

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

Citation : H. v. Deputy Director of Sanctions and Outcomes, 2026 CASDRC 17

**NO: SDRCC ST 26-0068  
(SAFEGUARDING TRIBUNAL  
DATE OF DECISION: 2026-03-31)**

**BETWEEN:**

**H.  
(Respondent)**

**AND**

**DEPUTY DIRECTOR OF SANCTIONS AND  
OUTCOMES  
(DDSO)**

**AND**

**B.  
(Interested party)**

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**PARTIES AND REPRESENTATIVES**

**Appearances:**

**For the Respondent:** Angeline Bellehumeur and Will Russell  
(Counsel)

**For the DDSO:** David Kellerman (Counsel)

**Hearing:** via submissions on February 27, March 13,  
and March 20, 2026

**Arbitrator:** David Merrigan, C. Arb.

## APPLICABLE LAW AND JURISDICTION

1. The Sport Dispute Resolution Centre of Canada (SDRCC) exercises jurisdiction over this matter pursuant to Section 2.1 of the 2023 Canadian Sport Dispute Resolution Code (the "Code"), which applies to any "Sports-Related Dispute" where an agreement exists to bring the dispute to the SDRCC.
2. Specifically, the Safeguarding Tribunal has subject-matter jurisdiction under Section 8.2, as the dispute arises from the application of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) involving a Sport Organization that has an effective Abuse-Free Sport program service agreement.
3. The substantive merits of the case, specifically the definitions and thresholds for Prohibited Behaviour-are governed by the UCCMS.
4. Under Section 8.1, the specific procedures of the Safeguarding Tribunal apply in addition to the rules set out in the UCCMS. Where a procedure or rule is not addressed in Article 8 or the UCCMS, the general provisions of the Code apply.
5. In reviewing a decision made by the Director of Sanctions and Outcomes (DSO), the Safeguarding Tribunal is legally mandated by Subsection 8.6(b) of the Code to apply the standard of reasonableness. This requires the Tribunal to assess whether the DSO's decision on violations and sanctions was justified, intelligible, and transparent.

## DESCRIPTION OF THE PARTIES

### The Claimant

6. A senior administrator of an NSO, though he is the Claimant in this proceeding, he is the "Respondent" in the initial investigation and will be referred to as such in this decision.

### Deputy Director of Sanctions and Outcomes (DDSO)

7. As the administrative authority, the DDSO represents the interest of the Abuse-Free Sport program.

### The Interested Party

8. Specifically defined as a non-party who "directly experienced" the alleged Prohibited Behaviour. This status is distinct from an "Affected Party" and provides her the right to submit evidence regarding the impact of the conduct.

9. The Interested Party, a high-performance athlete past the age of majority, was served notice of these proceedings and invited to make a submission but did not.

## CHALLENGED DECISION ON VIOLATION AND SANCTION

10. On December 13, 2025, the DDSO issued a Report on Violations and Sanctions finding that the Respondent had committed a violation of the UCCMS.
11. Specifically, the DDSO substantiated "Allegation 2," which stated that on February 26, 2024, the Respondent informed the Interested Party, via email, that no coach would be sent to supervise her at an upcoming World Cup competition ("the event").
12. The DDSO determined that the Respondent's conduct constituted "Neglect" as defined under Section 5.4 of the UCCMS.
13. The DDSO clarified that the violation did not stem from the decision to withhold a coach, which was deemed a justifiable operational choice based on the National Sport Organization's (NSO) budgetary constraints.
14. Instead, the DDSO concluded that the violation lay in the timing of the communication, which occurred only one day prior to the Interested Party's scheduled departure.
15. In reaching this conclusion, the DDSO found that the late notification "foreseeably jeopardized" the Interested Party's ability to comply with mandatory supervision requirements established by previous Provisional Measures imposed on the Interested Party.
16. The DDSO reasoned that this delay represented an "omission of adequate care and attention" regarding the participant's known needs, meeting the objective threshold for Neglect under Section 5.4.1 of the UCCMS.
17. Pursuant to the finding of Neglect, the DDSO imposed a sanction under Section 7.2 of the UCCMS.
18. The Respondent was required to issue a formal written apology to the Interested Party within thirty (30) days of receipt of the Report.
19. The DDSO stipulated that the required apology must acknowledge the specific Prohibited Behaviour (Neglect) and address its impact on the Interested Party in accordance with Section 7.2.1 of the UCCMS.

