



HIGH PERFORMANCE

## TRIATHLON NEW ZEALAND

### PARIS 2024 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.
- 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 27<sup>th</sup> May 2022. The Nomination Policy was subsequently amended in accordance with clause 12 on 28<sup>th</sup> July 2023. 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 Step 3 may be made conditional upon New Zealand procuring the requisite quota allocation from World Triathlon.

- 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. This Nomination Policy is subject to the NZOC Selection Policy and NZOC Nomination and Selection Regulation.

- 1.6. **Reserves:** Tri NZ may, in its sole discretion, decide whether or not to nominate Athletes as reserves. All reserves will be selected in accordance with the nomination criteria in clause 5, subject to clauses 7 and 8.
- 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 Criteria:** New Zealand must qualify quota places in the Events in accordance with the Qualification Criteria. Please note that:
  - (a) Quota places will be allocated to the NZOC as a result of New Zealand Athletes' performances over the relevant period.
  - (b) Qualification of a quota place for New Zealand in the MR or an Individual Event, in accordance with the Qualification Criteria, 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.

Note that nomination to the NZOC and selection by the NZOC may be made conditional upon New Zealand procuring the requisite quota allocation from World Triathlon of up to a maximum of three (3) Athletes per gender in accordance with the Qualification Criteria.

- 2.2. **Composition of Games Team:** Subject to quota places being available AND in accordance with the Qualification Criteria:
  - (a) Tri NZ must nominate Athletes and indicate the order of priority assigned to each Athlete nominated.
  - (b) If there are more Athletes nominated than quota places ultimately awarded to New Zealand, Athletes will be selected by NZOC in accordance with the order of priority indicated by Tri NZ per clause 2.2(a) above.
  - (c) All Athletes successfully selected to the Games Team must take part in the Individual Event and MR, if selected to do so.
  - (d) If only 4 Athletes are successfully selected for the Games Team, all Athletes must take part in the MR.
  - (e) 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.

- (f) 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.

2.3. **Participation in Games Team:** In the event that an Athlete is nominated to the Games Team as either a Selected Athlete or a reserve and that Athlete chooses not to accept that nomination (without having, in the opinion of Tri NZ, good reason not to accept it) then Tri NZ reserves the right to direct the Selectors to take this fact into consideration when assessing that Athlete's commitment under nomination and/or selection policies for future pinnacle events.

### **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 confirmed that he or she will participate in the MR if selected to do so; and
- (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) meets the eligibility requirements of the World Triathlon (including the minimum age and World Triathlon ranking requirement, if required) for the Games as specified in the Qualification Criteria; and
- (e) 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
- (f) 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
- (g) to Tri NZ's knowledge, has not used or administered any substance, 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-2020-final-7-May-2020.pdf>); and
- (h) from 26<sup>th</sup> January 2024 (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
- (i) is a New Zealand citizen and holds a New Zealand passport; and

- (j) meets any additional eligibility criteria imposed by Tri NZ, World Triathlon, 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 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 on 24th November 2023; or
    - (ii) no later than 5.00pm on 26<sup>th</sup> January 2024 (or such extended date as may be 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 by the NZOC, prior to the Nomination Date.
- 3.3. **No Nomination:** If an Athlete does not meet all of the eligibility requirements specified in clauses 3.1 and 3.2 by the 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 as advised by Tri NZ 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:** The date for nomination to the Games Team is on or before 5<sup>th</sup> June 2024 (unless an alternative date is agreed between Tri NZ and NZOC) by which Tri NZ must nominate Athletes to the NZOC. For the avoidance of doubt Tri NZ (with NZOC consent) may elect to nominate on an earlier date.
- 4.3. **Selectors:** The Selectors shall decide on the Athletes to be nominated in accordance with the process set out in the Selectors' Terms of Reference.
- 4.4. **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 – Paris Test Event**

Subject only 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 the Athlete:

- (i) obtains a top three placing in the Individual Event; AND
- (ii) is the highest placed Eligible Athlete in their gender,

at the Paris Test Event.

