UCCMS.

16. In short, the Report confirms the coach’s psychological maltreatment and describes the appropriate sanctions. The document invites the parties to contact the DDSO for clarification regarding the sanctions, and states that the parties have the right to appeal the findings and sanctions within twenty-one (21) days, which the Interested Party has done in this case.

Applicable Law

17. The Interested Party is challenging the Sanction imposed by the DDSO as provided for in Subsection 8.7(a) of the Code (and, more specifically, subparagraph (v)), citing an error of law.

18. Section 8.7 of the Code states in particular that:

8.7 Grounds for Challenging a Decision on a Violation or a Sanction

A DSO decision on a violation or a sanction may only be challenged on the following grounds:

(a) Error of law, limited to:

- (i) a misinterpretation or misapplication of a section of the UCCMS or applicable Abuse-Free Sport policies;*
- (ii) a misapplication of an applicable principle of general law;*
- (iii) acting without any evidence;*
- (iv) acting on a view of the facts which could not reasonably be entertained;*
or

(v) failing to consider all the evidence that is material to the decision being challenged.

19. The complaint more specifically alleged that the Respondent's behaviour amounted to psychological maltreatment. The UCCMS defines psychological maltreatment as follows:

Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to a person's psychological well-being.

20. Psychological maltreatment is more precisely defined in section 5.2 of the UCCMS:

5.2 Psychological Maltreatment

5.2.1 Psychological Maltreatment includes, without limitation, verbal conduct, non-assaultive physical conduct, conduct that denies attention or support, and/or a person in authority's pattern of deliberate non-contact behaviours that have the potential to cause harm.

a) Verbal Conduct: without limitation, verbally assaulting or attacking someone, including in online forms; unwarranted personal criticisms; implied or expressed body shaming; derogatory comments related to one's identity (e.g. race, gender identity or expression, ethnicity, Indigeneity, disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about someone to diminish that person's reputation; using confidential sport and non-sport information inappropriately.

b) Non-assaultive physical conduct: physical behaviour, or the encouragement of physical behaviour, that has the potential to be harmful or instil fear, including, without limitation:

i) body-shaming, such as, without limitation, repeated and unnecessary weigh-ins, setting unreasonable weigh-in goals, inappropriately taking food away from athletes, prescribing inappropriately restrictive diets, inappropriately focusing on the physical appearance of a person's body, unnecessary or inappropriate emphasis on biometric data; and

ii) forms of physically aggressive behaviours such as, without limitation, throwing objects at or in the presence of others without striking another; damaging another's personal belongings; hitting, striking or punching objects in the presence of others.

c) Conduct that causes denial of attention or support: without limitation, forms of lack of support or isolation such as ignoring psychological

needs or socially isolating a person repeatedly or for an extended period of time; abandonment of an athlete as punishment for poor performance; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same.

d) A person in authority's pattern of deliberate non-contact behaviours that has the objective potential to be harmful.

5.2.2 Psychological Maltreatment is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

Judicial review provided for in the Code

21. Section 8.6 of the Code namely states that:

- (a) A challenge of a DSO decision on a violation or a sanction can be made by the Respondent or an Interested Part.*
- (b) When assessing a challenge of a DSO decision on a violation or a sanction, the Safeguarding Panel shall apply the standard of reasonableness*

...

- (f) The Safeguarding Panel shall have the power to increase, decrease or remove any sanction imposed by the DSO, with due consideration being given to the UCCMS. In particular, where the Safeguarding Panel determines that the Respondent has presented or presents a risk to the welfare of Minors or Vulnerable Persons, the Safeguarding Panel shall impose such sanction and/or risk management measures as it deems fair and just.*

22. The standard of reasonableness therefore applies in this case.

23. It should be noted that under this standard, the DDSO's decision need not be correct or above reproach; it simply has to be reasonable. Accordingly, the Interested Party must establish on a balance of probabilities that the decision and sanctions imposed by the DDSO, as read and interpreted by the UCCMS with respect to the Investigation Report and its interpretation of the facts and the investigator's findings, are unreasonable.

24. Conversely, if, based on all the evidence before her, the Arbitrator finds that the DDSO's decision is reasonable and that the Imposed Sanctions represent plausible, reasonable options proportionate to the violations committed, the Interested Parties' challenge must be dismissed.

