



TRI NZ HIGH PERFORMANCE 2019 ELITE MIXED TEAM RELAY SELECTION POLICY

1. Introduction

- 1.1. **Scope:** This selection policy (the “**Selection Policy**”) explains how Tri NZ will select Athletes to compete in MR Events (“MR Teams”).
- 1.2. **Aim:** The aims of Tri NZ in selecting the MR Teams is:
 - (a) To ensure performances at MR Events to achieve the criteria for Tokyo 2020 qualification; and
 - (b) challenge for top 8 performances at MR Events including the Tokyo 2020 Olympics.
- 1.3. **Application:** This Selection Policy is issued by the Tri NZ Board with effect from 1 April 2019. This Selection Policy applies to:
 - (a) all Athletes who wish to be considered for selection to MR Teams; and
 - (b) Tri NZ, the Selectors and the Selection Advisors, in undertaking their role and responsibilities in considering selections to MR Teams.
- 1.4. **Status:** This Selection Policy overrides all other correspondence, discussions, and representations (whether written or oral) by Tri NZ, the Selectors or the Selection Advisors regarding selection to MR Teams.
- 1.5. **Definitions:** Clause 6 of this Selection Policy sets out the meaning of certain words used in this Selection Policy.
- 1.6. **Period of Selection Policy:** This Selection Policy will apply for the period starting on 1 April 2019 and ending on the date that is notified by Tri NZ.

2. Process of Selection to a MR Team

- 2.1. **Process of Selection to a MR Team:** The Selectors will determine who is selected to participate in any MR Team. For the avoidance of doubt, Tri NZ is not obliged to select any Reserves in relation to any MR Team and is not obliged to enter an MR Team into any particular Event. Consideration to represent New Zealand in a MR Team is a three-step process:
- (a) **Step 1 - Eligibility:** All Athletes wishing to be considered for selection to a MR Team must meet the eligibility requirements set out in Schedule 1 on the Relevant Selection Date;
 - (b) **Step 2 - Selection to MR Team:** The selection to each MR Team will be made from the pool of Eligible Athletes at the Relevant Selection Date in accordance with the criteria set out in Schedule 2.
 - (c) **Step 3 – Selection to Start in the MR Team:** If required, the final decision as to which members of the MR Team will start at the relevant Event will be made by the Selection Advisors in accordance with the criteria set out in Schedule 2 at their discretion (following the steps outlined in Schedule 4).
- 2.2. **Eligibility, Selection Criteria and Factors:** In deciding on the Athletes to select to a MR Team, the Selectors, must:
- (a) confirm the Athletes meet the eligibility criteria in Schedule 1;
 - (b) apply the selection criteria in Schedule 2;
 - (c) consider any Extenuating Circumstances in accordance with clause 3;
 - (d) consider any Other Factors in accordance with clause 4; and
 - (e) in all other respects, comply with this Selection Policy.
- 2.3. **Notification:** All Athletes who have been selected to join a MR Team will be informed by the Tri NZ Chair of Selection, or if that person is unavailable, by the Tri NZ CEO.

- 2.4. **Satisfying Conditions:** If selection of an Athlete to a MR Team 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 member of the MR Team.
- 2.5. **Requirements:** Every selected athlete must:
- (a) maintain an appropriate level of fitness, training and competition as determined by Tri NZ in order to achieve the primary and secondary aims of this Nomination Policy (as set out in clause 1.2);
 - (b) keep the Selectors appraised of their fitness via Tri NZ. Ordinarily this will include race results and/or training data provided on a monthly basis;
 - (c) inform Tri NZ 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 Tri NZ will inform the Selectors of any fitness concern while upholding confidentiality; and
 - (d) comply with their obligations to Tri NZ.
- 2.6. **Replacement Athlete:** If prior to the start of a MR Event, a Selected Athlete does not satisfy a requirement of their selection, the Selectors may, in their sole discretion, select another Athlete in accordance with this Selection Criteria.

