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

Citation: Team Black v. Curling Canada, 2026 CASDRC 41
File No: SDRCC 26-0827/0828/0829
(Ordinary Tribunal)
Date: 2026-08-31

Between:

Team Black
Team Sturmay
[Claimants]
and
Curling Canada
[Respondent]
and
Team Gray-Withers
Team Reese-Hansen
Team MacMillan
[Affected Parties]

Before: **David Bennett, Arbitrator**

DECISION

OVERVIEW

1. This is an appeal of a team selection decision brought pursuant to Curling Canada's Appeal Policy. This appeal was heard pursuant to Article 6 of the 2025 Canadian Sport Dispute Resolution Code ("SDRCC Code"). A hearing was convened on August 7, 2026, and a short decision was released on August 9, 2026, which dismissed the appeal. Pursuant to subsection 6.13(a) of the SDRCC Code, the Parties consented to receive this short decision and to extend the time limit for written reasons beyond the 15 days set out thereby and agreed to accept the decision by August 31, 2026.

2. On May 25, 2026, Curling Canada's Executive Director of High Performance, David Murdoch, sent out an email to athletes advising of the selections for the National Team Program ("NTP"). On May 28, 2026, members of Team Sturmay brought an appeal of Curling Canada's announcement of its selections for the 2026-27 NTP, pursuant to Curling Canada's Appeal Policy. This appeal was joined by members of Team Njegovan and Team Black. Team Njegovan removed itself as a party to this matter prior to the hearing. As a result of Team Njegovan's removal as an appellant, their submissions have not been included in this decision. Members from Team Gray-Withers, Team MacMillan and Team Reese-Hansen were joined as Affected Parties.

3. The Claimants argued that:
   - Curling Canada communicated the team selection decision in a manner that was inconsistent with Sport Canada's requirements that team selection decisions be communicated in such a manner that athletes can understand why they were not selected. Furthermore, Curling Canada did not provide clear decision-making reasons. It was therefore procedurally unfair.
   - Team Reese-Hansen does not satisfy the stated qualifications required for inclusion in the NTP as no members of Team Reese-Hansen competed in the 2025 Montana's Canadian Curling Trials, which was an eligibility requirement for the NTP. Team Reese-Hansen was therefore ineligible for inclusion in the NTP.
   - Team Gray-Withers does not satisfy the stated qualifications required for inclusion in the NTP as no members of Team Gray-Withers competed in the 2025 Montana's Canadian Curling Trials, which was an eligibility requirement for the NTP. Team Gray-Withers was therefore ineligible for inclusion in the NTP.
   - Members of the High-Performance Coaching Staff demonstrated bias by encouraging Team Gray-Withers to make lineup changes. After the changes were made by Team Gray-Withers, the High-Performance Coaching Staff included Team Gray-Withers for selection in the NTP.

4. The Claimants sought the following as remedies:
   1. Removal of Team Reese-Hansen from the NTP due to its failure to meet the stated eligibility requirements; and,

2. Removal of Team Gray-Withers from the NTP due to failure to meet the stated eligibility requirements.

5. Team Sturmay requested the following as a remedy:
    1. Reconsider the inclusion of Team Sturmay as a replacement team within the program based on eligibility and competitive merit.

6. Team Black requested the following as a remedy:
    1. That the Arbitrator direct Curling Canada to provide to the carding eligible claimants and to the Arbitrator the full documentary record received by Curling Canada from the Claimants and Affected Parties in this Appeal, all of Curling Canada's own documented internal standards for evaluation of those applications, participant notes and records of all meetings, votes recorded, and rationales expressed for assigning valuations to those applications, including all communications with consultants and applicants involved in the selection process;
    2. The Arbitrator proceed to conduct his own review and assessment of the appropriate provision of NTP (carding) benefits by Curling Canada among the remaining qualifying teams who participated in the application process, according to Curling Canada's expressed criteria for selection of NTP (carding) benefits.

7. This appeal was dismissed. The team selection for the 2026/27 NTP made by Curling Canada as communicated to the athletes in the 25 May 2026 team selection email was upheld.

PARTIES

Claimants

8. The Claimants in this matter are Team Sturmay and Team Black.

9. Team Sturmay is composed of members Selena Sturmay (skip), Paige Papley (lead), Danielle Schmiemann (second) and Dezaray Hawes (third). Team Sturmay is based out of Edmonton, Alberta.

10. Team Black is composed of members Christina Black (skip), Lindsay Burgess (lead), Marlee Powers (second) and Jill Brothers (third). Team Black is based out of Halifax, Nova Scotia.

Respondent

11. Curling Canada is a National Sport Organization ("NSO") operating nationally in Canada and internationally with respect to the competitive athletic. Curling Canada receives funding from the Government of Canada and other sources to support the competitive athletic performance of the Canadian men's, women's and mixed teams in curling.

Affected Parties

12. The Affected Parties in this matter are Team Reese-Hansen, Team Gray-Withers and Team MacMillan.

13. Team Reese-Hansen is composed of members Taylor Reese-Hansen (skip), Julianna Mackenzie (lead), Kim Bonneau (second) and Megan McGillivray (third). Team Reese-Hansen is based out of Victoria, British Columbia.

14. Team Gray-Withers is composed of member Serena Gray-Withers (skip), Zoe Cinnamon (lead) Laura Walker (second) and Catherine Clifford (third). Team Gray-Withers is based out of Edmonton, Alberta.

15. Team MacMillan is composed of members Kayla MacMillan (skip), Laren Lenentine (lead), Lindsay Dubue (second) and Val Sweeting (third). Team MacMillan is based out of Victoria, British Columbia.

FACTUAL BACKGROUND

16. The facts in this matter are not in dispute.

17. The team selection criteria were established by Curling Canada's High-Performance Leadership Team with input from Own the Podium (OTP), Sport Canada and Curling Canada's Athlete Advisory Counsel. Discussions took place between the Respondent and the Athlete Advisory Council regarding the core elements of the Selection criteria. Specifically, this involved developing a process that shifted from a point-based system to a more holistic evaluation approach to team selection, with a focus on future performance plans and a demonstrated commitment to Curling Canada's high-performance program.

