

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

Citation: Westman v. Sport Integrity Canada, 2025 CASDRC 44

File No: SDRCC ST 25-0063
(SAFEGUARDING TRIBUNAL)
DATE OF DECISION: 2025-12-19

BETWEEN:

Robert Westman (Claimant)

And

Sport Integrity Canada (Respondent)

And

Affected Party

Arbitrator: **Janie Soublière**

Party Representatives:

For the Claimant: **Carlos Sayao (counsel)**
Adam Soliman (counsel)

For the Respondent: **Lisa Henderson (counsel)**
Joana Birenbaum (counsel)

REASONED DECISION

I. APPLICABLE LAW & JURISDICTION

1. The Claimant was, at all material times, a Coach employed by Athletics Canada.
2. The Claimant signed a Consent form in May 2024, agreeing to be bound by the UCCMS and the Office of the Sport Integrity Commissioner (OSIC) Abuse-Free Sport program policies and procedures in place at the time.

3. On March 27, 2025, the Claimant signed a Consent Form by which he agreed to be bound by the Universal Code of Conduct for Maltreatment in Sport (UCCMS) and the Canadian Safe Sport Program (CSSP), including the CSSP Rules.
4. The Claimant is thus bound and subject to both the UCCMS and CSSP.
5. This matter was referred to the Sport Dispute Resolution Center of Canada (SDRCC) for adjudication as anticipated in the CSSP which confers jurisdiction to the Safeguarding Tribunal. All Parties have agreed to the jurisdiction of the SDRCC to hear this dispute (but not to grant the order requested by the Claimant as discussed below). The undersigned Arbitrator, who has been appointed on agreement of all Parties is bound by the 2025 Canadian Sport Dispute Resolution Code (the Code).
6. The CSSP and UCCMS thus apply substantively to this dispute and the Code and CSSP apply procedurally.

II. The CHALLENGED DECISION ON VIOLATION AND SANCTION (“the Decision”)

7. The December 1, 2025, Decision issued by the Respondent in accordance with CSSP Rule 15.3 c) found that the Claimant had:
 1. *Engaged in Grooming of the Reporting Person on September 19, 2023, contrary to Section 5.6 of the UCCMS; and*
 2. *Engaged in Boundary Transgressions involving the Reporting Person on September 19, 2023, and in the period of November 2023, contrary to Section 5.7 of the UCCMS.*
8. The Sanctions imposed on the Claimant include a 6-month suspension from sport and the requirement to attend an ethics in coaching session with a counsellor selected by the Respondent and focused on the power imbalance in the coach-athlete relationship with adult athletes.

III. PROCEDURAL HISTORY

9. On April 25, 2025, the Claimant was notified that safe sport breaches had been reported against him with the CCES (now Sport Integrity Canada).

10. An investigation was undertaken under the CSSP Rules. The investigator made findings of fact which were contained in an Investigation Report.
11. On May 14, 2025, the CCES imposed Provisional Measures on the Claimant.
12. On August 21, 2025, the CCES received a copy of the final Investigation Report from the Investigator.
13. On August 26, 2025, the Investigation Report was provided to the Claimant for review and comment.
14. On September 19, 2025, the Claimant provided written submissions to the CCES.
15. On December 1, 2025, Sport Integrity Canada issued its Notice of Decision (the "Decision") against the Claimant. The Decision found that the Claimant committed Grooming and Boundary Transgressions contrary to Sections 5.6 and 5.7 of the UCCMS respectively. Based on these findings, Sport Integrity Canada imposed certain sanctions on the Claimant, including suspension from participation in sport for a period of six months.
16. On December 3, 2025, the Claimant filed a request for an urgent appeal challenging the Decision before the SDRCC notably disputing the determination of Grooming (and the Sport Integrity Canada's interpretation of certain facts underlying this determination). He also disputed the sanctions imposed as being disproportionate and unreasonable. The Claimant did not dispute the determination that he engaged in Boundary Transgressions.
17. The Respondent informed the Claimant that in accordance with the UCCMS and the CSSP, at 12:01 AM on Monday, December 8, 2025, it would publish on the Public Registry its findings that the Claimant had been found to have violated the UCCMS, by way of Grooming and Boundary Transgressions, and that as a result he was being imposed a 6 month Suspension from participation in sport.
18. Along with his Request to the SDRCC, the Claimant sought an "interlocutory injunction" asking the Tribunal to grant an order prohibiting the Respondent from publishing details of his case upon the Public Registry whilst his appeal was under way.
19. On 4 December 2025, the Parties agreed on the nomination of Arbitrator Janie Soublière to decide the matter on an expedited basis.

