



TRIATHLON NEW ZEALAND

2020 TOKYO OLYMPIC GAMES NOMINATION POLICY

1. Introduction

- 1.1. **Scope:** This Nomination Policy explains how Tri NZ will nominate Athletes to the NZOC for selection to the Games Team. This Nomination Policy supersedes the 2018 Nomination Policy.
- 1.2. **Aim:** The primary aim of Tri NZ in nominating Athletes for the Games Team is to win one or more medals. The secondary aim is to achieve top 8 placings at the Games.
- 1.3. **Application:** This Nomination Policy is issued by the Board of Tri NZ and takes effect from 17 February 2021. This Nomination Policy applies to:
- (a) all Eligible Athletes wishing to be considered for nomination and selection to the Games Team; and
 - (b) the Selectors, in undertaking their role and responsibilities in considering nominations to the NZOC for the Games Team.
- 1.4. **Steps:** Consideration to represent New Zealand in the Individual Events and the MR at the Games is a four-step process:
- (a) **Step 1 – Application/Eligibility:** Application by the Athlete to Tri NZ to be considered for nomination to the NZOC;
 - (b) **Step 2 – Nomination:** Nomination by Tri NZ to the NZOC for the Games Team;
 - (c) **Step 3 – Selection to Games Team:** Selection by the NZOC to the Games Team; and
 - (d) **Step 4 – Selection to Start in the MR Team:** If required (because there are more than 4 Selected Athletes), selection by the Selectors to the MR Team.
- Note that nomination and/or selection by Tri NZ or the NZOC pursuant to Steps 2 and 3 may be made conditional in accordance with clause 4.3
- 1.5. **Status:** This Nomination Policy overrides all other correspondence, discussions, and representations (whether written or oral) by Tri NZ regarding nomination or selection to attend the Games (including the 2018 Nomination Policy). This

Nomination Policy should be read in conjunction with the NZOC Selection Policy and NZOC Nomination and Selection Regulation.

- 1.6. **Reserves:** On the Nomination Date, Tri NZ may nominate Athletes as Reserves for Individual Events and/or MR Events in the event a Selected Athlete is unavailable to attend the Games through injury or otherwise.
- 1.7. **Definitions:** Clause 13 of this Policy sets out the meaning of certain words used in this Policy.

2. Qualification of Quota Places

- 2.1. **Qualification:** New Zealand must qualify quota places in the Event in accordance with the World Triathlon Qualification System. Please note that:
 - (a) Quota places will be allocated to the NZOC as a result of New Zealand Athletes' performances over the relevant period; and
 - (b) Qualification of a quota place for New Zealand in the MR or an Individual Event, in accordance with the World Triathlon Qualification System, by an Athlete (or group of Athletes) does not guarantee that Athlete (or group of Athletes), will be nominated or selected to compete at the Games.
- 2.2. **Composition of Games Team:** Subject to quota places being available AND in accordance with the World Triathlon Qualification System:
 - (a) All Athletes successfully selected to the Games Team must take part in an Individual Event.
 - (b) If only 4 Athletes are successfully selected for the Games Team, all Athletes must take part in the MR.
 - (c) If more than 4 Athletes are successfully selected to the Games Team, the MR Team will be selected by the Selectors in accordance with this Nomination Policy.
 - (d) In the event there are less than 4 Athletes successfully selected to the Games Team, there will be no Athletes nominated and/or selected to the MR Team.