18. From the discussions with the Athlete Advisory Council, the Respondent felt there was a need for earlier team selections as delaying the selection until late spring or summer to finalize selections was resulting in lost preparation time.

19. The Selection Panel was composed of five members:
    - David Murdoch, Executive Director of High Performance (voting member)
    - Viktor Kjell, Women's Program Manager (voting member)
    - Renee Sonnenberg, Lead Data Analyst (voting member)
    - Jeff Stoughton, Record Keeper (non-voting member)
    - Cara Thibault, OTP High-Performance Advisor (non-voting member)

20. Under the application process, applicant teams were required to submit extensive documentation to Curling Canada for consideration.

21. Pursuant to s. 10 of the Team Selection Policy, eight factors were used by the Selection to assess the applications of each team.

22. The eight factors are:
    1. Performance Record: Canadian Team Ranking System ("CTRS")/Canadian Mixed Doubles Ranking ("CMDR") ranking and consistency of results
    2. High-Performance Experience: Previous NTP involvement or exposure to elite environments
    3. Training Commitment: Demonstrated capacity for frequent, structured individual & team training
    4. Facility Access: Quality and availability of training infrastructure
    5. Coaching Quality: Access to certification level and relevant competitive and/or coaching experience
    6. Performance Planning: Quality of submitted application plan overview and alignment with program objectives.
    7. Support Integration: Evidence of access to multidisciplinary performance support
    8. Podium Potential (2027– 2030): Data-supported projection of international success likelihood

23. The Respondent used a weighted ranking system, assigning each team with an aggregate score based on an evaluation of each factor identified in the Policy. Each factor was assigned a score of between 1 to 5 as follows:
    1. Below National Team Standard
    2. Emerging / Inconsistent
    3. Meets Standard
    4. Strong / Competitive
    5. Podium-Level / World-Class Indicator

24. The teams engaged in this appeal were ranked as follows:
    1. Team Gray-Withers: 26 points
    2. Team Reese-Hansen: 26 points
    3. Team MacMillan: 26 points
    4. Team Sturmay: 25 points
    5. Team Black: 24 points
    6. Team Njegovan: 21 points

25. The Selection Panel exercised their discretion under s. 14.2 of the Policy to select Team Reese-Hansen, which was otherwise ineligible for selection as no members of Team Reese-Hansen competed in the 2025 Montana's Canadian Curling Trials, which was an eligibility requirement for the NTP.

26. On May 25, 2026, in his capacity as the Executive Director of High Performance for Curling Canada, Mr. David Murdoch communicated to the applicant teams the selections for the NTP

via email. The teams selected included Team Homan, Team Einarson, Team Gray-Withers, Team Reese-Hansen and Team MacMillan as the Development Team.

RELEVANT SECTIONS OF SELECTION POLICY

27. Relevant Sections of the Selection Policy read as follows:

"8. ELIGIBILITY AND TEAM CRITERIA

8.1 FOUR-PERSON TEAMS

Application & Selection (Teams 1–4, NTP/AAP):

a. 2025 Brier / Scotties Champions (must retain ≥3 of 4 players).
b. 2026 Olympic Teams (must retain ≥3 of 4 players).
c. 2026 Brier / Scotties Champions (must retain ≥3 of 4 players).
d. Remaining team/s selected via application & selection process by the HPLT.

Additional Requirement:

- Minimum of one athlete per team applying to be part of the NTP program must have competed in the 2025 Montana's Canadian Curling Trials.

Development Team (Team 5, NTP only):

- Selected through application and review by the HPLT.
- Cumulative team age ≤120years (4 player teams) or ≤150 years (5 player teams) as of June 30, 2026.
- Minimum of one athlete per team applying to be part of the NTP Development Team must have been an athlete in the NTP or National NextGen Programs in the past 2 seasons.

11. SELECTION PROCESS

11.1 The Selection Panel will consist of the High-Performance Leadership Team (HPLT), including:

- Executive Director, High Performance (voting member)
- National Team Program Manager-either Men's/Women's or Mixed Doubles (voting member)
- Lead Performance Analyst (voting member)
- Own The Podium High-Performance Advisor (non-voting member)
- Official Record Keeper (non-voting member)

14. GOVERNANCE AND AUTHORITY

14.1 The Executive Director of High Performance retains authority for the final confirmation of all selections to the National Team Program.

14.2 The Executive Director may approve exceptions or adjustments where required to address unforeseen circumstances or to maintain alignment with Curling Canada's high-performance strategy and international qualification requirements."

RELEVANT SECTIONS OF THE SDRCC CODE

28. The relevant sections of the SDRCC Code state:

" **6.11 Onus of Proof in Team Selection and Carding Disputes**

If an athlete is a Claimant in a team selection or carding dispute, the onus will be on the Respondent to demonstrate that the criteria were appropriately established and that the disputed decision was made in accordance with such criteria. Once that has been established, the onus shall be on the Claimant to demonstrate that the Claimant should have been selected or nominated to carding in accordance with the approved criteria. Each onus shall be determined on a balance of probabilities.

6.12 Scope of Panel's Review

(a) The Panel, once appointed, shall have full power to review the facts and apply the law. In particular, the Panel may substitute its decision for the decision that gave rise to the dispute or may substitute such measures and grant such remedies or relief that the Panel deems just and equitable in the circumstances.

(b) The Panel shall have the full power to conduct a hearing de novo. The hearing must be de novo where:

(i) the SO did not conduct its internal appeal process or denied the Claimant a right of appeal without having heard the case on its merits; or

(ii) the Panel determines that errors occurred such that the internal appeal policy was not followed or there was a breach of natural justice.

(c) In a team selection or carding dispute, no deference need be given by the Panel to any discretion exercised by the Person whose decision is being appealed, unless the Party seeking such deference can demonstrate that Person's relevant expertise."

