



Canoe Racing New Zealand Incorporated

Nomination Criteria for Canoe Racing for the 2016 Olympic Games (Amended)

12 February 2016

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1. Introduction

- 1.1 **Status:** This Nomination Criteria is a revision to the Nomination Criteria issued by CRNZ dated 7 April 2014. This Nomination Criteria takes effect on 12 February 2016 and supersedes the previous Nomination Criteria and all correspondence, discussions and representations (whether written or oral) by CRNZ regarding nomination and selection for the 2016 Olympic Games.
- 1.2 **Scope:** This Nomination Criteria applies to all athletes wishing to be considered for nomination by CRNZ to the NZOC for selection in the NZ Team to compete in the 2016 Olympic Games in Rio de Janeiro, Brazil.
- 1.3 **Process:** Selection to the NZ Team for the Games is a two-step process:
- a. CRNZ nominates athletes to the NZOC in accordance with this Nomination Criteria and the NZOC Agreement.
 - b. Then the NZOC selects the NZ Team in accordance with the NZOC Agreement, and the NZOC Selection Policy. These documents can be obtained from NZOC or CRNZ.
- 1.4 **Selectors:** The Selectors shall be appointed by the CRNZ Board on such terms and conditions as it consider appropriate.

2. Eligibility

- 2.1 **Eligibility:** To be eligible to be nominated to the NZOC an athlete must:
- a. fully complete and return to CRNZ, prior to the Application Date, an Athlete Application in the form prescribed by the NZOC;
 - b. fully complete and return to CRNZ, prior to the Nomination Date, an Athlete Agreement in the form prescribed by the NZOC;
 - c. be a current financial member of a member club of CRNZ;
 - d. not be in breach of the CRNZ Constitution or Regulations, or any rules or regulations of the NZCF, ICF, the IOC, or the WADA Code;
 - e. have demonstrated to the satisfaction of CRNZ that they are not suffering from any physical or mental impairment that would prevent them from competing in the Games to the highest possible standard;
 - f. have acted in such a manner so as not to bring the sport of canoe racing, CRNZ or the NZOC into public disrepute;
 - g. from 5 February 2016 ensure that their name and contact address details have been registered with the NZOC for the purpose of out of competition drug testing with DFSNZ;
 - h. be a New Zealand citizen with a New Zealand passport;

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- i. not be under investigation for any breach of any part of the CRNZ Anti-Doping Regulation, NZCF Anti-Doping Regulation, the ICF Anti-Doping Regulations, or the WADA Code;
- j. have provided CRNZ with key contact details for communication purposes (including a current physical address, email address, and telephone number); and,
- k. have met the pre-conditions for selection to the 2016 Oceania Championships and the 2016 ICF World Cups as specified in the CRNZ Open Sprint Selection Policy (2015/16 Season).

2.2 **No Consideration:** If an athlete does not meet the eligibility requirements specified above the Selectors may not consider the athlete for nomination.

3. Events

3.1 **Qualification of Quota Places:** New Zealand must qualify quota places for Events in accordance with the ICF Qualification System. However qualification of a place in any Event by an athlete (or group of athletes) does not guarantee that athlete (or group of athletes) will be nominated or selected to compete in that Event at the 2016 Olympic Games.

3.2 **Nomination of Athletes:** Subject to clause 3.1 (Qualification of Quota Places), and unless the Selectors determine otherwise, the Selectors will nominate athletes to the NZOC to compete in the following Events:

a. Men's Events:

- i. K-1 200m
- ii. K-2 200m
- iii. K-1 1000m
- iv. K-2 1000m
- v. K-4 1000m

b. Women's Events:

- i. K-1 200m
- ii. K-1 500m
- iii. K-2 500m
- iv. K-4 500m

3.3 **Additional Events:** Subject to clause 3.1, the Selectors may nominate athletes to the NZOC to compete in the following additional Events:

a. Men's Events

- i. C-1 200m

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ii. C-1 1000m

iii. C-2 1000m

3.4 **Reserves:** The Selectors may nominate reserve athletes to the NZOC for any of the Events.