3. Step One – Application and Eligibility for Nomination

- 3.1. **Eligibility:** The Selectors may only consider an Athlete for nomination who is an Eligible Athlete as at the Nomination Date. An Athlete will only be an Eligible Athlete if the Athlete:
 - (a) has demonstrated MR Commitment;
 - (b) is a member of Good Standing of Tri NZ; and

- (c) has fully completed the application requirements set out in clause 3.2 of this Nomination Policy; and
- (d) has demonstrated to the satisfaction of the Selectors that he or she is not suffering any physical or mental impairment that would prevent him or her from competing in the Games to the best of his or her 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 NZOC 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 the WADA Code, Tri NZ's, World Triathlon's or NZOC's Integrity Regulation (a copy of which is available at <http://www.olympic.org.nz/assets/Uploads/Integrity-Regulation-2017.pdf>); and
- (g) from 23 January 2021 (or such extended date as agreed by the NZOC Board) has provided their name and contact address details to the NZOC for the purposes of out of competition drug testing by DFSNZ; and
- (h) meets all eligibility criteria imposed by World Triathlon as specified in the World Triathlon Qualification System (including, but not limited to, the World Triathlon minimum ranking requirement), and any other additional eligibility requirements required by Tri NZ or NZOC or otherwise in connection with the Games and notified by Tri NZ on its website after the date of this Nomination Policy.

3.2. **Application Procedure:** Athletes wishing to be considered by Tri NZ for nomination to the NZOC for consideration of selection to the Games Team must:

- (a) return a completed Athlete Application to the NZOC, in the form prescribed by the NZOC by the following dates ("**Application Date**"):
 - (i) no later than 5.00pm 23 September 2020; or
 - (ii) no later than 5.00pm 23 January 2021 (or extended date as agreed by the NZOC Board) in exceptional circumstances where Tri NZ provides NZOC with evidence that demonstrates the Athlete could not have reasonably been in contemplation before such date; and
- (b) return a completed Athlete Agreement to the to the NZOC, in the form prescribed to the NZOC, prior to the Nomination Date.

3.3. **No Nomination:** If an Athlete does not meet all of the eligibility requirements specified in clause 3.1 and 3.2 by his or her Nomination Date, the Athlete cannot be considered by Tri NZ for nomination to the NZOC, unless there are exceptional reasons and it is agreed by Tri NZ and the NZOC.

3.4. **Provision of Data:** Data to support an application may be provided by each Eligible Athlete and his or her coach or coaches 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 12 March 2021 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.

4. Step 2 - Nomination by Tri NZ

- 4.1. **Nomination:** Tri NZ will decide if it will nominate Athletes to the NZOC to be considered for selection to the Games Team, and if it does, it will do so by the Nomination Date.
- 4.2. **Nomination Date:** Subject to clause 4.4 of this Policy, the date for nomination to the Games Team is on or before **19 March 2021** (unless an alternative date is agreed between Tri NZ and NZOC) by which Tri NZ must nominate Athletes to the NZOC.
- 4.3. **Conditional Nominations:** Nomination of any Athlete may be subject to certain conditions being satisfied. If a nomination is conditional, the specific conditions will be specified and may include those noted below or any others specified by the Selectors:
 - (a) recovery from injury by a specified date; and/or
 - (b) meeting a specific performance requirement (which may or may not require the athlete to compete in a trial or other competition); and/or
 - (c) confirmation of an available quota place for the Games under the World Triathlon Qualification System by a specified date; and/or
 - (d) confirmation that New Zealand is or is not able to field a MR Team; and/or
 - (e) confirmation that the total number of quota places made available to New Zealand, in the specified genders, for the Games under the World Triathlon Qualification System, is equivalent to the number and genders of Athletes nominated by Tri NZ to NZOC for consideration for selection .
- 4.4. **Reservation of Rights:** In the event that a condition of nomination is unable to be met under clause 4.3 of this Policy then the conditional nomination will lapse and Tri NZ reserves the right to undertake a revised nomination process for one or more Athletes (which could include making alternative nominations) provided such nomination process takes place no later than 30 June 2021 and such nomination is undertaken in accordance with this Policy. For the avoidance of doubt, where the conditions in clause 4.3(d) have not been met, the revised nomination process will include re-applying the provisions of this Policy to the nomination criteria in clause 5 (if more or less quotas are available) and the Selectors must include the background to their original nomination process as well as the new evidential material when providing Tri NZ and NZOC with any revised nominations.

