

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

**Citation : Allen v. Hockey Canada, 2026 CASDRC 7**

**NO: SDRCC ST 25-0053**

**(SAFEGUARDING TRIBUNAL)**

**Date: 2026-02-13**

**MICHAEL ALLEN**

**(Claimant)**

**AND**

**HOCKEY CANADA**

**(Respondent)**

**AND**

**AFFECTED PARTY A**

**AFFECTED PARTY B**

**AFFECTED PARTY C**

**(Affected Parties)**

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**Before: Matthew Wilson – Sole Arbitrator**

**For the Claimant: Matthew Nied (Counsel)**

**For the Respondent: Adam Klevinas (Counsel)  
Cristy Cooper (Counsel)**

## DECISION

### OVERVIEW

1. This is an appeal filed by the Claimant before the Safeguarding Tribunal of the Sport Dispute Resolution Centre of Canada (the “SDRCC”) pursuant to Section 8 of the 2025 Canadian Sport Dispute Resolution Code (the “Code”).
2. The appeal is of a decision issued by an independent Adjudicator (the “Decision”) appointed under Hockey Canada’s Maltreatment Complaint Management Policy (the “Policy”). This decision is based on the parties’ written submissions, in accordance with subsection 8.3(a) of the Code.
3. The Affected Parties were given Notice of the proceedings but did not make submissions.
4. The Respondent, Hockey Canada (“HC”), is the national governing body for amateur hockey in Canada. HC oversees the management and structure of hockey programs in Canada from entry-level to high performance teams and competitions. Since the 2022-2023 season, all maltreatment complaints made to HC have been managed by an independent complaint system (the Independent Third Party or “ITP”) in accordance with the Policy.
5. The Policy provides a mechanism for addressing complaints that fall outside the jurisdiction of the Office of the Sport Integrity Commissioner (now Sport Integrity Canada, through the Canadian Safe Sport Program), including those which would have previously fallen under the jurisdiction of HC’s provincial and territorial sport organizations. Pursuant to Section 7 of the Policy, all complaints against an Organizational Participant or Member Participant (each as defined in the Policy) are to be directed to the ITP for assessment. If the ITP determines that the applicable thresholds are met, the ITP will retain the matter and administer it according to the Policy. This is the process that occurred in this case.
6. The Claimant, Michael Allen, was part of the coaching staff of a minor hockey team in BC Hockey, a member of Hockey Canada.
7. On February 19 and 20, 2025, BC Hockey received three separate complaints regarding the Claimant. The complainants, who remained anonymous during the complaint proceedings, alleged that the Claimant violated various BC Hockey policies by, among other things, engaging in ongoing verbal and physical bullying and harassment, physical intimidation and aggression, and threats toward the Team’s seven- and eight-year-old players (collectively, the “Complaint”).

8. The Complaint was referred to HC's Independent Third Party, who determined that it would proceed under Process #1 of the Policy.
9. A decision was rendered by the appointed Adjudicative Chair, Gabriel van Loon (the "Adjudicator"), on May 8, 2025 (the "Decision"). The Adjudicator determined that multiple allegations set forth in the Complaint were substantiated, and that the Claimant breached the *BC Maltreatment Policy*, the *BC Universal Code of Conduct*, and the *BC Hockey Code of Conduct* (collectively, the "BC Hockey Codes") by engaging in verbal harassment, bullying, and maltreatment in respect of players on the Team.
10. As part of the process, the Adjudicator met with the complainants, the Claimant and six witnesses. He reviewed written submissions as well as video and audio evidence that was provided to him. In response to concerns by the complainants about retribution for filing the complaints, the Adjudicator took steps to anonymize his decision.
11. The Adjudicator provided a detailed summary of his interviews with the complainant, the Claimant (including his written submissions), and the witnesses. The Adjudicator framed the allegations in broad categories to organize his findings of fact. The findings of fact are listed at paragraph 93 of the Decision as follows:

93. I have found that the Respondent did engage in the following actions as alleged in the Complaints:

- a. Respondent yelled at children, "in their faces", belittling them, and using swear words.
- b. Children wanted to quit the Team because of the behaviour of the Respondent.
- c. Respondent would slam his stick against the ice or glass and physically intimidate children.
- d. Respondent would berate the Team excessively after losses.
- e. Children would be on the bench or ice crying because of Respondent's treatment.

