

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

CITATION: Minor Player A v. Hockey Canada, 2026 CASDRC 27
NO: SDRCC ST 26-0074
(SAFEGUARDING TRIBUNAL)
DATE: 2026-05-28

MINOR PLAYER A

(Claimant)

AND

HOCKEY CANADA

(Respondent)

AND

AFFECTED PARTY

Before: Matthew Wilson – Sole Arbitrator

For the Claimant: Guardian of Minor Player A

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 Article 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 Party was 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 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 is a 12-year-old hockey player, who at the time of the incident was playing on a Tier 1 U13 hockey team in Alberta. On February 12, 2026, the ITP received a complaint from the father of another Team player (the “Affected Player”). The complaint alleged, among other things, that the Claimant forcefully put his finger(s) up the Affected Player’s anus, with dryland shorts and underwear in-between, during dryland training activities.
7. The Complaint was referred to HC’s Independent Third Party, who determined that it would proceed under Process #1 of the Policy.
8. A decision was rendered by the appointed Adjudicative Chair, Ben Frenken (the “Adjudicator”), on March 20, 2026 (the “Decision”). The Adjudicator determined that the Claimant had violated multiple sections of the applicable policies, namely the *Universal Code of Conduct to Prevent and Address Maltreatment in Sport*

(“UCCMS”) and Hockey Alberta’s Maltreatment, Bullying & Harassment Policy (“MBH Policy”).

9. On February 27, 2026, the ITP issued a procedural order regarding interim sanctions, prohibiting the Claimant from participating, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of HC until further notice in writing, or until an adjudication decision is released, whichever occurs first.
10. As part of the Adjudication process, the Adjudicator conducted interviews with the Affected Player, the father of the Affected Player, the Claimant and his parents, the health and conditioning trainer, the head coach, and the school principal. The Adjudicator also reviewed a character statement that was provided in support of the Claimant.
11. As the incident occurred in a washroom, only the Claimant and the Affected Player had first-hand knowledge.
12. The Adjudicator reviewed the information provided by the witnesses in his decision. He found the Affected Player to be more credible than the Claimant. He explained that the Claimant provided his “...information carefully, but evasively with respect to the dryland incident” and that the “Affected Player was forthright with all his evidence”.
13. The Adjudicator described the strained relationship between the Claimant and the Affected Player as they attended the same school and played on the same hockey team.
14. The incident that formed the basis of the complaint occurred on February 10, 2026, prior to a hockey game. The players were engaged in their routine dryland training. The Affected Player went to the washroom to blow his nose. The Claimant came up behind the Affected Player and shoved his fingers up his anus. The Adjudicator’s findings are found at paragraph 23 of the Decision:

[23] That day, the Affected Player was in the middle of training, but went to the washroom to blow his nose and out of nowhere, the Respondent came from behind and about four steps into the washroom shoved what felt to the Affected Player like two fingers up his anus, and ran away.
15. The Adjudicator then considered the findings of fact under UCCMS and the MBH Policy. Pursuant to those policies, the Claimant was found to have engaged in physical maltreatment, psychological maltreatment, and sexual maltreatment. The Adjudicator explained these conclusions at paragraphs 51-53:

[51] The incident at issue involves the Affected Player’s anus, penetrated by the Respondent’s fingers; it occurred away from the Team in an isolated and private area (washroom). The Respondent did not acknowledge the act and so provided no evidence on his intent or

purpose; in the circumstances I can draw no conclusion other than that he intended to penetrate the Affected Player's anus with his fingers.

[52] Even in the least malicious interpretation of the events, as a joke of a sexual or degrading nature, the conduct remains unwelcome (objectively and subjectively) and an instance of sexual maltreatment.

[53] The Respondent's conduct constitutes physical and sexual maltreatment and is a breach of the UCCMS and MBH Policy. As the EFHL's Rules of the Game prohibition on harassment requires that to be in respect of an enumerated ground under human rights legislation, which is not the case here, I do not find the conduct a breach of that policy.

16. 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.
17. The Adjudicator considered that the Claimant had been suspended on an interim basis and that the hockey season had concluded at the time of the Decision. After reviewing the factors under the Policy, the Claimant was suspended from participation in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of HC, from February 27, 2026 to November 27, 2026. An exception was made to allow the Claimant to participate in tryouts for the 2026-2027 season. The Claimant was also required to complete a course on bullying and bullying awareness.