20. The Respondent has challenged the Decision on Violations and Sanctions before the Safeguarding Tribunal, asserting that the finding of Neglect is unreasonable under Subsection 8.6(b) of the SDRCC Code.

21. The Respondent argues, *inter alia*, that:

- i. No clearly defined duty existed requiring the National Sport Organization (NSO) or the Respondent personally to provide or notify the athlete of supervision arrangements;
- ii. The Provisional Measures themselves were ambiguous and did not assign responsibility for the implementation of supervision; and
- iii. The DDSO's own delays in responding to clarification requests contributed significantly to the "last-minute" timing of the notification.

## PROCEDURAL HISTORY

22. In December 2023, the Deputy Director of Sanctions and Outcomes ("DDSO") imposed Provisional Measures on the Interested Party, in an unrelated proceeding.

23. These measures mandated that she could not train or compete without the presence of an adult supervisor.

24. On February 26, 2024, the Respondent, sent an email to the Interested Party informing her that the NSO would not be sending a coach to a World Cup event to function as her supervisor due to a lack of a registered team.

25. On August 9, 2024, the Interested Party filed a formal complaint with the Office of the Sport Integrity Commissioner (OSIC) alleging that the Respondent's conduct constituted Psychological Maltreatment and Neglect.

26. On November 5, 2024, the OSIC issued a formal Statement of Allegations detailing six specific counts against the Respondent.

27. On November 28, 2024, an independent investigator was retained to conduct a full investigation.

28. On June 16, 2025, the investigator submitted a final Investigation Report to the OSIC. The DDSO received this report on July 15, 2025, and shared it with the parties for submissions on August 11, 2025.

29. On December 13, 2025, the DDSO issued the Report on Violations and Sanctions, which dismissed five allegations but found that the Respondent had committed Neglect regarding the timing of the February 26, 2024, email.
30. On January 12, 2026, the Respondent filed a Request for a Safeguarding Hearing before the Safeguarding Tribunal of the SDRCC to challenge the finding and sanction.
31. The parties filed respective submissions between February 27 and March 20, 2026, leading to the current proceedings before the Safeguarding Tribunal.

## SUBMISSIONS BY THE PARTIES

### RESPONDENT

32. In the current proceeding before the Safeguarding Tribunal, the Respondent in the underlying OSIC complaint, asserts that the Decision on Violations and Sanctions issued by the DDSO on December 13, 2025, is unreasonable and legally unsustainable under the 2023 SDRCC Code.
33. The Respondent argues that a finding of Neglect under Section 5.4 of the UCCMS cannot be sustained without the prior existence of a clearly established and personal duty of care.
34. They contend that the original Provisional Measures imposed no such duty upon themselves or the National Sport Organization (NSO) to provide or fund a supervisor, and that the failure to establish this prerequisite duty renders the DDSO's finding an "irrational analysis."
35. Relying on the principle in *Carey v. Laiken*, 2015 SCC 17, the Respondent asserts that the DDSO's Provisional Measures were ambiguous and lacked the "clear and unequivocal" language required to put a party on notice of their obligations.
36. He argues that he cannot be held liable for an "omission of care" regarding a requirement that was not explicitly assigned to him in the governing order issued by the DDSO.
37. The Respondent further contends that the DDSO failed to properly apply the Objective Standard mandated by Section 5.4.2 of the UCCMS by ignoring the totality of the circumstances.
38. Specifically, he argues that the DDSO failed to account for the Respondent's efforts to mitigate the situation and the fact that the "last-minute" timing of the

notification was exacerbated by the DDSO's own significant delays in responding to requests for clarification, from both parties.

39. The Respondent challenges the DDSO's interpretation of Neglect as an "unreasonable and novel expansion" of the UCCMS.
40. He argues that finding a violation based solely on the *timing* of an email, while conceding the underlying administrative decision was valid, ignores the safeguarding purpose of the Code and improperly imposes personal liability for organizational operational choices.
41. As Corrective Action, the Respondent requests that the Safeguarding Tribunal exercise its jurisdiction under Subsection 8.6(f) and Section 8.14 of the SDRCC Code to:
  - i. Set aside the DDSO's finding of a violation of Section 5.4 of the UCCMS;
  - ii. Remove and set aside the sanction of a written apology; and
  - iii. Order the expungement of the violation from their record to address the ongoing professional and reputational harm resulting from the unreasonable decision.