12. The Adjudicator then considered the findings of fact under the BC Hockey Codes and reached the following conclusions:

94. Based on my findings in terms of actions of the Respondent, I therefore find that the Respondent has breached the following Codes for the reasons as noted:

- a. The BC Maltreatment Policy, the BC Universal Code of Conduct and the BC Hockey Code of Conduct (within the BC Hockey Policy Manual), on an ongoing basis throughout the 2024-2025 season, by engaging in verbal harassment and bullying comments against multiple minor players resulting in psychological maltreatment and harm to multiple minor players.
- b. The BC Maltreatment Policy, the BC Universal Code of Conduct and the BC Hockey Code of Conduct (within the BC Hockey Policy Manual) by engaging in physical intimidation and aggression towards minor players, thereby engaging in physical maltreatment and harm to the minor players impacted.
- c. The BC Maltreatment Policy, the BC Universal Code of Conduct and the BC Hockey Code of Conduct (within the BC Hockey Policy Manual), by engaging in verbal abuse and demonstrations of aggression against minor players, thereby engaging in psychological maltreatment and harm to the minor players.

95. Accordingly, I find the Respondent violated the Codes and engaged in verbal harassment, bullying and maltreatment in respect of players on the Team.

13. The Adjudicator then turned to Section 5 of the Policy to determine the appropriate sanction. The Adjudicator reviewed the factors and applied the factual findings.
14. The Adjudicator also noted that a number of witnesses commented about intimidation as the Claimant was a prominent member of the hockey community. The Adjudicator also considered that the Claimant "...possibly has limited self-awareness in terms of his approach to coaching young children".
15. The Claimant was sanctioned with a suspension from participation, in any capacity, in any program, activity, event or competition sponsored by, organized by, or under the auspices of Hockey Canada until May 10, 2026; an indefinite restriction to coaching Hockey Canada athletes over the age of 16; and an order to complete a Maltreatment Education Module prior to the end of his one-year suspension, failing which the suspension will continue until proof of completion is provided to BC Hockey (the "Sanction").

## **THE APPEAL**

16. On June 9, 2025, the Claimant filed a Request with the Sport Dispute Resolution Centre of Canada ("SDRCC") appealing the Decision on the basis that, among other things, the Adjudicator did not consult the appropriate witnesses; the Claimant has an "unblemished" coaching record; the Claimant's primary

coaching experience is with high-level teams at the U15 level; the Claimant wishes to coach his own sons (aged 8, 6, and 3); and two of the anonymous complainants allegedly violated the confidentiality of the decision.

### **The parties' submissions**

17. The following is a brief summary of the parties' primary submissions.
18. The Claimant generally takes issue with the adjudicative process, the findings of fact, and the sanctions imposed by the Adjudicator. He raises the following issues:
  - a. The Adjudicator erred in law by failing to comply with the Policy and to consider all relevant factors.
  - b. The sanction that restricts the Claimant to coaching athletes over the age of 16 was in direct conflict and inconsistent with the Adjudicator's findings. It is also unreasonable and disproportionate to the findings.
  - c. The Adjudicator misconstrued the interview with the Claimant.
  - d. The Adjudicator's failure to interview all of the witnesses identified by the Claimant was a breach of procedural fairness.
  - e. The Adjudicator failed to consider all of the evidence that was material to the sanctions imposed under the Policy.
  - f. The Adjudicator erred in law by considering allegations of intimidation in the course of determining sanctions notwithstanding that the Adjudicator did not make any findings that there was intimidation and notwithstanding that there was no evidence upon which such findings could have been reasonably made.
  - g. The Claimant suffered harm as a result of a breach of confidentiality, which should weigh in favour of the relief sought by the Claimant.
19. The Claimant seeks the removal of the age restriction on coaching, or the alternative, to lower the age restriction.
20. HC submits that the Adjudicator's findings withstand scrutiny on the standard of reasonableness. It argues that the Adjudicator found that the Claimant engaged in serious misconduct constituting psychological and physical maltreatment of minor players and that such conduct resulted in direct harm to multiple minor players. The sanction was tailored to the Adjudicator's findings about the risk posed by the Claimant in continuing to coach in minor hockey. Thus, according to