- 4.5. **Selectors:** The Selectors shall decide on the Athletes to be nominated in accordance with the process set out in the Selectors' Terms of Reference.
- 4.6. **Nomination Criteria and Factors:** In deciding on the Athletes to nominate, the Selectors, must:
- (a) apply the Nomination 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 Nomination Policy.

5. **Nomination Criteria**

- 5.1. **Nomination Criteria:** In determining whether or not to nominate an Athlete to the NZOC for selection to the Games Team, the Selectors must apply the following criteria in order of priority:

(a) **Primary Criteria – Individual Event**

Subject to clauses 5.2, 7 and 8, Eligible Athletes who meet the Primary Criteria will be nominated to the Games Team. An Athlete will meet the Primary Criteria where:

- (i) the Athlete has obtained two or more podia placings at Olympic distance Nomination Events during the Qualification Period, provided one of the two podia placings is obtained at the Tokyo Test Event; AND
- (ii) the Athlete can demonstrate to the satisfaction of the Selectors that he or she can contribute to at least a top 16 result in the MR as part of the MR Team.

Please note that nomination to the Games Team through the Primary Criteria does not guarantee nomination or selection for the MR Team. Nomination and selection to the MR Team is decided in accordance with clause 5.8.

(b) **Secondary Criteria**

Subject to clauses 5.2, 6, 7 and 8, where any quota places remain after the Primary Criteria above has been satisfied, then as a Secondary Criteria, the Selectors may, in their sole discretion, nominate Eligible Athletes as follows:

If New Zealand obtains 4 or more quota places at the Games

If New Zealand obtains 4 or more quota spaces at the Games (meaning that New Zealand will be able to enter an MR Team) the Selectors may nominate Athletes in the following priority order:

- (i) Any Athlete who the Selectors believe has demonstrated that he or she is medal capable in the Individual Event by meeting the Medal Capable Criteria AND that he or she is able to contribute to a medal result in the MR as part of the MR Team.
- (ii) Any Athlete who the Selectors believe has demonstrated that he or she is medal capable in the Individual Event by meeting the Medal Capable Criteria AND that he or she is able to contribute to a top 8 result in the MR as part of the MR Team.
- (iii) Any Athlete who the Selectors believe has demonstrated that he or she is medal capable in the Individual Event by meeting the Medal Capable Criteria AND that he or she is able to contribute to a top 16 result in the MR as part of the MR Team.
- (iv) Any Athlete who the Selectors believe has demonstrated that he or she is top 8 capable in the Individual Event by meeting the Primary Top 8 Criteria AND that he or she is able to contribute to a medal result in the MR as part of the MR Team.
- (v) Any Athlete who the Selectors believe has demonstrated that he or she is able to contribute to a medal result in the MR as part of the MR Team.
- (vi) Any Athlete who the Selectors believe has demonstrated that he or she is top 8 capable by meeting the Primary Top 8 Criteria in the Individual Event AND that he or she is able to contribute to a top 8 result in the MR as part of the MR Team.
- (vii) Any Athlete who the Selectors believe has demonstrated that he or she is top 8 capable by meeting the Primary Top 8 Criteria in the Individual Event AND that he or she is able to contribute to a top 16 result in the MR as part of the MR Team.
- (viii) Any Athlete who the Selectors believe has demonstrated that he or she is top 8 capable by meeting the Secondary Top 8 Criteria in the Individual Event AND that he or she is able to contribute to a top 8 result in the MR as part of the MR Team.
- (ix) Any Athlete who the Selectors believe has demonstrated that he or she is top 8 capable by meeting the Secondary Top 8 Criteria in the Individual Event AND that he or she is able to contribute to a top 16 result in the MR as part of the MR Team.
- (x) Any Athlete who the Selectors believe has demonstrated, that he or she is able to contribute to a top 16 result in the MR as part of the MR Team.

- (xi) Any Athlete who the Selectors believe has demonstrated that he or she is otherwise capable of achieving a top 16 result in the Individual Event.