STANDARD OF REVIEW

29. The standard of review in this matter is reasonableness as set out in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 [*Vavilov*]. According to *Vavilov*, "a reasonable decision is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker. The reasonableness standard requires that a reviewing court defer to such a decision" (at para 85).

SUBMISSIONS

Appellants' Submissions

a. Team Sturmay's Submissions

30. Members of Team Sturmay appealed the NTP team selection decision on the basis that the selection of the teams for the NTP ran counter to principles of administrative law. Specifically, that the team selection lacked the required transparency and reasoning required of Curling Canada, that Curling Canada incorrectly applied the stated criteria, that Mr. Murdoch's actions

resulted in a reasonable apprehension of bias and that the points given to Team Sturmay are an inaccurate reflection of Team Sturmay's performance.

i. Lack of Transparency in Team Selection Decision-Making

31. Team Sturmay submitted that, pursuant to s. 11.4 of the Selection Procedures, all decisions shall be made in good faith, guided by the principles of fairness, transparency and alignment with the Respondent's strategic objectives. However, the Respondent resisted disclosing information relating to detailed scoring, individual criteria and full meeting minutes.

32. Team Sturmay submitted that, in relation to team selection matters, the Respondent has relied on a ranking criterion that is inherently subjective rather than objective and, as such, requires the Selection Committee to exercise discretion. The additional ability to invoke s. 14.2 of its *Able-Bodied Funding & Carding Policy* ("Policy") further expands these discretionary powers and creates a team selection process which may be based largely on the Committee's subjective assessment rather than the objective rankings.

33. Team Sturmay submitted that there is an overall lack of transparency in the scoring of the points for each team and that no reasons were provided to explain why each team received their respective scores. In the absence of these reasons, teams' and athletes' ability to appeal team selection decisions is severely curtailed. This undermines the athletes' right to procedural fairness.

34. Team Sturmay relied on *Ola Display Corp. v. Canada (National Research Council)*, 2013 CarswellNat 1770, at para 40, which states that funding decisions do not generally require formal reasons, however athletes ought to know why the decision was made. They further cited the SDRCC decision in *Sébastien Beaulieu, Kaylie Buck, Darren Gardner, Jenifer Hawkrigg and Jules Lefebvre v. Canada Snowboard*, 2022 CASDRC 9, at para 70*,* which required the Respondent NSO to provide athletes with an explanation in team selection matters where the criteria relied on is subjective.

35. Team Sturmay submitted that the Respondent's decision to select Team Reese-Hansen by invoking s. 14.2 of the Policy was done in a manner which violated the Eligibility and Team Criteria set out at s. 8.1 of the Policy. Pursuant to s. 8.1 of the Policy, to be eligible for selection to the NTP, every team is required to have at least one athlete compete at the 2025 Montana's Canadian Curling Trials ("Trials"). Team Reese-Hansen did not have a member of its team compete or attend the Trials as required by s. 8.1 of the Policy and is therefore ineligible for selection to the NTP.

36. In the alternative, Team Sturmay submitted that if is found that the Respondent properly applied s. 14.2 of the Policy, the Respondent failed to provide sufficient reasons for its application and that the decision lacked the required transparency principles of procedural fairness require.

37. Team Sturmay made a further submission in the alternative, arguing that if it is found there were proper reasons provided in the use of s. 14.2 of the Policy, the Respondent erred in their reasons and improperly used s. 14.2 to select Team Reese-Hansen. The Respondent submitted that Team Reese-Hansen did not meet then minimum eligibility requirement as it did not have a member that competed in the Trials. As a result, the discretionary authority invoked under s. 14.2 of the Policy was used to bypass the minimum eligibility threshold altogether.

38. Instead, the Respondent permitted Team Reese-Hansen to submit an application despite being ineligible under the eligibility criteria. The decision to accept Team Reese-Hansen's application and select them as a top ranked team was improper and demonstrates a pre-determination.

ii. The Respondent Incorrectly Applied the Stated Criteria

39. Team Sturmay submitted that the Respondent has incorrectly applied the term "competed" in relation to the selection of Team Gray-Withers. Specifically, as it relates to the Respondent's finding that Laura Walker "competed" at the 2025 Montana's Canadian Curling Trials.

40. Team Sturmay submitted that Ms. Walker did not compete at the Trials as she was not listed as an alternate on Curling Zone for Team Lawes for the 2025-26 season. Team Sturmay relies on this information from Curling Zone as it is official authority for team composition, rankings, analytics, scores and major event registration. Ms. Walker did not attend on ice during time-outs or at other opportunities and that she always remained on the bench. While Ms. Walker was an alternate for Team Lawes at the Trials, she did not actively compete.

41. The interpretation of the term "compete" relied on by the Respondent is unfair as it is undefined in the Policy and there is no established or objective standard governing its interpretation. The Respondent's interpretation of the term is arbitrary and should be struck down for being manifestly unfair and unreasonable (as established in Canadian Cycling Assn. and Perras, Re, 2008 CarswellNat 6607).

42. Team Sturmay submitted that the term "compete" must be interpreted according to the principles of statutory interpretation as set out in *Vavilov*. To do this, Team Sturmay has taken note of term "compete" from the Cambridge Dictionary, which defines the term as: "to do an activity with others and try to do better than they do." Under this definition, while Ms. Walker was an alternate for Team Lawes at the Trials, she was not actively competing as an alternate player.

43. Team Sturmay submitted that the Respondent's attempt to justify the inclusion of Ms. Walker by invoking s. 14.2 of the Policy is evidence of the Respondent's arbitrariness and demonstrative of it decision-making without transparency.

iii. The Respondent Demonstrated a Reasonable Apprehension of Bias in the Team Selection Process

44. Team Sturmay submitted that the Respondent engaged in behaviours which make the perception of bias reasonable. Team Sturmay submitted that prior to Team Gray-Withers' selection, Mr. Murdoch had direct communications with Ms. Walker concerning the advantages and disadvantages of different team configurations she was considering. Team Sturmay acknowledged that some discussion between the Respondent and athletes is normal and appropriate. However, in this case, it goes beyond the normal course as it is inconsistent with the level of communication Mr. Murdoch had with other athletes and is inconsistent with the communications between an NSO's head coach and its various athletes.