20. On 5 November a preliminary call was held to set a procedural calendar for the Parties' Submissions and a short decision to be issued with regards to the request for Interlocutory Measures. On the same call, a procedural calendar was set with regards to the filing of Submissions in relation to the Challenge of Sport Integrity Canada's findings on violation and sanction, including setting a tentative date for an oral hearing if one was deemed to be warranted by the Arbitrator further to her assessment of the Parties' submissions.
21. A short decision was issued on 7 December 2025 denying the request for Interlocutory Measures, with reasons to be provided herein.
22. On 16 December 2025, the Claimant withdrew his Request for an urgent Appeal of the Decision. The Parties agreed for the Arbitrator's reasons for her denial of the request for Interlocutory Measures to nonetheless be issued. This is the Arbitrator's reasoned decision for the same.
23. The Request and the Challenge of Sport Integrity Canada's findings on violations and sanctions has been withdrawn.

IV. The Request for Interlocutory Measures

24. In accordance with Section 8.1 of the UCCMS and Rule 19 of the CSSP Rules, the Respondent intended to post the information related to the Claimant's violation and sanction on the CSSP Public Registry on December 8, 2025. The Summary of the Report Sport Integrity Canada intended to disclose reads:

Suspension ordered for Grooming and Boundary Transgressions for behaviour in an interaction with an adult athlete on one occasion in September 2023, in which the Respondent brought the athlete into the Respondent's home and then bedroom, when no other person was present, and touched the athlete over their clothing. The Boundary Transgression also included another incident in a gym which involved the Respondent adjusting the athlete's pants below their hips without their prior knowledge.

25. As indicated above, the Claimant sought an injunction to have this Tribunal issue an order prohibiting the Respondent from complying with the express requirements of the UCCMS and the CSSP Rules, which mandate Sport Integrity Canada to publish the name, violation(s), summary information regarding the violation, and

sanction, where a Respondent's eligibility to participate in sport has been restricted, until his appeal was finalized.

26. The Parties' Submissions on the Request for Interlocutory Measures, all tendered expeditiously to the Tribunal, are summarised as follows.

A. Parties' Submissions

27. The Arbitrator has carefully considered both Parties' submissions in relation to the Request and for the sake of succinctness summarises them below in relation to the legal discussion and her reasons.

Claimant

28. The Claimant requests an interlocutory injunction restraining the Respondent, Sport Integrity Canada, from publishing or otherwise disseminating any aspect of its Decision issued against the Claimant on December 1, 2024, including publication on the Canadian Safe Sport Program Public Registry (Public Registry), until a final determination of the merits of this Interlocutory Injunction.

29. Although the Claimant signed a consent form under the Abuse-Free Sport program and is therefore governed by the CSSP Rules, which purport to mandate publication of certain information on the Registry, the Claimant submits that the Safeguarding Tribunal retains the discretion and authority to depart from the CSSP Rules as a matter of proportionality and fairness.

30. The Claimant expects Sport Integrity Canada to argue that he "consented" to these Rules as a matter of contract. He submits that any such submission is incorrect, or at the least, overly simplistic, because:

- He had no opportunity to negotiate the terms of his consent such that any resulting contract is a contract of adhesion.
- By analogy to the present case, the Court of Arbitration for Sport ("CAS") has repeatedly affirmed its authority to invalidate eligibility regulations consented to through contracts of adhesion between athletes and sport governing bodies, where those regulations are unnecessary and disproportionate to their stated objectives.
- In the Claimant's specific case, publication of the Grooming violation and the Suspension before the Request is decided would constitute an additional sanction that is premature, unjust, and disproportionate.