If New Zealand obtains less than 4 quota places at the Games

If New Zealand obtains less than 4 quota spaces at the Games (meaning that New Zealand will not be able to enter an MR Team) the Selectors may nominate Eligible Athletes in the following priority order:

- (xii) Any Athlete who the Selectors believe has demonstrated that he or she is medal capable in the Individual Event by meeting the Medal Capable Criteria.
- (xiii) Any Athlete who the Selectors believe has demonstrated that he or she is top 8 capable in the Individual Event by meeting the Primary Top 8 Criteria.
- (xiv) Any Athlete who the Selectors believe has demonstrated that he or she is top 8 capable in the Individual Event by meeting the Secondary Top 8 Criteria.
- (xv) Any Athlete who the Selectors believe has demonstrated that he or she is otherwise capable of achieving a top 16 result in the Individual Event.

5.2. **Tied Athletes:** If, as a result of applying the Nomination Criteria in clause 5.1 above, there are more Athletes at a particular priority level who meet the criteria, than quota places available, nomination will be decided by the Selectors having regard to one or more of the following factors:

- (a) when considering Athletes in relation to the Individual Event, priority will be given to Olympic distance races over sprint distance races;
- (b) the Athletes' comparative performances in the Nomination Events which are likely to have similar circumstances to those in the Event at the Games in terms of factors such as, but not limited to, the course, the distance, and the climate at the Games;
- (c) developing the potential of an Athlete for the Paris 2024 Olympic Games;
- (d) an Athlete's attendance, attitude, and conduct at past competitions, training sessions, training camps, trials and other events;
- (e) which of the tied Athletes demonstrates (when taken together with those Athletes who are already nominated) the most capability in MR in accordance with clause 5.4; and
- (f) any other information the Selectors consider relevant.

5.4. **How to demonstrate capability in MR:** In order to determine an Athlete's capability to contribute to the MR Team, the Selectors must take into account the MR Criteria.

- 5.5. **Medal Capable Criteria:** An Athlete will be regarded as medal capable by meeting the Medal Capable Criteria, in that the Athlete has obtained two or more podia places at Nomination Events.
- 5.6. **Primary Top 8 Criteria:** An Athlete will be regarded as meeting the Primary Top 8 Criteria, if the Athlete obtains two or more top 8 placings at any of the Nomination Events.
- 5.7. **Secondary Top 8 Criteria:** An Athlete will be regarded as meeting the Secondary Top 8 Criteria, if the Athlete obtains at least one top 8 placing at any Nomination Event and, based on evidence from the Tri NZ athlete pathway (such document is available from Tri NZ, as amended from time to time), can demonstrate that if he/she continues his/her accelerated performance, he/she will be capable of a top 3 place at the Paris 2024 Olympic Games in the individual triathlon event.
- 5.8. **Selection to Start in the MR Team:** If the Games Team comprises more than 4 Selected Athletes who are fit to compete in the MR Event, a minimum of two Selectors will (at their sole discretion) select the final MR Team to race at the Games following completion of the Individual Event at the Games, subject to agreement by the NZOC. The Selectors may use all available information to make that decision.

6. Extenuating Circumstances

- 6.1. **Application:** The Selectors may, in their sole discretion, consider and place weight upon any Extenuating Circumstances when considering an Athlete for nomination to the Games Team under this Nomination Policy.
- 6.2. **Notification:** An Athlete who wishes the Selectors to take Extenuating Circumstances into account in considering that Athlete's potential nomination to the Games Team, must advise the CEO of the specific Extenuating Circumstances in writing (and the CEO must provide that notice to the Selectors), with as much advance notice as possible, and:
 - (a) if the Extenuating Circumstances prevent an Athlete from competing or performing in a race, then ideally 7 days and no later than 2 hours prior to the relevant race;
 - (b) if the Extenuating Circumstances occur during a race then as soon as practicable but in no event later than 24 hours after of the completion of the race;
 - (c) if the Extenuating Circumstances occur at any other time, then as soon as practicable after it occurs.
- 6.3. **Where no Notification:** If the CEO 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