45. The communications between Mr. Murdoch and Ms. Walker concerned the formation of a team that later sought and received NTP status. This included several conversations in which Mr. Murdoch and Ms. Walker discussed the pros and cons of teams Ms. Walker was considering joining. These conversations go beyond the level of general assistance. Mr. Murdoch, as the Executive Director of High Performance, was in a position that had the authority for team selections pursuant to s. 14.2 of the Policy.

46. Team Sturmay submitted that the Respondent has, in the past, made discretionary decisions which have benefitted Ms. Walker, including a past exemption which allowed Ms. Walker to be a fifth player on a team in 2023, while denying the same benefit to other teams.

47. Team Sturmay submitted that the facts set out above demonstrate continued differential treatment which amounts to a reasonable apprehension of bias. The concern is that Mr. Murdoch may have had an investment in the success of a particular team configuration which he had helped an athlete assess before applications were determined.

48. Team Sturmay submitted that Mr. Murdoch has subsequently made submissions that s. 14.2 of the Policy would have been used to select Team Gray-Withers even if this Panel concluded that Ms. Walker had not "competed" within the meaning of s. 8.1 of the Policy. This amounts to a predetermination of the team selection.

iv. Remedy

49. Team Sturmay sought the following remedies:
    - That the Respondent's selection of teams 3 through 5 of the NTP for the 2026-27 season be overturned and that Team Sturmay be selected as part of the NTP by this Panel.

- That, given Mr. Murdoch's statement about his willingness to invoke s. 14.2 to select Team Gray-Withers regardless of the outcome of this hearing, it would be inappropriate to send this matter back to the Respondent for a redetermination and that this Panel substitute its own decision for that of the Respondent.

b. Team Black's Submissions

50. Team Black joined Team Sturmay in appealing the Respondent's team selection for the NTP. Team Black appealed on the basis that in making its selections for the NTP that the Respondent failed to apply its own published eligibility criteria in its selection of two of the funded teams and that it failed to discharge its onus of demonstrating that the scoring of the remaining eligible applicant teams was reasonable and consistently applied in accordance with the published criteria.

i. The Respondent Failed to Apply its Eligibility Criteria

51. Team Black submitted that the Respondent failed to apply its own published selection criteria as it relates to the selections of Team Reese-Hansen and Team Gray-Withers as both teams were not eligible under the criteria. The NTP eligibility and team selection criteria were published in Policy and made effective in October 2025. Teams relied on these criteria in making their athletic and competitive choices in their upcoming competitive seasons.

52. To be eligible, teams were required to compete in the Montana's Trials. Teams that had not secured a place in Trials were able to secure a spot through a play-in tournament at the pre-Trials. Neither Team Gray-Withers nor Team Reese-Hansen qualified for a spot in the Trials. Team Black, however, was one of seven teams that qualified for a direct entry in the Trials while Team Sturmay qualified for the Trials by winning the pre-Trials.

53. Team Black submitted that the Respondent did not follow its own selection criteria in making the team selection decision to the NTP. To the extent that the Respondent relies on its discretionary powers under the Policy, Team Black submitted that this discretion can only be exercised in relation to teams which have met the basic qualifying criteria for consideration.

54. The selection criteria in issue, according to Team Black, was the additional requirement identified in s. 8.1 of the Policy, which established a requirement that, at a minimum, every applicant team have at least one athlete that competed at the Trials. Despite this requirement, Team Gray-Withers and Team Reese-Hansen did not have any members who competed at the Trials.

55. Team Black submitted that Team Gray-Withers had one team member, Ms. Walker, who appeared on the roster of Kaitlyn Lawes team as an "alternate" at the Trials. However, Ms. Walker did not play at the Trials and therefore did not compete. Team Gray-Withers had no

other members who competed at the Trials and, like Team Reese-Hansen, did not meet the eligibility requirements for consideration to the NTP.

56. Team Black submitted that the Respondent's interpretation of the term "compete" as applying to Ms. Walker is unreasonable and that the use of "compete" should be interpreted to mean that somebody is required to "participate" in the Trials. Team Black submitted that the Respondent's belief that Ms. Walker qualified as having competed at the Trials is an illogical interpretation. Instead, the eligibility and selection criteria were clearly drafted and communicated, and the Respondent is not permitted to abandon or disregard its own criteria.

ii. The Respondent Has Not Provided Reasons for the Team Selection Scoring

57. Team Black submitted that the Respondent has not provided sufficient reasons for the scores assigned to the applicant teams. Instead, the teams were provided a bare criterion and description. As result, the Respondent has failed to discharge its onus under Section 6.11 of the SDRCC Code to demonstrate that its scoring was reasonable or consistently applied.

iii. Relief

58. Team Black sought the following relief:
    - That this Panel declare that Team Gray-Withers and Team Reese-Hansen did not meet the published eligibility criteria for NTP selection for the 2026/27 season.
    - That this Panel find that the Respondent has not discharged its onus under s. 6.11 of the Code to demonstrate that the scoring of Team Black's application was fair, reasonable, consistent with and applied in accordance with the published criteria against other qualified applicants.
    - An order requiring the Respondent to produce the selection committee's complete scoring rationale and supporting records for all applicant teams.
    - That this Panel reapply the published selection criteria to the pool of eligible applicant teams and provide reasons.
    - That this Panel grant such further and other relief considered just.

