

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

**N°: SDRCC 24-0714/0715
(ORDINARY TRIBUNAL)**

Between:

Srimantha Wijeyeratne
(Claimant)

AND

Ammar Khalid
(Claimant)

AND

Cricket Canada (CC)
(Respondent)

AND

Dilpreet Bajwa
Jeremy Gordon
Dilon Heyliger
Aaron Johnson
Shreyas Movva
Rayyankhan Pathan
Kaleem Sana
(Affected Parties)

Arbitrator: David Merrigan

Hearing: May 9, 2024, via videoconference

Appearances:

For the Claimants:

Ammar Khalid (Claimant), Srimantha Wijeyeratne (Claimant)

Witnesses: Rohan Jayasekera, Pubudu Dassanayake

For the Respondent (CC):

Salman Khan, Amjad Bajwa, and Ingleton Liburd

1. On May 12, 2024, I issued a short decision for **SDRCC 24-0714/0715** which allowed the appeals, in part, with a decision with reasons to be issued within the time period established by the Canadian Sport Dispute Resolution Code (the Code).
2. This is my decision with reasons.

Background

3. On May 2, 2024, Srimantha Wijeyeratne filed a request pertaining to his non-selection to Cricket Canada's 15 player squad for the upcoming T20I World Cup (SDRCC 24-0714).
4. Also on May 2, 2024, Ammar Khalid filed a request pertaining to his non-selection to Cricket Canada's 15 player squad for the upcoming T20I World Cup (SDRCC 24-0715). He was, however, selected as one of five reserve players.
5. The Claimants also submitted an appeal through Cricket Canada's internal appeal process and were notified on May 5, 2024, that their appeal was dismissed by the General Manager of Cricket Canada, Ingleton Liburd.
6. A joint administrative and preliminary meeting was held with the parties via teleconference on May 7, 2024. All parties accepted my appointment as arbitrator.
7. After hearing from all parties, I made the decision to have both requests heard at the same time as the issues in both requests were the same and there were extraordinary time constraints present.

Position of the Claimants

8. The Claimants alleged the following failures in the selection process:
 - a. Cricket Canada's 2024 Player Selection Policy was not properly in place prior to the selection of the T20I World Cup Team.
 - b. The selection process was not conducted and completed according to Cricket Canada's Player Selection Policy.
 - c. One of the members of the National Selection Panel (NSP), Abhishek Sharma, was not eligible to be appointed by Cricket Canada (CC) to this role.
9. Mr. Khalid requested that he be placed on the active team roster (he was selected as a "reserve,") or that a new "fair and honest" selection process be conducted.
10. Mr. Wijeyeratne also requested a new selection process that addressed the alleged "abuse of power, conflict of interest, [and the] legitimacy of the NSP's appointed Selectors."

Position of the Respondent

11. Cricket Canada took the position that the selection of the T20I team was done fairly and in accordance with its Player Selection Policy, including the selection of Abhishek Sharma to be a Selector.

Affected Parties

12. Prior to the hearing, CC identified the following players (all are players selected to the T20I team) as affected parties to these complaints:
 - a. Dilpreet Bajwa
 - b. Jeremy Gordon
 - c. Dilon Heyliger
 - d. Aaron Johnson
 - e. Shreyas Movva
 - f. Rayyankhan Pathan
 - g. Kaleem Sana

Issues

13. The following issues were identified by the parties as ones requiring a decision from this Tribunal:
 - I. Was the current player selection policy (CC-P0L-014) of CC properly in place prior to the selection of the current T20I team?
 - II. Was Abhishek Sharma, a Selector and member of the NSP, eligible to having held this appointment according to the relevant CC policies for choosing team selectors?
 - a. Did he qualify as a selector by having “at least have one year of experience playing at the first-class level in countries that are ICC-approved members” as outlined in the Player Selection Policy?
 - b. Did he show bias in his role of Selector by virtue of his previous role as a BC Provincial Cricket Coach or his association with the Stallions Cricket School?
 - III. Was the overall selection process fair and transparent?