HC, there is no reason to interfere with the Decision. HC also put forward alternative arguments.

## Analysis

### *The Code*

21. Pursuant to subsection 8.5.2(a) of the Code, this Panel is not to conduct a *hearing de novo* nor is it a redetermination of the investigation. The findings of fact and credibility made in the investigation report are to be accepted by the Panel. The exceptions are set out in subsection 8.5.2(b) as follows:

(b) A review of the findings of fact or credibility by the investigator or the decision that a Party did or did not violate the UCCMS may only be made on the following grounds:

- (i) Error of law that has a material impact on the findings and/or decisions made. For greater clarity, an error of law includes:
  - (1) a misinterpretation of a section of the UCCMS;
  - (2) a misapplication of an applicable principle of general law;
  - (3) acting without any evidence;
  - (4) acting on a view of the facts which could not reasonably be entertained; or
  - (5) failing to consider all the evidence that is material to the decision being challenged.
- (ii) Substantive failure to observe the principles of procedural fairness and natural justice in the investigative process and in reaching a determination on whether there was a violation of the UCCMS, or in reaching a conclusion on the appropriate sanction (if any). The extent of natural justice rights afforded to a Party will be less than that afforded in criminal proceedings and may vary depending on the nature of the alleged violation and sanction that may apply.
- (iii) Fresh evidence where such evidence:

- (1) could not, with the exercise of due diligence, have been discovered and presented during the investigation and prior to the decision being made;
- (2) is relevant to a material issue arising from the allegations;
- (3) is credible in that it is reasonably capable of belief; and
- (4) has high probative value, in the sense that, if believed, it could, on its own, or when considered with other evidence, have led to a different conclusion on the material issue.

(iv) For greater clarity, fresh evidence in this section may not be admitted where the evidence was available with the exercise of due diligence and, absent compelling justification, was not produced during the investigation, or where the party did not participate in the investigation.

22. Subsection 8.5.2.(c) provides that, when assessing a review of a finding of a violation, the Safeguarding Panel shall apply the standard of reasonableness.

23. In *Vavilov*, the Supreme Court of Canada provided guidance for the application of reasonableness as the standard of review:

[15] In conducting a reasonableness review, a court must consider the outcome of the administrative decision in light of its underlying rationale in order to ensure that the decision as a whole is transparent, intelligible and justified. What distinguishes reasonableness review from correctness review is that the court conducting a reasonableness review must focus on the decision the administrative decision maker actually made, including the justification offered for it, and not on the conclusion the court itself would have reached in the administrative decision maker's place.

24. In *Wingfield v. Hockey Canada*, 2025 CASDRC 42, Arbitrator Roberts described the analysis as a "...focus on the decision actually made, including the justification for it, not on the conclusion a reviewing court would have reached in the administrative decision maker's place."

25. I will now turn to the issues raised by the Claimant.

*Was the adjudication process unfair?*

26. The Claimant argues that it was an error in law and a breach of procedural fairness to not interview most of the witnesses identified by him. The Claimant relies on *Anonymous v. Hockey Canada*, 2025 CASDRC 35.