Respondent's Submissions

59. The Respondent submitted that its team selection decisions for the 2026/27 ought to be upheld and this appeal dismissed on the basis that the Respondent properly and reasonably followed its own procedures, that the team selection decisions were reasonable and in accordance with the requirements of the Policy, and that there is no proof of bias in the Respondent's decisions-making.

i. Selection of Team Reese-Hansen

60. The Respondent acknowledged that Team Reese-Hansen was otherwise ineligible for selection to the 2026-27 NTP as members of Team Reese-Hansen had not competed at the 2025 Montana's Canadian Curling Trials

61. However, the selection of Team Reese-Hansen was made pursuant to s. 14.2 of the Policy. The decision to invoke s. 14.2 to select Team Reese-Hansen was made by the Selection Panel as they assessed that Team Reese-Hansen was ranked higher than Team Black and Team Njegovan on the strength of Team Reese-Hansen's application. It was felt by the Selection Panel that Team Reese-Hansen's application demonstrated alignment with Curling Canada's high-performance strategy and international qualification requirements.

62. The Respondent submitted that the exercise of its discretionary powers under s. 14.1 and s. 14.2 of the Policy was permitted and reasonable. Section 14.1 and s. 14.2 state:

> 14.1 The Executive Director of High Performance retains authority for the final confirmation of all selections to the National Team Program.
>
> 14.2 **The Executive Director may approve exceptions or adjustments where required** to address unforeseen circumstances **or to maintain alignment with Curling Canada's high-performance strategy and international qualification requirements**. (emphasis added)

63. The Respondent submitted that in selecting Team Reese-Hansen, the Selection Panel evaluated the applications of the applicant teams on the criteria set out in s. 10 of the Policy. Team Reese-Hansen ranked highly, despite not having a player who competed at the Trials. As a result, the Selection Panel selected Team Reese-Hansen to align with the overall requirements of the NTP.

64. The Respondent submitted that it made the decision to select Team Reese-Hansen in good faith and for a proper purpose and that it did so reasonably, impartially and only after considering the relevant criteria. The Respondent followed their procedures and exercised their discretion as it is outlined in the Policy, specifically, s. 14.2.

65. The Respondent submitted that Team Reese-Hansen was selected because their application score was higher than the Appellants' and, in addition to which, the Selection Panel was unanimous in its decision to select Team Reese-Hansen under s. 14.2.

66. A shift towards a holistic evaluation approach to team selection was the preferred approach for the NTP selection. This was the approach adopted by the Selection Panel.

ii. Team Gray-Wither's Eligibility

67. The Respondent submitted that Team Gray-Withers was eligible for selection to the 2026-27 NTP as a result of Ms. Walker's having competed at the Trials.

68. The Respondent submitted that Ms. Walker's inclusion as an athlete at the Trials, her participation in event preparation and activities and her compliance with the same requirements as every other member of her team supports the conclusion that she competed in the Trials, as required by the eligibility criteria under s. 8.1. Ms. Walker was an active of Team Lawes and was prepared to step on the ice if required to do so.

69. The Respondent submitted that to accept the interpretation of the Appellants would be to depart from the realities of curling, to deprive the terms of its common sense and ordinary interpretation and to deny the Respondent the deference it is owed to interpret its own policies.

70. The interpretation was reasonable and, because it falls within a range of possible and acceptable outcomes, this determination must not be disturbed.

71. Relying on SDRCC jurisprudence, the Respondent submitted that there is a need for SDRCC arbitrators to give deference to the decision-making of the sport organizations. Citing Arbitrator Pound's decision in *Palmer v. Athletics Canada*, SDRCC 08-0080 at page 14, the Respondent submitted that arbitrators should only interfere with decisions of sport organizations when it "has been shown [to the panel's] satisfaction that the impugned decision has been so tainted or is so manifestly wrong that it would be unjust to let it stand."

72. The Respondent submitted that to satisfy this Panel that it ought to interfere in the Respondent's exercise of its decision-making authority, the Appellants must demonstrate that there are serious shortcomings in the team selection decisions as it relates to the interpretation of the word "compete". Unless the team selection decision is tainted by bias, bad faith or clear error, the expertise of the Selection Panel, whose members know the sport of curling and high performance, must be given significant weight and deference.

73. The Respondent submitted that the interpretation of "compete" must be read in its ordinary meaning and in the context of the sport and relied on *Bukovec v. Volleyball Canada*, 2023 CASDRC 31, for the following:

> 196. As held in *Monaghan* (supra) selection criteria must be interpreted in a way that gives the words their natural and ordinary meaning. We also must consider the context in which they arise and the objectives those criteria are meant to achieve. The subjective interpretation of an individual is irrelevant. The reality in this sport is that athletes compete on teams, not as individuals.

74. Because curling is a team sport, an alternate, such as Ms. Walker, is a member of a team and does not need to throw a stone in order to "compete".

75. The Respondent submitted that the rules of curling define a team as, "three or four players player together… and may also include the team alternate and coach as determined by the rules of competition." In addition, the rules state:

> Every team shall be composed of a minimum of four players as determined by the rules of the competition except as provided for in (5). Prior to each game, a five-member team shall designate the four eligible members of the team who will commence play as players for that game. If the fifth member is registered as a player, they shall be recognized as the alternate for that game.

76. Had Team Lawes medalled at the Trials, Ms. Walker would have been an awarded a medal the same as her teammates.

77. The Respondent submitted that its interpretation that Ms. Walker competed for the purposes of satisfying the eligibility criteria under s. 8.1 of the Policy, was within its purview. It also submitted that the panel did not address the issue of whether Ms. Walker had competed at the 2025 Montana's Canadian Curling Trials as it was just accepted by every expert on the panel that she had competed. They also indicated that if they had determined that she had not "competed" that Team Gray-Withers would have been selected, in any event, under section 14.2

iii. Bias

78. The Respondent denied the allegations that its decision-making was biased. The Respondent submitted that the allegations of bias made by Team Sturmay have not been provided in any detail and that no evidence has been provided which demonstrates bias. Further, the Respondent rejected the assertion that Mr. Murdoch influenced or encouraged changes in team lineups in exchange for funding or selection.