3. Extenuating Circumstances

- 3.1. **Application:** The Relevant Decision Makers may, in their sole discretion, consider and place weight upon any Extenuating Circumstances when considering an Athlete for selection to a MR Team under this Selection Policy.
- 3.2. **Notification:** An Athlete who wishes the Relevant Decision Makers 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 when submitting MR HP Nomination Form.
- 3.3. **Where no Notification:** If the Chair of Selectors is not notified of any Extenuating Circumstances in accordance with clause 3.2, then the Relevant Decision Makers may choose not to consider such circumstances.
- 3.4. **Injury/Illness:** If the Extenuating Circumstances are injury or illness, Athletes may be required by the Relevant Decision Makers to provide a medical certificate and/or to undergo an examination by a health practitioner(s) nominated by the Relevant Decision Makers and to provide that opinion and/or report to the Relevant Decision Makers. Any failure to agree to such a request may result in the Relevant Decision Makers being unable to consider the injury or illness as an Extenuating Circumstance.
- 3.5. **Verification:** If the Extenuating Circumstances are circumstances other than injury or illness, the Relevant Decision Makers may request evidence to verify the existence and details of the Extenuating Circumstances.

4. Other Factors

- 4.1. **Demonstration:** In considering any Athlete for selection to a MR Team, the Relevant Decision Makers must, in their sole discretion, be satisfied that each Athlete has demonstrated MR Commitment.
- 4.2. **Opportunity to be Heard:** If the Relevant Decision Makers consider that an Athlete, who they are considering for selection to a MR Team, has not or may not have demonstrated the requirements in clause 4.1, the Relevant Decision Makers shall, prior to any selection:
 - (a) inform the Athlete of the specific requirement in clause 4.1 which the Relevant Decision Makers consider has not 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.
- 4.3. **Actions:** If, having received and considered the Athlete's response in clause 4.2(b), the Relevant Decision Makers consider the specific requirement has not, in their discretion, been met or a satisfactory response given, the Relevant Decision Makers may:
 - (a) decide not to select that Athlete;
 - (b) require the Athlete to take specific steps to satisfy the requirements before the Relevant Selection Date;
 - (c) select the Athlete but with conditions relating to that requirement; or,
 - (d) select the Athlete.

5. Other Terms

- 5.1. **MR Team Appeal:** An Athlete may appeal to Tri NZ against their non-selection to a MR Team in accordance with the Tri NZ Selection Appeals Policy.
- 5.2. **Final decision as to members of a MR Team who will race:** The Selection Advisors' decision in relation to which members of a MR Team will compete will be final with no right from any Athlete or coach to appeal.
- 5.3. **Inconsistency:** In the event there is any inconsistency between this Selection Policy and any other policy or agreement, this Selection Policy shall prevail.
- 5.4. **Higher Standard:** If this Selection Policy imposes a higher qualification standard or a lesser number of participants than stated by the rules of any Event, this shall not be regarded as an inconsistency.
- 5.5. **Amendment:** This Selection Policy may be amended from time to time by the Selectors, provided the prior approval of the Tri NZ Board has been obtained.
- 5.6. **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.

6. Definitions

In this Selection Policy the following definitions apply:

- 6.1. **2019 Season** means MR events starting in April 2019 and ending in March 2020 to incorporate any Oceania Continental events.
- 6.2. **Athlete** means a person seeking selection to a MR Team.
- 6.3. **Data** means any relevant data concerning an Athlete or his or her performance (in whatever format) that may be provided to the Selectors for their consideration.
- 6.4. **DFSNZ** means Drug Free Sport New Zealand.
- 6.5. **Eligible Athlete** means an Athlete who meets the eligibility requirements in Schedule 1 unless specified otherwise.
- 6.6. **Event** means any MR event in which Tri NZ fields an elite team during the period of this Selection Policy.
- 6.7. **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.
- 6.8. **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.
- 6.9. **High Performance Programme** - Carded athletes within Tri NZ's Elite programme.
- 6.10. **ITU** means the International Triathlon Union being the international federation of Tri NZ.
- 6.11. **MR** means Mixed Team Relay.
- 6.12. **MR Commitment** means that the Athlete has confirmed that:
 - (a) his or her commitment to Tri NZ to participate in the MR Team if selected to do so; and
 - (b) that he or she will use all reasonable endeavours to make himself or herself available

for one or more of the MR Trial Days.

- 6.13. **MR Trial Day** means the testing and skills day that was held at Kinlock on 9th February 2019 and such other trial days as Tri NZ may designate (by giving no less that 3 months' notice) where athlete were and will be tested against pre-communicated criteria and data collected, in a standardized format (please note that Tri NZ reserves the right to change the date and/or location of an MR Trial Day provided that no less that 6 weeks' notice is provided to Athletes).
- 6.14. **MR HP Nomination Form** means the nomination form set by Tri NZ.

