



**TRI NZ HIGH PERFORMANCE**  
**2019 Aquathon WORLD CHAMPIONSHIPS**  
**SELECTION POLICY**

## **1. Introduction**

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- 1.1. **Scope:** This Selection Policy explains how Tri NZ will select Athletes (“the Team”) for the elite races at the 2019 Aquathon World Championships (“the Event”).
- 1.2. **Aim:** The primary aim of Tri NZ in selecting the Team is for athletes to be competitive on the world stage.
- 1.3. **Application:** This Selection Policy is issued by the Tri NZ Elite Selection Commission (“the Selectors”) and takes effect from 1<sup>st</sup> January 2019. This Selection Policy applies to:
- (a) all Athletes wishing to be considered for selection to the Event; and
  - (b) the Selectors, in undertaking their role and responsibilities in considering selections to the Team.
- 1.4. **Steps:** Consideration to represent Tri NZ in elite competition is a three-step process:
- (a) **Step 1 – Eligibility:** Eligibility of the Athlete to be considered for selection to represent Tri NZ;
  - (b) **Step 2 – Selection:** Selection by Tri NZ to the Team; and
  - (c) **Step 3 – Agreement:** Acceptance by the Athlete of the Team Agreement.
- 1.5. **Status:** This Selection Policy overrides all other correspondence, discussions, and representations (whether written or oral) by Tri NZ regarding selection to the Team. This Selection Policy forms part of the Team Agreement.
- 1.6. **Definitions:** Clause 12 of this Policy sets out the meaning of certain words used in this Policy.

## **2. Qualification of Quota Places**

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- 2.1. **Qualification Criteria:** New Zealand will be allocated quota places in the Event in accordance with the ITU Rules. The securing of a quota place in the Event by

an Athlete (whether or not they are an Eligible Athlete) does not guarantee that the Athlete will be selected to compete in the Event.

- 2.2. **Number of Quota Places:** Regardless of the number of quota places allocated, Tri NZ is not obliged to select the maximum number of Athletes permitted under the ITU Rules to fill the quota places available.
- 2.3. **Reserves:** At the time of selection, Tri NZ may or may not consider the selection of reserves for the team.

### **3. Step One – Eligibility for Selection**

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3.1. **Eligibility:** The Selectors may only consider an Athlete for selection who is an Eligible Athlete as at the Selection Date. An Athlete will only be an Eligible Athlete if the Athlete:

- (a) is a member of Good Standing of Tri NZ; and
- (b) meets the eligibility requirements of the ITU Rules for the Event; and
- (c) meets the criteria for elite/pro endorsement as set out in the Tri NZ HP Elite/Pro Endorsement Policy; and
- (d) has demonstrated to the satisfaction of the Selectors they are not suffering any physical or mental impairment that would prevent them from competing in the Event to the best of their ability; and
- (e) has in the view of the Selectors not acted in such a manner so as to bring the Athlete, the sport, Tri NZ or the ITU into public disrepute; and
- (f) to Tri NZ's knowledge, has not used or administered any substance which, if it had been detected as being present in the Athlete's body tissue or fluids, would have constituted doping, or used any prohibited method or committed any other doping offence as defined in Tri NZ's, ITU's or WADA's regulations.

3.2. **No Selection:** If an Athlete does not meet all of the eligibility requirements specified in clause 3.1 by the Selection Date, the Athlete cannot be considered by Tri NZ for selection to the Team, unless there are exceptional reasons agreed by the Selectors.

### **4. Step 2 - Selection by Tri NZ**

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4.1. **Application:** Athletes wishing to be considered for selection should apply in writing by the Selection Date to the High Performance Operations Manager Maree Kaati [hpadmin@triathlon.kiwi](mailto:hpadmin@triathlon.kiwi) and provide confirmation of their eligibility (Clause 3.1: Tri NZ Membership Number and passport photo page), and evidence of meeting the Selection Criteria (Clause 5.2).

- 4.2. **Selection:** Tri NZ will decide if it will select Athletes to the Team, and if it does, it will do so by the Selection Date.
- 4.3. **Selection Date:** The Selection Date is as follows
- (a) 28<sup>th</sup> February 2019
- 4.4. **Selectors:** The Selectors shall decide on the Athletes to be selected in accordance with the process set out in the Selectors' Terms of Reference.
- 4.5. **Selection Criteria and Factors:** In deciding on the Athletes to select, the Selectors, must:
- (a) apply the Selection Criteria in clause 5;
- (b) consider any Extenuating Circumstances in accordance with clause 6;
- (c) consider any Other Factors in accordance with clause 7; and
- (d) in all other respects, comply with this Selection Policy.

