



Introduction

- Claimant:** Meaggan-Lynn Wilton
- Respondent:** Softball Canada (SC)
- Affected Parties:** Kaila Holtz, Jackie Lance, Sheena Lawrick,  
Sasha Olson, Rachel Schill, Auburn Sigurdson
- Type of Dispute:** Selection to Olympic Games
- Arbitrator:** Tricia C.M. Smith
- Date of Decision:** July 16<sup>th</sup>, 2004



## Dispute Summary

Meggan-Lynn Wilton appealed a decision by Softball Canada which named her as an alternate to the 2004 Canadian Olympic Softball Team.





## Background Facts

Meaggan-Lynn Wilton is an elite softball player who was considered for Canada's Olympic Team competing at the 2004 Summer Olympic Games in Athens.

Based on an evaluation by the head coach, Mike Renney, Ms. Wilton was selected as an alternate. The decision was reviewed and supported by Softball Canada's National Team Committee (NTC).

In a related dispute, another softball player, Kelly Zeilstra, appealed a similar decision by Softball Canada (SC) to name her as an alternate member of the team.

In that case (see *Zeilstra v. Softball Canada*), arbitrator Tricia C.M. Smith determined that the selection process had been flawed. She ordered Softball Canada to set aside the final phase of its selection process and immediately reconvene a meeting of the full NTC to hear a presentation by Mr. Renney about his proposed team selection and the rationale for his recommendations.



Background Facts (cont'd)

With that ruling in mind, legal counsel for both Ms. Wilton and Softball Canada agreed that her selection should also be reviewed by the NTC.

The purpose for the arbitration hearing would be to decide what information should go before the NTC and how it should be presented.





## Claimant's Position



Ms. Wilton's case was based on the following arguments:

- The selection process was biased against her and the decision "grossly unreasonable"; and,
- The Olympic Team included a disproportionate number of players from Simon Fraser University where Mr. Renney was also the head coach.



## Respondent's Position

Softball Canada's case was based on the following arguments:

- Ms. Wilton's interpretation of performance statistics was misleading; and,
- The decision to designate her as an alternate was based on a thorough evaluation of her strengths and weaknesses in the context of building a strong and cohesive team.





## Arbitrator's Analysis

Arbitrator, Tricia C.M. Smith, did not find evidence of bias in the selections made by Mr. Renney, although she reiterated that the process involving the NTC had been flawed.

Ms. Smith concluded that only those matters which were most objective and which may have directly affected selection should be considered by the NTC, effectively excluding any interpersonal issues between the parties involved.





## Ruling

Consistent with the Zeilstra ruling, the arbitrator ordered Softball Canada to set aside the final phase of the team selection which named Ms. Wilton as an alternate to the 2004 Olympic Team.

Secondly, SC was ordered to immediately reconvene a meeting of the full National Team Committee, including the athlete representative, to hear a presentation by Mr. Renney of his proposed team selection and rationale for his recommendations.





## Ruling (cont'd)



Furthermore, Ms. Smith concluded that the dispute could have been avoided if SC had properly engaged the NTC.

Consequently, she ordered Softball Canada to pay Ms. Wilton's related costs up to a maximum of \$1,500.

Based on the same reasoning, SC was ordered to pay costs for each of the affected parties up to a maximum of \$500.

Lastly, Ms. Smith recommended that, following the Olympic Games, SC conduct a thorough evaluation of coaching staff and team members, including athletes who were not selected.

[Click here](#) for the full text of this **ADRsportRED** judgment.



## Lessons Learned

1. If an arbitrator concludes that a selection process is flawed, then he/she may order a review of the process instead of rendering an irreversible decision.
2. The fact that a number of athletes selected for a national team are from the same university does not necessarily indicate bias.