- The requirement in Rule 19.2 to note that the matter is under appeal does not ensure proportionality in this case. Merely noting that an appeal is pending does not mitigate the severe reputational damage caused by the public posting of a finding of Grooming that is expressly disputed as part of his Appeal before the SDRCC.

31. Further to submitting that the Arbitrator has the authority to issue the order sought in the Request for the reasons above and set out in his submissions, the Claimant submits that the well-known *RJR MacDonald Inc v Canada* (Attorney General), 1994 CanLII 117 (SCC) [RJR] (“RJR-MacDonald”) tripartite test for granting a prohibitive interlocutory injunction applies. Thus, he submits that he bears the onus to satisfy the Arbitrator that: (i) he has raised a serious issue to be tried on the merits of the Request, (ii) he will suffer irreparable harm if the Interlocutory Injunction is not granted, and (iii) the balance of convenience favours granting the Interlocutory Injunction.

32. In relation to each prong of the test he submits that:

- i. With respect to the six-month suspension, among other things, this sanction is unreasonable and disproportionate given the nature of the conduct and circumstances of the case.
- ii. He will suffer irreparable harm if interlocutory relief is not granted because it would inflict immediate and irreversible damage on the Claimant’s reputation, while also diminishing the practical value of any successful appeal. The stigma of being publicly branded with Grooming, and an associated suspension, is uniquely destructive as it is a label that attaches instantly and spreads rapidly. No subsequent correction can remediate the reputational damage or dispel the perception of such serious impropriety towards vulnerable groups.
- iii. The prejudice to the Respondent from a short postponement of publication is minimal, while the harm to the Claimant would be severe, disproportionate, and irreparable.

33. Relevant also to the third element of the test, is the nature of the complaints and the complainant. In this case, none of the factual findings underlying the Grooming determination were sexual in nature, nor was there any basis to suggest that the Claimant had a deliberate intention to facilitate a sexual relationship.

34. Additionally, the Claimant underlines that the Reporting Person was neither a Minor, nor a Vulnerable Participant. Indeed, when asked about her desired outcomes for her complaint against the Claimant, she did not request a

suspension. She instead listed various alternative safeguards to ensure the Claimant's respect for professional boundaries, specifically with female athletes, on a go-forward basis, as shown by the excerpt of the original Report.

35. For those summarised reasons, the Claimant thus submits that it is fair and proportionate to grant the Interlocutory Injunction to protect his reputation interest and future ability to earn a living.

36. In the alternative, if the Arbitrator is not prepared to grant the full scope of the Interlocutory Injunction requested, the Claimant submits that the Arbitrator should prevent Sport Integrity Canada from disclosing the Grooming violation as part of its publication on the Registry as Rule 19.2 expressly provides that Sport Integrity Canada is only to post sanctions on the Public Registry pending the outcome of the Appeal.

Respondent

37. The Respondent opposes the relief sought by the Claimant on the basis that:

- i. The Safeguarding Tribunal does not have jurisdiction to make the order sought.
- ii. In the alternative and in any event: the test for injunctive relief is not met; the principles of proportionality do not favour relief from the UCCMS and CSSP Rules; and the principles and expectations of transparency, protection of the public, and integrity in safe sport would be undermined by the order sought.

38. Referring to Section 8.1 of the UCCMS, the Respondent submits that not only does section 8.1 of the UCCMS require ("shall") that restrictions on eligibility to participate in sport be posted on the Public Registry, the UCCMS further requires that there be "sufficient information" to provide "context" to the applicable sanction pursuant to the provisions of the UCCMS. Accordingly, the Respondent submits that not only must a sanction that restricts eligibility to participate in sport (such as a suspension) be posted on the Public Registry, but so too must sufficient information about the context of the case, which includes the finding of violation and summary information about the violation.

39. Referring to CSSP Rule 19, the Respondent submits that where a Participant is suspended from participation in sport, the information that must be posted on the Public Registry includes the violation, a summary of information on the violation,

the sanction, and the period during which the sanction is in effect. Once the sanction has been served, the posting will be removed from the Public Registry.