## 5. Selection Criteria

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- 5.1. For each of the men's and women's Junior/U23/Elite Teams, Selectors will consider athletes who have demonstrated performances to be competitive in the Event.
- 5.2. Evidence for being competitive in the Event will be taken as performances in elite/pro duathlon and/or triathlon finishing within 4% (male) and 4% (female) of the overall winner in relevant men's or women's Junior/U23/Elite races between the 2018 **Aquathon** World Championships and the Selection Date.
- 5.3. If at either selection date there are more applications from Athletes who meet the criteria than quota places available, selection will be decided by the Selectors having regard to one or more of the following factors:
- (a) Comparative performances at relevant events;
- (b) any other information the Selectors consider relevant.

## 6. Extenuating Circumstances

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- 6.1. **Application:** The Selectors may, in their sole discretion, consider and place weight upon any Extenuating Circumstances when considering an Athlete for selection under this Selection Policy.
- 6.2. **Notification:** An Athlete who wishes the Selectors to take Extenuating Circumstances into account in considering that Athlete's potential selection, must

advise the Chair of Selectors of the specific Extenuating Circumstances in writing, with as much advance notice as possible, and:

- 6.3. **Where no Notification:** If the Chair of Selectors is not notified of any Extenuating Circumstances in accordance with clause 6.2, then the Selectors may choose not to consider such circumstances.
- 6.4. **Injury/Illness:** If the Extenuating Circumstances are injury or illness, Athletes may be required by the Selectors to provide a medical certificate and/or to undergo an examination by a health practitioner(s) nominated by the Selectors, and to provide that opinion and/or report to the Selectors. Any failure to agree to such a request may result in the Selectors being unable to consider the injury or illness as an Extenuating Circumstance.
- 6.5. **Verification:** If the Extenuating Circumstances are circumstances other than injury or illness, the Selectors may request evidence to verify the existence and details of the Extenuating Circumstances.

## **7. Other Factors**

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- 7.1. **Demonstration:** In considering any Athlete for selection, the Selectors must, in their sole discretion, be satisfied that each Athlete has demonstrated:
  - (a) the commitment to maintain an appropriate level of fitness, training and competition to compete in the Event to the best of their ability; and
  - (b) the values that promote Tri NZ in a positive manner.
- 7.2. **Opportunity to be Heard:** If the Selectors consider that an Athlete, who they are considering for selection, has not or may not have demonstrated the requirements in clause 7.1, the Selectors shall, prior to any selection:
  - (a) inform the Athlete of the specific requirement in clause 7.1 which the Selectors consider has or may not have been demonstrated;
  - (b) give the Athlete an opportunity to respond, including an opportunity to provide evidence demonstrating they have satisfied the requirements.
- 7.3. **Actions:** If, having received and considered the Athlete's response in accordance with clause 7.2(b), the Selectors consider the specific requirement has not, in their discretion, been met or a satisfactory response given, the Selectors may decide not to select that Athlete;

## **8. Step 3 - Process & Agreement of Selection**

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- 8.1. **Notification:** All Eligible Athletes who have applied for selection will be informed by Tri NZ whether or not they have been selected to the Team.
- 8.2. **Requirements:** Every Selected Athlete must:
- (a) return a completed Athlete Agreement to the Tri NZ within 7 days of being notified of their selection;
  - (b) immediately inform the Tri NZ and the Tri NZ HP Chief Medical Officer of any illness or injury that could impact on the Athlete's capability to compete to the best of their ability, on the understanding that the Tri NZ Chief Medical Officer will inform the Selectors of any fitness concern while upholding confidentiality; and
  - (c) comply with their obligations to Tri NZ.
- 8.3. **Conditions:** Tri NZ may select an Athlete, subject to conditions. For example, conditions of selection may include those noted below or any other conditions specified by the Selectors:
- (a) recovery from injury to the satisfaction of the Selectors, after consultation with Tri NZ, by a specified date;
  - (b) qualification of a quota place for the Event under the ITU Rules system by a specified date; and/or
  - (c) meeting a specified performance or testing requirement.
- 8.4. **Satisfying Conditions:** If selection of an Athlete is conditional, the specified conditions must be met to the satisfaction of the Selectors before that Athlete's selection is made unconditional. If they are not met, then the Athlete will immediately cease to be a Selected Athlete.
- 8.5. **Replacement Athlete:** If prior to the Event a Selected Athlete becomes ineligible or otherwise unavailable to race at the Event or a Selected Athlete does not satisfy a requirement of their selection (under clause 8.3), the Selectors may, in their sole discretion, select another Athlete to take the place of the Selected Athlete in accordance with this Policy and Selection Criteria.
- 8.6. **Announcement of the NZ Team:** Tri NZ shall, within reasonable time of the Selection Date, publicly announce the Team.

