

**IN THE MATTER OF AN ARBITRATION
UNDER THE ADRSPORTRED PROGRAM**

**NO. SDRCC/CRDSC 04-0013
ORDINARY DIVISION**

CARRIE ANTON

(the "Claimant")

vs.

CANADIAN BLIND SPORTS ASSOCIATION

("CBSA" or the "Respondent")

and

KELLEY HANNETT

VIVIANE FOREST

(Affected Parties)

AWARD

**Dated: June 21, 2004
Arbitration by Telephone Conference**

**Jane H. Devlin
Sole Arbitrator**

In this case, the Claimant, Carrie Anton, contests the decision not to include her on the National Women's Goalball Team, which will compete at the Paralympic Games in Athens.

A hearing in this matter was held by telephone conference on Saturday, June 12, 2004. During that call, the Claimant was represented by Paul Conlon and the Respondent, by Jane Blaine. The six members of the Women's Goalball Team were identified as potentially affected parties and were notified of the time and date of the hearing. Two of the athletes, namely, Contessa Scott and Viviane Forest, joined the conference call. Amy Alsop, another member of the Team, submitted a written statement.

At the outset of the hearing, Mr. Conlon took the position that all members of the Team should not be regarded as affected parties with a right to participate in the hearing as only one athlete would lose her place on the Team if the Claimant's appeal were to be successful. Frank MacIntyre, the Head Coach of the Team, advised that one of two athletes would lose her place on the Team if the appeal were to succeed and that he would make the final decision in consultation with the Assistant Head Coach, Janice Dawson. The two athletes identified by Mr. MacIntyre were Kelley Hannett and Viviane Forest. In my view, these athletes were properly regarded as affected parties with a significant interest and, therefore, had a right to participate in the proceedings. Accordingly, Ms. Forest participated in the hearing with the assistance of

an interpreter. With the consent of the parties, Ms. Scott remained on the line during the call but did not participate in the hearing.

The Claimant, Ms. Anton, is an accomplished athlete. She has been a member of the Women's Goalball Team since 1997 and has participated in World Championships and Paralympic Games since that time. She was named the female most valuable player at the National Championships in March, 2000. She has also won a number of medals and, among others, was a member of the gold medal team at the Paralympic Games in Sydney in 2000 and the silver medal team at the World Championships in 2002. As well, she is a member of the Edmonton Sports Hall of Fame.

The evidence indicates that at a meeting held in early May, 2004, the Claimant was advised by Mr. MacIntyre and Ms. Dawson that she would not be included on the National Team for the upcoming Paralympic Games in Athens. As to the basis for this decision, Mr. MacIntyre explained that approximately a year and half ago, he distributed to all athletes a list of the criteria that would be used for team selections for 2003 and 2004. Although these criteria have not been formally approved by the Goalball Commission or by CBSA, the evidence indicates that CBSA intends to establish selection criteria which will apply to both the men's and women's teams. Pending the development of such criteria, Ms. Blaine advised that CBSA has delegated

responsibility for developing and applying selection criteria to the coaches of the respective teams.

The criteria developed by Mr. MacIntyre are as follows:

| CRITERIA | POINT VALUE |
|---|-------------|
| 1. Overall preparation, readiness, fitness level and day-to-day work ethic of athlete | 10 |
| 2. On court and off court qualities/actions the athlete brings to the total team chemistry. | 5 |
| 3. Overall offensive skills/potential of the athlete including accuracy and velocity. | 5 |
| 4. Overall defensive skill/potential of the athlete including consistency and transition. | 5 |
| 5. Ability of the athlete to come "off the bench" and produce. | 7 |
| 6. Athlete's abilities particular to penalty defence and penalty offence. | 8 |
| 7. Ability of the athlete to effectively play and contribute to all positions. | 6 |
| 8. Ability of the athlete to step up and produce in pressure situations (e.g. close games). | 6 |
| 9. Demonstrated improvement in athlete's performance on a day to day, game to game, and competition to competition basis. | 8 |
| 10. Individual skills that the athlete brings to the "team table" that directly strengthens the teams collective opportunity to achieve success in a given game/competition | 10 |
| TOTAL | 70 |

Mr. MacIntyre explained that the decision with respect to team selection is not based on a single competition but instead involves an assessment which is made over a period of time. He also testified that some of the criteria are based on statistics he maintains with respect to skills, such as throw accuracy and velocity. Although Mr.

MacIntyre testified that he forwarded these statistics to the team members, Ms. Forest indicated that she did not receive any statistics. In any event, Mr. MacIntyre also testified that he did not assess athletes on the initial criterion set out above as he had no real means of measuring that criterion. With respect to the remaining criteria, Mr. MacIntyre testified that he and Ms. Dawson independently assessed each athlete and then compared their scores, which were almost identical. Mr. MacIntyre also testified that the Claimant was ranked 7th by five National Coaches, who were also involved in the selection process.

According to Mr. MacIntyre, the Claimant received low scores on criteria #2 and #4, which deal with "on court and off court qualities/actions the athlete brings to the total team chemistry" and "overall defensive skills/potential of the athlete including consistency and transition". With respect to criterion #2, Mr. MacIntyre testified that consideration was given to the Claimant's relationship with some of the other members of the team and with the coaching staff. In this latter regard, both the Claimant and Ms. Dawson made reference to two incidents which occurred at a recent tournament in Montreal at which there was some difference of opinion between them with respect to playing strategy. Ms. Dawson testified that the Claimant challenged her direction to team members and that the incidents referred to were only two examples of similar incidents which had occurred in the past.