## DEPUTY DIRECTOR OF SANCTION AND OUTCOMES

42. The Responding Party to this proceeding, the DDSO, maintains that the finding of a violation of Section 5.4 of the UCCMS is reasonable and should be upheld by the Safeguarding Tribunal.
43. The DDSO argues that the core of the violation is not the underlying administrative decision to withhold a coach, which they accepted as a valid exercise of the National Sport Organization's budgetary discretion, but rather the timing of the communication.
44. The DDSO asserts that notifying an athlete of a supervision vacuum only one day prior to international travel "foreseeably jeopardized" her ability to comply with mandatory supervision and participate in the event without logistical and financial harm.
45. It is the DDSO's position that this late notification constitutes an omission of adequate care and attention toward a known requirement, aligning with the definition of Neglect in Section 5.4 of the UCCMS.

46. The DDSO specifically notes that the UCCMS expressly includes "not ensuring appropriate supervision of an athlete during travel, training or competition" as an illustrative example of neglectful behavior.
47. The DDSO contends that the violation is established through an objective assessment, as required by Section 5.4.2 of the UCCMS, which does not require proof of intent or actual harm.
48. The DDSO contends that the Respondent's delay in notifying the athlete about their eligibility until just before departure fell short of the standard of care expected from a sport administrator.
49. Regarding the sanction, the DDSO argues that a written apology falls within a "defensible range" of outcomes.
50. The sanction is characterized as proportionate because it specifically accounts for the limited scope of the misconduct (the timing rather than the content of the decision) and already considers relevant mitigating factors.
51. The DDSO requests that the Safeguarding Tribunal
  - i. Dismiss the Respondent's appeal in its entirety;
  - ii. Uphold the original finding of a violation of Section 5.4 of the UCCMS (Neglect); and
  - iii. Uphold the associated sanction requiring the Respondent to issue a written apology to the Interested Party.

## STANDARD OF REVIEW

52. The appropriate legal standard of review for an appeal before the Safeguarding Tribunal regarding a decision on violations and sanctions is the standard of "reasonableness."
53. This standard is explicitly mandated by Subsection 8.6(b) of the 2023 Canadian Sport Dispute Resolution Code, which dictates that the Safeguarding Panel shall apply this deferential lens when reviewing the determinations made by the Director of Sanctions and Outcomes or their Deputy.
54. A reasonableness review is a robust but deferential process that focuses on the decision-maker's reasoning.
55. Under the framework established by the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, a reasonable decision is one

that is justified, intelligible, and transparent. The Tribunal does not ask what decision it would have made in the first instance; instead, it determines whether the decision "falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law."

56. A decision will be set aside as unreasonable if it contains a fundamental gap in logic or fails to account for the evidence and legal requirements of the UCCMS.
57. In the context of the instant case, the application of this standard requires the Tribunal to examine whether the DDSO provided a coherent "reasoning path" to link the timing of a notification to the legal definition of Neglect.
58. If the DDSO's decision failed to consider material facts, the decision may be considered unreasonable because it lacks the necessary justification and transparency required by law.

## ANALYSIS

59. The Respondent maintains that the DDSO's interpretation of Section 5.4 of the UCCMS effectively creates a "novel requirement" for administrators that is untethered from the Code's safeguarding purpose.
60. Conversely, the DDSO asserts that the situation falls squarely within the illustrative examples provided in the Code, specifically "not ensuring appropriate supervision... during travel."
61. A significant factual dispute exists regarding the cause of the communication's timing: that the "last-minute" nature was a direct result of the DDSO taking several days to respond to clarification requests.
62. The DDSO's submissions focus on the Respondent's ultimate responsibility to communicate the NSO's decision to the athlete in a timely manner, regardless of external administrative delays.
63. In applying the standard of reasonableness to the facts of the communication delay, the Safeguarding Tribunal must determine whether the DDSO's reasoning path which links the timing of the February 26, 2024, email to a finding of Neglect is internally coherent and defensible considering the evidentiary record.
64. The DDSO's decision rests on the premise that informing the athlete of the lack of a supervisor one day prior to departure was an "omission of adequate care".
65. However, a "reasonable" decision must be sufficiently alive to the external factors contributing to that timeline.