25. The Vavilov decision, Canada (Minister of Citizenship and Immigration) v. Vavilov (2019 SCC 65), often cited as the authority in the matter, provides a detailed explanation of the application of this judicial review standard of “reasonableness.”
26. In paragraph 100 of the Vavilov decision, it was determined that in order to conclude that a decision is unreasonable, one must be convinced that “*there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency.*”

PARTIES’ SUBMISSION

27. The Arbitrator carefully considered all the parties’ submissions as well as the documents on file. For purposes of brevity, the Arbitrator is providing a summary of the parties’ submissions as follows:

Interested Party’s submissions

28. The Interested Party is challenging the Sanction imposed on the Respondent for psychological maltreatment. According to the Interested Party, the Imposed Sanction consisting of a written warning, an apology and education is insufficient.
29. The Interested Party is arguing that the Sanctions do not meet the UCCMS’s criteria of proportionality, deterrence or redress.
30. The incident occurred on July 7, 2024 during a medical consultation. During the exam, the Respondent entered the exam room and made offensive comments about the Interested Party’s injury and credibility. The comments were corroborated by a neutral witness and deemed unacceptable by the investigation.
31. The Interested Party incurred significant personal consequences, including psychological distress and loss of employment. They underwent psychological treatment and had to take medication due to the impact of the incident on their emotional stability and career.
32. The Interested Party’s challenge is based on the objective criteria established by the UCCMS and is part of a respectful process centred on admitting the harm that was incurred, the protection of their integrity and safety as an international athlete, and the preservation of a healthy, safe and ethical sport environment.

33. The Interested Party is therefore asking the Safeguarding Tribunal to substitute the Imposed Sanctions with the following measures, which the Interested Party considers proportionate and justified by the facts that have been established:

- Temporary suspension of any coaching or supervisory role under the auspices of a recognized sports organization for a specified period
- A ban on any direct or indirect contact with the Interested Party in relation to official sporting activities
- A reworded letter of apology, validated by the OSIC, that includes an acknowledgement of what was said as described in the Investigation Report.

The Respondent

34. The Respondent's submissions are summarized as follows:

- The assessment process followed the Guidelines.
- During the investigation conducted by the investigator, the parties had the opportunity to be heard and also to submit any additional comments.
- The Investigation Report is complete and its findings have been accepted
- The DDSO produced a detailed and complete Report on the Violations and Sanctions related to the complaint.
- The assessment of the information that was provided, as well as the conclusions of the DDSO's report, were based on the principles of fairness and the Guidelines. The parties involved had the opportunity to be heard and to file any submissions.

35. The Respondent is relying on the factors that the DDSO considered in assessing the violations, and believes that they meet the legal requirements that had to be considered, according to the regulations governing such decisions, as well as the principles of natural justice.

36. The Respondent believes that the Sanctions imposed by the DDSO based on the Report's conclusion on facts are also well-founded, appropriate and justified and meet the principles to be assessed and considered in the imposition of Sanctions.

37. The Respondent points out:

- that he has never been sanctioned in his 47-year career as a coach,

- that he has received various awards for excellence during his entire career as a coach for the advancement of sport in Canada since 1978, in addition to having been given the prestigious title of “Chartered Professional Coach.”

38. In his view, any additional or more punitive sanctions would not meet the criteria to be considered in imposing sanctions on an individual such as the Respondent;

- who has received a first violation in 47 years as a coach,
- who has acknowledged his wrongdoing,
- who has shown remorse by taking part in educational sessions even before the imposition of a sanction,
- who has apologized sincerely and remorsefully to the Complainant in his letter of apology dated June 16, 2025,
- who, on his own initiative, showed respect for the Complainant by staying away from them and without any contact, when the Complainant returned to competition in January 2025 in Montreal, so that they could fight without any concerns.

39. The Respondent is therefore requesting that the challenge be dismissed.

DDSO

40. After providing an overview of the process, including the Guidelines, the content of the Report and the conclusions issued, the DDSO is respectfully submitting that:

- The investigator provided a detailed account of all the evidence supporting the investigation findings.
- The Investigation Report thoroughly reviewed the allegations contained in the statement of allegations and made clear conclusions about them.
- He found no flaws or inconsistencies in the investigation report, either in law or in fact, and acted on that basis.
- The provisions of the UCCMS in the present case were correctly applied and interpreted in the decision that was rendered.
- The Sanctions imposed by the DDSO are therefore entirely reasonable and proportionate to the findings relating to the violations,
- The Interested Party did not raise any grounds under section 8.7 of the SDRCC Code to successfully appeal the DDSO’s findings regarding the violations and sanctions,