- 7.1. **Demonstration:** In considering any Athlete for nomination to the Games Team, the Selectors must, in their sole discretion, be satisfied that each Athlete has demonstrated:
- (a) the commitment to assist Tri NZ to achieve the primary and secondary aims of this Nomination Policy (as set out in clause 1.2);
 - (b) a current good level of form and fitness (acknowledging that, due to the extraordinary circumstances surrounding the postponement of the Games and suspension of international racing in 2020 and potentially 2021), there have been no Nomination Events between 17 April 2020 and the date of issue of this Nomination Policy);
 - (c) the commitment to maintain an appropriate level of fitness, training and competition to compete in the Games to the best of their ability; and
 - (d) a strong team ethic, including, a commitment to attend relevant Tri NZ training camps, and to 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 nomination to the Games Team, has not or may not have demonstrated the requirements in clause 7.1, the Selectors shall, prior to any nomination:
- (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 (which can include results from the 2020-2021 Tri NZ Elite Series).
- 7.3. **Actions:** If, having received and considered the Athlete's response in 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:
- (a) decide not to nominate that Athlete to the Games Team;

- (b) require the Athlete to take specific steps to satisfy the requirements before the Nomination Date;
- (c) pursuant to clause 4.3, nominate the Athlete to the Games Team but notify the NZOC that the Athlete should not be selected to the Games Team without conditions relating to that requirement; or
- (d) nominate the Athlete to the Games Team.

8. Process & Consequences of Nomination

8.1. **Notification:** All Eligible Athletes will be informed by the CEO whether or not they have been nominated to the NZOC as Nominated Athletes as soon as reasonably practicable after the Selectors have made their decision and, in any event, not later than the Nomination Date.

8.2. **Requirements:** Every Nominated 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 apprised 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 all reasonable instructions given by NZOC in relation to the Games Team (including but not limited to directions not to travel, quarantine and isolation and other health and safety instructions as required); and
- (e) attend all meetings, training camps and other events required by the NZOC and/or Tri NZ; and
- (f) comply with their obligations to Tri NZ, including but not limited to, reasonable instructions given by Tri NZ (including but not limited to directions not to travel, quarantine and isolation and other health and safety instructions as required) in relation to triathlon events.

8.3. **Replacement Athlete:** If prior to the Selection Date, a Nominated Athlete does not satisfy a requirement of their nomination (under clause 8.2), the Selectors may, in their sole discretion, replace such Nominated Athlete with another Athlete who has been nominated as Reserve to the NZOC in accordance with this Nomination Criteria.

9. Step 3 – Selection by NZOC

- 9.1. **Selection:** The NZOC will decide if the Nominated Athletes will be selected to the Games Team in accordance with the NZOC Selection Policy.
- 9.2. **Conditions:** NZOC may select an Athlete, subject to conditions. For example, conditions of may include those noted below or any other conditions specified by the NZOC:
- (a) recovery from injury to the satisfaction of the NZOC, after consultation with Tri NZ, by a specified date; and/or
 - (b) confirmation of an available quota place for the Games under the World Triathlon Qualification System by a specified date; and/or
 - (c) meeting a specified performance or testing requirement.
- 9.3. **Satisfying Conditions:** If selection of a Selected Athlete is conditional, the specified conditions **must** be met to the satisfaction of the NZOC, after consultation with Tri NZ, before that Athlete's selection is made unconditional. If they are not met, then the Athlete will, immediately cease to be a Selected Athlete upon being informed by NZOC that the condition(s) has not been satisfied.
- 9.4. **Notification:** The CEO will inform all Nominated Athletes whether or not they have been selected by the NZOC to the Games Team, in the manner and timeframe as required by the NZOC.
- 9.5. **Announcement of the NZ Team:** The NZOC shall, on the Selection Date, publicly announce the Selected Athletes.
- 9.6. **Requirements:** In addition to any requirements in the Athlete Agreement, every Selected Athlete must train as directed by Tri NZ and agree to compete in events and competitions, as directed by Tri NZ.
- 9.7. **Replacement Athlete:** If prior the Selection Date, a Selected Athlete does not satisfy a condition of their selection (under clause 9.3), or is removed by NZOC as a Selected Athlete in accordance with the Athlete Agreement, the Selectors may, in their sole discretion, nominate an Athlete who has successfully been selected as a Reserve to replace the Selected Athlete to the NZOC in accordance with this Nomination Criteria.
- 9.8. **MR Team:** The CEO (or his or her nominated delegate) will inform all Selected Athletes whether or not they have been selected to participate in the MR Team, as soon as reasonably practicable following the decision of the Selectors and approval of the NZOC.