Mr. MacIntyre also testified that on one occasion approximately two years ago, the Claimant indicated that she did not understand the coaching philosophy although the philosophy was understood by all other members of the team. More recently, he testified that the Claimant exhibited "attitude" after he spoke to her and two other athletes, who had been late in submitting their training plans. In any event, Mr. MacIntyre and Ms. Dawson testified that the Claimant's relationship with Ms. Dawson played a small part in the overall selection decision. In this regard, both Mr. MacIntyre and Ms. Dawson testified that the Claimant also failed to demonstrate improvement in her performance. Ms. Dawson testified that, for this reason, the Claimant received a low score on criterion #9, which deals with "demonstrated improvement in athlete's performance on a day to day, game to game, and competition to competition basis".

In early May, 2004, Mr. MacIntyre and Ms. Dawson met individually with the Claimant and other athletes to advise them of the selection decision. The Claimant testified that during that meeting, Mr. MacIntyre did not review the scores she received on the various criteria set out above, nor did he provide her with any statistics. According to the Claimant, however, he did indicate that her overall score was lower than that of other athletes and also indicated that she had received a low score on criterion #2, which deals with on and off court qualities the athlete brings to total team chemistry. The Claimant testified that when she suggested she had a good relationship with other team members, Mr. MacIntyre indicated that the real problem

was her relationship with the coaching staff and with one coach, in particular. The Claimant understood Mr. MacIntyre to be referring to Ms. Dawson.

Although the Claimant acknowledged that she and Ms. Dawson have had differences of opinion in the past regarding playing strategy, she testified that they had been able to discuss and resolve their differences. She also testified that her performance at a recent tournament in Montreal was outstanding. As well, she testified that she was replaced on the Team by Kelley Hannett, who had been an alternative for a number of years. The Claimant described Ms. Hannett as a good player, with potential, but lacking in experience at the international level. The Claimant also testified that Ms. Hannett let in a number of goals during the recent tournament in Montreal.

In contrast to the evidence of the Claimant, Mr. MacIntyre testified that in early May, he reviewed with the Claimant and with other athletes the scores they received on the criteria set out above. He also testified that he advised the Claimant of her ranking relative to other athletes. Moreover, Mr. MacIntyre testified that it was his job to choose a team of six players with the "best chance to win" and he expressed the view that he and Ms. Dawson had selected a strong team with a mandate to improve.

Based on the evidence, I am satisfied that CBSA has delegated to the coaches of the Women's Goalball Team responsibility for developing and applying criteria to be used for team selections. As noted previously, the criteria developed by Mr. MacIntyre were distributed to athletes well in advance of the selection process. Although Mr. MacIntyre did not assess athletes on the initial criterion, which relates to matters such as overall preparation and day-to-day work ethic, he explained that he had no real means of measuring that criterion. Accordingly, none of the athletes received a score for criterion #1. There was, however, nothing to indicate that Mr. MacIntyre's failure to assess athletes on that criterion was intended in any way to affect the Claimant's placement on the Team.

As to the remaining criteria, although the Claimant contended that some of the criteria are vague and subjective, goalball is a team sport and, accordingly, I find that the coaches properly considered not only individual skills but also took into account factors, such as team dynamics or "team chemistry". Factors of this nature may also contribute to the success of the team and although such factors may involve a subjective assessment on the part of the coaching staff, I do not regard consideration of those factors improper. As noted previously, in this case, I am satisfied that the coaches were delegated responsibility for developing and applying criteria to be used for team selections and in carrying out that responsibility, they considered a number of factors in assessing each athlete's contribution to the team.

Moreover, I cannot accept the submission of the Claimant that the selection decision was tainted by bias. The evidence indicates that the Claimant and Ms. Dawson have had a number of differences of opinion with respect to playing strategy. In this regard, reference was made to two incidents which occurred at a recent tournament in Montreal in which the Claimant expressed disagreement with the direction provided by Ms. Dawson. According to Ms. Dawson, similar incidents have occurred in the past and, in my view, it is not improper to take into account incidents in which an athlete challenges the direction of the coaching staff. Considerations of this nature, which relate directly to goalball, cannot be regarded as extraneous, nor are they indicative of bias.

Finally, as to the statistics maintained by Mr. MacIntyre, which were used in scoring some of the criteria set out above, in my view, greater efforts should be made to ensure that all athletes are made aware of those statistics as they are accumulated. As noted previously, Ms. Forest, at least, indicated that she did not receive any statistics. Moreover, although the Claimant testified that Mr. MacIntyre did not review her scores with her during the meeting in early May, her evidence in that regard was disputed by Mr. MacIntyre, who testified that he spent considerable time with the Claimant explaining the basis for the decision. Based on the evidence, I find that the selection decision was made in good faith and was not motivated by bias or other improper considerations. Accordingly, while I recognize that the Claimant has been a member of the Women's Goalball Team for a number of years and is understandably

disappointed that she was not included on the Team that will compete in Athens, in my view, an appropriate basis has not been established to set aside the selection decision. For these reasons, therefore, the appeal of Ms. Anton is dismissed.

There will be no order as to costs and I shall remain seized for purposes of Article RA-17 of the ADR-Sport-RED Code.

DATED AT TORONTO, this 21st day of June, 2004.


Sole Arbitrator