66. The record indicates that the Respondent was attempting to clarify the ambiguous Provisional Measures with the DDSO's office and that the DDSO failed to respond for several days.
67. A finding of neglect that ignores the regulatory body's own role in creating the "last-minute" situation lacks the requisite transparency and justification.
68. Furthermore, the reasonableness of the decision is undermined by a significant gap in logic regarding the Duty of Care.
69. To find that a communication was "too late," a decision-maker must first establish a benchmark or specific deadline for when such a notification must be sent under the UCCMS.
70. The DDSO failed to explain why the Respondent personally bore a duty to provide notice of an organizational decision (withholding a coach) that the DDSO concurrently held was a valid and justifiable operational choice.
71. The Objective Standard required by Section 5.4.2 of the UCCMS mandates that the behavior be viewed in the context of the totality of the circumstances.
72. A reasonable analysis would have factored in the Respondent's immediate efforts to mitigate the risk-such as contacting the local national federation in charge of the World Cup event to secure an alternative supervisor at the NSO's expense-once the conflict was identified.
73. By characterizing the timing as a "serious incident" of maltreatment without accounting for these mitigation efforts, the DDSO adopted an interpretation of Neglect that is untethered from the facts.
74. The Respondent asks the Tribunal to apply *Carey v. Laiken* to the instant case.
75. They contend that if there was no "clear and unequivocal" duty for him to provide a supervisor in the first place, he cannot be found neglectful for the timing of a communication regarding that non-existent or ambiguous duty.
76. He asserts that the "supervision vacuum" and the resulting last-minute timing were a failure of the DDSO to provide a clear order, rather than a failure of the Respondent to meet a standard of care.
77. The Tribunal agrees with the Respondent in this regard.
78. The decision by the DDSO fails the reasonableness test because it does not distinguish between a potentially imperfect administrative process and a violation of human integrity (Maltreatment).

79. Holding a NSO senior administrator personally liable for the timing of a valid operational notification, especially in a "novel territory" where all parties were seeking guidance, expands the meaning of the UCCMS beyond its intended safeguarding boundaries.
80. The underlying Provisional Measures were administrative safeguards imposed upon the athlete, not the Respondent personally, and lacked any clear or unequivocal delegation of responsibility for their implementation or funding.
81. To find that a senior administrator is personally neglectful for the timing of a notification related to an athlete's own compliance obligations creates an untenable precedent of "limitless application," where an individual is held liable for foreseeable needs outside of their direct control or defined legal duties.
82. This interpretation fundamentally misconstrues the nature of Neglect under the UCCMS.
83. It improperly converts a temporary administrative restriction into a permanent personal burden for a senior administrator, which is untethered from the safeguarding purpose of the Code.
84. Consequently, the Safeguarding Tribunal finds that the DDSO's determination of a violation is unreasonable, as the reasoning path is not intelligible and the outcome does not fall within a range of defensible findings supported by the law and the record.

## CONCLUSION

85. The Tribunal finds that the DDSO's original decision lacked a logical and transparent analytical framework, specifically regarding the establishment of a clear duty of care and the objective assessment of the standard of care required under the circumstances.
86. The DDSO's decision was unreasonable and must be set aside.

## ORDER

87. The finding of the DDSO that the Respondent committed a violation of Section 5.4 of the UCCMS (Neglect) is hereby SET ASIDE in its entirety.
88. The sanction imposed by the DDSO, requiring the Respondent to provide a written apology to the Interested Party, is hereby REMOVED and VACATED.

89. All records of this violation and sanction shall be expunged from the Respondent's professional file and from any registry kept by the OSIC or NSO related to this matter.
90. Applications on costs will be considered by the Tribunal in the manner and deadline outlined in the Code.
91. This Order is final and binding upon the parties in accordance with Subsection 8.6(e) of the Code.

DATED at Halifax, NS, this 31st day of March 2026.

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David Merrigan, C. Arb.