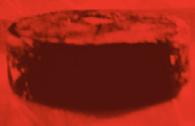




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Centre de Règlement des Différends Sportifs du Canada
Sport Dispute Resolution Centre of Canada

Responsible sport organizations recognize the importance of a sound team selection policy to ensure that the best athletes are selected for optimal performance of the team, and also to avoid disputes leading up to a major competition. It is therefore the responsibility of the sport organization to make the selection criteria public so that its athletes have access to accurate information regarding what is expected of them in order to be selected. Once the selection criteria have been drafted, it is also recommended that a consultation of concerned athletes be conducted to allow them to comment on the policy that is about to be adopted; after all, they will be the ones who will have to understand and meet the requirements. This team selection policy checklist can serve as a tool to guide sport administrators and athletes in their review of a draft team selection policy.



TEAM SELECTION POLICY CHECKLIST

IMPORTANT NOTE

This document is intended to serve as a guiding tool to review draft selection policies to verify the presence of key components and to alert the user of possible gaps or inconsistencies that may cause conflicts in the course of its implementation.

It is not a comprehensive checklist and therefore cannot guarantee perfect results. Drafters and reviewers of policies are advised to use great care in the vocabulary used and in the wording of the policy to reduce the risks of confusion, misunderstanding, or misinterpretation among members and decision makers.

It is strongly recommended that all policies be reviewed by qualified lawyers prior to being adopted by a sport organization.

It is also strongly recommended that all policies be translated, when necessary, by qualified translators and that the translation be thoroughly reviewed by a bilingual person with sufficient knowledge of the sport to recognize where the English version may be saying something different than the French version.



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Not all points on this checklist are mandatory components and some may not apply to all sports. For each point, ask yourself whether they are addressed by the policy; if **not** whether it would make sense to add them, and if **so**, whether they are worded using a clear and precise vocabulary that does not leave any ambiguity in the reader's mind.

GENERAL BACKGROUND & INTRODUCTION

Does the document state the purpose of the policy?

Look for language that explains what the broader goal of the organization is in selecting the athletes (e.g. name a team to represent Canada at the 2015 Pan American Games) and what specific objectives the selection process is intended to meet (e.g. send a full team to fill the quota allocation vs. send athletes who can finish top-20 vs. send a team that has podium potential)

Does the document refer to other policies or governing documents that would override the selection policy or serve to complement or clarify it?

(e.g. strategic plan, operational plans, budget, athlete agreement, etc.)

Are there any terms used in the document that are worth defining at the beginning of the policy to avoid eventual confusion or disagreement?

Does the document clearly identify the entity(ies) or person(s) (e.g. Board, Executive Committee, Head Coach, Selection Committee, High Performance Committee, High Performance Director, etc.) responsible for:

- drafting and preparing the policy?
- adopting and/or amending the policy?
- answering questions of clarification or interpretation to members affected by the policy?

- implementing the policy or making the decisions regarding the application of the policy (i.e. making the selection recommendations and/or approving those recommendations)?
- dealing with any issue arising from the application of the policy?

How much discretion is afforded the final decision maker?

Discretionary power is given to a decision maker in the form of an authority to decide what seems fair and reasonable when taking into consideration the particular circumstances of each situation. The decision-making process must however respect the principles of natural justice, including ensuring that the decision maker is impartial and permitting the decision to be appealed. If the policy allows some room for discretion in the selection process, it is recommended that it be well-defined in order to prevent unjustified or inadequate use of such discretion.

Does the document contain a conflict of interest clause?

Look for a provision that dictates under what circumstances a decision maker would have to remove him/herself from the selection process. If the decision maker is a committee or a group formed by several individuals, a retraction is simple. However if it is a single decision maker, then another authority (another person or a committee) must be identified to replace him/her. If a selection committee is put in place especially for this selection process, look for information on how it will be formed or on what basis individuals will be named to that committee.

Does the document outline the respective responsibilities of members and decision makers in the implementation of the policy?

(e.g. athletes, athlete representatives, coaches, committee or Board members, athletes' council, staff, parents if dealing with minor athletes, etc.)

Look for language that refers to what the athletes hoping to be selected may have to do in order to, for example, stay informed of the policy and its possible amendments, signify their interest to be considered for selection, be a member in good standing, self-fund their participation in qualifying events, sign an acknowledgment that they have read and understood the selection policy, etc. For the staff, the Board or other decision makers,

look for deadlines by which the policy is to be communicated or published and how it will be communicated, or when and how the selection decision will be communicated to interested members, etc.

If the selection policy concerns a specific sport competition (e.g. World Junior Championships, Paralympic Games, etc.), does the document specify the minimum eligibility criteria that are imposed by the entity responsible for organizing the event?

For Olympic Games, for example, this could be a combination of criteria imposed independently by the International Olympic Committee, the Canadian Olympic Committee and/or the International Federation.