THE APPEAL

18. On March 30, 2026, the Claimant filed a Request with the Safeguarding Tribunal of the Sport Dispute Resolution Centre of Canada ("SDRCC").
19. The following is a brief summary of the parties' primary submissions.
20. The Claimant raises issues with the adjudication process, the findings of fact, and the severity of the penalty. The Claimant argues that the suspension imposed on February 27, 2026 as an interim measure denied him the right to be presumed innocent. He further argues that the Adjudicator failed to consider the lack of immediate reporting to the head coach and the pre-incident and post-incident game performances of the Affected Player. According to the Claimant, these facts undermine the claims of the Affected Player. The Claimant also challenges the factual findings of the Adjudicator and points to the character statements of the high school principal and hockey coach.
21. HC asserts that the Adjudicator's decision reasonably considered the evidence and explained the factual findings. It argues that the conduct was appropriately considered to be serious and of a sexual nature. It points out that the Adjudicator

reasonably exercised his discretion by not imposing the presumptive sanction of permanent ineligibility. HC argues that on a standard of review of reasonableness, the Decision should be upheld.

Analysis

The Code

22. 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.

23. 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.

24. In *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, 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.

25. 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."

26. After careful review of the parties' submissions, there is no reason to disturb the Decision.

27. The process followed by the Adjudicator was fair and unassailable. The Claimant understood the allegations and was given two opportunities (written and interview) to provide his version of events. The Adjudicator heard from other individuals, but recognized that it was only the Claimant and the Affected Player in the washroom at the time of the incident.

28. The Adjudicator preferred the evidence of the Affected Player over the evidence provided by the Claimant. The Adjudicator explained that the Claimant did not acknowledge the act nor did he provide information about his intent or purpose. The Adjudicator is in the best position to assess the evidence. It is not for the Arbitrator to reassess the evidence or credibility of the individuals.

29. The Adjudicator clearly set out his findings of fact. He found that the evidence supported the allegation. The Adjudicator concluded that the Claimant put his

fingers up the Affected Player's anus against his shorts. The Adjudicator explained that this was serious behaviour even if it was intended as a joke.

30. The Claimant has put forward several arguments in support of his position that the conduct was not sexual maltreatment and that it was less serious. He argues that it was "tit-for-tat peer friction" with no power imbalance.

31. The Adjudicator first determined that the conduct constituted physical maltreatment under the Universal Code of Conduct to Prevent and Address Maltreatment in Sport ("UCCMS") and the MBH Policy as well as psychological maltreatment under the MBH Policy. He explained:

[47] ...The UCCMS describes physical maltreatment illustrated by a set of contact behaviour: it is not a closed list of descriptions, and forcefully sticking digits into an anus is contact behaviour that objectively inflicts harm. For the MBH Policy's purposes, it is also behaviour that is degrading and humiliating.

...

[49] In order to sustain sexual maltreatment under the UCCMS sections 5.5.1(a) and (e), there must be some sexual nature to the conduct. For sexual maltreatment under section 5.5.1(c) the Respondent must have performed an act on the Affected Player that violated the latter's sexual integrity.

32. The Adjudicator also explained what constitutes sexual maltreatment:

[32] The MBH Policy provides that sexual maltreatment is a form of sexual violence that includes any act targeting a Participant's sexuality and includes, but is not limited to the Criminal Code offences of sexual assault, sexual interference and sexual harassment. Examples of sexual maltreatment may include non-consensual penetration of any part of a person's body, however slight, with any object or body part by a person upon another including anal penetration by a finger.

33. The Adjudicator applied the definitions in the policies to conclude that there had been sexual maltreatment.

34. I find no issues with the Adjudicator's review of the policies. He clearly explained the application of the policies to the behaviour of the Claimant. The Adjudicator conducted a measured analysis of the incident in the context of the various policies that applied.

35. The penalty is severe. It is a suspension of nine months from all hockey activities (other than allowing the Claimant to participate in tryouts) as well as a mandatory course on the subject of bullying. But, as explained by the Adjudicator, the behaviour is severe and of a sexual nature. The Adjudicator engaged in a

detailed analysis of the relevant factors to arrive at his conclusion. He also declined to impose the presumptive sanction of permanent ineligibility for sexual maltreatment of a minor. The Adjudicator's analysis led to a lesser penalty.

36. It is not for an Arbitrator to substitute his own decision on the penalty. The review is conducted on a reasonableness standard and focuses on whether the Adjudicator's decision is transparent, intelligible, and justified. I have no hesitation in concluding that the Adjudicator's decision that the Claimant breached the UCCMS and MBH Policy is 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 falls comfortably within the reasonableness standard.

37. The appeal is denied.

Dated this 28th day of May, 2026.

A handwritten signature in black ink, appearing to read 'Matthew R. Wilson', with a stylized, cursive script.

Matthew R. Wilson
Arbitrator