40. Significant to the Claimant's Request, the Respondent submits that CSSP Rules specifically and expressly anticipate that where a suspended Participant is seeking a review of a finding of violation or sanction, as the Claimant did, the information that a finding of violation has been made and a sanction imposed remains on the Public Registry, but with a notation indicating that the matter is under review.
41. The CSSP Rules expressly exclude any opportunity or right of the Claimant in this case to attempt to avoid the operation of UCCMS section 8.1 and CSSP Rule 19 by seeking relief at the SDRCC. It is only under Provisional Measures, CSSP Rule 12.7 and Rule 16.1 (c) that a Respondent who is subject to a Provisional Measure, may seek a review of the decision by Sport Integrity Canada to post the information about the Provisional Measure on the Public Registry.
42. Based on the above, the Respondent submits that the Safeguarding Tribunal has no jurisdiction to order the relief sought by the Claimant. There is no authority to issue an "interlocutory injunction" in respect of the decision to post information about the finding of violation and sanction on the Public Registry. To the Respondent, it is trite law that the SDRCC, and the Safeguarding Tribunal within the SDRCC, has no inherent jurisdiction. The SDRCC's jurisdiction is limited to the jurisdiction attributed to it in Rule 16.1 of the CSSP.
43. In terms of the decision to post information on the Public Registry, CSSP Rule 16.1 only permits a review of such a decision in the context of the imposition of Provisional Measures. The Respondent's posting of the Claimant's information as set out in Exhibit "C" on the Public Registry in accordance with Rule 19.1, is not a decision that is reviewable by the SDRCC. Sport Integrity Canada's Public Registry posting while the matter is under review is a final decision with no right of review or appeal to the SDRCC.
44. The Claimant's assertion that the SDRCC retains discretion to depart from the CSSP Rules as a matter of proportionality and fairness is without foundation and incorrect in law, therefore the Claimant's request for relief should be dismissed because the SDRCC has no jurisdiction to order such a relief.
45. In the alternative, the Respondent submits that the interlocutory injunction should not be ordered. Under the RJR McDonald three-pronged test:

- There is no serious issue to be tried, at all, or sufficient to grant the extraordinary remedy of overriding UCCMS s.8.1 and CSSP Rule 19.1.
- The Claimant will not suffer irreparable harm. To the extent that the Claimant will suffer reputational harm from the violations and suspensions being posted on the Public Registry, such harm arises from his own admitted conduct, and is mitigated by the notice on the Public Registry that the Decision on violations and sanctions is under review.
- The balance of convenience favours dismissal of the motion. The very concerning implications and the negative impact on transparency and public protection if the Claimant's motion were granted outweighs the Claimant's concerns about reputational harm which are not particular or unique. If these arguments are deemed sufficient to nullify the mandatory requirements under UCCMS s.8.1 and CSSP Rule 19.1, this would encourage review or appeals to the SDRCC in every case where a restriction on eligibility to participate in sport is ordered.

46. The Respondent finally recalls that the UCCMS and the CSSP Rules were published after lengthy and intensive consultations with the sport community and have been adopted by way of contract by all federally funded National Sport Organizations. The Claimant's submission is without precedent or legal basis, runs contrary to the collaborative process by which these documents were developed and adopted, and would result in uncertainty, unfairness, delay, and potential litigation of myriad provisions of these two foundational safe sport documents.

47. For those summarised reasons, the Respondent submits that the Claimant's preliminary motion should be dismissed.

B. MERITS

48. Firstly, the Arbitrator finds that the Consent Form the Claimant signed is not a contract of adhesion. He was always free not to sign the Consent Form. Doing so ensured his continued privilege of participating in sport.

49. Secondly, fairness and proportionality are inherent considerations to any Decision the Arbitrator makes. But first, and foremost, the Arbitrator is bound by the applicable law, which has been established above and is being reproduced below as relevant.

50. Section 8.1 of the UCCMS provides as follows:

In order to uphold the purpose and principles of the UCCMS, a searchable database or registry of Respondents whose eligibility to participate in sport has in some way been restricted shall be maintained and shall be publicly available, subject to applicable laws. The database or registry shall include sufficient information to provide context to the applicable sanction pursuant to the provisions contained in the UCCMS. Adopting Organizations are responsible to collaborate with one or more organizations maintaining such a registry.