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 clauses 5.3 and 5.4.

(b) **Secondary Criteria – Nomination Events**

Subject only to clauses 5.2, 7 and 8, Eligible Athletes who meet the Secondary Criteria will be nominated to the Games Team. An Athlete will meet the Secondary Criteria where the Athlete has obtained two or more top 8 placings at Nomination Events. In the event that there are more Athletes that meet the Secondary Criteria than quota places available, the provisions of clause 5.2(a) will apply.

Please note that nomination to the Games Team through the Secondary Criteria does not guarantee nomination or selection for the MR Team. Nomination and selection to the MR Team is decided in accordance with clauses 5.3 and 5.4.

(c) **Final Criteria**

In the event there are remaining quota places after the Primary Criteria in clause 5.1(a) and Secondary Criteria in clause 5.1(b) have been applied and subject to clauses, 5.2, 6, 7 and 8, then as a Final Criteria, the

Selectors may, in their sole discretion, nominate Eligible Athletes in the following priority order:

- (i) Any Eligible Athlete who the selectors believe will contribute to the best possible MR team performance that is capable of a top 8 placing in the MR. An Athlete's MR capability will be assessed in accordance with clause 5.3. In the event that there are more Athletes that meet clause 5.1(c)(i) than quota places available, the provisions of clause 5.2(b) will apply.
- (ii) Any Eligible Athlete who the Selectors believe has demonstrated that he or she is capable of a top 16 placing in the Individual Triathlon at the Games. In the event that there are more Athletes that meet clause 5.1(c)(ii) than quota places available, the provisions of clause 5.2(b) will apply.
- (iii) Any Eligible Athlete who the Selectors believe has demonstrated to the Selectors satisfaction, is capable of having a positive impact on another nominated Athlete's medal success at the Games, where such Athlete's primary role will be to support the nominated Athlete who has demonstrated capability of medal success by employing a tactical racing approach during competition to enhance the chances of medal success (**Domestique**). In the event that there are more Athletes that meet clause 5.1(c)(iii) than quota places available, the provisions of clause 5.2(b) will apply.

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 as follows:

- (a) When considering tied athletes under the Secondary Criteria, priority will be given to those Athletes with the better results as follows:

The athlete with the lowest score from their best two top 8 places in Nomination Events will be nominated. Scoring will be based on placing, meaning one 8th and one 5th would result in a score of 13. If Athletes have the same score, then the Athlete with the most top 8 placings will be nominated.

- (b) In cases of tied athletes under the Final Criteria, the nomination will be decided by the Selectors having regard to one or more of the following factors:
  - (i) the Athletes' comparative performances in the MR 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 compared;
  - (ii) the Athletes' willingness to act as a Domestique and comparative demonstrated compatibility (in terms of race tactics/dynamics) with a nominated medal capable Athlete for the purposes of successful execution of a Domestique role;

- (iii) the Athletes' comparative performances in any Trial Days that are held;
- (iv) developing the potential of an Athlete for the LA 2028 Olympic Games;
- (v) an Athlete's attendance, attitude and conduct at past competitions, training sessions, training camps, trials and other events;
- (vi) which of the tied Athletes demonstrates (when taken together with those Athletes who are already nominated) the most capability in MR (such capability to be assessed in accordance with clause 5.3); and
- (vii) any other information the Selectors consider relevant.

5.3. **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.

5.4. **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, a minimum of two Selectors ("Selection Advisors") 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 the agreement of the NZOC. The Selectors may use all available information to make that decision.

5.5. **Trial Days:** Tri NZ may, in its sole discretion, instruct the holding of one or more trial days, which may be in the form of a nominated domestic race or other event or one or a series of time trials (**Trial Days**) for the purposes of assisting the Selectors to assess the capability of Eligible Athletes in relation to the Individual Event and/or the MR. At least 6 weeks' notice of any Trial Day must be given by Tri NZ.