HEARING AND EVIDENCE

14. A hearing took place on May 9, 2024, during which the parties presented viva voce testimony, referred to their submissions and exhibits, were able to conduct cross examinations of each others' witnesses, and make their arguments.
15. Although I reviewed all the exhibits, submissions, witness testimony, and arguments of the parties, I will only refer to evidence which was relevant or persuasive in my decision.

ANALYSIS

Issue #1: was the current player selection policy (CC-P0L-014) of CC properly in place prior to the selection of the current T20I team?

16. The Claimants entered two versions of CC's Player Selection Policy into evidence.
17. Both versions are given the same "document #" by CC. One was edited on August 18, 2022, and does not specify who approved it (it states "TBA" in that field on the document). At the bottom of the document, it states the Revision date was April 17, 2022, and indicates it was awaiting approval by placing "TBD" in the requisite field.
18. The "Revision History" of the second version states that the revision date was 9th February 2024, and it was approved by the "CC BOD." This refers to the Cricket Canada Board of Directors.
19. CC also entered evidence an email from the Secretary for Cricket Canada, Farhan Khan, which showed the 9th of February 2024 version of the Player Selection Policy was sent to member to the Provincial Membership contacts throughout Canada:



Farhan Khan <farhan.khan@cricketcanada.org>

to Saskatchewan, Tazul, Gurman, Charles, Subrata, Garvin, Cricket, President, president@cricketontario.ca, Amit, Gurdeep, Rohit, Charles, Durriya, Amjad, Rashpal, Ranjit, me, Ingleton

Tue, Feb 13, 9:15 PM ☆ ↶ ⋮

Hello All,

Please find attached the selection policy and internal audit policy documents for your review.

Action Requested:

Please submit selector names & resumes by Feb 20th, 2024.

Thanks,

Farhan Khan

Secretary

Cricket Canada



3 Attachments • Scanned by Gmail



(Document R-15)

20. CC has the authority to draft and put in place its own selection policy. The evidence is that it did so and circulated the policy to the relevant stakeholders at the time.
21. While the Claimants indicated that they were unaware of this new policy, CC appears to have acted reasonably in disseminating it out to all provincial members who would be best positioned to distribute it to its player membership.
22. As a result, I determined that the current Player Selection Policy for Cricket Canada was validly in place for the current T20I Team Selection.

Issue #2: Was Abhishek Sharma, a member of the NSP, eligible to having held this appointment according to the relevant CC policies for choosing team selectors?

23. At the hearing, the parties agreed if Abhishek Sharma were to have been properly appointed as a member of the National Selection Panel, he would have to meet these specific criteria:
 - a. [A]t least have one year of experience playing at the first-class level in countries that are ICC-approved members.
And
 - b. Not be a Provincial Member Representative or a member of the Board of Directors of Cricket Canada.
24. These criteria are established in the Player Selection Policy revised on 9th February 2024 and do not exist in the previous 2022 version of the policy.

1.4: Criteria and qualification of National Selection Panel (NSP):

- **Playing Experience:**
 - Former international player having represented a full or associate member of International Cricket Council,

Or
 - Must at least have one year of experience playing at the first-class level in countries that are ICC-approved members.

Or
- Must have played in an ICC or ICC Full member sanctioned international tournament such as IPL, Big Bash, CPL, PSL etc. (Equivalent women events for a women selector)

Or
- Must have represented Canada in International matches involving full members, associate members or ICC approved events.

And
- Is not a Provincial Member Representative or a member of the Board of Directors of Cricket Canada.

25. The Claimants' put forward a novel argument focused on the intention and meaning of "experience playing at the first-class level..." They argued that this indicates that a player not only be selected to a first-class level team in a country that is an ICC-approved member, but they *must also have actively played in a match*.
26. Both parties agreed that Mr. Sharma had been a player selected for an "Elite" team competing for the Ranji Trophy in 2007-2008. This was both corroborated by a certificate shown by CC at the hearing (that was allegedly signed by a representative of Cricket India in 2008) along with statistical records and scoresheets supplied by the Claimants.
27. However, the Claimants argued that being named to the roster and not having actively playing in a match, does not satisfy the 1.4 Criteria and qualification of the National Selection Panel (NSP).
28. After careful consideration, I disagree with the Claimants. There was no evidence adduced before me to suggest that CC, in drafting this policy intended to set a minimum requirement of having played actively in a match to satisfy this requirement.
29. During the hearing, Mr. Khan presented the Respondent's case and also submitted that CC is responsible for interpreting its own policy and it did not require actively playing in a match.