10. Appeals

- 10.1. **Non-Nomination Appeal:** An Athlete may appeal to Tri NZ against their non-nomination to the Games Team in accordance with the Tri NZ Nomination Appeals Policy.
- 10.2. **Non-Selection Appeal:** An Athlete may appeal to NZOC against their non-selection to the Games Team in accordance with the NZOC Nomination and Selection Regulation.

11. Inconsistencies

- 11.1. **Inconsistency:** In the event there is any inconsistency between this Nomination Policy and the NZOC Nomination and Selection Regulation, the NZOC Nomination and Selection Regulation shall prevail.
- 11.2. **Higher Standard:** If this Nomination Policy imposes a higher qualification standard or a lesser number of participants than stated by the World Triathlon Qualification System, this shall not be regarded as an inconsistency.

12. Amendments to this Nomination Policy

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

13. Definitions

In this Nomination Policy, the following definitions apply:

- 13.1. **2018 Nomination Policy** means the 2020 Tokyo Olympic Games Nomination Policy dated 26 November 2018 and any amendments to such policy.
- 13.2. **Application Date** means the date by which Athletes must submit a completed Athlete Application as specified in clause 3.2(a), in accordance with clause 8.3 of the NZOC Nomination and Selection Regulation.
- 13.3. **Athlete** means a person seeking nomination and selection to the Games Team, and other than in clauses 1.3(a), 2 and 3, means an Eligible Athlete, unless stated otherwise.
- 13.4. **Athlete Agreement** means the agreement that must be completed by any Athlete wishing to be considered for nomination and selection for the Games Team in accordance with clause 8.4 of the NZOC Nomination and Selection Regulation.
- 13.5. **Athlete Application** means the application form set by the NZOC which must be completed by any Athlete applying to be nominated and selected to the Games Team.
- 13.6. **CEO** Means the CEO of Tri NZ from time to time and, if there is no CEO, means any board member of Tri NZ delegated such responsibility.
- 13.7. **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 but does not include the results from any race that Tri NZ did not directly enter New Zealand athletes into or does not, after the date of this Nomination Policy, directly enter New Zealand athletes into, pursuant to the Tri NZ International Travel Policy.
- 13.8. **DFSNZ** means Drug Free Sport New Zealand.
- 13.9. **Eligible Athlete** means an Athlete who meets the eligibility requirements in clause 3, unless specified otherwise.
- 13.10. **Event** means the Individual Events and the MR.
- 13.11. **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.
- 13.12. **Games** means the Olympic Games to be held in Tokyo, Japan from 23rd July to 8th August 2021.
- 13.13. **Games Team** means the New Zealand team of all the Athletes selected by the NZOC, and other personnel appointed by it, to attend the Games.
- 13.14. **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.
- 13.15. **Individual Event** means the individual men's triathlon event or the individual women's triathlon event at the Games (as relevant to the Athlete being considered).
- 13.16. **Medal Capable Criteria** means the criteria set out in clause 5.5.
- 13.17. **MR** means the mixed relay event at the Games.
- 13.18. **MR Commitment** means that the Athlete:
- (a) has confirmed his or her commitment to Tri NZ to participate in the MR if selected to do so;
 - (b) used all reasonable endeavours to make himself or herself available for selection to the MR ITU Races; and
 - (c) use all reasonable endeavours to attend and participate in the MR Training Camps within the Qualification Period (having due regard for injuries, his or her other Tri NZ commitments and any other relevant considerations).
- 13.19. **MR Criteria** means the criteria set out in Schedule 1 to determine an Athlete's capability in MR.
- 13.20. **MR ITU Races** means 2019 ITU World Triathlon Mixed Relay Series Abu Dhabi 2019 ITU Abu Dhabi, 2019 ITU World Triathlon Mixed Relay Series Nottingham, 2019 Hamburg ITU Triathlon Mixed Relay World Championships, 2019 ITU World Triathlon Mixed Relay Series Edmonton, 2019 Devonport OTU Sprint Triathlon Oceania Cup (mixed relay race), 2019 Tokyo ITU Olympic Qualification Event and any other race that is notified by Tri NZ to Athletes at least 6 weeks before such race.
- 13.21. **MR Team** means the MR Team consisting of two men and two women that will represent New Zealand at the Games.
- 13.22. **MR Training Camps** means the MR training camps organised by Tri NZ during the Qualification Period, details of which are notified to all Athletes no less than 6 weeks' notice.
- 13.23. **MR Trial Day** means the testing and skills day held on 9 February 2019, in Kinloch and any other testing and skills day held after the date of this