4. Nomination Process

4.1 **Process:** The Selectors in considering any athlete for nomination to the NZOC shall consider:

- a. the Over-riding Nomination Criteria in clause 5.1;
- b. the Nomination Factors specified in clause 5.2; and
- c. any Extenuating Circumstance in accordance with clause 6.3.

4.2 **Relevance and Weight:** The Selectors may determine the relevance (if any) and weight that they wish to place on any Nomination Factor(s) and any Extenuating Circumstance(s) as they consider appropriate. No particular Nomination Factor shall be weighed more or less significantly based on the order in which it appears in this Nomination Criteria unless expressly specified otherwise.

4.3 **Consultation:** Prior to nominating any athlete to the NZOC the Selectors shall consult with the High Performance Manager or in the absence of the High Performance Manager, the CEO. The Selectors may also consult with CRNZ Coaches who are not members of the Selection Panel.

5. Nomination Criteria and Factors

5.1 **Over-Riding Nomination Criteria:** In determining whether or not to nominate any athlete, the Selectors must be satisfied overall that the athlete has the capability to achieve a top 16 placing in their Event at the Games, with the potential to achieve a top 8 placing in their Event at the Games.

5.2 **Nomination Factors:** In determining whether or not an athlete satisfies the Over-riding Nomination Criteria above, and subject to clauses 5.3 and 5.4, the Selectors shall have regard to any one or more of the following:

- a. **Results and Performances:** any one or more of the results and performances in any Events, at any one or more of the following regattas and events:
 - i. 2016 Oceania Championships;
 - ii. 2015 Blue Lake 2 Regatta;
 - iii. 2016 CRNZ National Championships;
 - iv. 2015 ICF World Cups;
 - v. 2015 World Championships;

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- vi. Any other international canoe sprint regattas in 2014 and 2015, for example, but not limited to, Grand Prix 2 (Australia);
 - vii. CRNZ training camps held in 2016 and 2015.
- b. **Trials:** the results and performances at any Trials held prior to the Nomination Date during the 2015/16 Season;
 - c. **Assessments:** the performance data, test results and any other assessments undertaken by, or on behalf of, CRNZ at any time including analysis of percentage of World best times and the trajectory of results and performances;
 - d. **Relationships:** the athlete or crew's attendance, attitude, relationships with other athletes and support personnel, and their conduct at regattas (including international regattas), training sessions, training camps, trials and other activities held by CRNZ at any time;
 - e. **Boat Compatibility:** the ability for an athlete to train and compete with other athletes as a member of a crew, taking into account their attributes and relationships with other athletes being considered for selection in the crew. Compatibility may be determined as the Selectors see fit including through testing and observations at training, training camps, tours and in competition.
- 5.3 **Consideration of Conditions:** In considering any results and performances of an athlete at any competitions and Trials the Selectors may, but do not have to, take into account the conditions in which the results and performances were obtained such as, but not limited to the quality of the course (eg presence of weed), the weather conditions, and the field of competition)..
- 5.4 **Nominated Athletes:** When considering whether to nominate an athlete to be considered for the NZ Team to attend the 2016 Olympic Games, the Selectors shall put more weight on results and performances, in descending order, at:
- a. 2015 ICF Canoe Sprint World Championships;
 - b. 2016 Oceania Championships;
 - c. 2015 ICF World Cups.

6. Trials

- 6.1 To assist the Selectors in considering any selections under this Nomination Criteria, the Selectors may, in consultation with the CEO or nominee, decide that a Trial or Trial(s) will be held.

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- 6.2 The Selectors may invite any athletes they consider appropriate to participate in any Trial, as long as they are eligible (under clause 2). The Selectors decision on the invited athletes is final and cannot be appealed.
- 6.3 The nature and format of any Trial shall be decided by the Selectors, in their discretion, in consultation with the CEO or nominee.