51. CSSP Rules 19.1 and 19.2 read as follows

19.1 *Public Registry*

In accordance with the UCCMS Section 8, the CCES shall maintain a searchable public database or registry (the Public Registry) of Respondents whose eligibility to participate in sport has in some way been restricted, along with summary information on the UCCMS/CSSP Rules violation (without identifying the Reporting Person and/or Impacted Person) and the restrictions imposed.

19.2 *When Sanctions Will Be Posted on the Public Registry*

The CCES will post sanctions on the Public Registry for the period during which the sanction is in effect, where the sanction includes a suspension, permanent ineligibility or, in the CCES's sole discretion, other sanctions that restrict eligibility to participate in sport. If a finding of violation or a sanction is being reviewed or appealed, the Public Registry will include a notation to this effect.

52. Rule 8.2 of SDRCC Code provides that:

The Safeguarding Tribunal has jurisdiction to: "hear reviews of decisions made by the CCES, where a review is available in accordance with CSSP Rule 16.1"

53. CSSP Rule 16 reads as follows :

16.1 *CCES Decisions that may be Reviewed*

A review by the Safeguarding Tribunal is available where:

- a) The Reporting Person, Impacted Person or Respondent request a review of a decision by the CCES under Rules 13.1, 15.3(b) and 15.3(c);*
- b) The Reporting Person and/or Impacted Person request a review of a Remedial Resolution or an Acknowledgment and Acceptance of*

Sanction agreement between the CCES and the Respondent under Rules 13.2 and 13.3;

c) A Respondent requests a review under Rule 12.7.

Apart from the rights to review outlined in this section and expressly stated elsewhere in the CSSP Rules, all decisions and orders made by the CCES (including investigators or decision makers retained by the CCES) pursuant to the CSSP Rules are final and binding, and no party shall have any other right to review or appeal any such decisions or procedural orders.

54. For ease of reference, the Arbitrator notes that Rule 13.1 deals with Letters of Concern, Rule 15.3 (b) deals with setting aside an investigation, and Rule 15.3.c) deals with a review of a Sport Integrity Canada decision, which has been done but has no bearing on the Claimant's request.
55. The Respondent submits that Claimant has pointed to no rule or applicable case law that would ground such jurisdiction here, and the Arbitrator agrees. While the Claimant has argued that the Arbitrator has the authority to depart from or refuse to enforce Rule 19.2 directing publication during the period when a suspension is in place, and thus to issue the Interlocutory Injunction sought by the Claimant, the Arbitrator does not agree based on simple interpretation of all applicable regulations, to which first and foremost she is bound. Additionally, the Arbitrator does not find that the application of these regulations leads to a disproportionate outcome given the *raison d'être* of the CSSP and the UCCMS.
56. The Arbitrator is bound by the applicable law. A reading of all the above applicable provisions leads to the singular finding that the Order the Claimant requests is not anticipated in any of the applicable rules, at least not in the circumstances of this case. Pursuant to the UCCMS and the CSSP, the requirement to post violations and sanctions on the Public Registry upon a Sport Integrity Canada decision being issued is mandatory. Procedurally, a right of review of this requirement is neither anticipated nor provided whether in the CSSP or the Code.
57. Notwithstanding what the Arbitrator's decision on the merits might have been (considering the Claimant's challenge in relation to the Grooming violation did *prima facie* appear to have merit), pursuant to the law applicable to this dispute, the Safeguarding Tribunal simply does not have jurisdiction to grant the Claimant's Request.
58. The Tribunal is not empowered to grant an order prohibiting the posting of violations and sanctions on the Public Registry once a Sport Integrity Canada

Decision has been communicated. On that basis alone and without assessing whether the conditions of the RJR McDonald test are fulfilled, the Arbitrator denies the Claimant's motion.

59. As the Claimant's Request challenging the Decision has been withdrawn, the matter is now closed. The Arbitrator nonetheless retains jurisdiction to resolve any matter ancillary to this dispute.

Decision issued in Beaconsfield, Québec 19 December 2025.

Janie Soublière, Arbitrator