## **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 of 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 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 3 days 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 aims of this Nomination Policy (as set out in clause 1.2) and for that purpose the Selectors may take into account any Athlete's refusal to accept nomination or selected athlete or a reserve to the 2022 Commonwealth Games Triathlon Team (without having, in the opinion of Tri NZ, good reason not to accept it);
  - (b) a current good level of form and fitness;
  - (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, events and trial days 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; and



- (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 clause 7.2(b), the Selectors consider the specific requirement have 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) nominate the Athlete to the Games Team but notify the NZOC that the Athlete should not be selected to the Games Team without satisfying 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 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.
- 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 a 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, which may include:
- (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 Qualification Criteria by a specified date; and/or
  - (c) meeting a specified performance or testing requirement; and/or
  - (d) any other conditions specified by the NZOC.
- 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 or conditions have 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, found at <https://www.olympic.org.nz/assets/Selection-Regulation-December-2021.pdf>

## 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 Qualification Criteria, 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. **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.
- 13.2. **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.
- 13.3. **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.
- 13.4. **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.
- 13.5. **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.
- 13.6. **Data** means any relevant performance data concerning an Athlete or his or her performance that may be provided to the Selectors for their consideration. Data (other than race results) must be provided in the form prescribed by the 'Tri NZ Performance Framework', as amended from time to time and available on the Tri NZ website. Data does not include the results from any race that Tri NZ did not enter New Zealand athletes into or does not, after the date of this Nomination Policy, enter New Zealand athletes into, pursuant to the Tri NZ International Travel Policy.
- 13.7. **DFSNZ** means Drug Free Sport New Zealand.
- 13.8. **Eligible Athlete** means an Athlete who meets the eligibility requirements in clause 3, unless specified otherwise.
- 13.9. **Event** means the Individual Events and the MR.
- 13.10. **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.
- 13.11. **Final Criteria** means the criteria set out in clause 5.1(c).
- 13.12. **Games** means the Olympic Games to be held in Paris, France from 26 July to 11 August 2024.
- 13.13. **Games Team** means the New Zealand team of all the athletes selected by the NZOC, and other team 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. **MR** means the mixed relay event at the Games.
- 13.17. **MR Criteria** means the criteria set out in Schedule 1 to determine an Athlete's capability in MR.
- 13.18. **MR Nomination Events** means World Triathlon MR events and any other race that is notified by Tri NZ to Athletes at least 6 weeks before such race.
- 13.19. **MR Team** means the MR Team that will represent New Zealand at the Games.
- 13.20. **Nominated Athlete** means the Athletes which Tri NZ nominates to the NZOC for the Games Team, including those nominated subject to any conditions.
- 13.21. **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.
- 13.22. **Nomination Events** means the following races during the Qualification Period:
- (a) any of the World Triathlon Championships Series individual races; and/or
  - (b) the Paris Test Event,
- and any other race that is notified by Tri NZ to Athletes at least 6 weeks before such race but does not include any race that Tri NZ did not enter New Zealand athletes into or does not, after the date of this Nomination Policy, enter New Zealand athletes into, pursuant to the Tri NZ International Travel Policy.
- 13.23. **Nomination Policy** means this nomination policy.
- 13.24. **NZOC** means the New Zealand Olympic Committee Incorporated.
- 13.25. **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 <https://www.olympic.org.nz/assets/Selection-Regulation-December-2021.pdf>, and includes any update to this regulation.