- The Interested Party's submissions attempt to reopen the debate on issues for which clear findings have already been made by the investigator.
- The forum for the challenge does not provide for the parties to once again debate the facts presented to the investigator.
- The role of the Safeguarding Tribunal under Subsections 8.6(a), (b) and (f) of the Code is to determine whether it is appropriate to increase, reduce or withdraw any sanction imposed by the DDSO. In so doing, the Tribunal must apply a standard of reasonableness. The Tribunal may also uphold the DDSO's findings on violations and sanctions and reject the Interested Party's challenge.
- The role of the DDSO is to receive an Investigation Report and make findings as to possible violations of the UCCMS. Where deemed appropriate by the DDSO, sanctions may be imposed in accordance with the UCCMS and the DDSO's policies and procedures. The DDSO is neither an investigator nor an arbiter of the facts.
- It is obviously impossible for the DDSO to determine the sincerity of the Respondent's apology; taken in context and in the wording of the submitted text, the DDSO found the apology that was made to be acceptable and consistent with the principles established by the UCCMS.
- The Interested Party did not err in the interpretation of the facts, as provided for in section 8.7 of the Code.

41. The DDSO is therefore respectfully requesting that the Tribunal issue the following conclusions:

- Uphold the DDSO's decision regarding the violations and sanctions
- Dismiss the challenge.

Deliberation

42. The DDSO's role is to interpret the findings of the investigation and the UCCMS and associated policies and procedures to determine whether a UCCMS violation has occurred and, in the event of any violation or violations, determine the appropriate consequences.

43. The Arbitrator accepts the DDSO submission that the Interested Party is attempting in its submissions to reopen the debate on issues that have already

involved a clear finding by the investigator without identifying valid grounds for the challenge under Section 8.7 of the Code. In particular, no errors of law were raised.

44. The Arbitrator also accepts, as submitted by the DDSO, that the forum provided for the challenge in this case does not allow the parties to reopen the debate of the facts presented to the investigator, unless the investigator and the DDSO clearly misunderstood the facts presented by the parties and witnesses. The Complainant did not err in the interpretation of the facts. The Arbitrator also finds no error of law in the assessment of the facts by either the Investigator or the DDSO that could satisfy the requirements of Section 8.7. For this reason alone, the challenge should be dismissed.
45. Even if the Arbitrator agrees to allow the challenge, as explained earlier, it is up to the Arbitrator to determine whether, given the facts and circumstances, the DDSO's decision is reasonable.
46. The Arbitrator does not see any serious deficiency that could indicate that the DDSO's decision is unreasonable.
47. Given the DDSO's submissions, the reading of the case, the Investigation Report and the Report, "*in relation to the constellation of law and facts that are relevant to the decision*" (see Vavilov, para. 105), the reasoning behind the DDSO's decision and the sanctions imposed therein all appear logical, reasonable and proportionate to the violation. The Arbitrator is satisfied that the decision and the Sanctions imposed by the DDSO meet the requirements of justification, intelligibility and transparency required to conclude that a decision is reasonable.
48. The DDSO properly considered the facts established by the investigator, concluded that a violation of the UCCMS had taken place, and imposed Sanctions that included a written warning and an apology. The DDSO's Sanctions are considered to be too lenient for the Interested Party; however, the Arbitrator has found that the Sanctions imposed by the DDSO are quite reasonable and proportionate to its findings regarding the violation.
49. The Interested Party's challenge is therefore dismissed.
50. The Arbitrator has noted that the Respondent has already, on his own initiative, avoided the Interested Party in his letter of apology when he wrote that [translation] "*in the hope that you can concentrate on your competitions, you (the Interested Party) should not be afraid to see me at the site.*" This statement by the

Respondent thus satisfies one of the Interested Party's requests in its challenge to the Tribunal (request for no contact).

51. The Arbitrator also acknowledges the distress caused to the Interested Party by the events. In reading the letter of apology, the Arbitrator agrees that it could have been drafted with a little more remorse and awareness of the breach that was committed. Indeed, in the letter, the Respondent mentioned regretting the timing of his remarks and states that they [translation] "*should have been **made at a more appropriate time.***" (My emphasis) However, as the Interested Party argues, [translation] "*Such a posture suggests that such remarks might be acceptable in another context, which raises a serious ethical issue and shows a lack of any real accountability.*" To dispel any doubt, there is no appropriate time for a coach to accuse, without any proof, an athlete of cheating, exaggerating an injury, losing credibility with coaches, and/or of not being worthy of being a champion or a member of the team. Despite the fact that she is rejecting the Interested Party's challenge on the above grounds, the Arbitrator nevertheless is inviting the Respondent to reconsider the content of their letter of apology.

Order

52. For the above-mentioned reasons, the Interested Party's challenge is dismissed,

53. This decision is subject to appeal solely in accordance with the terms of the Code.

Decision rendered in Beaconsfield, Québec on August 11, 2025.

Janie Soublière, Arbitrator