Here are some more specific examples:

- **Age:** Is there a minimum or maximum age, or age range? Is it established by a fixed date (i.e. January 1), or by the date of entry into the competition, or another date?
- **Gender:** Does the policy apply to both genders? If not, there must be an assumption that different criteria will apply to the other gender group.
- **Weight:** If your sport involves weight categories, does the document specify what weight categories are concerned by this policy? If so, does the policy address possible movement of an athlete from one weight category to another over the course of the qualification period?
- **Membership:** Do athletes have to be members in good standing of a specific sport organization by a certain date in order to be considered for selection? If so, is the term "in good standing" properly defined (either in the document or in another policy of that sport organization)?
- **Performance Standards:** Do athletes have to have achieved a minimum performance standard in a previous competition in order to qualify for this event?
- **Status:** This is a general category which can vary greatly by sport and by events, but think of any other criteria imposed by an external entity that may be used to include/exclude an athlete from selection, such as professional/amateur status, nationality or residency status, Paralympic classification, LTAD stage, student status, etc.

2.

SELECTION
CRITERIA

Does the document identify a clear qualification period within which the athletes must demonstrate that they meet the selection criteria? If so, is it clearly established with a start date and an end date?

Does the document provide a detailed list of qualifying events in which the athletes' performance and ranking will be assessed for the purpose of selection? If so, is it clear which events are mandatory to attend and which events are optional, or how many in total the athletes must have attended to be considered for selection?

Does the document specify whether there are events or functions, other than competitions, that the athletes have to attend to be considered for selection?

(e.g. selection camps, preparation camps, trials, etc.)

- If so, is it only attendance that is required, or will there be some form of performance evaluation that will affect the selection results?

How will performance be assessed?

This will vary greatly from one sport to another, so it is difficult to provide meaningful examples for all possible sports. One may look to the selection policy of other similar sports in terms of competition structure and results. Here are some examples of things to look for, depending on your sport:

- **Ranking:** Depending on the sport, competition results can be reported as a ranking (from 1st place to last place) either based on speed, points earned, distance, height or other firm measurement – as in track and field, cycling, diving, archery, etc. – or based on matches won against opponents – as in combat sports, racquet sports, team sports, etc. Whichever applies to your sport, how are results from several competitions compiled over the qualification period? How are results compared between athletes who did not compete at the same events? Does

this system make sense and does it allow the proper identification of the athletes who should be selected?

- **Individual Statistics:** Most common in team sports, this type of performance measurement allows the evaluation of athletes who may each contribute in a different fashion to the success of the team. If applicable to your sport, are individual statistics used in the selection process in a manner that makes sense in order to create the best possible team for the competition in question?
- **Subjective Criteria:** Are athletes evaluated on the basis of subjective criteria (e.g. *commitment to the national team program, leadership, potential for medal or specific ranking, etc.*)? If so, are those subjective criteria well-defined and expectations explained? Will there be an objective process to assess athletes on those subjective criteria (e.g. *more than one evaluator, neutrality of the evaluators, consistency across evaluators in the application of the criteria, different weighing of each subjective criterion, etc.*)

If several criteria are used to assess performance, are some criteria more important than others? If so, is this done by a hierarchy (meeting criteria B means nothing if you have not met criteria A) or by some criteria carrying a different weight in the overall evaluation scheme (meeting criteria A counts for 20% of the score, while meeting criteria B counts for 10%)?

Is there a tie-breaking clause in the policy that allows clear and fair differentiation of athletes who may end up with the same score, same number of points or equivalent combined results over the qualification period?

- If using a criterion already assessed as part of the selection process, is it made clear which criterion will be prioritized? (e.g. *if two or more athletes obtain the same number of qualifying points during the qualification period, IF world ranking at the time of selection will be used to break the tie(s) – that may work well only if the IF ranking never shows ties...*)
- If the tie-breaker is an additional event in which those athletes have to compete, is the nature, time and location of such event pre-determined? If not, when and how will this determination be made and by whom?

With the criteria as currently set out in the policy, is there a possibility that not enough athletes meet the performance criteria to be selected?

- If so, is it the sport organization's intent to send less athletes than would otherwise be allowed by the competition hosts?
- Does the policy contain a clause allowing for some discretionary selection of athletes, such as a "rising star" criterion? If so, is this criterion well defined and is it clear who has the authority to grant such special status on the team? And could the "rising star" take the place of an athlete who has met the selection criteria?
- In some cases, the total number of athletes selected may depend on the sport organization's budgetary constraints. If all other eligibility criteria of the competition hosts are met, will self-funded athletes be permitted by the sport organization to register in the event anyway?

Is there an injury clause that provides for possible exemptions for athletes who may be injured or ill during part of the qualification period, which may have prevented them from achieving the selection criteria? Or if the selection process provides for a single trial event, does the policy address the possibility that one of the best athletes trying out for the team is injured during that event, or misses it due to a temporary illness?