30. I also agree with Mr. Khan’s argument that the coach and management of the team would normally determine the lineup and substitutions in a match – with the offshoot being that a player deemed good enough to be selected might not be utilized in a game or series of games.
31. In reading the player selection policy, the intent of section 1.4 appears to ensure that an appointee to the National Selection Panel has possessed an acceptable level of talent to be previously selected to an elite level team, as determined by CC.
32. I accept that CC has the authority to interpret this policy and has done so reasonably in the instant cases.
33. To agree with the Claimants on this point would open the door to subjective meandering between comparably qualified selectors where CC has demonstrated no intention to do so.
34. Furthermore, I can determine no advantage to prospective players subject to this selection policy by interpreting the player selection policy in this manner.
35. I have also determined that Mr. Sharma should not be excluded from eligibility by allegations of being a “Provincial Member Representative.”
36. Mr. Khan, for the Respondent explained that this term referred to the provincial member representatives who were chosen to represent the provincial members elected to liaise with the CC Board of Directors.
37. This was further supported by the email sent to the Provincial Members regarding the update email to the Player Selection Policy in February 2024 – it was sent to the BC Provincial Member who was not Abhishek Sharma.
38. The Claimants produced a screen shot of an OMNI news Broadcast which identified Abhishek Sharma as “Head Coach BC Cricket Team” dated March 29, 2024.
39. Conversely, CC entered an email response from Vimal Hardat – the provincial member representative for British Columbia into evidence. In this email, Mr. Hardat writes:

Vimal Hardat <vimal.hardat@gmail.com>
To: Salman Khan <skhan@cricketcanada.org>

Wed, May 8, 2024 at 1:11 PM

Hi Salman,

Mr. Sharma was appointed coach for two months in January for Senior Team camps. His tenure ended on February 29, 2024. Please feel free to reach out with any other questions.

Best,
Vimal
[Quoted text hidden]
—
Vimal Hardat

40. I prefer the email over the screenshot of OMNI news. The email is from the Provincial Representative of CC in BC, is dated, and specifically clarifies that Mr. Sharma was appointed coach for a period prior to being appointed to the NSP. I give the screenshot very little weight in comparison.
41. I add that even if Mr. Abishek was a Provincial Cricket Coach, this would not make him a “Provincial Representative” as intended in the Player Selection Policy.
42. The Claimants also argued that Mr. Sharma was in a conflict of interest because of his association with a Cricket School in BC named Stallions Cricket.
43. The evidence adduced at the hearing and uncontested by the Claimants was that no player from Stallions Cricket was selected to the T20I team and, in any event, Mr. Sharma coached “13-year-olds” at this organization, not adult players considered for the T20I World Cup.
44. Also, there was no evidence presented which would indicate any personal advantage was gained by Mr. Sharma in his appointment to the NSP or the exercise of his duties.
45. At the hearing I explained that the onus for proving bias or conflict of interest of Mr. Sharma rested with the Claimants.
46. I find no such bias or conflict of interest exists.
47. In the absence of such a finding, it would be inappropriate and unjust to remove Mr. Sharma as a selector on the NSP.

Cricket Canada’s Player Selection Policy

48. National Sport Organizations are given wide discretion in team selection. However, they must adhere to their own policies in a fair, transparent, and verifiable manner.
49. CC in its Player Selection Policy outlines the role of the NSP. In section 1.4 of the Policy, the members of the NSP are to demonstrate:

- **Selection Policy Adherence:**

Knowledge and commitment to the selection policies and philosophies established by the Cricket Canada Board. This ensures consistency and fairness in player selection.

- **Integrity and Ethics:**

High level of integrity and ethical standards are expected. The panel members should be free from conflicts of interest and act in the best interests of the sport.