- 6.15. **MR Team/s** has the meaning given to it in clause 1.1.
- 6.16. **Relevant Decision Maker** means:
- (a) the Selectors in relation to a MR Team; and
 - (b) the Selection Advisors in relation to the selection to race at a relevant event.
- 6.17. **Relevant Selection Date** means such dates as noted in Schedule 5.
- 6.18. **Reserve** means an athlete that is selected for a Team as a reserve Athlete.
- 6.19. **Selected Athlete** means the Athletes which Tri NZ selects to join a Team, including any Reserves and those selected subject to any conditions.
- 6.20. **Selection Policy** has the meaning given to it in clause 1.1.
- 6.21. **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 current Selectors are on the Tri NZ website.
- 6.22. **Selection Advisors** means two members of the Elite Selection Commission or any such other people or person as nominated by the Tri NZ Board from time to time. The names of each of the current Selection Advisors are on the Tri NZ website.
- 6.23. **Triathlon Official(s)** means any person appointed by the Tri NZ CEO to be the nominated delegate(s) at a MR race.
- 6.24. **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.
- 6.25. **Team** means any MR Team.
- 6.26. **Tri NZ** means Triathlon New Zealand Incorporated.
- 6.27. **Tri NZ CEO** means the chief executive of Tri NZ from time to time, and in the event that there is no chief executive, any member of the Tri NZ Board.
- 6.28. **Tri NZ Chair of Selection** is the chair person, from time to time, of the Selectors.
- 6.29. **Tri NZ Selection Appeals Policy** means the Selection Appeals Policy set out in Schedule 3.
- 6.30. **Tri NZ Board** means the Board of directors of Tri NZ.

SCHEDULE 1

Eligibility for Selection to a Team

1. **Eligibility:** An Athlete will only be an Eligible Athlete if, on the Relevant Selection Date, the Athlete:
 - (a) has provided their name and contact details to the DFSNZ for the purposes of out of competition drug testing by DFSNZ; and
 - (b) is a member of Good Standing of Tri NZ; and
 - (c) in the case of any Event, meets the eligibility requirements (including, if relevant the ITU Rules) for that Event;
 - (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 or the Selection Advisors (as the case may be) 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.
 - (g) Has submitted the MR HP Nomination Form as detailed in Schedule 5 prior to the MR Event.

2. **No Selection:** If an Athlete does not meet all of the eligibility requirements specified in clause 1 by the Relevant Selection Date, the Athlete cannot be considered by Tri NZ for selection to the Team, unless there are exceptional reasons agreed by the Relevant Decision Makers.

SCHEDULE 2

MR Team Selection Criteria – in no particular order

1. That Athlete's individual contribution to race results from any MR ITU Races that he or she has participated in.
2. That Athletes race results from World Cups, WTS events and Continental Cup events, including performances at any other relevant international Triathlon events.
3. Any Data provided in relation to the Athlete with a priority given to data obtained at the MR Trial/Testing Days.
4. MR Commitment.
5. Provision of Data: Data to support an application may be provided by each Eligible Athlete and his or her coach directly to the Selectors as well as by Tri NZ. In addition, the Selectors may request any Athlete or Tri NZ to provide Data to assist with its consideration of that Athlete. All Data must be provided on or before the date the MR HP Nomination Form is due, or it cannot be considered by the Selectors (with the exception of any Data that is provided to the Selectors at their request after that date). The CEO must ensure that a copy of any Data provided by Tri NZ to the selectors is also provided to that Athlete.
6. An Athlete's attendance, attitude, contribution to the Tri NZ High Performance Program and conduct at past competitions, training sessions, training camps, trials and other events.
7. If relevant, an Athlete's health, well-being and recovery from having competed in the individual race.
8. Any other information the Selectors consider relevant.

SCHEDULE 3



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 Selectors regarding an Athlete's Selection or non-Selection to a MR Team.