27. In *Anonymous v. Hockey Canada*, the complaint was against a coach of a U18 female hockey team. Arbitrator Bennett held that the Adjudicator failed to conduct the investigation in a way that was procedurally fair because he did not hear from

any of the four witnesses provided by the Claimant nor did he explain why he did not interview the witnesses. The Arbitrator explained:

154. In the matter at hand, Mr. Bawden provided no such reasons. The Claimant submitted a list of four witnesses he identified as relevant to his complaint and as eyewitnesses to matters before the investigation. These witnesses were not interviewed as a part of the investigation and were not called before the hearing. No explanation, rationale or reasoning was given to support this decision to exclude these witnesses. As per *Vavilov*, it is therefore impossible to determine whether the decision was reasonable.

28. Arbitrator Bennett explained how the failure to interview the witnesses impacted the integrity of the investigation:

156. It is evident that further investigation and interviews would have assisted Mr. Bawden in his fact finding, determination of maltreatment and in coming to the appropriate sanction imposed. This can be seen where Mr. Bawden found that the Claimant's conduct amounted to maltreatment when the team imposed restrictions on sugary drinks. It is not clear in his findings to what extent the Claimant was involved in this restriction and the decision fails to sufficiently justify this finding.

29. I agree with Arbitrator Bennett that an Adjudicator should explain why a decision was made not to interview identified witnesses. Procedural fairness requires transparency in the decision-making process. However, the failure to offer an explanation is not necessarily fatal to the Adjudicator's decision, particularly where there is already a thorough examination of relevant evidence including witnesses with direct observations of the impugned conduct.

30. The Policy grants broad discretion to the Adjudicator. Pursuant to Section 17 of the Policy, an Adjudicator may ask the Complainant and Respondent for either oral or written submissions regarding the Complaint. The Adjudicator may also conduct any additional interviews which the Adjudicator believes to be necessary to gather all the relevant factors. The Adjudicator may also meet with the parties to ask questions.

31. Such discretion is to be exercised in a process that is designed to be expeditious. The Policy stipulates that the Adjudicator's decision is expected to be short and issued within 14 days of the conclusion of the hearing. An Adjudicator is not tasked with mapping every inch of the forest to find the path.

32. Arbitrator Blais made similar observations in *Danton v. Hockey Canada*, SDRCC ST 25-0058:

Courts have held that investigators have "wide latitude" and are not required to "turn over every stone". Failure to interview all suggested

witnesses does not, by itself, establish bias or unfairness. The Adjudicator's reasons show awareness of credibility issues and explain reliance on consistent accounts. While the approach could have been more thorough, decisions are not assessed against a standard of perfection.

33. While there is no doubt that the Claimant is entitled to procedural fairness throughout the process, I do not read *Anonymous v. Hockey Canada* as standing for the proposition that an Adjudicator's decision to not interview witnesses or that a failure to explain the decision about witnesses selected will always be fatal to the decision.
34. The extent of witness interviews in the matter before me is different than *Anonymous v. Hockey Canada*. The Adjudicator interviewed six witnesses (in addition to the three complainants and the Claimant) and extensively reviewed the evidence provided by the witnesses. Some of these witnesses directly observed the Claimant's behaviour in practices, games and with the players. Two of these witnesses were proposed by the Claimant and not all witnesses cast the Claimant's behaviour in the same light. The Adjudicator also reviewed video and audio evidence. Of the non-party witnesses interviewed, the Adjudicator noted that the witnesses included individuals who were "a direct witness to many of the alleged behaviours of the Respondent"; who had "extensive experience with the Respondent" and had "access to players"; who were "present for many games involving the Team"; and who were "at the rink many times".
35. The Adjudicator also turned his mind to the credibility of the witnesses. He described the details of the witnesses' interviews and assessed their credibility. The non-party witnesses were generally found to be credible. It is important to note that the Adjudicator found that some of the allegations were not substantiated. This was a balanced review of the witnesses' accounts.
36. I am satisfied that the Adjudicator had reliable evidence obtained through the investigation process to make his findings of fact. The Adjudicator's thorough review of the evidence, including the accounts of direct witnesses, satisfy me that he had a sufficient basis to reach his conclusions. I am not persuaded that the Adjudicator needed to interview any other witnesses in the investigation process. While an explanation for not interviewing all of the identified witnesses would have been preferred, the Adjudicator was entitled to accept the evidence of the witnesses who directly observed the Claimant's behaviour.
37. Given my conclusion that there was no breach of procedural fairness, it is not necessary to deal with the parties' disagreement about the appropriate standard of review when reviewing issues of procedural fairness.