50. The Board of Directors of CC is responsible for “providing selection criteria” and “reviewing and approving teams prior to announcement” according to 4.1 of the Player Selection Policy.

Canada Cricket – NSP Meeting Minutes (T20 World Cup) April 2024

51. The meeting minutes which outline the discussions and process for selection of the T20I team were authored by Navneet Sidhu (the Chair of the NSP) and supplied to the CC Board of Directors prior to finalizing and announcing the T20I team.

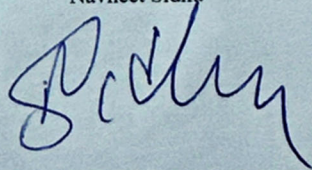
52. As they provided critical insight into the record of the decision-making process of the NSP, I have included them in this decision for easy reference:

CANADA CRICKET

NSP MEETING MINUTES (T20 WORLD CUP)

April 2024

DATE	April 21, 2024	TIME	10:00 AM MST	FACILITATOR	Navneet Sidhu
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DATE	Item	ATTENDEES
April 18, 2024	Discussion started for Canada Men's Team for ICC world cup T20 2024. Several players names are brought forward by coach and selectors	Navneet Sidhu, Abhishek Sharma Rohan Jayasekera, Pubudu Dassanayake
April 19, 2024	Further discussion on multiple players. 80% of the team is unanimously approved.	Navneet Sidhu, Abhishek Sharma Rohan Jayasekera, Pubudu Dassanayake
April 20, 2024	Spent ~7 hours on call, Abhishek dropped from call due to religious ceremony Coach provided recommendations and unanimous agreement on majority of recommendation except 2 names, disagreement from coach on Ravi and Teji. Finally Abhishek joined and voted to finalize the team with the rest of the NSP Navi shared final team selection with NSP, Team approved 2-1 by Abhishek and Navi in favor, Rohan against.	Navneet Sidhu, Abhishek Sharma Rohan Jayasekera, Pubudu Dassanayake
April 21, 2024	Final Team List with these minutes handed over to Gurdeep Klair 1.Navi Dhaliwal, 2.Aaron Johnson, 3.Harsh Thaker, 4.Nicolas Kirton, 5.Dilon Heyliger, 6.Rayyan Pathan, 7.Shreyas Movva, 8.Kaleem Sana, 9.Junaid Siddiqui, 10.Dilpreet Bajwa, 11.Kanwar Tathgur, 12.Ravinderpal Singh, 13.Saad Bin Jafar, 14.Pargat Singh, 15.Jeremy Gordon, 16.Tajinder Singh RESERVES: 17.Ammar Khalid, 18.Parveen Kumar, 19.Aditya Varadharajan, 20.Jatinder Matharu	Navneet Sidhu 

53. The minutes of the selection are somewhat lacking in detail when considering the importance of selecting a National Cricket Team to compete in the T20I World Cup.
54. However, this alone would not have warranted the intervention of this Tribunal had it not been for the viva voce testimony of Rohan Jayasekera and Pubudu Dassanayake whose testimony regarding their experiences within the selection process contradicted important material facts stated in the minutes.

Testimony of Rohan Jayasekera

55. Rohan Jayasekera was the first witness called by the Claimants. He was appointed as a Selector and his name appears several times in the NSP Meeting Minutes (Document R-08).
56. He recalled meeting with the other three members of the NSP on April 17th, 2024, but not April 18th, 2024, as written in the minutes.
57. On April 19th, 2024, Pubudu Dassanayake, the Head Coach of the T20I World Cup Team attempted to convene the panel several times throughout the day, unsuccessfully:
 - a. A call was scheduled for 12:00 P.M. but only Rohan Jayasekera attended. Navneet Sidhu was at work and Abhishek Sharma did not attend.
 - b. The rescheduled call for 2:00 P.M. also did not take place as intended – Navneet Sidhu was playing a cricket match and Abhishek Sharma also did not attend.
58. Mr. Jayasekera testified that on April 20, 2024 players “Ravi” and “Teji” were not discussed.
59. He testified that he did not think the team should be voted on via email and that he was unwilling to endorse the team that was now being proposed by Navneet Sidhu and Abhishek Sharma (*Document R-10*):