Any Athlete who is eligible for consideration under the specific terms of the 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:
 - (a) The Selection Policy was not properly followed and/or implemented;
 - (b) The Athlete was not afforded a reasonable opportunity to satisfy the Selection Policy;
 - (c) The Selection decision was affected by bias;
 - (d) 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:
 - (a) An Athlete wishing to appeal must give written notice of appeal ("Notice of Appeal") to the Tri NZ CEO within 48 hours of being notified of the Selectors' decision, stating:
 - (i) Full name and contact details;

- (ii) Tri NZ membership (TRIBE) number;
- (iii) The Selection or non-Selection they are appealing against;

- (iv) The grounds of Selection Appeal, with reference to those listed in clause 1, above;
 - (v) 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).
- (b) 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.
- (c) Within 48 hours of receipt of Notice of Appeal, the Tri NZ CEO shall:
- (i) Acknowledge receipt of the Selection Appeal with the Athlete;
 - (ii) Advise the Selectors' that a Selection Appeal has been received;
 - (iii) 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:

- (a) The Tri NZ Ombudsman is tasked with examining whether the Selectors' correctly applied the Selection Policy in relation to the grounds of Selection Appeal. Hence, they will:
- (i) 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 Tri NZ CEO; and
 - (ii) 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
 - (iii) Hear the views and position of both the Athlete and the Selectors prior to making a decision.
- (b) The Athlete and the Selectors may elect to have legal or other representation for the purposes of any hearing. The parties may call such evidence as they think fit.
- (c) The Ombudsman will be provided with the support of a Tri NZ Executive to assist with administration, independent of any of the Selectors.

4. Following review of Selection Appeal, the Tri NZ Ombudsman may:

- (a) Make recommendation to the Tri NZ Board for changes it may wish to consider to the decision of the Selectors, within the broader context of governing rules and claims of other athletes; or

- (b) Refer the case back to the Selectors for reconsideration on the grounds of fresh evidence which could have materially affected the decision making of the Selectors; or
- (c) Dismiss the Selection Appeal.

5. Following the Tri NZ Ombudsman's review:

- (a) The Tri NZ Board will adopt as the outcome of the Selection Appeal the Ombudsman's decision, as described in clause 3.2, above.
- (b) 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 Tri NZ CEO 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.
- (c) Such Selection Appeals shall be determined by the Sports Tribunal in accordance with its Rules.
- (d) 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.
- (e) The decision of CAS will be final and binding on the parties.
- (f) No party to a Selection Appeal may institute or maintain proceedings in any Court or Tribunal other than as specified in this Agreement.

SCHEDULE 4

Selection to Race Process

- (a) As soon as practical following the completion of the individual race (where there is an individual race attached to the MR Event), the members of the MR Team (of up to 6 athletes) will be notified by the Triathlon NZ Official(s) which members have been selected to race. Where there is no individual race attached to the MR Event then the members who have been selected to race will be notified as soon as practical before the start of the MR Event.
- (b) The selection of the MR Team to compete will be made by the Selection Advisors in accordance with the criteria in Schedule 2 at their sole discretion.
- (c) The order the members of the MR Team will race will be decided by the Tri NZ Official(s) following consultation with the members of the MR Team who have been selected to race.
- (d) In the event of exceptional circumstances (such circumstances to be at the sole discretion of the Triathlon NZ Official(s) the members of the MR Team who have been selected to race may be changed, including the order the athlete's race in up until 2 hours prior to race start at the discretion of the Tri NZ Official(s).
- (e) Once the members of the MR Team have been notified of the members who have been selected to race, the decision is final, and no appeal can be made.

SCHEDULE 5

| MTR Nomination & Selection dates 2019 (as at 1st April 2019 – subject to change with notification) | | | |
|---|------------------------|---|-------------------------|
| Event | Event Date | Date MR HP Nomination Form is to be completed by: Email Nomination Form to hpadmin@triathlon.kiwi by 5pm NZT | Selection Dates: |
| Nottingham WTS MTR | 15 June 2019 | 20 April 2019 | 6 May 2019 |
| Hamburg WTS MTR | 7 July 2019 | 12 May 2019 | 27 May 2019 |
| Edmonton WTS MTR | 21 July 2019 | 26 May 2019 | 17 June 2019 |
| Tokyo WTS MTR | 18 August 2019 | 23 June 2019 | 8 July 2019 |
| *Lausanne WTS U23 MTR | 1 September 2019 (TBC) | 8 July 2019 | 22 July 2019 |
| Oceania Race MTR race (2020) | TBC | | |
| 2020 ITU Mixed Relay Olympic Qualification Event | TBC | | |

*Only NZ Elite U19/U23 athletes selected to compete in the individual race at the world championships are eligible for the Lausanne WTS U23 MTR event. Event date TBC.