*Was the Adjudicator's award unreasonable?*

38. The Claimant argues that the Adjudicator's analysis focused on the coaching of 7- and 8-year-old players on the team, yet the sanction prohibits the Claimant from coaching players 16 years of age and younger. The Claimant points to the Adjudicator's conclusion that there was nothing to indicate that the Claimant posed a risk to the safety "...of others outside of his role as a coach of young children". The Claimant argues that the Adjudicator's finding cannot be reconciled with the rationale underlying the sanctions that were imposed on the Claimant.

39. I find no merit to the Claimant's argument on this point. After a review of the evidence, the Adjudicator found that the Claimant engaged in behaviour that breached the BC Codes. It is worth repeating these specific findings:

93. I have found that the Respondent did engage in the following actions as alleged in the Complaints:

- a. Respondent yelled at children, "in their faces", belittling them, and using swear words.
- b. Children wanted to quit the Team because of the behaviour of the Respondent.
- c. Respondent would slam his stick against the ice or glass and physically intimidate children.
- d. Respondent would berate the Team excessively after losses.
- e. Children would be on the bench or ice crying because of Respondent's treatment.

40. The Adjudicator described the behaviour as "...verbal harassment, bullying and maltreatment in respect of players on the Team." The Adjudicator then concluded that such behaviour breached the BC Codes.

41. The Policy lists the factors that an Adjudicator is to consider in determining the appropriate sanction. The Policy requires that any sanction be proportionate and reasonable and lists sanctions that are available for an Adjudicator to consider.

42. In this matter, the Adjudicator applied each of the factors to the findings of fact. Specifically, he found that the Claimant's repeated use of negative and demeaning language constituted harassment and psychological maltreatment. He found that such behaviour, along with the use of language demeaning to small children on an ongoing basis, was serious. The Adjudicator recognized that there was a power imbalance between the coach and the players. Moreover, the Adjudicator stated that the Claimant did not fully appreciate that yelling at the children was not acceptable and that it had a negative impact on the children.

The Adjudicator concluded that continued participation in hockey was appropriate subject to specific restrictions and sanctions.

43. The Adjudicator's analysis and conclusions fall entirely within the scope of his discretion under the Policy. The phrases "young children", "small children", "very young children", as used by the Adjudicator, are imprecise terms. Such terms do not connote a specific age range. The Adjudicator found that the Claimant behaved inappropriately to children and relied on these findings to impose the sanction. The Adjudicator was not restricted to a specific age range when imposing the sanction.

44. When an Adjudicator imposes a sanction that is limited to a specific age range, there will always be a degree of arbitrariness to the specific age. The Claimant questions why the restriction on coaching is for players 16 years of age and under, rather than the age group involved in this complaint. It is apparent from the Adjudicator's reasons that he concluded that it would be inappropriate to allow the Claimant to coach younger athletes. The Adjudicator explained:

99. Finally, I do take note of the fact that the Respondent possibly has limited self-awareness in terms of his approach to coaching young children. As was noted by many witnesses and the Complainants, the Respondent may be able to coach older ages, but he should not be permitted to coach young children with his aggressive approach.

45. The Adjudicator also expressed some caution about coaching older age groups:

I am not endorsing his "yelling" methodology. In fact, I will explicitly state that raising your voice to be heard is fine, but berating and degrading individuals is not either effective or acceptable. This decision makes it clear to the Respondent that, in the future, his method of coaching as demonstrated this past season with the Team, will not be acceptable in the future regardless of the age of the players he is coaching should he decide to coach again.