79. The Respondent submitted that Mr. Murdoch had conversations with most teams involved in this matter. However, this does not give rise to a reasonable apprehension of bias through an objective test, such as that in *Resetar v. Law Society of Ontario*, 2021 ONLSTH 168, at para 2, which sets out that to find bias, this Panel must ask:

> Would a reasonable, well-informed and right-minded person look at the matter being adjudicated and conclude that the decision maker, whether consciously or unconsciously, would not make a fair decision in the matter?

80. The Respondent submitted that Mr. Murdoch's role as the Executive Director for High Performance is to communicate with the parties and to assist athletes and teams in understanding the Policy and the selection criteria. Mr. Murdoch is also engaged with providing the teams and athletes with general assistance and advice and that he communicated with members of the Appellants and the Affected Parties. He made no commitments to any teams regarding their applications.

81. The team selection decisions were free from any bias.

Affected Parties Submissions

a. Team Reese-Hansen's Submissions

82. Team Reese-Hansen opposed the appeal and requested that the Respondent's team selections decisions should be upheld.

83. Team Reese-Hansen submitted that, while ineligible under s. 8.1 of the Policy, the Respondent provided evidence in its submissions which demonstrates that the Respondent exercised the discretion afforded to it pursuant to s. 14.2 of the Policy when it selected Team Reese-Hansen.

84. Team Reese-Hansen submitted that the evidence provided by the Respondent confirms that the Selection Panel considered Team Reese-Hansen's application, applied the criteria and expressly relied on the discretion preserved by s. 14.2. Furthermore, that nothing in the Policy provides that a team's failure to satisfy the Additional Requirement set out in s. 8.1 of the Policy results in deemed ineligibility for selection.

85. Team Reese-Hansen submitted that they were properly selected to the NTP.

86. Team Reese-Hansen submitted that during the 2024-26 seasons, it achieved significant success including:
- U25 NextGen Championship;
- Qualification for Curling Canada's NextGen Program;
- Fourth place ranking on the Canadian Team Ranking System (2025-2026);
- BC Championship;
- Grand Slam Tier 2 Championship; and,
- Multiple World Curling Tour victories and final appearances.

87. As a result of Team Reese-Hansen's 2025/26 performances, it is one of three teams to have pre-qualified for the Scotties Tournament of Hearts in 2027.

i. Selection of Team Reese-Hansen

88. Team Reese-Hansen submitted that the eligibility and selection criteria in the Policy must be read within their entire and in their ordinary and grammatical sense. The additional requirements set out in s. 8.1 do not render a team automatically ineligible because they do not satisfy the additional requirements.

89. Instead, the proper interpretation is one that give effect to all parts of the Policy. As such, the document should be read as a whole. If this Panel were to accept the Appellants' interpretation of s. 8.1, it would deprive s. 14.2 of any meaningful effect in the circumstances where exceptions to eligibility requirements may be needed to meet the objectives of advancing to Olympic-level excellence through athlete development set out in s. 5 of the Policy. Section

14.2 expressly preserves the Respondent's discretion to make exceptions to the eligibility and selection criteria to achieve these objectives.

90. The language in s. 14.2 is broad and permits both "exceptions" and "adjustments". Nothing in this section limits the discretionary power contained therein and does not require teams to meet the eligibility requirement before the Respondent can exercise that power. Team Reese-Hansen cited the decision in *Blandford v. Alpine Canada Alpin*, 2023 CASDRC 3 [*Blandford*], in which Arbitrator Merrigan found that similar discretionary language was found not to bind the decision-maker to language around the eligibility and nomination criteria which was absent from that section.

91. Team Reese-Hansen submitted that s. 8.1 does not say that a failure to meet the Additional Requirement eliminates the Respondent's authority to approve exceptions or adjustments pursuant to s. 14.2 of the Policy. In *Blandford*, the discretionary clause was described as operating as a "safety net" which allows decision-makers to consider deserving athletes who may have become ineligible because of injury, unforeseen circumstances, limited competition opportunities or other facts preventing qualification.

92. Team Reese-Hansen submitted that it falls squarely within the category of teams s. 14.2 is intended to apply to, as the team's inability to meet the Additional Requirement was not caused by a lack of competitive merit but, rather, because a significant injury to skip Taylor Reese-Hansen, which impacted the team's ability to train and perform consistently through the 2024-25 season.

93. Accepting the Appellants' interpretation of s. 14.2 of the Policy and enforcing strict adherence to the Additional Requirements under s. 8.1 would undermine the NTP's high-performance goals of supporting and developing teams and athletes.

94. Team Reese-Hansen submitted that s. 14.2 was properly exercised in the circumstances as demonstrated by Mr. Murdoch's evidence. This evidence confirms that the Selection Panel assessed all applicants using the criteria set out in the Policy and Team Reese-Hansen was scored through the same processes as every other applicant team.

95. The scoring received by Team Reese-Hansen was higher than the two Appellants. Furthermore, the Selection Panel considered the team's inability to meet the Additional Requirement but determined that the team nevertheless aligned with the program's strategic objectives, performance standards and long-term podium potential.

b. Team Gray-Withers

96. Team Gray-Withers submitted that its selection to the 2026-27 NTP was in accordance with the published criteria in a process that was both fair and impartial. Team Gray-Withers argued

that it met the eligibility requirements under s. 8.1 of the Policy as it had at least one athlete compete at the Trials.

97. Team Gray-Withers supported the Respondent's arguments as it relates to the interpretation of the word "compete" in s. 8.1 and submitted that Ms. Walker's inclusion as an alternate at the Trials with Team Lawes is sufficient to meet the additional requirement.

98. Team Gray-Withers submitted that the evidence demonstrates that Team Gray-Withers scored third over within the applicant pool across the eight selection criteria in s. 10 of the Policy. The Respondent selected the top five teams for the available five spots in the NTP in accordance with the established criteria. The Respondent's selections are entitled to substantial deference from this Tribunal.