Fw: Cricket Canada World Cup T20 2024 Squad

navdeep sidhu <sidhunavdeep1985@gmail.com> Sun, Apr 21, 2024 at 8:23 AM
To: Amjad Bajwa <amjadbajwa@cricketcanada.org>, Gurdeep Klair <gklair@cricketcanada.org>

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Sunday, April 21, 2024, 8:13 AM, Rohan Jayasekera <rohan.jay@outlook.com> wrote:

I am not going to get into an e mail back and forth.

Yday we spend several hours going over the teams (sadly one selector did not participate - reasons I am uncertain of).

It seems this version has been choreographed. I am not interested in anything other than picking players based on past & current performance, and team logic, injury concerns, fielding ability and persona of the Canadian team.

There are many missing pieces and it seems the coach's recommendations are completely ignored.

I will not be willing to endorse this.

Rohan Jayasekera
Cell - (416) 616-4365

From: navdeep sidhu <sidhunavdeep1985@gmail.com>
Sent: Sunday, April 21, 2024 9:49 AM
To: Rohan Jayasekera <rohan.jay@outlook.com>
Cc: Abhishek Sharma <abhishek.sharma1078@gmail.com>; Pubudu Dassanayake <coachpubudu@cricketcanada.org>
Subject: Re: Cricket Canada World Cup T20 2024 Squad

Hi Rohan

Do you want to mention the players you disagree and your recommendation?

Sent from Yahoo Mail for iPhone

On Sunday, April 21, 2024, 7:06 AM, Rohan Jayasekera <rohan.jay@outlook.com> wrote:

I don't agree with this at all.

Rohan Jayasekera
Cell (416) 616 4365

On Apr 21, 2024, at 12:23 AM, navdeep sidhu <sidhunavdeep1985@gmail.com> wrote:

Hi,

This looks okay to me . I would wait for Rohan to look and his comments before finalizing. This is almost the team we discussed in our meetings. I hope we all mutually agree.

Thanks

Navdeep Sidhu

Sent from Yahoo Mail for iPhone

On Saturday, April 20, 2024, 10:15 PM, Abhishek Sharma <abhishek.sharma1078@gmail.com> wrote:

Hi,

This is Abhishek , national selector for Cricket Canada
Here is the squad recommended by me:

1. Navi Dhallwal
2. Aaron Johnson
3. Harsh Traker
4. Nicolas Kirton
5. Dillon Heyliger
6. Rayyan Pathan
7. Shreyas Mowwa
8. Kaleem Sana
9. Junaid Sidiqui
10. Dilpreet Bajwa
11. Karwar Tathgur
12. Ravinderpal Singh
13. Saad Bin Jafar
14. Pargat Singh
15. Jeremy Gordon
16. Tajinder Singh

RESERVES:

17. Ammar Khalid
18. Parveen Kumar
19. Aditya Varadharajan
20. Jatinder Matharu

Thanks
Abhishek Sharma

60. He testified that after the email of April 21, 2024 “things went into a void” and “nothing happens then the team gets published.”
61. His testimony was also consistent with an email he sent to the Claimants and copied to members of the NSP and the General Manager of CC on April 28, 2024

T20I World Cup Selection

Rohan Jayasekera <rohan.jay@outlook.com>

Sun, Apr 28, 2024 at 8:17 AM

To: Ammar Khalid <mrammarkhalid@gmail.com>, "srinanthawk@yahoo.com" <srinanthawk@yahoo.com>

Cc: "sidhunavdeep1985@gmail.com" <sidhunavdeep1985@gmail.com>, "abhishek.sharma1078@gmail.com" <abhishek.sharma1078@gmail.com>, Pubudu Dassanayake <coachpubudu@cricketcanada.org>, Ingleton Liburd <ingletonliburd@cricketcanada.org>

Hello Ammar and Srimantha,

I would like to state **categorically** that I was not part of any team selection that was ever finalized. We had several meeting - including the coach, who is part of the selection committee, and nothing was ever completed & finalized. Many planned meeting were **not attended by some selectors** where the team was discussed during these phone meetings. The coach and I attended every single 'official' team selection meeting.