7. Extenuating Circumstances

- 7.1 **Claim:** If an athlete considers there is any Exceptional Circumstance that is relevant to his or her nomination, he or she must notify the CEO (or his nominee) of this claim in writing as soon as possible upon the specific Exceptional Circumstances arising. The athlete must provide full details of the Exceptional Circumstances and the effect or potential effect on the athlete and their potential nomination.
- 7.2 **Taking Exceptional Circumstances into Account:** The CEO (or his nominee) shall refer any claim for Exceptional Circumstances that is made in accordance with clause 7.1, to the Selectors, and the Selectors may, in their discretion, take it into account in considering its decisions. If a claim is not made in accordance with clause 7.1, the Selectors cannot take those Exceptional Circumstances into account (other than if clause 7.3 applies).
- 7.3 **Injury, Illness or Other Factors:** In addition, and whether or not a claim for Exceptional Circumstances has been made under clauses 7.1 or 7.2, if the Selectors are aware of any injury, illness or other factor affecting the fitness of an athlete to perform to the best of their ability, the Selectors may take such injury, illness or other factor affecting fitness into account in considering its decisions. However before taking them into account, the Selectors must first make enquiry of the athlete as to the status and prognosis of the injury, illness or other factor affecting their fitness. If the Selectors wish to do so, may also request a medical examination under clause 7.4 and if they do so, the Selectors must also take into account the report from such examination.
- 7.4 **Medical Examination:** If a claim for Exceptional Circumstances is made under clause 7.1 or the Selectors wish to do so under clause 7.3, the Selectors may request, with the athlete's agreement, a medical examination be undertaken of the athlete by a medical practitioner nominated by CRNZ (and at CRNZ's cost) and to provide the Selectors with an opinion on the Exceptional Circumstances or other illness, injury or other factor affecting the fitness of an athlete. If an athlete does not agree to such medical examination the Selectors can draw their own conclusions on the Exceptional Circumstances or other illness, injury or other factor affecting the fitness of an athlete, and/or may decide not to take the Exceptional Circumstances into account.

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8. Nomination and Consequences of Nomination to NZOC

- 8.1 **Nomination to NZOC:** CRNZ will nominate athletes (“Nominated Athletes”) to the NZOC by the Nomination Date.
- 8.2 **Requirements:** Every Nominated Athlete must train in accordance with any competition and training programmes as directed by CRNZ and agree to compete as directed by CRNZ.
- 8.3 **Conditions:** CRNZ may nominate an athlete with any conditions, for example conditions relating to recovery from injury or continuing to meet specified performance levels. If the conditions are not met to the satisfaction of the Selectors, they will not be eligible for nomination, unless the NZOC decides to select the athlete subject to those or other conditions.
- 8.4 **Suspension/Removal:** Any Nominated Athlete who does not continue to adhere to the requirements in clause 8.1 may, in the sole direction of CRNZ, be suspended or removed as a Nominated Athlete at any time. In addition, any athlete may be suspended or removed as a Nominated Athlete if he or she:
- a. fails to consistently maintain the level of performance and/or results specified by CRNZ, including but not limited to Individual Performance Plans;
 - b. breaches or fails to comply with the CRNZ Athlete Agreement;
 - c. breaches or fails to comply with this Nomination Criteria;
 - d. breaches or fails to comply with any of the following, or appears to have done so:
 - i. any of the ICF Statutes, ICF Canoe Sprint Competition Rules, or any other requirements of the ICF; or
 - ii. any of the CRNZ Constitution, Regulations, or any other requirements or directions of CRNZ;
 - iii. any of the CRNZ Anti-Doping Regulation, the NZOC Anti-Doping Bylaw or the World Anti-Doping Code;
 - e. brings him/herself, another athlete, CRNZ, or the sport of canoe racing generally into disrepute; or
 - f. has a significant illness or injury which the Selectors consider prevents the Nominated Athlete from being considered for selection by the NZOC.