99. In the alternative, Team Gray-Withers submitted that if this Tribunal finds that Ms. Walker did not "compete" in the Finals, the Respondent has the discretion pursuant to s. 14.2 of the Policy to approve exceptions or adjustments to "maintain alignment with Curling Canada's high-performance strategy."

100. Team Gray-Withers denied the allegations of bias. Specifically, that the Respondent interfered with Team Gray-Withers by advising Team Gray-Withers to make a specific change to their roster in exchange for selection to the NTP. Team Gray-Withers submitted that the Respondent did not promise funding to Team Gray-Withers if they made a change. Instead, it was Ms. Walker who approached Serena Gray-Withers and asked to join the team.

101. Team Gray-Withers made the difficult decision to part ways with their teammate, Ms. Lindsey Burgess, in order to add Ms. Walker who brought with her extensive experience in high-level competition that would put them in the best position to be selected for the 2030 Olympic Games.

102. One conversation took place with Mr. Murdoch regarding adding Ms. Walker, however, aside from expressing a positive view of Ms. Walker as a curler, Mr. Murdoch made no attempt to sway the team's decision and nothing resembling an offer that the Respondent would select Team Gray-Withers for the 2026/27 NTP was made.

103. Team Gray-Withers submitted that in informing Ms. Burgess of the team's decision to replace her with Ms. Walker, they had hoped to spare Ms. Burgess's feelings by not making it personal. Instead, they represented the change to Ms. Burgess that the Respondent would give them more funding opportunities if they added Ms. Walker. While it was the case that Team Gray-Withers believed that Ms. Walker would make them more competitive for funding, this was because of Ms. Walker's skill and experience and not as the result of any promise or other inducement from the Respondent.

c. Team MacMillan

104. Team MacMillan submitted that it was not one of the teams named in the Appeals, however, made submissions to ensure it was not adversely affected by the outcome of this matter and to ensure its rights were preserved.

105. Team MacMillan received the same overall assessment as Team Reese-Hansen and Team Gray-Withers, satisfied all the published eligibility requirements including s. 8.1 of the Policy, and would become a selected team if one or more of the other Affected Parties were removed.

106. Team MacMillan made submissions which may be relevant depending on the outcome of these proceedings.

107. As a result of the findings in this decision, Team MacMillan's position in the NTP has not been impacted. While their submissions have been reviewed and considered, they have not been included in this decision.

ISSUES

108. This appeal raised the following issues:
    1. Did the Respondent err in its use of s. 14.2 to select Team Reese-Hansen?
    2. Did the Respondent err in its selection of Team Gray-Withers?
    3. Was the Respondent's decision-making influenced by bias?

ANALYSIS

1. Did the Respondent Err in its Use of s. 14.2 to Select Team Reese-Hansen?

109. I find that the Respondent did not err in its use of s. 14.2 to select Team Reese-Hansen to the 2026-27 NTP.

110. The argument brought by the Appellants as it relates to the selection of Team Reese-Hansen is, in essence, that to have been considered for selection, Team Reese-Hansen needed to, at the very least, have at least one member of their team "compete" at the Trials. Accordingly, the decision to invoke s. 14.2 of the Policy to select Team Reese-Hansen was inappropriate and simply bypassed the eligibility requirements. Further, it was a departure from the Policy and was unreasonable in its lack of transparency.

111. The Appellants also identified the feeling of unfairness which accompanied this decision as they had planned their competitions to meet the eligibility and selection criteria.

112. The Respondent, on the other hand, argued that the decision to invoke s. 14.2 of the Policy to select Team Reese-Hansen was consistent with the broad discretionary powers to select

teams to the NTP afforded to Mr. Murdoch as the Executive Director of High Performance. The Respondent provided evidence that its decision to grant an exception to Team Reese-Hansen from the eligibility requirements under s. 8.1 of the Policy was done because of Team Reese-Hansen's strong performances and their scoring under the Selection Criteria. According to the Respondent's evidence, there was unanimous support among the Selection Panel members to select Team Reese-Hansen under s. 14.2 of the Policy when they convened as members of the NTP Women's Team Selection Panel on 22 May 2026.

113. I find that the Respondent is correct.

114. Section 14.2 of the Policy provides the Executive Director of High Performance with the following powers: "The Executive Director may approve exceptions or adjustments where required to address unforeseen circumstances or to maintain alignment with Curling Canada's high-performance strategy and international qualification requirements." The powers granted under this section are very broad discretionary powers to approve exceptions or adjustments in order to maintain alignment with the Respondent's high-performance strategy and the international qualification requirements.

115. The Respondent's high-performance strategy is reflected in s. 3.1(b) and s. 5 of the Policy. Pursuant to s. 3.1(b), the Respondent *shall* "prioritize athletes and teams demonstrating the potential to achieve podium performances at World Championships and Olympic Games." Section 5 identifies the following Program Objectives:

> 5.1 The objectives of the NTP are to:
>
> a. Cultivate excellence across all Olympic disciplines;
>
> b. Continuously strengthen world-leading athlete development pathways
>
> c. Cultivate holistic athlete-first approach to high-performance; and
>
> d. Foster a culture of integrity, ethics and fair play
>
> 5.2 Key performance deliverables include:
>
> - Achieving and sustaining podium finishes at World Championships and Olympic Games;
> - Maintaining NTP teams within the Top 15 of the World Curling Team Ranking System (WCTRS) and Next Gen teams within the Top 25;
> - Demonstrating alignment with Curling Canada's values, culture, and performance philosophy.

116. In the assessment of Mr. Murdoch and the other members of the Selection Panel, despite not fulfilling the eligibility criteria under s. 8 of the Policy, Team Reese-Hansen "demonstrated strong alignment with the program's strategic objectives, performance standards and long-term podium potential."

117. The decision to select Team Reese-Hansen was based on the team's high scoring through the objective application process. Based on Team Reese-Hansen's strong score through the application process it was determined to exercise the power under s. 14.2.