One selector put down a team on e mail to the selectors which included many players who were never discussed and I had emailed back that I do not wish to participate in team selection via e mail and I totally disagree with both the selection and the process.

I have no idea what was done with the E Mail team - if in fact it was sent to CC or not - as I have not been copied on any such E Mail.

As of now, as a selector, - I am not aware that any selection has been finalized - so I am not sure how you both have obtained information to indicate your not being selected.

As for deadlines - I will wait for Mr. Liburd's update.

Hope this answers your questions.

Regards,

Rohan Jayasekera

Document C2-02 Exhibit E

62. Mr. Jayasekera also testified that three players were selected for the T20I World Cup Team but were never discussed between the NSP: Ravinderpal Singh as a roster player and Aditya Varadharajan and Jatinder Matharu as reserves.
63. In cross examination, he testified that he never saw the meeting minutes until they were shown to him after the team was announced. It is not clear who ultimately showed him the minutes.
64. He did agree with CC that he had an opportunity to talk about disagreements within the NSP (via email) but did not do so at the time.

Testimony of Pubudu Dassanayake

65. Pubudu Dassanayake is the coach of the T20I World Cup Team.
66. According to the Player Selection Policy, the coach is a non-voting member of the NSP.

67. He testified that on April 18, 2024, he had discussions with all members of the NSP regarding team selection.
68. On April 19th, 2024, the NSP asked him for his recommendations for team selection via the “WhatsApp” group they had established for communication. He does not remember their being agreement on any players for selection that day.
69. On April 20, 2024, only he and Rohan Jayasekara were ready and available to meet and because they did not have all the Selectors, his belief was nothing official could have been decided.
70. He remembers disagreeing on the selection of “Tevi” but does not remember discussing “Ravi.”
71. He said that the minutes describing Abhishek Sharma as having attended a meeting on April 20th, 2024, were wrong – he did not attend.
72. In 17 years as a Coach with CC, he submitted that he has never experienced selecting a team through email and it had always been completed through conversations within the NSP.
73. Like the testimony of Rohan Jayasekera, Mr. Dassanayake stated that Ravinderpal Singh’s selection as a roster player and Aditya Varadharajan and Jatinder Matharu as reserves were never discussed with him.
74. He said he was surprised with the team selected and disappointed as well.
75. In cross examination he acknowledged that he knew his role with the NSP was as a non-voting member who could recommend players but had no role in the official selection of the team.

ANALYSIS

76. As an arbitrator I can consider only the evidence before me. The testimony of both witnesses has served to critically undermine the minutes pertaining to the NSP’s actions in selecting the roster and reserves for the T20I World Cup team.
77. When it comes to team selection, organizations must ensure that the documentation of such decisions accurately reflect the actions and opinions of the decision makers – especially where there is disagreement between final selections.
78. If the record of the minutes does not accurately reflect the times the NSP met, who was in attendance, which players were discussed, and who they ultimately selected for the team,

along with specific and adequate details on Selector disagreements, how can they be relied on by the Board of Directors in finalizing the team as they did?

