

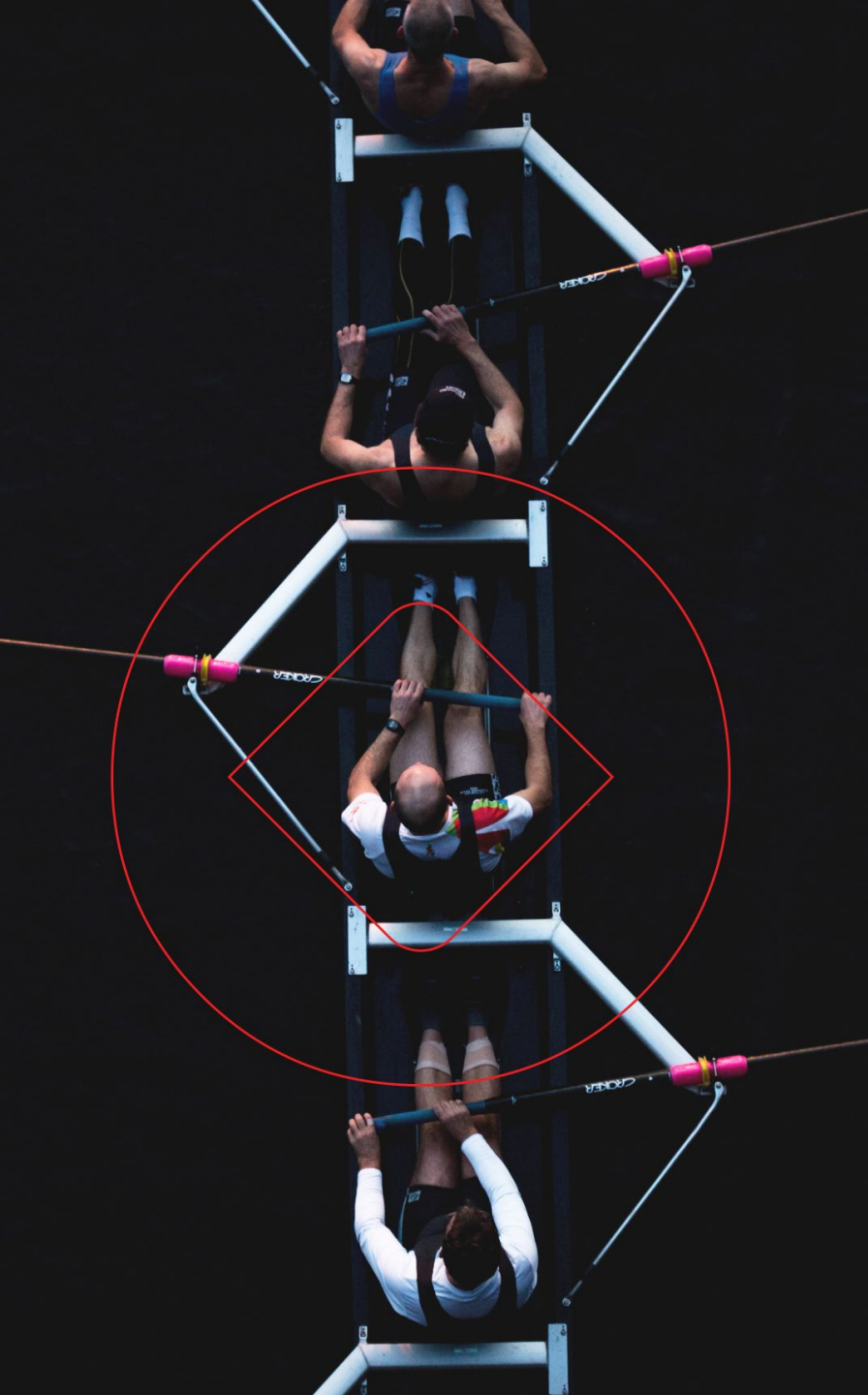


**SPORT YUKON SELECTION PRESENTATION 2021**

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**SPORT LAW**

We know sport.