## **9. Appeals**

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- 9.1. **Non-Selection Appeal:** An Athlete may appeal to Tri NZ against their non-selection in accordance with the Tri NZ Selection Appeals Policy.

## 10. Inconsistencies

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- 10.1. **Inconsistency:** In the event there is any inconsistency between this Selection Policy and any other policy or agreement, this Policy shall prevail.
- 10.2. **Higher Standard:** If this Selection Policy imposes a higher qualification standard or a lesser number of participants than stated by the rules of the Event, this shall not be regarded as an inconsistency.

## 11. Amendments to this Selection Policy

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- 11.1. **Amendment:** This Selection Policy may be amended from time to time by the Tri NZ Elite Selection Commission, provided the prior approval of the Tri NZ Board has been obtained.
- 11.2. **Notice:** Tri NZ will give as much notice as possible of any amendment to this Selection Policy to persons it considers may be affected by any such amendment.

## 12. Definitions

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In this Selection Policy the following definitions apply:

- 12.1. **Athlete** means a person seeking selection in the Event Team, and other than in clauses 1.3(a), 2 and 3, means an Eligible Athlete, unless stated otherwise.
- 12.2. **Athlete Agreement** means the agreement that must be completed by any Selected Athlete wishing to take their place on the Team.
- 12.3. **DFSNZ** means Drug Free Sport New Zealand.
- 12.4. **Eligible Athlete** means an Athlete who meets the eligibility requirements in clause 3, unless specified otherwise.
- 12.5. **Event** means the elite races at the 2019 Aquathon World Championships, unless specified otherwise.
- 12.6. **Extenuating Circumstances** means the inability of an Athlete to compete or perform to an optimum level due to factors which occur to them (during a race, event, in testing or at any other time) including, but not limited to, the following:
- (a) Injury or illness;
  - (b) Travel delays;
  - (c) Equipment failure;
  - (d) Bereavement or personal misfortune; and/or

- (e) Any other factors reasonably considered by the Selectors to constitute extenuating circumstances.
- 12.7. **Good Standing** means the Athlete must be a current registered member of Tri NZ and/or of a club affiliated to Tri NZ, and not be subject to any sanction or disciplinary action from Tri NZ or their club.
- 12.8. **ITU** means the International Triathlon Union being the international federation of Tri NZ.
- 12.9. **Selected Athlete** means the Athletes which Tri NZ selects, including those selected subject to any conditions.
- 12.10. **Selection Date(s)** means the applicable date specified in clause **Error! Reference source not found.** on which Tri NZ will select athletes.
- 12.11. **Selectors** means the members of the Tri NZ Elite Selection Commission appointed by the Tri NZ Board in accordance with Selectors' Terms of Reference. The names of each of the Selectors are on the Tri NZ website.
- 12.12. **Selectors' Terms of Reference** means the terms of reference of the Tri NZ Elite Selection Commission dated December 2018, and as amended by the Tri NZ Board.
- 12.13. **Tri NZ** means Triathlon New Zealand Incorporated.
- 12.14. **Tri NZ Selection Appeals Policy** means the selection appeals policy attached as Schedule 1.
- 12.15. **Tri NZ Board** means the Board of directors of Tri NZ.
- 12.16. **WADA Code** means the World Anti-Doping Code published by the World Anti-Doping Agency.

## **SCHEDULE 1**



### **Elite Teams**

### **Selection / Non Selection Appeals Policy**

This Selection/Non Selection Appeals Policy (Policy) sets out the procedures that must be followed for any appeal against a decision by the Tri NZ Elite Selection Commission regarding an Athlete's Selection or non-Selection to a Triathlon New Zealand Elite Team, High Performance Squad or similar high performance selection.

This Policy is adopted by the Tri NZ Board on 21 June 2015.