- If so, does the policy specify who will have the authority to grant such exceptions and under what conditions? For example, if medical evidence is required to support the injury claim and/or the state of readiness of the athlete to return to competition, can this medical evidence come from any general practitioner or from the national team doctor?

Does the policy have provisions to deal with alternates or substitutes?

- If the selection process generates a ranking of athletes on the basis of performance criteria, is it possible for those just below the selection cut-off to be named to the team if one of the selected athletes was later found to be ineligible or otherwise unable to compete? (e.g. *injured or sick, suspended for a doping violation or other disciplinary sanction, pregnant, etc.*)

- If the selection process does not naturally generate alternates or substitutes, should the policy specify whether and how spots vacated on the team may be filled at a later stage?
- If there a possibility that the sport organization will be granted additional quota spots by the competition hosts for the event in question, does the policy specify whether the sport organization will fill them? If so, how will these quota spots be filled?

Does the policy contain an unforeseen circumstances clause?

Such clause enables the decision makers to adapt the selection process in case of a situation, arising after the publication of the criteria and out of the sport organization's control, that renders the policy otherwise inapplicable. For example, if one of the mandatory qualifying events identified in the policy is cancelled due to a natural disaster (earthquake or flood), a decision must then be made as to how to apply the policy in the absence of results from this event without causing any unfairness retroactively to certain athletes over others. Another example may be relating to unforeseen budgetary restrictions that may prevent the sport organization from sending a full team as may have been planned initially. The unforeseen circumstances clause should specify whom (the Board, a committee, or a person) will be charged with making such determination.

3. COMMUNICATION OF POLICY & IMPLEMENTATION

Does the document provide for a sound communication plan to ensure that all interested and eligible athletes (and their coaches or clubs) will be actively targeted to receive either a copy of the policy or a notification of its publication? Will this be made in both official languages, if applicable?

Does the document contain a clause allowing the policy to be amended?

For example, and independent from the unforeseen circumstances clause, one may

realize after the policy is adopted and published that there is a mistake or typo that has the potential to cause misunderstanding, a lack of clarity in one of the clauses, or an oversight on the part of the drafters that is causing concern about possible misinterpretation or eventual disputes over the selection decision.

- Who has the authority to approve such amendment?
- What precautions will be taken to ensure that the amendment will not create retroactively an unfair advantage to some athletes over the others?
- What process is in place to ensure that all members affected by the policy amendment will be notified promptly of the policy amendment?

Does the document specify how and when the selection decision will be announced to ensure that all affected members (athletes selected and those not selected also) are duly advised in a timely fashion?

Does the policy contain an appeal clause that provides sufficient time after the selection decision is rendered to file an appeal before the athletes have to be registered or travel to the competition?

- If the clause points to the sport organization's internal appeal policy, does such policy provide for expedited proceedings in urgent team selection matters?
- If the sport organization does not have an internal appeal policy, does the selection policy outline a clear and fair process to allow the selection decision to be appealed?

4. FINAL LANGUAGE / VOCABULARY CHECK

This section deals more precisely with the words used in the policy document that may cause it to be unclear or even self-contradictory. A general rule is to be wary of certain words that may yield very different interpretations when comes the time to implement the policy.

Here are a few examples.

OR / AND: In an enumeration, the use of the word OR versus the word AND can make a huge difference in the outcome of the selection process. Check all instances where either of those words are used and verify that it is properly chosen in each situation.

SHALL / SHOULD – MUST / MAY / MIGHT – CAN / COULD – WILL / WOULD: Because the words SHALL, MUST and WILL carry a very strict meaning, they are preferred to avoid any confusion. When these words are used however, if the policy-maker wishes to keep a certain discretion, such discretion has to be the object of an exception clause. All others (SHOULD, CAN, MAY, MIGHT, COULD, WOULD) have the potential to create a lot of "grey areas" that can be targeted by disgruntled unselected athletes in an eventual appeal process. Check all instances where one of these words is used and verify that it is properly chosen in each situation.

Deadlines and timelines: Are deadlines as specific as can be, so that there is no confusion about when they are? It is preferable to add a time to any deadline when appropriate. For example, "no later than 4 p.m. (EST) on February 2, 2015" provides a wealth of information to the reader and is hardly arguable: 1) it can be done at any day or time before the named deadline; 2) it is on a specific day; 3) there is a strict time limit; 4) the time limit is the same for all, whether they live in Nova Scotia or in Yukon or whether they are temporarily located elsewhere on the planet.

Do the English version and the French version of the policy say the same thing? Do they contain the same clauses and do all clauses carry the same meaning from one version to the other?

If any wording or language used in the policy has the potential of being interpreted in different ways or cause confusion, it is recommended to bring it early to the attention of the drafters. Seeking a correction, clarification or interpretation before the policy has to be implemented will reduce the chances that disputes will arise out of the ambiguous or vague language.