



TRI NZ HIGH PERFORMANCE 2021 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 participate in teams of up to 6 Athletes that will attend Events and the final teams of 4 Athletes that will compete in those Events (**MR Teams**).
- 1.2. **Aim:** The aims of Tri NZ in selecting MR Teams is:
 - (a) to ensure performances at Events that maximise New Zealand's MR World ranking so as to maximise New Zealand's ability to qualify quota slots for future pinnacle events.
 - (b) to select MR Teams that can challenge for top 8 performances at Events.
- 1.3. **Application:** This Selection Policy is issued by the Tri NZ Board with effect from 1 July 2021. 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 July 2021 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;
- (e) be satisfied that any conditions imposed by clause 2.4 have been met, and
- (f) 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. **Conditions:** Any Selection made pursuant to Schedule 2 in relation to a MR Team at an Event is conditional upon:

- (a) any specific conditions imposed by the Selectors (in their sole discretion) in relation to that Athlete; and
- (b) the Athlete meeting the specific requirements of World Triathlon in relation to travel to and from, and attendance and participation in, the Event (including but not limited to any insurance requirements); and
- (c) compliance by the Athlete with the provisions of this Selection Policy (and in particular, clause 2.6); and
- (d) until further notice, the Athlete meeting any conditions imposed by Tri NZ in relation to travel to and from, and attendance and participation at the Event, pursuant to the Travel Policy.

2.5. **Satisfying Conditions:** If selection of an Athlete to a MR Team is conditional under clause 2.4, 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 relevant MR Team.

2.6. **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 Selection Policy (as set out in clause 1.2);
- (b) keep the Selectors informed 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) attend all meetings, training camps and other events required by Tri NZ; and
- (e) 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).

2.7. **Replacement Athlete:** If prior to the start of a 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 Tri NZ Chair of Selection of the specific Extenuating Circumstances in writing when submitting his or her MR HP Nomination Form.
- 3.3. **Where no Notification:** If the Tri NZ Chair of Selection 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 Terms

- 4.1. **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. Any appeal regarding the criteria or other content contained in this Selection Policy must be made to the Sports Tribunal before the Relevant Selection Date.
- 4.2. **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.
- 4.3. **Inconsistency:** In the event there is any inconsistency between this Selection Policy and any other policy or agreement, this Selection Policy shall prevail.
- 4.4. **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.
- 4.5. **Amendment:** This Selection Policy may be amended from time to time by the Tri NZ Board.
- 4.6. **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.

5. Definitions

In this Selection Policy the following definitions apply:

- 5.1. **Athlete** means a person seeking selection to a MR Team.
- 5.2. **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.
- 5.3. **DFSNZ** means Drug Free Sport New Zealand.
- 5.4. **Eligible Athlete** means an Athlete who meets the eligibility requirements in Schedule 1 unless specified otherwise.
- 5.5. **Event** means any MR event in which Tri NZ fields an elite MR Team during the period of this Selection Policy.
- 5.6. **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.
- 5.7. **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.
- 5.8. **High Performance Programme** - Carded athletes within Tri NZ's Elite programme.
- 5.9. **MR** means Mixed Team Relay.
- 5.10. **MR HP Nomination Form** means the nomination form set by Tri NZ.
- 5.11. **MR Team/s** has the meaning given to it in clause 1.1.
- 5.12. **MR World Triathlon Races** means World Triathlon Mixed Relay Championship Series events.

- 5.13. **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.
- 5.14. **Relevant Selection Date** means, in respect of each Event, the date notified by Tri NZ.
- 5.15. **Reserve** means an athlete that is selected for a Team as a reserve Athlete.
- 5.16. **Selected Athlete** means the Athletes which Tri NZ selects to join an MR Team, including any Reserves and those selected subject to any conditions.
- 5.17. **Selection Policy** has the meaning given to it in clause 1.1.
- 5.18. **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.
- 5.19. **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.
- 5.20. **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.
- 5.21. **Sports Tribunal** means the Sports Tribunal of New Zealand.
- 5.22. **Triathlon Official(s)** means any person(s) appointed by the Tri NZ CEO to be the nominated delegate(s) at a MR race.
- 5.23. **Travel Policy** means the Tri NZ COVID 19 Travel Policy 2020, a copy of which can be found here - [Tri NZ COVID 19 Travel Policy](#)
- 5.24. **Tri NZ** means Triathlon New Zealand Incorporated.
- 5.25. **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.
- 5.26. **Tri NZ Chair of Selection** is the chairperson, from time to time, of the Selectors.
- 5.27. **Tri NZ Selection Appeals Policy** means the Selection Appeals Policy set out in Schedule 3.
- 5.28. **Tri NZ Board** means the Board of Tri NZ.
- 5.29. **World Triathlon** means the international governing body of the sport of Triathlon and all related multi sports, being the international federation of Tri NZ.

SCHEDULE 1

Eligibility for Selection to a MR 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 World Triathlon 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 World Triathlon 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, World Triathlons or WADA's regulations; and
 - (g) Has submitted the MR HP Nomination Form.

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 MR Team, unless there are exceptional reasons acknowledged 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 World Triathlon Races that he or she has participated in, within 30 months of Relevant Selection Date.
2. That Athlete's race results from International Triathlon Events including WTS events, World Cups and Continental Cup events, within 30 months of Relevant Selection Date.
3. Any Data provided in relation to the Athlete.
4. 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 Tri NZ CEO must ensure that a copy of any Data provided by Tri NZ to the selectors is also provided to the relevant Athlete.
5. An Athlete's attendance, attitude, contribution to the High Performance Programme and conduct at past competitions, training sessions, training camps, trials, and other events.
6. If relevant, an Athlete's health, well-being, and recovery from having competed in the individual race.
7. 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 (**Selection Appeal**) against a decision by the Selectors regarding an Athlete's Selection or non-Selection to a MR Team. This Policy does not apply to the criteria or other content set out in the Selection Policy. Any appeals regarding the criteria or content set out in the Selection Policy must be lodged with the Sports Tribunal prior to the Selection Date.

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 matters; and
 - (iii) Hear the views and position of both the Athlete and the Selectors prior to making a decision; and
 - (iv) If deemed necessary, hear the views of any other party that is impacted by the Selection Appeal (including Selected Athletes).
 - (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 recommendations 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(a) 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**) in accordance with its rules. A copy of such Application for Selection Appeal must be served upon the Tri NZ CEO within 48 hours 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 New Zealand Olympic Committee.
- (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 Policy.

SCHEDULE 4

Selection to Race Process (if applicable)

- (a) As soon as practical following the completion of the individual race (where there is an individual race attached to the Event), the members of the MR Team (of up to 6 Athletes) will be notified by the Tri NZ Official(s) which members have been selected to race. Where there is no individual race attached to the Event then the members who have been selected to race will be notified as soon as practical before the start of the 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 Tri 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.