- 13.26. **NZOC Selection Policy** means the selection policy of the NZOC for the Games, available at <https://www.olympic.org.nz/assets/NZOC-Selection-Policy-Paris-Final-28-January-2022-v2.pdf> and includes any update to the NZOC Selection Policy.
- 13.27. **Paris Test Event** means World Triathlon Paris 2024 Olympic Games Test Event, August 17-20, 2023.
- 13.28. **Primary Criteria** means the criteria set out in clause 5.1(a).
- 13.29. **Qualification Criteria** means World Triathlon's qualification criteria in relation to the Games, available at [www.triathlon.org/uploads/docs](http://www.triathlon.org/uploads/docs).
- 13.30. **Qualification Period** means the period between 27 May 2022 and 27 May 2024.
- 13.31. **Secondary Criteria** means the criteria set out in clause 5.1(b).
- 13.32. **Selection Date** means the date on which the NZOC publicly announces which Nominated Athletes from Tri NZ have been selected to the Games Team.
- 13.33. **Selected Athlete** means an Athlete who is selected by the NZOC to the Games Team.
- 13.34. **Selectors** for the purpose of clause 4.3, 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 for these Games are on the Tri NZ website.
- 13.35. **Selectors' Terms of Reference** means the terms of reference of the Tri NZ Elite Selection Commission dated **2018**, [http://triathlon.kiwi/wp-content/uploads/2019/01/2018-Elite-Selection-Commission-Terms-of-Reference Clean.pdf](http://triathlon.kiwi/wp-content/uploads/2019/01/2018-Elite-Selection-Commission-Terms-of-Reference-Clean.pdf) and as may be amended or replaced by the Tri NZ Board.
- 13.36. **Trial Days** has the meaning given to it in clause 5.5.
- 13.37. **Tri NZ** means Triathlon New Zealand Incorporated.
- 13.38. **Tri NZ Nomination Appeals Policy** means the nomination appeals policy attached as Schedule 2.
- 13.39. **Tri NZ Board** means the Board of directors of Tri NZ.
- 13.40. **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/sites/default/files/resources/files/2021\\_wada\\_code.pdf](https://www.wada-ama.org/sites/default/files/resources/files/2021_wada_code.pdf)).

13.41. **World Triathlon** is the international governing body for the sport of Triathlon and means the World Triathlon being the international federation for Tri NZ (formally known as ITU).

## **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 Nomination Events;
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 on or before 27<sup>th</sup> May 2024 (unless an alternative date is agreed between Tri NZ and NZOC) with priority given to Data obtained at any Trial Days.



## 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. Grounds**

---

- 1.1. A Nomination Appeal may be made on any one or more of the following grounds:
- (a) That the Nomination Policy was not properly followed and/or implemented;
  - (b) The Athlete was not afforded a reasonable opportunity to satisfy the Nomination Policy;
  - (c) The nomination decision was affected by bias;
  - (d) 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. Procedure**

---

- 2.1. The procedure for a Nomination Appeal shall then be as follows:
- (a) 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:

- (i) Athlete’s Full name and contact details;
  - (ii) Tri NZ membership (TRIBE) number;
  - (iii) The nomination or non-nomination they are appealing against;
  - (iv) The grounds of Nomination 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 Nomination Policy (further evidence to be called during the procedure below).
  - (vi) 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.
- (b) Within 48 hours of receipt of Notice of Appeal, the Chief Executive shall:
- (i) Acknowledge receipt of the Nomination Appeal with the Athlete;
  - (ii) Advise the Elite Selection Commission that a Nomination Appeal has been received; and
  - (iii) Make arrangements for the Tri NZ Ombudsman to process and hear the Appeal.

### **3. Role and Powers of Tri NZ Ombudsman**

---

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:

- (a) 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
- (b) 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
- (c) Hear the views and position of both the Athlete and the Elite Selection Commission prior to making a decision.
- (d) 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.
- (e) Be independent of any member of the Elite Selection Commission.

- 3.2. Following review of Nomination Appeal, the Tri NZ Ombudsman may:
- (a) Make recommendation(s) 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
  - (b) 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
  - (c) Dismiss the Nomination Appeal.
- 3.3. Following the Tri NZ Ombudsman's review:
- (a) The Tri NZ Board will adopt as the outcome of the Nomination 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 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.
  - (c) Such Nomination 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 Nomination Appeal may institute or maintain proceedings in any Court or Tribunal other than as specified in this Agreement.