Nomination Policy where athletes will be tested against pre-communicated criteria and data collected, in a standardised format to support Selection Consideration and notified to all Athletes on no less than 6 weeks' notice.

- 13.24. **Nominated Athlete** means the Athletes which Tri NZ nominates to the NZOC for the Games Team, including those nominated subject to any conditions.
- 13.25. **Nomination Date** means the applicable date specified in clause 4.2 by which Tri NZ must submit particulars of each Nominated Athlete to the NZOC for its consideration for selection to the Games Team.
- 13.26. **Nomination Events** means the following races during the Qualification Period:
- (a) any of the ITU World Triathlon Series races and World Triathlon Championships Series races; and/or
 - (b) the Tokyo Test Event,
- but does not include any race that Tri NZ did not directly enter New Zealand athletes into or does not, after the date of this Nomination Policy, directly enter New Zealand athletes into, pursuant to the Tri NZ International Travel Policy.
- 13.27. **Nomination Policy** means this nomination policy.
- 13.28. **NZOC** means the New Zealand Olympic Committee Incorporated.
- 13.29. **NZOC Nomination and Selection Regulation** means the regulation of the NZOC relation to the nomination and selection process for all Olympic and Commonwealth games, including the Games, available at www.olympic.org.nz.
- 13.30. **NZOC Selection Policy** means the selection policy of the NZOC for the Games, available at <http://www.olympic.org.nz/assets/Uploads/Tokyo-2020-NZOC-Selection-Policy2.pdf>.
- 13.31. **Primary Criteria** means the criteria set out in clause 5.1(a).
- 13.32. **Primary Top 8 Criteria** means the criteria set out in clause 5.6.
- 13.33. **Qualification Period** means the period between 1 January 2019 and 12 March 2021 (but does not include any period between 17 April 2020 and 31 December 2020).
- 13.34. **Reserves** means travelling or non-travelling reserves as designated by the Selectors.
- 13.35. **Secondary Top 8 Criteria** means the criteria set out in clause 5.7.
- 13.36. **Selection Date** means the date on which the NZOC publicly announces which Nominated Athletes from Tri NZ have been selected to the Games Team.
- 13.37. **Selected Athlete** means an Athlete who is selected by the NZOC to the Games Team.

