



Team Selection: Athlete Responsibilities

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When Canadian athletes have sport-related legal concerns, they are encouraged to contact the Sport Solution, a free-of-charge program offered to athletes by AthletesCan.

Established in 1996, the Sport Solution is managed by two University of Western Ontario law students. The service offers guidance to athletes to help them solve problems that they may be having with their National Sport Organization (NSO), such as team selection disputes, doping infractions, disciplinary concerns, funding and other issues. As the managers of Sport Solution are not lawyers, when legal advice is required, athletes will be referred to a list of legal

representatives who have made themselves available through the SDRCC website.

With the 2010 Vancouver Olympic /Paralympic Games approaching, many Canadian athletes will participate in final team selections for the upcoming Games. Team selection often leads to conflicts between athletes and their NSO, with athletes often left wondering why they were not selected and whether the right decision was made. In order to avoid a team selection issue, athletes are advised to thoroughly review their NSO's team selection criteria. As an athlete, if you are aware of what you need to accomplish to meet selection criteria you will be better able to focus your efforts to achieve those results and you will also better understand your NSO's selection decisions when they are published.

Athletes may be satisfied if their NSO simply explains more thoroughly how they arrived at their decision but often athletes believe the wrong decision was made and wish to challenge the decision through a formal appeal. Although the time frame available for athletes to appeal selection decisions may be short, this should not discourage athletes from exercising their right to appeal. If an athlete decides to submit an appeal they are encouraged to contact Sport Solution for assistance.

Filing an internal appeal can be very stressful for an athlete. Sport Solution would like to highlight three key tips that will help athletes ensure their appeal submissions go as smoothly as possible.

First, be aware of the proper submission channels. Internal appeals must be submitted to the sport specific NSO. The NSO's internal appeal policy will indicate the individual to which appeals should be submitted, and what an appeal will entail.

Second, timelines are crucial. In general, appeals must be submitted within 15 days of the team selection announcement (though check your NSO's appeal guidelines as some NSOs provide more or less time than this). With such a small window for appeal, it is crucial that you contact the Sport Solution immediately if you require assistance.

Third, decisions cannot be appealed simply because a different result is sought. Athletes must have sufficient grounds for their appeal in order for it to be heard. Grounds for appeal can be

1



found in your NSO's appeal policy. They typically involve, but are not limited to: a decision influenced by bias; a failure by the NSO or its members to follow its own selection criteria; a failure to take into account relevant information or; a decision which is manifestly unreasonable.

For athletes who are selected to participate in the 2010 Olympic/Paralympic Games, you must remember that you are bound to a code of conduct that extends beyond your particular competition and the associated events. Athletes at the Olympic/Paralympic Games have legally binding contractual obligations with both their NSO and the IOC/IPC. As such it is important that athletes familiarize themselves with these obligations, through a thorough reading of their athlete agreement and of the Olympic Charter (http://multimedia.olympic.org/pdf/en_report_122.pdf) or Paralympic Charter (http://www.paralympic.org/IPC/IPC_Handbook/Section_1/index.html), as a breach may have serious repercussions for athletes. For example, most athlete agreements prohibit athletes from consuming more than a specified amount of alcohol, or in some cases any alcohol at all, at events such as the Olympic/Paralympic Games. Also, under the Olympic/Paralympic Charters athletes have the obligation to not involve themselves with any demonstration or political, religious or racial propaganda while at the Games. A violation of an obligation may result in a selected athlete not being allowed to compete and as such athletes are advised to ensure that they understand and follow their obligations.

If you have any questions on these or other issues please contact Sport Solution Managers Dave Reynolds or Dan Strickland through email at law.sportsolution@uwo.ca or toll-free at 1-888-434-8883.