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- 8.5 **Replacement Athlete:** If a Nominated Athlete is suspended from CRNZ or is no longer eligible under clause 2.1 (Eligibility), the Selectors may, in their absolute discretion, nominate another athlete (which may include a reserve) to the NZOC in accordance with this Nomination Criteria.
- 8.6 **Changes to Events and Crews:** At the sole discretion of the NZOC, a Nominated Athlete may, on CRNZ's request to the NZOC, upon selection to the NZ Team, request permission to start in an Event where competing in this Event will not have any detrimental effect on the Event for which they have been selected for. In addition to the Selectors discretion under clause 8.5, if a Selected Athlete is suspended from CRNZ or is no longer eligible under clause 2.1 (Eligibility) the Selectors may recommend to the NZOC for its consideration, changes to the Events in which an athlete or crew of athletes will compete in (including not entering, or withdrawing a boat or crew from an Event). In these circumstances NZOC may withdraw Selected Athletes from selection to the NZ Team, if the boat in the Event for which they were selected is no entered in that Event.

9. Selection by NZOC

- 9.1 Selection to the NZ Team by the NZOC is in accordance with the NZOC Agreement and the NZOC Selection Policy and includes the following provisions:

8.0 SELECTION OF ATHLETES BY NZOC

- 8.1 *NZOC to Select Athletes: The NZOC shall be solely responsible for selecting from amongst the Nominated Athletes those Athletes who will be members of the Team ("the Selected Athletes").*
- 8.2 *Requirements of Selection: The NZOC must in considering the selection of any Nominated Athlete to the Team, be satisfied that the Nominated Athlete:*
- (a) *Has met and where relevant is continuing to meet the conditions of nomination in clause 7.2 of this Agreement;*
 - (b) *Has met the NZOC's Selection Policy and is continuing to train and achieve results consistent with such criteria;*
 - (c) *If requested by the NZOC, has undertaken medical and/or fitness assessment/s with results which satisfy the NZOC that they are not physically or mentally impaired so as to prevent them from competing in the Games to the highest possible standard;*
 - (d) *Will comply with the team protocols attached to the Athlete Agreement;*
 - (e) *In the NZOC's opinion has acted and will continue to act as a positive example to the sporting youth of New Zealand.*

10. Appeals

- 10.1 **Appeal Grounds:** An athlete may lodge an appeal against their non-nomination ("Appellant") in accordance with clause 10.2 (Process). An appeal can only be made on one or more of the following grounds (but no other grounds):
- a. this Nomination Criteria has not been properly followed and/or implemented;
 - b. the Appellant was not afforded a reasonable opportunity to satisfy the requirements in this Nomination Criteria;
 - c. the decision not to nominate the Appellant was affected by actual bias; and/or
 - d. there was no material on which the nomination decision could reasonably be based.

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10.2 **Process:** Any appeal must be made as follows:

- a. the athlete must notify the CEO of their wish to appeal the decision. This notification must be made in writing and received by the Chief Executive within 48 hours from the date the non-nomination was notified (which may be verbally or in writing) to the athlete;
- b. on receipt of such notice the CEO shall, within 10 days, convene a confidential and “without prejudice” meeting between the CEO (or his/her nominee), as many of the Selectors as are available, the athlete, and the athlete’s authorised representative (if any). The purpose of this meeting is to allow CRNZ to explain the nomination decision and see whether the matter can be resolved by agreement;
- c. if the appeal is unresolved after the process in clause 10.2b is followed the athlete may appeal directly to the Sports Tribunal provided that any notice of the appeal (in the form required by the rules of the Sports Tribunal) has been given in writing to the CEO, and filed with the Sports Tribunal, within 5 days of the conclusion of the meeting described in clause 10.2b or within 10 days of the Nomination Date whichever is the later. A copy of the notice of appeal shall also be given to the Secretary General of the NZOC. Any appeal will be considered by the Sports Tribunal under the Rules of the Sports Tribunal of New Zealand; and
- d. there is a further right of appeal from a decision of the Sports Tribunal to CAS, in accordance with the rules of the Sports Tribunal.