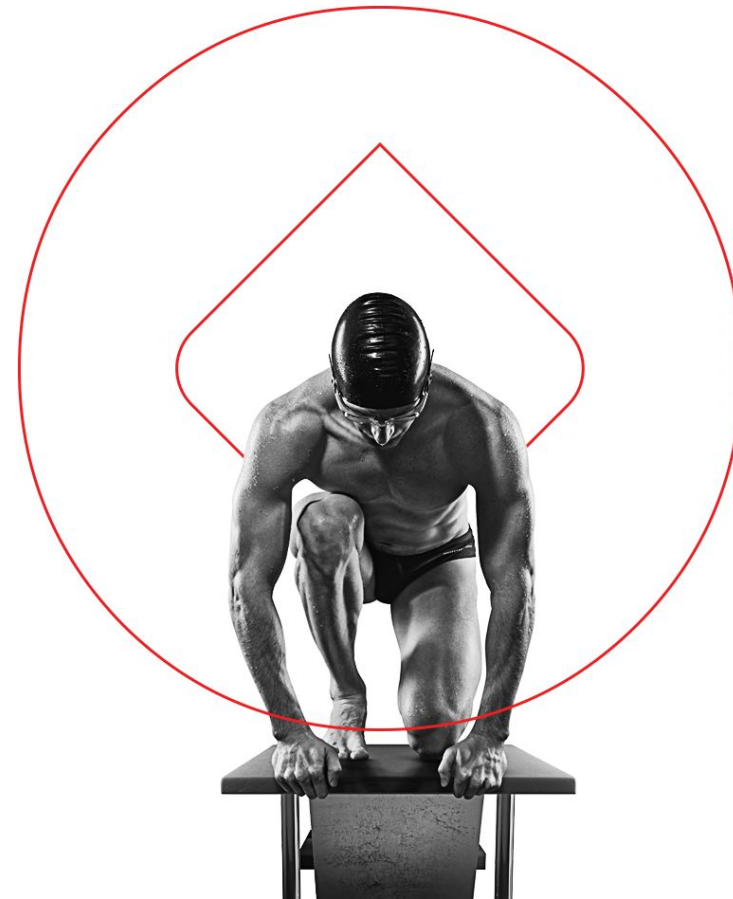
# Agenda

- Introductions
- Overview
- Purpose of selection
- Authority of selection
- Criteria for making selection decisions
- Process for making selection decisions
- Questions

# WHO WE ARE: SPORT LAW

Providing strategic insight to the Canadian sport community through professional services in these areas:

- **Legal Solutions**
- **Communications**
- **Human Resource Management**
- **Governance**
- **Risk Management**
- **Financial Management**
- **Safe Sport**
- **Equity, Diversity, and Inclusion**



# SPORT LAW

## Our Team



# Overview - Procedural Fairness

- Applies to all steps of selection, as with all decisions
- Communication is key!
  - Criteria
  - Process
  - Selection (or non-selection)
  - Routes of appeal
- Timing of communications is an aspect of procedural fairness
- Decision-making authority must be properly granted and free from bias

# Purpose of Selection

- Create a statement of the purpose of the team to be selected
- Goals of the team and philosophy
  - Developmental Team
  - Gold Medal Team
  - Experience to Young Athletes

# Authority of Decision Maker

- Responsibility lies in governing documents
  - Selection Committee
  - Coach
  - Technical Director
- Policies, terms of reference
- State clearly who has approved the process and criteria and who will make the decisions
- Selection Policy should expressly delegate, if appropriate, from the Board to a coach, selection committee or panel

# Selection Criteria (1)

- Criteria should be approved, clearly written and published in advance
- List all pre-conditions for eligibility
  - residency, citizenship, member in good standing
- Set out expectations for players to be selected
  - Objective (Leave as little as possible to discretion)
  - Subjective (Policy should provide some guidelines for applying subjective criteria)
    - Weighted
    - Ranked



# Selection Criteria (2)

- Set out expectations to remain on the team
  - Fitness, compulsory events, activities, training
- Exceptional Circumstances
  - Injury
  - Competitions Cancelled
    - COVID-19
  - Weather
  - Ties
- If possible, solicit feedback and input from stakeholders

# Process for making Selection Decisions (1)

- Timelines
- Bias
  - Difficult to avoid in the sport community
  - Bias must be controlled and avoided
  - Persons having personal or professional relationship with candidates should disqualify themselves
  - Bias reduced by having a number of individuals make the decision jointly and ratified by the board (sometimes funding partners)

# Process for making Selection Decisions (2)

- Appeal
  - Internal appeal mechanism clearly set out
    - Timelines
    - Cost
  - Limit appeals on specific grounds:
    - Selection was not according to the rules
    - Decision maker was biased
    - Grossly or unfair or unreasonable decision

# Common Selection Problems

- Selection criteria are *not authorized*
- Process and criteria are not clearly written and / or communicated
- Selection process is changed arbitrarily or during the process
- Where there are multiple criteria, they are not weighted or priority is unclear
- Unexpected circumstances are not anticipated
- Selectors are biased
- Intent is not properly communicated

# Selection – some suggested Guidelines

- Use *written* process, properly authorized, communicated clearly
- Use *objective* criteria where possible -- if subjective, provide guidelines for their use
- Indicate the *weighting* of criteria, if they are not all equal
- Carefully think through the *timing* of the selection process
- Apply criteria *systematically* to rank and evaluate athletes
- Anticipate *unexpected* circumstances (injury, illness (pandemic), weather, tie-breaking)
- Define intent

# Selection Criteria: In Brief

Selection criteria are really about communication – how to manage the expectations of athletes, coaches, parents and administrators

# Selection Considerations and Trends

- Selection is typically based on past performance
- Important to incorporate future potential into selection processes and decisions
- Unfortunate return to past performance and more historical results as a consequence of the pandemic
  - Temporary

# In Summary

- ✓ Use a written process, properly authorized and communicated.
- ✓ Use objective criteria where possible – if subjective, provide guidelines for interpretation.
- ✓ Indicate the weighting of criteria if they are all not equal.
- ✓ Apply criteria systematically to rank and evaluate.
- ✓ Anticipate the unexpected such as injuries, bad weather, tie-breaking.
- ✓ Provide an opportunity for an appeal.



# Policy Review

- Sport Yukon Policy Manual
  - Individual Selection
  - Team Selection

# Policy / Criteria – Final Thoughts

- The Criteria are written in the document and communicated. No other historical or additional aspects should be considered.
- Trouble can result when:
  - The criteria (including intent) and decision are not connected
  - The duty of fairness is forgotten
  - Communication is lacking or absent

Any  
Questions?



# CONTACT US

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