118. I find that the Respondent did not fail to adhere or apply its eligibility or selection criteria as it relates to the selection of Team Reese-Hansen. I find that s. 14.2 permitted the Executive Director of High Performance to exercise a power to grant Team Reese-Hansen an exemption from the eligibility criteria. Specifically, Team Reese-Hansen was permitted to apply without having a member in competition at the Trials. The decision was based on Team Reese-Hansen's strong score under the selection criteria. Notably, Team Reese-Hansen tied Team Gray-Withers and Team MacMillan in its selection criteria score. As a result, s. 14.2 of the Policy was invoked to ensure they were selected to the 2026-27 NTP.

2. Did the Respondent err in its selection of Team Gray-Withers?

119. I find that the Respondent did not err in its selection of Team Gray-Withers.

120. The Appellants' arguments in relation to this issue are, in essence, that, like Team Reese-Hansen, Team Gray-Withers failed to meet the eligibility requirements pursuant to s. 8.1 of the Policy as no members of Team Gray-Withers "competed" at the Trials. The Appellants acknowledged that Ms. Walker had been present at the Trials as an alternate for Team Lawes, but because she never entered a game as a player, she did not "compete" as the term is understood.

121. The Respondent took the opposite position and argued that it did not matter whether Ms. Walker took part in a game. She competed by virtue of having been named as an alternate.

122. All the Parties in this matter argued that a plain language interpretation of the term "compete" in its proper context of curling and under the principles of statutory interpretation would favour their interpretation. The Parties offered definitions and equally credible subject matter experts. At the hearing, Mr. Stuart MacLean, a coach for Team Black with decades of experience competing at the highest levels of curling in Canada and years of experience in high-performance coaching, provided evidence that in order to compete, an athlete needed to participate in some capacity. According to Mr. MacLean, it would be enough for an athlete to simply throw a single stone. Since Ms. Walker had not thrown at least one stone, she did not "compete"; she had just "participated".

123. In contrast to Mr. MacLean, Mr. Murdoch offered a broader definition of the term compete. Mr. Murdoch is also a highly accomplished and experienced member of the curling world. Mr. Murdoch is a two-time world champion and an Olympic silver-medallist and served as the national and Olympic coach of the British Curling team. According to Mr. Murdoch, had Team Lawes medalled at the Trials, regardless of whether Ms. Walker threw a stone, the rules of curling would not have discriminated against her being given a medal as a member of the

team. Mr. Murdoch advised that as an alternate, Ms. Walker was involved in preparation for the Trials and had made significant contributions to the team to get them there.

124. I found the evidence from both witnesses equally compelling and credible. As a result, I find that Mr. Murdoch's interpretation was reasonable and therefore, under the standard of review set out in *Vavilov*, must be upheld.

125. I also find that the Minutes from the NTP Women's Team Selection Panel Meeting provide some assistance in determining the reasonableness of Mr. Murdoch's interpretation. In these meeting minutes, the Selection Panel can be seen to use s. 14.2 to justify the selection of Team Reese-Hansen. However, the Selection Panel gave no consideration to selecting Team Gray-Withers by invoking the same discretionary powers. This is evidence that the Selection Panel had considered Ms. Walker's position on Team Lawes as an alternate was sufficient to fulfill the additional requirement under s. 8.1. Had the Selection Panel had any doubts about Ms. Walker's status, they could have availed themselves of this discretionary power. I find this to be further evidence of the reasonableness of the Respondent's interpretation.

3. Was the Respondent's Decision-Making Influenced by Bias?

126. I do not find that bias was a factor in the Respondent's decision-making in this team selection matter. I find that the evidence offered by the Appellants is circumstantial at best. Furthermore, I find nothing improper in the Executive Director of High-Performance offering his opinion to teams on their compositions or engaging in conversations with different teams.

127. Based on the submissions of Team Gray-Withers, I find that the allegations of bias were the result of Ms. Gray-Withers not being completely honest with her former teammate, Ms. Burgess, about the decision to replace her with Ms. Walker. Ms. Gray-Withers' intention was to spare her former teammate the embarrassment and indignity of being dropped from the team and replaced. In a misguided attempt to do so, Ms. Gray-Withers told Ms. Burgess that if Team Gray-Withers replaced Ms. Burgess with Ms. Walker, that Team Gray-Withers would be given more funding opportunities by the Respondent. Understandably, this became a rumour of a *quid pro quo* which spread through the curling world.

128. I find that there was no truth to the allegation of bias. And I am satisfied by Ms. Gray-Withers' account of the genesis of this rumour.

129. I also note that, during the hearing, neither of the Appellants took the opportunity to question Mr. Murdoch on the issue of bias. As the allegation was not put to Mr. Murdoch, I find that making such a finding would be unfair.

CONCLUSION

130. For the reasons above, I have found that:

1. The Respondent did not err in its invocation of s. 14.2 to selection Team Reese-Hansen;
2. The Respondent did not err in its decision to select Team Gray-Withers; and,
3. The Respondent's decision-making was not influenced by bias.

131. The Appellants in this matter, understandably, feel aggrieved that despite complying with the eligibility requirements set out in s. 8.1 of the Criteria, Team Reese-Hansen and Team Gray-Withers were selected over them. I find that the decision to select both teams was transparent, reasonable and based on the selection criteria. I am satisfied that the decision to select both teams aligned with the goals and ambitions of the Respondent as articulated in the Policy.

132. This decision was a challenging decision and the Parties presented well-articulated, comprehensive, and thoughtful submissions. And while I understand the disappointment Team Sturmay and Team Black are experiencing as a result of being left out of the NTP for the 2026-27 season, I feel compelled to point out that their scoring under the selection criteria was very strong and their records of success in the sport of curling are impressive. I am confident that they will remain strong candidates for team selection in the future.

133. I wish all the Parties the best success moving forward.

Signed in Ottawa this 31st day of August 2026

David Bennett, Arbitrator