46. The Adjudicator accepted that the Claimant "...may be able to coach older ages", but he expressed concerns about the Claimant coaching younger ages with his coaching style. As reflected in his reasoning, it is apparent that the Adjudicator was examining an appropriate age range for the sanction and tailoring the sanction to the age group at risk.

47. This is distinguishable from *AB v. Hockey Canada*, SDRCC ST 25-0052 where a permanent suspension was imposed on a player that included a ban on being a spectator in the arena. Arbitrator Palamar held that such a sweeping prohibition was not "proportionate and reasonable" in the circumstances, noting that the panel's sanctions failed to consider the possibility that "future participation in the sport would be a reasonable conclusion consistent with the Policy's

requirements, accepting that even now we do not know when and on what conditions that might be reasonable”.

48. In this matter, there is not a permanent ban on coaching. Rather it is an age-based restriction that is based on the Adjudicator’s findings.
49. While the Adjudicator could have specifically addressed the age restriction in greater detail, I accept HC’s argument that Adjudicators are not held to a standard of perfection. The Adjudicator explained that a more stringent sanction was appropriate given the severity of the violation, the unwillingness to accept responsibility and the fact that the Respondent was a coach. The Adjudicator’s reasons sufficiently explained how he reached his conclusions.
50. The Claimant argues that the Adjudicator improperly considered allegations of intimidation in the course of determining the sanctions notwithstanding that he did not make any findings of fact of intimidation. This argument is not persuasive. The allegations against the Claimant are acts of intimidation. The Adjudicator found that the “[Claimant] would slam his stick against the ice or glass and physically intimidate children” and concluded that the Claimant engaged in “physical intimidation and aggression towards minor players”, in breach of the *BC Hockey Codes*. The Adjudicator turned his mind to this issue at paragraph 82 of the decision where he recognized that prohibited behaviour included verbal acts that were intimidating. It is obvious that the impugned behaviours were acts of intimidation and could properly be considered as part of the course of conduct when determining the sanction.
51. The Claimant points to comments made by the Adjudicator about allegations of intimidation as the Claimant was a prominent member in the hockey community. The Claimant argues that this was an error in law as there were no findings of intimidation. The Adjudicator’s comments about intimidation must be considered in their context. The Adjudicator observed that some of the witnesses commented on intimidation in the context of the Claimant being a prominent member of the hockey community. The Adjudicator stated that he made this observation to emphasize that the hockey club should take measures to separate coaches from administrative staff and from holding administrative or board positions. There is nothing unreasonable about these observations. The Adjudicator was entitled to express his observations about the dynamic of coaches becoming too powerful by also sitting on hockey boards of governance. These observations did not impact the sanctions that were imposed.
52. The Claimant asserts that he has suffered harm as a result of a breach of confidentiality by someone in the ITP process. He explains that he was denied membership at a private athletic club. The Claimant argues that such harm should weigh in favour of varying the age restriction in the sanction imposed by the Adjudicator.

53. Even if I accepted that being denied membership at a private club constituted a harm suffered from a breach of confidentiality in the ITP process, it is not a factor that I would weigh in favour of varying the penalty. This is a review process of the Adjudicator's decision. It is akin to a judicial review. It is not a time to introduce new evidence that was not before the Adjudicator nor would it be appropriate to speculate how that particular private club became aware of the Claimant's circumstances.

## **CONCLUSION**

54. I find that the Adjudicator's decision finding that the Claimant breached the BC Codes to be supported by transparent and intelligible reasons. The sanctions are proportionate and reasonably connected to the severity of the Claimant's conduct. The Adjudicator's decision is well within the reasonableness standard.

55. The appeal is denied.

Dated this 13<sup>th</sup> day of February 2026.

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Matthew R. Wilson  
Arbitrator