10.3 **Limits on Appeals:** The appeal process described in clause 10.2 only applies to nomination appeals. It does not apply to:

- a. any appeal made under any general provisions set out in the Constitution or Regulations of CRNZ; or
- b. any appeal against any selection decision which is not made by CRNZ (such as an appeal against a decision of the NZOC).

11. Announcement of the NZ Team

11.1 The NZOC shall on a date determined in consultation with CRNZ publicly announce the athletes for the NZ Team. This shall be no later than 15 June 2016.

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12. Definitions

12.1 **Definitions:** In this Nomination Criteria, the following definitions apply:

“Application Date” means 3 February 2016, by which CRNZ must submit the completed and certified Athlete Applications to the NZOC.

“Athlete Agreement” between the athlete and the NZOC means the Athlete Agreement that any athlete applying to be nominated and selected to the NZ Team must fully complete and return to the NZOC as required by the NZOC.

“Athlete Application” means the Athlete Application form for nomination issued by the NZOC and available on its website.

“CEO” means the Chief Executive Officer of CRNZ.

“CRNZ” means Canoe Racing New Zealand Incorporated.

“CRNZ Athlete Agreement” means the agreement governing the relationship between the athlete and CRNZ as issued to the athlete by CRNZ.

“CRNZ Coaches” means the coaches appointed by CRNZ to coach a national squad or team of athletes.

“DFSNZ” means Drug Free Sport New Zealand.

“Events” means the events specified in clauses 3.2 and 3.3 and any other canoe racing events decided by CRNZ.

“Extenuating Circumstance” means an inability to perform at an optimum level arising from any one or more of the following:

- a. injury or illness;
- b. equipment failure;
- c. bereavement or personal misfortune; and/or
- d. any other factor reasonably considered to constitute an extenuating circumstance.

“Factors” means the nomination factors specified in clause 5.2.

“Games” means the 2016 Olympic Games to be held in Rio de Janeiro Brazil between 5th August and 21st August 2016.

“High Performance Manager” means the CRNZ High Performance Manager.

“ICF” means the International Canoe Federation.

“ICF Qualification System” means the ICF canoe sprint qualification system for the Games of the XXXI Olympiad – Rio 2016.

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“Individual Performance Plans” means the individual performance plan agreed by each athlete with CRNZ in accordance with the CRNZ Athlete Agreement.

“NZCF” means New Zealand Canoeing Federation Incorporated.

“Nomination Criteria” means this nomination criteria.

“Nominated Athlete” means an athlete who has been nominated by CRNZ to the NZOC for consideration by the NZOC for selection in the NZ Team.

“Nomination Date” means 18 March 2016 or such other date, specified by the NZOC, by which CRNZ must submit particulars of each Nominated Athlete to the NZOC for consideration for selection to the NZ Team.

“NZOC” means New Zealand Olympic Committee Incorporated.

“NZOC Agreement” means the Application, Nomination and Selection Agreement between the NZOC and NZCF for Rio 2016 Olympic Games. The rights and obligations of the NZCF as the NSO in this Agreement have been varied and assigned to CRNZ, with the approval of the NZOC, by way of a Deed. (A copy of this Deed is available from CRNZ or NZOC).

“NZOC Selection Policy” means the NZOC Selection Policy for the Rio 2016 Olympic Games.

“NZ Team” means The New Zealand Olympic Team for the Games.

“Rio” means Rio de Janeiro, Brazil.

“Selectors” means those people who have been appointed by CRNZ to nominate athletes to the NZOC.

“Sports Tribunal” means the Sports Tribunal of New Zealand as described in the Sports Anti-Doping Act 2006.

2015/2016 Season means the period from 1 October 2015 to 30 September 2016.