- 13.38. **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.
- 13.39. **Selectors' Terms of Reference** means the terms of reference of the Tri NZ Elite Selection Commission dated **2015**, <http://triathlon.kiwi/wp-content/uploads/2018/11/Elite-Selection-Commission-Terms-of-Reference-PDF.pdf> and as may be amended or replaced by the Tri NZ Board.
- 13.40. **Tokyo Test Event** means the 2019 Tokyo ITU World Olympic Qualification Event.
- 13.41. **Tri NZ** means Triathlon New Zealand Incorporated.
- 13.42. **Tri NZ Nomination Appeals Policy** means the nomination appeals policy attached as Schedule 2.
- 13.43. **Tri NZ Board** means the Board of directors of Tri NZ.
- 13.44. **WADA Code** means the World Anti-Doping Code published by the World Anti-Doping Agency (a copy of which is available at <https://www.wada-ama.org/en/resources/the-code/world-anti-doping-code>).
- 13.45. **World Triathlon** means the World Triathlon Union being the international federation of Tri NZ (formally known as ITU).
- 13.46. **World Triathlon Qualification System** means World Triathlon Qualification System – Games of the XXXII Olympiad – Tokyo 2020, as may be updated from time to time. The latest version of the World Triathlon Qualification System will be published on the Tri NZ website as soon as practical after release.

SCHEDULE 1

MR Criteria

In determining an Athlete's capability in MR, Selectors must consider:

1. that Athlete's individual contribution to race results from any MR ITU Races that he or she has participated in;
2. that Athlete's race results from all Nomination Events that are sprint distance events; and
3. any Data provided in relation to the Athlete before 12 March 2021 with priority given to data obtained at any MR Trial Day.

SCHEDULE 2

OLYMPIC AND COMMONWEALTH GAMES NOMINATION / NON-NOMINATION APPEALS POLICY

This Nomination/Non-Nomination 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 nomination or non-nomination to the New Zealand Olympic Committee Incorporated (NZOC) for consideration for selection to Olympic and Commonwealth Games teams.

The NZOC has agreed, pursuant to clause 13.3 of the NZOC Nomination and Selection Regulation ("Regulation"), to a variation of the appeals process for Olympic and Commonwealth Games ("Games").

This Policy was adopted by the Tri NZ Board on 25 November 2016 and is effective from that date.

Procedure

Any Athlete who is eligible for consideration under a Games Nomination Policy (Nomination Policy) may appeal against their nomination or non-nomination in accordance with the procedures set out below:

1. A Nomination Appeal may be made on any one or more of the following grounds:
 - 1.1. That the Nomination Policy was not properly followed and/or implemented;
 - 1.2. The Athlete was not afforded a reasonable opportunity to satisfy the Nomination Policy;
 - 1.3. The nomination decision was affected by bias;
 - 1.4. There was no material on which the nomination decision could be reasonably based, or the nomination decision could not be reasonably based on the material available.
2. The procedure for a Nomination 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 or such other person nominated by the Tri NZ Board ("the Chief Executive") 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 nomination or non-nomination they are appealing against;

- 2.1.4. The grounds of Nomination 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 Nomination 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 Nomination 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 Nomination Appeal with the Athlete;
 - 2.2.2. Advise the Elite Selection Commission that a Nomination 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 Nomination Policy in relation to the grounds of Nomination Appeal. Hence, they will:
 - 3.1.1. Review the nomination process in person, by telephone or by video telephony 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/nomination 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. be independent of any member of the Elite Selection Commission.
 - 3.2. Following review of Nomination 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 Nomination Appeal.

3.3. Following the Tri NZ Ombudsman's review:

3.3.1. The Tri NZ Board will adopt as the outcome of the Nomination 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 Nomination Appeal upon the Chief Executive within 5 days of the date of being notified of the Tri NZ Ombudsman's decision. A copy of such Application for Nomination Appeal to the Sports Tribunal shall at the same time be served upon the Secretary General of the NZOC.

3.3.3. Such Nomination 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 Nomination Appeal may institute or maintain proceedings in any Court or Tribunal other than as specified in this Agreement.