Any Athlete who is eligible for consideration under the specific terms of a Selection Policy may appeal against their Selection or non-Selection in accordance with the procedures set out below:

1. A Selection Appeal may be made on any one or more of the following grounds:
  - 1.1. The applicable Selection Policy was not properly followed and/or implemented;
  - 1.2. The Athlete was not afforded a reasonable opportunity to satisfy the applicable Selection Policy;
  - 1.3. The Selection decision was affected by bias;
  - 1.4. There was no material on which the Selection decision could be reasonably based, or the Selection decision could not be reasonably based on the material available.
2. The procedure for a Selection Appeal shall then be as follows:
  - 2.1. An Athlete wishing to appeal must give written notice of appeal ("Notice of Appeal") to the Chief Executive of Tri NZ within 48 hours of being notified of the Elite Selection Commission's decision, stating:
    - 2.1.1. Full name and contact details;
    - 2.1.2. Tri NZ membership (TRIBE) number;
    - 2.1.3. The Selection or non-Selection they are appealing against;
    - 2.1.4. The grounds of Selection Appeal, with reference to those listed in clause 1, above;
    - 2.1.5. A brief explanation of their case on those grounds and of how they meet the Selection Policy (further evidence to be called during the procedure below).



- 2.1.6. The Notice of Appeal must be accompanied by a deposit of \$100 which is to be paid into a nominated Tri NZ bank account, fully refundable if the Selection Appeal is successful.
  - 2.2. Within 48 hours of receipt of Notice of Appeal, the Chief Executive shall:
    - 2.2.1. Acknowledge receipt of the Selection Appeal with the Athlete;
    - 2.2.2. Advise the Elite Selection Commission that a Selection Appeal has been received;
    - 2.2.3. Make arrangements for the Tri NZ Ombudsman to process and hear the Appeal.
3. The role and powers of the Tri NZ Ombudsman are as follows:
  - 3.1. The Tri NZ Ombudsman is tasked with examining whether the Elite Selection Commission correctly applied the Selection Policy in relation to the grounds of Selection Appeal. Hence, they will:
    - 3.1.1. Review the Selection process in person, by telephone or by videotelephony as soon as possible and in any event no later than 10 days after the date the Notice of Appeal is received by the Chief Executive; and
    - 3.1.2. Conduct any hearing on a confidential and without prejudice basis - in particular, the content of any matters discussed during such hearing may not be used by either party in respect of any further selection/Selection matters; and
    - 3.1.3. Hear the views and position of both the Athlete and the Elite Selection Commission prior to making a decision.
    - 3.1.4. The Athlete and the Elite Selection Commission may elect to have legal or other representation for the purposes of any hearing. The parties may call such evidence as they think fit.
    - 3.1.5. The Ombudsman will be provided with the support of a Tri NZ Executive to assist with administration, independent of any member of the Elite Selection Commission.
  - 3.2. Following review of Selection Appeal, the Tri NZ Ombudsman may:
    - 3.2.1. Make recommendation to the Tri NZ Board for changes it may wish to consider to the decision of the Elite Selection Commission, within the broader context of governing rules and claims of other athletes; or
    - 3.2.2. Refer the case back to the Elite Selection Commission for reconsideration on the grounds of fresh evidence which could have materially affected the decision making of the Elite Selection Commission; or
    - 3.2.3. Dismiss the Selection Appeal.

- 3.3. Following the Tri NZ Ombudsman's review:
- 3.3.1. The Tri NZ Board will adopt as the outcome of the Selection Appeal the Ombudsman's decision, as described in clause 3.2, above.
  - 3.3.2. In the event that the Athlete wishes to have the decision of the Tri NZ Ombudsman reviewed then the Athlete must file an Application for Appeal with the Sports Tribunal of New Zealand (Sports Tribunal) and serve a copy of such Application for Selection Appeal upon the Chief Executive of Tri NZ within 5 days of the date of being notified of the Tri NZ Ombudsman's decision. A copy of such Application for Selection Appeal to the Sports Tribunal shall at the same time be served upon the Secretary General of the NZOC.
  - 3.3.3. Such Selection Appeals shall be determined by the Sports Tribunal in accordance with its Rules.
  - 3.3.4. Any party to any decision of the Sports Tribunal under this Policy may appeal such decision to the Court of Arbitration of Sport (CAS) in accordance with its rules.
  - 3.3.5. The decision of CAS will be final and binding on the parties.
  - 3.3.6. No party to a Selection Appeal may institute or maintain proceedings in any Court or Tribunal other than as specified in this Agreement.