79. I have determined that they cannot.
80. To do so would be unreasonably unfair to any athlete who was not selected but who may have had the potential to be – such as the Claimants in this case.
81. Navneet Sidhu and Abhishek Sharma did not testify though they were invited to by the Claimants to do so.
82. While I am tempted to draw an adverse inference because of this, it is unnecessary to do so as the Claimants' evidence credibly and coherently undermined CC's defence that the disputed decision was made in accordance with its own selection criteria as required by paragraph 6.10 of the Code.
83. While the NSP minutes profess a satisfactory participation of all members of the NSP, that was not the case. The record also inflated the amount of discussion and deliberation that took place between the Selectors. This is problematic and does not reflect the "high level of integrity and ethical standards" expected of the NSP as outlined in the Player Selection Policy (sec. 1.4).
84. That the minutes were forwarded to the Board of Directors of CC without first being reviewed by all members of the NSP is not a reasonable act. It is devoid of the "high level of integrity and ethical standards" expected of the NSP as outlined in the Player Selection Policy (sec. 1.4).
85. For at least two of the members of the NSP to be blindsided by the selection of a player to the roster and two reserves is unacceptable from a process standpoint and does not reflect the "high level of integrity and ethical standards" expected of the NSP as outlined in the Player Selection Policy (sec. 1.4).
86. Overall, I have been convinced that the player selection process was woefully inadequate at the NSP stage to the point of depriving the Claimants of a fair opportunity at being selected for the T20I world cup team.
87. One of the Claimants, Ammar Khan, asked that I appoint him to the team from the list of reserves on which he was placed. I am reluctant to do so.
88. To be able to discern the level of talent in relation to team strategy between a reserve member of a National Cricket team and a roster player would no doubt require a level of sport specific expertise which this Tribunal does not possess (and I would be reluctant to intervene in this manner, in the instant case, if I did).
89. The Claimants, having been successful in this arbitration are best served by an order directing Cricket Canada to redo the selection of this team, de novo, with the additional

safeguard of a recording secretary to document the selection process – to ensure the record of selection is accurate.

90. While I do have concerns about the attention and care paid to the selection process by certain members of the NSP, they have not amounted to bias or conflict of interest to the degree of directing their replacement at this time.
91. Additionally, all members of the NSP are required to possess an elite level of cricket expertise and to replace them would no doubt take time and erode the short period before competition that is available to correct this selection.
92. By way of Ab obiter in my Short Decision I directed the Selectors to adhere to the Player Selection Policy, specifically, the obligation to conduct their duties with a high-level integrity and ethical standards.
93. I also ordered CC to provide a recording secretary in the re-selecting of the team.
94. The selection minutes must be accurate during this process. No player should end up selected for a team that has not been discussed between all members of the NSP (there are only 4 members!).
95. While consensus should be sought where possible, agreement of the panel is not required but the specific documentation of disagreements is required to ensure consistency and fairness in player selection.
96. I expect that the meeting minutes outlining the player selection in this process to be available to any player considered for selection to the T20I Team, including the Claimants.

Decision

97. I have determined that Cricket Canada **HAS NOT** demonstrated that the selection of the T20I was made in accordance with its own selection policy (Player Selection Policy of Cricket Canada (Document # CC-POL-014)).
98. As a result, Cricket Canada **HAS NOT** discharged its onus with regards to section 6.10 of the SDRCC Code.
99. Therefore, the requests of Mr. Wijeyeratne and Mr. Khalid are **ALLOWED**.

ORDER

100. Cricket Canada is **DIRECTED** to set aside the selection of the current T20I World Cup Roster.
101. The team selection **will re-commence de novo** and **as soon as practicable** with the current membership of the National Selection Panel (NSP).
102. Should the Board of Directors of Cricket Canada decide to replace any member of the NSP prior to reselecting the T20I World Cup team as required by this decision, it can do so only where allowable by its current policies.
103. By way of Ab Obiter, I advise each member of the NSP to pay strict adherence to the Player Selection Policy of Cricket Canada (Document # CC-P0L-014), particularly to the “High level of integrity and ethical standards” expected of those in this role (Section 1.2 of its Player Selection Policy).
104. Furthermore, Cricket Canada is **DIRECTED** to appoint a recording secretary to record the selection meeting minutes as per 1.2 of its Player Selection Policy. The recording secretary shall not be a member of the NSP or the National Team Coach.
105. I retain jurisdiction over all ancillary matters to this dispute and decision.
106. Pursuant to Subsection 6.12 (c) of the Code, this decision is final and binding on all Parties.
107. Under Section 6.13 of the Code, the Panel shall determine whether there is to be any award of costs and the extent of such an award. Either Party seeking costs is to provide a written submission no later than **seven (7) days from the issuance of this decision** and the other party will be given one week to reply to a submission.

ALL BY ORDER OF THIS ARBITRATION TRIBUNAL this 17th day of May 2024 at Halifax.



David Merrigan
Arbitrator